

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 27, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 23

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

PRAYER

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

Almighty and most merciful God, we stand in awe of Thee as we pause in the midst of this day's activities. We thank Thee for the assurance of Thy love and tender mercy, and we humbly beseech Thee to keep us ever close to the awareness of Thy abiding presence and guidance in life itself.

O God, in this hour reach out to the members of this House of Representatives, keep them in the hollow of Thy hand, fill them with the indwelling of Thy spirit, and use them and their talents in the furtherance of Thy kingdom. This we pray through the hope and confidence of Thy grace forever and ever. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Monday, March 26, 1984, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2019 By Representatives RUDY, HUTCHINSON, STUBAN, MISCEVICH and GRUITZA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that no permit be required for mobile homes, modular housing units and undercarriages in cases of emergency.

Referred to Committee on TRANSPORTATION, March 27, 1984.

No. 2020 By Representatives GEORGE, IRVIS, HASAY, OLIVER, GREENWOOD,

MRKONIC, PRESTON, JAROLIN, MORRIS, HALUSKA, BELFANTI, LUCYK, LETTERMAN, SHOWERS, FEE, BURD and STEIGHNER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the awarding of damages in certain cases.

Referred to Committee on CONSUMER AFFAIRS, March 27, 1984.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned HB 1448, PN 2724, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVE OF ABSENCE GRANTED

The SPEAKER pro tempore. Are there any requests for leaves of absence?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask for a leave of absence for the gentleman from Allegheny, Mr. IRVIS, for today's session.

The SPEAKER pro tempore. Without objection, leave of absence is granted. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. I have no requests for leave at this time, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

WELCOME

The SPEAKER pro tempore. The Chair welcomes the Gallagher family, Jean, Ray, and Siobhan, from Richboro, Bucks County, who are the guests of Representative Roy Reinard.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—198

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

ADDITIONS—1

Wright, R. C.

NOT VOTING—0

EXCUSED—4

Marmion
Richardson
Spencer
Irvis,
Speaker

LEAVE ADDED—1

Perzel

COMMUNICATION FROM SPEAKER

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the following communication, which the clerk will read.

The following communication was read:

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

Pursuant to House Rule 1, this is to advise that I have appointed the Honorable Lester K. Fryer as Speaker Pro Tempore for Tuesday, March 27, 1984.

K. Leroy Irvis

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. FRYER presented the Report of the Committee of Conference on **SB 503, PN 1857**.

JUDICIARY COMMITTEE MEETING

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I would like to repeat my announcement of yesterday that there will be a meeting of the Judiciary Committee in room 401 at the lunch break for the purpose of considering HB 1996, the judiciary constitutional amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1338, PN 1597**, entitled:

An Act requiring public notice of certain conditions relating to a public water supply; and providing a civil penalty.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

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

Mr. STEIGHNER. Mr. Speaker, I move that HB 1338, PN 1597, be recommitted to the Committee on Conservation.

On the question,

Will the House agree to the motion?
Motion was agreed to.

**BILLS AGREED TO
ON SECOND CONSIDERATION**

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

SB 165, PN 1103.

* * *

The House proceeded to second consideration of **HB 1370, PN 1648**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining the term "compensation" for personal income tax purposes.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1370, PN 1648, be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **SB 60, PN 1832**, entitled:

An Act providing authority for urban homesteading and the procedure for establishing homesteading districts; expanding local government's authority in dealing with urban blight and decay; and providing exclusions from present statutory laws.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 60, PN 1832, be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILLS AGREED TO ON
SECOND CONSIDERATION CONTINUED**

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

SB 888, PN 1427.

WELCOME

The SPEAKER pro tempore. At this time the Chair is pleased to welcome a group of students from the Mifflintown Seventh Day Adventist Church School, along with their parents and teacher. They are located in Juniata County, and they are the guests of Representative Walt DeVerter.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 781, PN 1518**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further defining "municipality" for certain purposes relating to volunteer fire companies, volunteer ambulance corps and volunteer rescue and lifesaving squads; and adding a definition.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 781, PN 1518, be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 781, PN 1518, be removed from the table and placed upon the active calendar.

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

* * *

The House proceeded to third consideration of **SB 639, PN 1154**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, changing a definition; and further providing for creditable nonstate service.

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

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—4

Boyes	Fargo	Klingaman	Snyder, D. W.
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NOT VOTING—4

Cohen	Maiale	Wiggins	Wright, R. C.
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EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 1463, PN 1776**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "articulated bus."

On the question,

Will the House agree to the bill on third consideration?

Mr. PETRARCA offered the following amendments No. A0786:

Amend Sec. 1 (Sec. 102), page 2, line 4, by striking out "trailer" and inserting

semitrailer

Amend Sec. 2 (Sec. 1504), page 2, line 16, by striking out "trailer" and inserting

semitrailer

On the question,

Will the House agree to the amendments?

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

Mr. PETRARCA. Thank you, Mr. Speaker.

This is a technical amendment that has been agreed to. All I have done is struck out the word "trailer" and made it "semitrailer." Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

Colafella	Hershey	O'Brien	Taylor, F. E.
Cole	Hoeffel	O'Donnell	Telek
Cordisco	Honaman	Olasz	Tigue
Cornell	Hutchinson	Oliver	Trello
Coslett	Itkin	Perzel	Truman
Cowell	Jackson	Peterson	Van Horne
Coy	Jarolin	Petrarca	Vroon
Deluca	Johnson	Petrone	Wachob
DeVerter	Kasunic	Phillips	Wambach
DeWeese	Kennedy	Piccola	Wargo
Daley	Klingaman	Pievsky	Wass
Davies	Kosinski	Pistella	Weston
Dawida	Kowalyshyn	Pitts	Williams
Deal	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Laughlin	Preston	Wozniak
Dombrowski	Lehr	Punt	Wright, D. R.
Donatucci	Lescovitz	Rappaport	Wright, J. L.
Dorr	Letterman	Reber	Zwinkl
Duffy	Levi		

NAYS—0

NOT VOTING—5

Cohen	Maiale	Wiggins	Wright, R. C.
Evans			

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

On the question,

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

Bill as amended was agreed to.

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

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

NAYS—0

NOT VOTING—3

Cohen	Pratt	Wright, R. C.
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EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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.

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome a student from Duquesne University, Jeff McCartney, who is the guest of Representative Dawida.

The Chair is pleased to welcome the eighth grade class of Saint Catherine Laboure School with their teacher, Mrs. Gordon. They are the guests of the gentleman from Dauphin County, Mr. Dininni. Included in the eighth grade class are the winners of the essay on "What America Means to Me," conducted by the American Legion Auxiliary of Lawnton, No. 998. They are Matthew Sukley, first place; Timothy Polly, second place; and Suzanne Szosorek, third place.

RESOLUTIONS

Mr. L. E. SMITH called up **HR 197, PN 2650**, entitled:

Memorializing the Postmaster General of the United States to give thoughtful consideration to issuing a commemorative stamp in honor of the 100th anniversary of the observance of Groundhog Day at Gobblers Knob, Punxsutawney.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—4

Armstrong	Hershey	Honaman	Vroon
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NOT VOTING—2

Cohen	Wright, R. C.
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EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

* * *

Mr. PRATT called up **HR 199, PN 2700**, entitled:

Memorializing Congress to pass legislation permitting the use of Federal highway funds for the construction of toll roads and bridges.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

NAYS—2

Freeman	Itkin
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NOT VOTING—6

Brandt	Freind	Smith, L. E.	Wright, R. C.
Cohen	Micozzie		

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

* * *

Mr. SALOOM called up **HR 200, PN 2701**, entitled:

Memorializing Congress to extend the provisions of section 127 of the United States Tax Code.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

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

NAYS—1

Hoeffel

NOT VOTING—8

Brandt	Cordisco	Madigan	Wright, J. L.
Cohen	Foster, W. W.	Petrone	Wright, R. C.

EXCUSED—4

Marmion
Richardson
Spencer
Irviss,
Speaker

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

* * *

Mr. STEIGHNER called up **HR 201, PN 2727**, entitled:

Memorializing Congress to review the current foreclosure practice of the Farmers Home Administration.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—5

Alderette Manderino Markosek Wright, R. C.
Cohen

EXCUSED—4

Marmion Spencer
Richardson
Irvis,
Speaker

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

FINANCE COMMITTEE MEETING

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

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately following the lunch break in the back of the House. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1799, PN 2675**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the grading of bad check offenses and for reimbursement liability and damages.

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

PARLIAMENTARY INQUIRY

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

Mr. PICCOLA. Mr. Speaker, I have an amendment, but it is not yet down from the Legislative Reference Bureau. I would like to pose a parliamentary inquiry to the Chair for a ruling on HB 1799.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PICCOLA. Mr. Speaker, HB 1799 was introduced as an amendment to title 18 of the Crimes Code and referred to the Judiciary Committee. The Judiciary Committee took action on the bill and amended the bill by inserting section 2 on line 18 of page 2, which is an amendment to title 42, the Judicial Code.

My question, Mr. Speaker, is, did not this action of the Judiciary Committee violate the rules of the House of Representatives?

The SPEAKER pro tempore. Rule 20 states, "Bills Confined to One Subject," and I shall read rule 20. "No bill shall be passed containing more than one subject, which shall be

clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. (Constitution, Article III, Section 3.)"

The Chair's opinion is that rule 20 of the House was violated, and the gentleman is in order in stating his objection to that procedure.

Mr. PICCOLA. A further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. PICCOLA. By way of information, my amendment that I am having drafted will strike section 2 of the bill and, I believe, make it conform to House rules. My question, Mr. Speaker: Is that the proper remedy to conform with the rules of the House of Representatives?

The SPEAKER pro tempore. Yes. In the opinion of the Chair, that would be a proper procedure, and the Chair would suggest that the gentleman take up the matter with Mr. O'Donnell.

It is also fair to state that this is an opinion of the Chair on the violation of this rule, and they can challenge that ruling of the Chair.

Mr. PICCOLA. Thank you, Mr. Speaker.

May I request that the Chair pass this bill over temporarily until my amendment is brought down, which I will then have circulated, and this issue can be debated in the context of that amendment?

The SPEAKER pro tempore. The Chair would again request that the gentleman confer with the gentleman, Mr. O'Donnell, to see what the preference of that gentleman is and, hopefully, arrive at an agreeable understanding.

PARLIAMENTARY INQUIRY

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

Mr. RYAN. A point of parliamentary inquiry.

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

Mr. RYAN. In furtherance of the questions raised by the gentleman, Mr. Piccola. Assume for a minute, Mr. Speaker, that the Piccola amendment is offered, as discussed a moment ago, and is not accepted. Would it then be the position of the Chair that prior to taking up the bill, it would be necessary to suspend the rules to permit consideration of the bill, because the bill then would be in a form which violated our rules, having been amended by the Judiciary Committee?

Mr. Speaker, one further problem. The Speaker recites from the Constitution as opposed to simply the rules of the House, and I would be most interested in being enlightened by the Speaker as to how we suspend the Constitution.

The SPEAKER pro tempore. The gentleman is absolutely correct. We cannot suspend the Constitution. God save the King.

REPORT SUBMITTED

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

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

The bipartisan committee investigating the Department of Agriculture in regard to the distribution of cheese and other Federal commodities today is pleased to make its first interim report, and that report, Mr. Speaker, deals with the contracts to the warehouses between the Department of Agriculture and to the various SDA (State distribution area) warehouses throughout the State. After thoroughly reviewing procurement procedures utilized by our Department of Agriculture, the interim report concludes that the department's selection of the successful warehouses violated the letter and spirit of the State law, and we find that it was replete with irregularities suggesting arbitrariness, capriciousness, and an abuse of discretion.

Mr. Speaker, we found that there was a failure to file, if you will, requisite information with the Office of Procurement Information prior to either the letting of the November 1982 or March 1983 bids. Therefore, we find such filing is required in accordance with section 478 of the Administrative Code of 1929.

The department, however, Mr. Speaker, argued under the "sole source contracts," thereby allowing the department to invoke an executive order. However, our counsel, counsel for the committee, requested copies of this said memoranda and he was advised that the opinion rendered by the Attorney General's Office and the department counsel were not in writing and therefore not available.

Now, Mr. Speaker, to properly and successfully justify the department's failure to comply with section 478 of the Administrative Code, the department must significantly demonstrate that it sought goods or services which were of a specialized nature. However, 19 different warehouses capable of handling dry, refrigeration, and freezer commodities submitted bids in response to the March 1983 invitation. Now, in accordance with the provisions of section 478 of the Administrative Code, the contracts executed with the warehouses, in our opinion, are voidable as a violation of law. We feel, Mr. Speaker, that they should be terminated immediately and new contracts issued in accordance with law.

Confronted with overwhelming evidence and the weight of the law, the interim report concludes that the department violated the law and public policy in its failure to award the warehouse contracts to the lowest responsible bidder.

Mr. Speaker, we also found that the department's splitting of the warehouse contracts in some of the SDA's was capricious, erroneous, and constituted an abuse of discretion which cannot be supported by the department.

Furthermore, Mr. Speaker, we found that State regulations and management directive 215.6 specify certain procedures which were not followed. Therefore, Mr. Speaker, the select committee, after receiving overwhelming testimony describing problems that arise with the warehouse contracts for both the needy family program and the school nutrition program, feels that these contracts are voidable.

Mr. Speaker, finally, as a result of these violations of statutory law, case law, and public policy, the warehouse contracts are voidable. The select committee therefore recommends the termination of all the existing warehouse contracts and the reletting of the contracts in a manner consistent with State law and the dictates of public policy.

Mr. Speaker, the committee has informed the Chair and you have a copy of the interim report. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for his report.

(Copy of report is on file with the Journal clerk.)

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

When HR 199 was voted, I was engaged in a very enlightening conversation with the minority leader and therefore did not vote. I would have voted in the affirmative.

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

WELCOME

The SPEAKER pro tempore. The Chair welcomes Dr. Cecilia Caldwell, currently in rotation at Harrisburg Hospital, who is a resident of Ambler and is the guest of Representative George Saurman.

CONSIDERATION OF HB 1799 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, HB 1799 will go over temporarily. The Chair hears no objection.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, the caucus chairman.

Mr. ITKIN. Mr. Speaker, the Democrats will assemble in the majority caucus room immediately at the announcement of the luncheon recess. We have two bills to caucus on - HB 1448, which will be on concurrence in Senate amendments on the Real Estate Commission sunset legislation, and SB 201, which is on our current calendar, which deals with the Safe Drinking Water Act. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It is the understanding of the Chair that the majority leader wishes to break until 1:30.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority caucus leader, the gentleman from Perry, Mr. Noye.
Mr. NOYE. Thank you, Mr. Speaker.

Republicans will caucus at a quarter to 1, a quarter to 1, in the minority caucus room. We have the same bills to go over. I would ask you to be prompt, because there could be a lengthy discussion on the one bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. Does the gentleman from Allegheny, Mr. Trello, seek to be recognized?

Mr. TRELLO. Yes, Mr. Speaker.

I would like to have the members of the Finance Committee meet immediately, right now, in the back of the House to get this meeting over with. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House is now in recess until 1:30.

AFTER RECESS

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

CALENDAR CONTINUED**RESOLUTION**

Mr. MISCEVICH called up **HR 204, PN 2728**, entitled:

Memorializing Congress to utilize Federal highway funds to reduce unemployment.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

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

Mr. RYAN. Mr. Speaker, I just arrived on the floor. I had some remarks on this resolution. I have no objection, however, to the vote being counted, and then I would like to really ask the sponsor a question or two to put some legislative intent on the record.

The SPEAKER pro tempore. Does the gentleman care to be recognized after the roll call or does he wish us to strike the vote?

Mr. RYAN. Anything that the Speaker prefers.

The SPEAKER pro tempore. I was giving the option to the gentleman.

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Wright, who wishes to be placed on the master roll call.

CONSIDERATION OF HR 204 CONTINUED

The SPEAKER pro tempore. The Chair now recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the prime sponsor of this resolution, Mr. Misceovich, consent to interrogation?

The SPEAKER pro tempore. Is Mr. Misceovich present in the hall of the House?

What was the minority leader's second choice?

Mr. RYAN. Mr. Speaker, rather than do it by way of interrogation, I think that I would like to make a statement with respect to the resolution and one of the provisions that raises some questions in my mind.

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

Mr. RYAN. I would begin by saying, Mr. Speaker, that I support the resolution as I believe it was intended to be offered and passed. I would call to the attention of the House, however, on the second page of the resolution where the prayer of the resolution, the resolve clause, is to give preference in selecting employees to unemployed Pennsylvania residents. Now, that on a first reading would offend no member of this House. I think, however, though, that if one looks beyond that, if an opponent, for instance, wanted to make something of it, perhaps it could be construed to mean that an unemployed worker would be favored over someone who was actively working in the building trades today. Instead of hiring a man who was finishing up one job and hiring him for the next, this resolution would be indicative of our wish that this man who is presently working in the building trades not be hired but rather we go to the ranks of the unemployed. I do not believe that is the intention of the prime sponsor. I would want it known, however, that it is not my intention in voting "yes" on this resolution.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Afflerbach	Evans	Linton	Robbins
Alderette	Fargo	Livengood	Rudy
Angstadt	Fartah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McHale	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler

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

NAYS—0

NOT VOTING—5

Cohen	Harper	McIntyre	Perzel
DeWeese			

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 201, PN 1848**, entitled:

An Act providing for safe drinking water; imposing powers and duties on the Department of Environmental Resources in relation thereto; and appropriating certain funds.

On the question,

Will the House agree to the bill on third consideration?

Mr. REBER offered the following amendments No. A1183:

Amend Sec. 6, page 11, line 19, by inserting after "consideration"

, taking costs into consideration
Amend Sec. 6, page 12, line 8, by inserting after "factors)"
(which may include economic factors)

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

The amendment that is being offered is simply putting back into the bill language that originally existed when it passed the Senate. It is in regard to section 6, the variance procedure.

The particular legislation originally provided for the water companies to be concerned about the costs in taking into consideration variances that would be granted. I want to emphasize that subparagraph (2) of that section still controls, notwithstanding the fact that costs can be taken into consideration. It does not have to be mandatorily considered. It is only taken into consideration, and in conjunction with subparagraph (2) in the granting of a variance, it shall not result in an unreasonable risk to health.

So in short, if there is a variance procedure being used, which is permitted under the act, and there is a maximum contaminant level that can be handled by a particular treatment process, certainly a consideration that should be given in the variance procedure is the cost to effectuate that particular treatment process. However, I emphasize again that no matter what takes place, unreasonable risk to health is preeminent in the determination that is made. So obviously that takes precedence over any cost consideration. But there certainly should be the permissibility for a particular applicant to at least have that entered into the application and into the consideration process.

I would urge adoption. Thank you, Mr. Speaker.

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

Mr. GEORGE. Mr. Speaker, on these amendments I am not going to be lengthy, because I believe you know what we want to do today with this matter of SB 201.

To my fine colleague, Mr. Reber, I must insist that we vote down this amendment, because very simply put—he put it better than I—is it safe water we want or is it the dollar we are going to be concerned about?

What he is saying is, yes, it did come from the Senate, and we amended it in the Conservation Committee because we think that we should not be allowing anybody to play with the emotion of the statement of whether or not it is reasonable or whether or not it is economically feasible. I think the matter of SB 201 is primacy for safe drinking water, and I believe we ought to vote down this amendment. Thank you.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I rise to oppose not only this amendment but all amendments. I have spoken with the prime sponsor of the legislation this morning and other members of the other chamber and have reason to believe that this is probably the strongest bill

we are going to get as it is presently drafted. I also have reason to believe that should the House pass SB 201 in its present form, the Senate will take that bill up today to consider.

Mr. REBER. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Reber, rise?

Mr. REBER. Mr. Speaker, I think we are debating the amendment. In all deference to the other gentleman who was speaking, I do not think his comments are being directed specifically to this amendment. I think his remarks would be more appropriate on final passage or in regards to a particular motion, specifically to do something with the bill in general, but I do not think that it should come into play with the substantive discussion of this particular amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. I believe the gentleman has completed his remarks in that area.

Does the gentleman care to continue?

Mr. AFFLERBACH. Only to this extent, Mr. Speaker, and I shall confine myself to the amendment. The amendment on its surface sounds very plausible. I do believe, however, that it will result in delaying the legislation, and therefore, I would oppose it.

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

The following roll call was recorded:

YEAS—91

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

NAYS—103

Afflerbach	Donatucci	Linton	Rieger
Alderette	Duffy	Livengood	Rudy
Baldwin	Evans	Lloyd	Rybak
Barber	Fargo	Lucyk	Saloom
Battisto	Fattah	McCall	Seventy
Belardi	Fee	McHale	Showers
Belfanti	Freeman	McIntyre	Steighner
Beloff	Fryer	McMonagle	Stevens
Blaum	Gallagher	Maiale	Stewart
Broujos	Gamble	Manderino	Stuban
Caltagirone	George	Markosek	Sweet
Cappabianca	Gruitza	Michlovic	Taylor, F. E.
Carn	Haluska	Miscevich	Telek

Cimini	Hasay	Morris	Tigue
Clark	Hoeffel	Mrkonic	Trello
Colafella	Hutchinson	Murphy	Truman
Cole	Itkin	O'Donnell	Van Horne
Cordiseo	Jarolin	Olasz	Wachob
Coslett	Kasunic	Oliver	Wambach
Cowell	Kosinski	Petrarca	Wargo
Coy	Kowalyszyn	Petrone	Wiggins
Deluca	Kukovich	Pievsky	Williams
Daley	Laughlin	Pistella	Wozniak
Dawida	Lescovitz	Pratt	Wright, D. R.
Deal	Letterman	Preston	Zwilk
Dombrowski	Levin	Rappaport	

NOT VOTING—5

Cohen	Harper	Perzel	Spitz
DeWeese			

EXCUSED—4

Marmion	Spencer
Richardson	
	Irvis, Speaker

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

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

Mr. PETRONE offered the following amendment No. A1180:

Amend Sec. 4, page 6, line 5, by inserting after "LESS"
nor more

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

This amendment changes the requirements by limiting them to not being more stringent than the present Federal regulations. This changes the line, Mr. Speaker, in that the board shall adopt maximum contaminant levels and treatment technique requirements no less nor more stringent than those promulgated under the Federal act for all contaminants regulated under the national primary and secondary drinking water regulations.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Petrone amendment. This is one of the most serious amendments that we will be facing today in this legislation.

One of the theories behind gaining primacy is in the enforcement area, that the State will be able to effect better enforcement procedures by gaining primacy. The Federal theory in allowing States to adopt stricter regulations is that each State knows best what its enforcement policy should be, and I think by allowing our State Department of Environmental Resources to adopt more stringent regulations and more stringent standards, we will be able to best determine what is the best policy for Pennsylvania. By adopting the Petrone amendment, we might be restricted in what enforce-

ment actions we can take against any water company or any private water supplier or public water supplier in the Commonwealth.

I think that to a person we should reject the Petrone amendment, because it really detracts from what this bill is all about, and that is to gain primacy in enforcement respects. This would essentially take it away. We would not have anything other than State personnel carrying out what the Federal Government wants us to do right now. It would not be much different other than our picking up the fines and the penalties and keeping them right here in the Commonwealth. So to make this different, to make the current water policy different in the Commonwealth, we should proceed in terms of allowing the State to adopt stricter regulations. I think that is the real core of the bill that is in front of us today, and that is why we should be rejecting the Petrone amendment. Thank you, Mr. Speaker.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Again, I oppose this amendment. I would like to offer two additional reasons. One is the fact that primacy contains two elements. The first is the element of easy enforceability - "easy" meaning that it is easier for a single State to police itself than it is for the Federal Government to police all 50 States. The Petrone amendment does not harm that provision.

But the second idea of primacy is to allow a State to correct weaknesses in the Federal regulations where that State may discover such weaknesses. The Petrone amendment would prohibit us from doing that. Therefore, I oppose the amendment.

The SPEAKER pro tempore. Does the gentleman from Montgomery, Mr. Reber, care to be recognized? The Chair recognizes the gentleman, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

I rise in opposition to this particular amendment, Mr. Speaker, and must concur wholeheartedly in the remarks that Representative Lashinger has already made. If there is any particular amendment that in effect would be gutting a particular piece of legislation, I feel this particular amendment certainly portrays that type of action.

Basically, the bill as written will permit the State Department of Environmental Resources to specifically promulgate standards when in fact they feel that the Federal regulations do not promulgate appropriate contaminant levels. I think this is absolutely necessary. Representative Lashinger and I have heard on various testimonial situations in hearings regarding safe drinking water throughout the Commonwealth that there are in fact many times problems unique to the Commonwealth of Pennsylvania. There conceivably could be situations where we need the flexibility that this language affords the Department of Environmental Resources to promote, defend, and protect the groundwaters, the drinking waters of the Commonwealth. Accordingly, I would urge my members to reject this particular amendment. Thank you, Mr. Speaker.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I would hope that we would defeat this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I rise to oppose this amendment. Any of you members who have a problem with TCE (trichloroethylene) in your water supply, any of you members who have problems with giardiasis in your water supply, ought to pay particular attention to this amendment. The Federal standards do not—I repeat, do not—require that we test for those two problems. If we pass this amendment, we in effect would be saying that the State ought not to be testing for those kinds of water-borne disease problems. I urge your rejection of this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—1

Petrone

NAYS—192

Afflerbach	Duffy	Letterman	Robbins
Alderette	Durham	Levi	Rudy
Angstadt	Evans	Levin	Ryan
Armstrong	Fargo	Linton	Rybak
Arty	Fattah	Livengood	Saloom
Baldwin	Fee	Lloyd	Salvatore
Barber	Fischer	Lucyk	Saurman
Battisto	Flick	McCall	Scheetz
Belardi	Foster, W. W.	McClatchy	Schuler
Belfanti	Foster, Jr., A.	McHale	Semmel
Beloff	Freeman	McMonagle	Serafini
Blaum	Freind	Mackowski	Seventy
Book	Fryer	Madigan	Showers
Bowser	Gallagher	Maiale	Sirianni
Boyes	Gallen	Mandering	Smith, B.
Brandt	Gamble	Manmiller	Smith, L. E.
Broujos	Gannon	Markosek	Snyder, D. W.
Bunt	Geist	Mayernik	Snyder, G. M.
Burd	George	Merry	Spitz
Burns	Gladeck	Michlovic	Stairs
Caltagirone	Godshall	Micozzie	Steighner
Cappabianca	Greenwood	Miller	Stevens
Carn	Grieco	Miscevich	Stewart
Cawley	Gruitza	Mochlmann	Suban
Cessar	Gruppo	Morris	Sweet
Cimini	Hagarty	Mowery	Swift
Civera	Haluska	Mrkonic	Taylor, E. Z.
Clark	Hasay	Murphy	Taylor, F. E.
Clymer	Hayes	Nahill	Telek
Colafella	Herman	Noye	Tigue
Cole	Hershey	O'Brien	Treilo
Cordisco	Hoefel	O'Donnell	Truman
Cornell	Honaman	Olasz	Van Horne
Coslett	Hutchinson	Oliver	Vroon
Cowell	Itkin	Peterson	Wachob
Coy	Jackson	Petrarca	Wambach
Deluca	Jarolin	Phillips	Wargo
DeVertter	Johnson	Piccola	Wass
DeWeese	Kasunic	Pievsky	Weston
Daley	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams
Dawida	Kosinski	Pott	Wilson

Deal	Kowalyszyn	Pratt	Wogan
Dietz	Kukovich	Preston	Wozniak
Dininni	Lashingier	Rappaport	Wright, D. R.
Dombrowski	Laughlin	Reber	Wright, J. L.
Donatucci	Lehr	Reinard	Wright, R. C.
Dorr	Lescovitz	Rieger	Zwikl

NOT VOTING—6

Cohen	McIntyre	Perzel	Punt
Harper	McVerry		

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

WELCOMES

The SPEAKER pro tempore. The Chair is pleased at this time to welcome to the House Teri DeVerter, who is the daughter of Representative DeVerter.

The Chair welcomes Pastor Doug Proffit of the Calvary Baptist Church in Hamilton Square, Monroe County, who is the guest of Representative Joe Battisto.

The following students will be introduced, who are officers of the Pennwood Middle School's student council, which is part of the Pennsbury School District in Bucks County. The students at Pennwood have raised and contributed \$1,000 for the restoration of a Civil War flag in the rotunda. They have chosen the flag of the 104th Pennsylvania Volunteer Infantry, which was raised in Bucks County in 1861. They are the guests of the entire Bucks County delegation. They are Jenifer Shannon, president; Gail Shovlin, vice president; Valerie Poric, secretary-treasurer; their principal, Richard E. Barnhart; and their social studies coordinator, George F. Lebegern.

I am certain that the members of the House join the Chair in congratulating this group for their civic interest and the contribution of \$1,000 for the restoration of the Civil War flag in the rotunda. We thank you most sincerely.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. CLARK presented the Report of the Committee of Conference on SB 730, PN 1867.

CONSIDERATION OF SB 201 CONTINUED

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

Mr. SERAFINI offered the following amendments No. A1187:

Amend Bill, page 20, by inserting between lines 4 and 5 Section 13. Use of certain profits.

Assets of a privately-owned public utility may not be used to provide profits to companies which are directly or indirectly associated by way of stock ownership or a holding company.

Amend Sec. 13, page 20, line 5, by striking out "13" and inserting

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Amend Sec. 14, page 23, line 23, by striking out "14" and inserting

15

Amend Sec. 15, page 24, line 2, by striking out "15" and inserting

16

Amend Sec. 16, page 24, line 7, by striking out "16" and inserting

17

Amend Sec. 17, page 24, line 18, by striking out "17" and inserting

18

Amend Sec. 18, page 25, line 9, by striking out "18" and inserting

19

Amend Sec. 19, page 25, line 20, by striking out "19" and inserting

20

Amend Sec. 19, page 25, line 22, by striking out "15" and inserting

16

Amend Sec. 19, page 25, line 22, by striking out "16" and inserting

17

Amend Sec. 19, page 25, line 24, by striking out "18" and inserting

19

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini, who will offer his explanation on his proposed amendment.

Mr. SERAFINI. Mr. Speaker, what I intend to do with this amendment is to eliminate the use of any assets owned by a public utility for the indirect profit to a holding company by the use of those assets. To cite an example, if, for instance, a public utility were owned by a parent company that also owned another small company which was profit motivated, whose income did not enter into the rate base, they could not use the assets of that public utility in effectively procuring profit for that holding company.

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

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to oppose the amendment. I think I understand, based on my conversation with Mr. Serafini, what he wants to do, and I think it is possible to do that, but this amendment, I believe, is going to have unforeseen consequences which are actually going to make it harder rather than easier to clean up the water problem in this State.

As I understand Mr. Serafini's amendment, what would happen is that every water holding company in Pennsylvania would find it very difficult to reap any profit from the small water companies which it owns. The result will be that those large holding companies will seek to divest themselves of those small water companies. The effect that will have on the consumers of those small water companies is that now no longer is there the potential to tap the deep pocket of the

holding company to help to improve the conditions of those small companies, and the effect of that is going to be that the small companies are not going to be able to make improvements, many of them are going to go out of business, and we are going to have a worse water problem than we already have.

Now, I know not very many people are paying attention and this amendment may fly, but I think that it ought to be withdrawn and redrafted to more precisely accomplish the purpose which is intended, because the way it is constructed at the present time, you are going to make it impossible for virtually every large water company in this State to operate. Not only if this becomes law are you going to create a problem, but if you believe that controversial amendments are going to doom quick adoption of this bill in the Senate, this amendment is bound and determined to create that controversy over on the Senate side. For both of those reasons I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—31

Baldwin	Clymer	Hasay	Schuler
Belardi	Cordisco	Jarolin	Serafini
Belfanti	Coslett	Lucyk	Smith, L. E.
Blaum	Dawida	McCall	Stevens
Brandt	Gamble	Petrarca	Tigue
Burns	Godshall	Punt	Wargo
Cappabianca	Greenwood	Reinard	Wilson
Cawley	Grieco	Ryan	

NAYS—156

Afflerbach	Fee	Lloyd	Reber
Alderette	Fischer	McClatchy	Rieger
Angstadt	Flick	McHale	Robbins
Armstrong	Foster, W. W.	McIntyre	Rudy
Arty	Foster, Jr., A.	McMonagle	Rybak
Barber	Freeman	McVerry	Saloom
Battisto	Freind	Mackowski	Salvatore
Beloff	Fryer	Madigan	Saurman
Book	Gallagher	Maiale	Scheetz
Bowser	Gallen	Manderino	Semmel
Boyes	Gannon	Manmiller	Seventy
Broujos	Geist	Markosek	Showers
Bunt	George	Mayernik	Sirianni
Burd	Gladeck	Merry	Smith, B.
Caltagirone	Gruitza	Michlovic	Snyder, D. W.
Carn	Gruppo	Micozzie	Snyder, G. M.
Cessar	Hagarty	Miller	Stairs
Cimini	Haluska	Miscevich	Steighner
Civera	Hayes	Moehlmann	Stewart
Colafella	Herman	Morris	Stuban
Cole	Hershey	Mowery	Sweet
Cornell	Hoeffel	Mrkonic	Swift
Cowell	Honaman	Murphy	Taylor, E. Z.
Coy	Itkin	Nahill	Taylor, F. E.
Deluca	Jackson	Noye	Telek
DeVerter	Johnson	O'Donnell	Trello
Daley	Kasunic	Olasz	Truman
Davies	Kennedy	Oliver	Vroon
Deal	Klingaman	Peterson	Wachob
Dietz	Kosinski	Petrone	Wambach
Dininni	Kowalyszyn	Phillips	Wass
Dombrowski	Kukovich	Piccola	Weston

Donatucci	Lashinger	Pievsky	Wiggins
Dorr	Lehr	Pistella	Williams
Duffy	Lescovitz	Pitts	Wogan
Durham	Levi	Pott	Wozniak
Evans	Levin	Pratt	Wright, D. R.
Fargo	Linton	Preston	Wright, R. C.
Fattah	Livengood	Rappaport	Zwikel

NOT VOTING—12

Clark	Harper	Letterman	Spitz
Cohen	Hutchinson	O'Brien	Van Horne
DeWeese	Laughlin	Perzel	Wright, J. L.

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. SERAFINI offered the following amendments No. A1193:

Amend Bill, page 20, by inserting between lines 4 and 5 Section 13. Replacement of lead pipes.

Within five years of the effective date of this act all lead pipes in any water supply system shall be replaced by the company owning the pipes.

Amend Sec. 13, page 20, line 5, by striking out "13" and inserting

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Amend Sec. 14, page 23, line 23, by striking out "14" and inserting

15

Amend Sec. 15, page 24, line 2, by striking out "15" and inserting

16

Amend Sec. 16, page 24, line 7, by striking out "16" and inserting

17

Amend Sec. 17, page 24, line 18, by striking out "17" and inserting

18

Amend Sec. 18, page 25, line 9, by striking out "18" and inserting

19

Amend Sec. 19, page 25, line 20, by striking out "19" and inserting

20

Amend Sec. 19, page 25, line 22, by striking out "15" and inserting

16

Amend Sec. 19, page 25, line 22, by striking out "16" and inserting

17

Amend Sec. 19, page 25, line 24, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, what I am trying to do with this amendment is mandate water companies to, after a 5-year period, eliminate all lead pipes in their system. It has been found that lead has been a primary contributor to cancer and other diseases.

Mr. Speaker, what has been found is that many water companies have lines underground which were put in place in the 1800's when lead-lined pipe was the standard for installation of those underground water distribution systems. Currently, many of those pipes still exist and they are carrying contaminated water, water with high levels of lead. That water has become, in my opinion, an effective deterrent to the health and welfare of the people being serviced by those water companies. I would mandate over a 5-year period that those pipes be replaced with a nonlead type of material. Thank you.

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

Mr. GEORGE. Mr. Speaker, I hope I am accurate when I insist that under the 1977 Federal act, that act states emphatically that the use of lead is illegal, improper, and should not be allowed, and therefore, I support this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Mayernik, is in order and may proceed.

Mr. MAYERNIK. Do you have any idea what the fiscal cost would be to the water companies and water authorities to implement this legislation, sir?

Mr. SERAFINI. Over a 5-year period? That would all depend upon how much lead pipe is underground. If there is no lead pipe underground, as has already been stated is illegal, it would not cost them a single penny. But if they have lead and it is causing detrimental harm to the people who are serviced by that system, whatever the cost, it should be borne. So if they have adhered to the quality of water which is their responsibility to this point, then they should not have lead pipes underground anyway. This is just emphasizing that fact in the legislation, sir.

Mr. MAYERNIK. Okay. Are you familiar with the costs though? Do you have any idea of the cost, sir?

Mr. SERAFINI. The cost of what?

Mr. MAYERNIK. Of replacing those pipes.

Mr. SERAFINI. There are no costs involved if none of the pipe contains lead. So you would have to know the quantity of lead pipe you are replacing to even estimate the cost.

Mr. MAYERNIK. Okay. Thank you.

Another question, sir. Mr. Speaker, it is my understanding that if the Safe Drinking Water Act was passed, this should negate the possibility of corrosion, and thereafter the corrosion would not take effect so quickly and this legislation or this amendment would not be necessary. How do you view that, sir?

Mr. SERAFINI. Well, I do not know how this act would stop corrosion. However, I have personally experienced the fact that water which lays in water lines which have lead in the system, over a period of time, during the evening when the water stays in those pipes, accumulates a great quantity of lead. As a matter of fact, the water company in my district in 1983 sent a memo to its ratepayers that pregnant women and children under the age of 13 should not drink their water because of the contaminating level of lead in that water.

Mr. MAYERNIK. Okay. Mr. Speaker, does this also apply to the lead joints with the pipes or just the pipes themselves?

Mr. SERAFINI. What lead joints?

Mr. MAYERNIK. It is my understanding that some of the pipes are made of cast iron and the joints are made of lead.

Mr. SERAFINI. If the water that is supplied through the distribution system does not come in contact with those lead joints, then I would assume that this— Well, I would emphatically state that this bill does not in any way relate to those lead joints.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I am done with my interrogation. I would like to make a statement on the amendment.

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

Mr. MAYERNIK. Mr. Speaker, I have been in contact with my water authority several times on this matter, and they have informed me that they have pipes in the system since the late 1800's and they have never had a problem with this matter that Mr. Serafini is addressing right now. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Serafini, care to be recognized?

Mr. SERAFINI. Mr. Speaker, only to clarify one important point, that currently many water companies that are aware of the lead contamination caused by the pipes in their system will test that water supply during a time when the complete system has had water running through it for a considerable amount of time. In other words, over the evening, when there is not a demand on that water supply, the lead will dissolve in that water and create a high level of contamination in the early morning hours. However, by the midafternoon, when clean water has flowed throughout that supply system, the water does not have enough time to sit in those pipes for an extended period of time, and therefore, low levels of lead in the testing of that water would be found under the samples administered at that period, after water has flowed through the system. So there is a trick to getting a low lead level content in the water tested.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I rise to oppose the amendment for several reasons. Certainly the hazard of lead in water was recognized for centuries, and in fact our current law in Pennsylvania, which requires licensing of plumbers, was passed in great part because the hazards were recognized of joining water supply

pipes with lead joints. I know of no actual water company that has supplied pipes made of lead, but all of the joints in many of the older systems were in fact leaded joints.

This is a very attractive amendment. Certainly no one in this chamber would condone the allowance of lead into water supplies, but I suggest that the amendment mandates a solution to a problem which has not been clearly defined. We do not know the extent to which this problem may exist in Pennsylvania. We certainly have no estimate of the costs, either in total or upon a single water company, and I would suggest that until we have been able to ascertain at least those minimal facts, we reject the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment. I think it is absolutely necessary that we begin taking lead out of all aspects of our food chain. Some months ago the Conservation Committee participated in hearings on the sludge removal in Indiana County, Pennsylvania. We learned from expert witnesses that day that lead, just even small amounts and not even related to the sludge but from auto gasoline in the air landing on our rural areas and our farm areas, that can produce lead poisoning. And that lead poisoning is cumulative. Your body cannot release that lead once it is in the body's bloodstream. It can create vomiting, nausea, and ultimately it can lead to insanity. Its effect on the body is something like radiation.

Just because it is a matter of joints instead of the pipes themselves, I do not think we ought to discriminate there. The lead from those joints in the transmission supply system of the water supply is an extremely dangerous and hazardous thing.

I strongly support the amendment, and I urge every other member to do so. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I rise in opposition to the amendment mainly because of the time factor. I happen to sit on a newly formed water authority for the city of Pittsburgh. We are presently in a bond program of \$149 million for 7 years. Forcing the city, and being as old as we are, to increase the amount of time would really effect possibly a bond sale for additional funds that we may not be able to account for. *Not only that, I think that an awful lot of the other cities that have a history of being in existence for over 150 or 200 years have an awful lot of these systems.*

I agree with the sponsor of the amendment that this needs to be handled. However, I have an immense problem with the time factor, and I would ask him to withdraw this amendment or ask the members to please vote "no." I do not think we can afford it at this time. I think that time and consideration need to be worked out and that we need to get back to our districts on such a major thing. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini, for the last time on this amendment.

Mr. SERAFINI. Mr. Speaker, I would just like to make a comment.

I know of an area that does have lead pipe in its system. That area is in Pennsylvania and it has one of the highest incidences of colon cancer anywhere in the United States.

Currently, if lead is found in any water whatsoever or in any contaminant whatsoever such as paint, it is immediately eliminated. For us to stand here and say that we incur the financial ability of a water company and we are concerned more about that than we are the health and safety of the people who are consuming that water, it seems to me to be a digression from the real responsibility of this act. At this point, Mr. Speaker, I would like to state that since 1890 those pipes have been underground. The water company in question has shown profits to the point of \$10.3 million in 1 year. They have not spent any money whatsoever to make a comprehensive search and replacement of those lead lines. If we are responsible for lead in paint, we certainly should be responsible for lead found in water. Thank you very much.

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

The following roll call was recorded:

YEAS—174

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

NAYS—18

Afflerbach	Evans	Kowalshyn	Preston
Bunt	Fattah	Linton	Rieger
Carn	Gamble	McMonagle	Rybak
DeVerter	Hutchinson	Oliver	Truman
Donatucci	Jackson		

NOT VOTING—7

Cohen	Harper	McVerry	Spitz
DeWeese	McIntyre	Perzel	

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

On the question,

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

Mr. A. C. FOSTER offered the following amendment No. A1208:

Amend Sec. 3, page 4, line 20, by striking out "DIRECTORS,"

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from York, Mr. Foster.

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

I offer this amendment to remove from the section of definitions the word "director." I would ask you to think just for a moment about what we are thinking of in terms of a director of a municipal authority.

Probably most of you represent a borough or a township. Many of those units of local government may well have a municipal authority to which members are appointed. These are citizen members who serve on the basis of their interest in the community. I think if our goal is to have pure water, good drinking water for the Commonwealth, we want to see that the penalties are imposed on those people who have the day-to-day responsibilities and not on those individuals who serve as citizen members of boards.

Example, Mr. Speaker: If a policeman makes a bad decision, draws a gun, kills someone, the borough councilmen in that municipality do not go to jail. If a member of a highway department neglects to put up safety cones on a highway, the township supervisors of that municipality do not go to jail. I think the same should apply to those directors of municipal authorities, and I would urge your affirmative support on the amendment deleting board members.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, of all the amendments that you are about to hear today, this one that we mention and we discuss at this moment is very close to me in that I live in Houtzdale, and

Houtzdale is one of those small communities that for some reason that we cannot explain is faced with a giardiasis problem.

Mr. Speaker, I wish that I could stand before you and present oration like the minority leader or the majority leader and get your steadfast attention, but unfortunately, God did not favor me in the same manner that he did those eloquent Irishmen, the both of them.

But I would want to say to you that this amendment is very close to me because I am served by a municipal authority. And some of you will say, well, that is right; you know, why should they be held hostage; they are not getting paid and they had nothing to do with it. But you know, we in this legislature insisted on authorities and the fact that it would provide a proper service and care to those smaller rural municipalities at the cheapest cost factor. And I had concern about this. That is why in the Appropriations Committee the bill was amended to insist on preconference hearings, which I believe and I believe most attorneys here could assure us that maybe that is the proper way to go. I do not believe that we should say to the private companies, no, you are going to be held responsible, but to the municipalities we should say, well, because you are a director, we cannot hold you guilty of this infraction. I believe the conference amendment that was put in there yesterday in the Appropriations Committee should answer it.

With some concern, I must ask that we defeat this amendment.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I rise in support of Mr. George's plea to defeat this amendment. The gentleman, Mr. Foster, offered several comparisons. I would suggest that the problem with those comparisons is that township supervisors and borough councilmen, et cetera, are elected officials. The directors of an authority are not elected; they are appointed. While they certainly intend to do a good job—I have no doubt about that—I do not believe that we should specifically exempt from this bill appointed officials.

Furthermore, as a matter of philosophy, I do not believe that we should ask employees and officers of an authority to be exposed to risk and liability and responsibility which the policymakers themselves are not exposed to. This amendment would free the policymakers when it frees the directors. I think it is a bad amendment for that purpose, and I urge its defeat.

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

Mr. A. C. FOSTER. Mr. Speaker, we are speaking here of the citizen representatives on these boards. There is an even stronger case for exempting them than there is for elected officials.

First, these members are appointed by the elected officials. Secondly, these are the citizen representatives on those boards. They serve there without compensation. Can you imagine the chilling effect on municipal authorities the next

time there is an appointment to be made and someone asks, what are the responsibilities of this position, sir? And you are advised, well, nothing great, except that you can be fined a considerable amount and you can go to jail for 90 days; other than that, there is not too much to it. Now, what caliber of individuals are you going to get as citizen representatives with this situation?

Mr. Speaker, this is not required under Federal law. Nowhere in the Federal regulations are directors mentioned, and I submit that we are doing a wrong to the citizen representatives on these boards by this. This is not going to insure good, potable drinking water. This is just going to be one more blow to local government, one more nail in the coffin of local government resulting in the inability to get good men to serve on boards and commissions.

I strongly urge you to support the amendment.

The SPEAKER pro tempore. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I agree with one thing that the gentleman, Mr. George, said, that this could very well be the most important amendment that we are going to consider here today. I differ, however, with Mr. George in the conclusion that he reached. I think it would be absolutely wrong for us to allow this bill to pass without the Foster amendment.

I do not know how many of you have from time to time been on a search committee or have tried to advise people such as the Speaker of the House, Mr. Irvis, myself when I was Speaker, members of the Governor's Cabinet, members of your various county commissioners, as to the availability of good citizens willing to serve on various boards and commissions without pay, at great personal sacrifice. It is a tremendous task to locate good people to act in these various capacities, and to now suggest that we should change the law and hold them liable is a mistake. It will bring about one of two things, or perhaps both. You will not be able to get responsible citizens to serve, or, two, in the alternative, before they will serve they will require that the various boards and commissions go out and purchase directors insurance or some other form of liability insurance. By way of example, there is one authority in a county that I am familiar with that spent \$11,000 and spends \$11,000 a year for the equivalent of directors insurance, and this is to assure these directors or members of this board that should they be sued, they will be covered by insurance.

Now, some of us—thank God I am not one of them—but some of us in this hall have been sued for doing our legislative job. I know that is true of at least one member on the other side and one member on this side. To date, they are paying their own bills or making their own arrangements to pay them. And if we are going to do this to these directors— And I do not believe, incidentally, that we should be sued for doing our jobs. By that I mean if we attend a public meeting and make a recommendation as to what our constituents feel on a given subject to a local governmental body, or we go before a House committee and testify as to what we think our constituents want or do not want legislatively, I do not think that we

should be subjected to suit. There are at least two members of this House right now who have incurred legal bills in excess of \$10,000 collectively for defending their legislative actions. Now you are looking to do this to members of local government authorities, and it is a dreadful mistake, one that you will not be thanked for and one that all of us will live to regret when that theory extends itself out to the legislature and out to other units of government.

I caution you. Think hard about this particular amendment before you vote against it. I think if you are acting in a responsible fashion, you will vote in favor of this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on this amendment, the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am almost sorry that I stood up and insisted that we defeat this amendment, because the minority leader went into a description that I was never aware of. I did not hear him once give mention to the fact that there had been an amendment in the Appropriations Committee. I was hoping that he would answer me in a manner of whether we would know that that would protect at least the innocent to a degree. I certainly do not want anybody just placed in jail or thrown in jail. That is not my intent.

I am grateful that we have people who are willing to serve without remuneration, but nevertheless, Mr. Speaker, we are here discussing an amendment into a bill that is in fact the primacy water act in Pennsylvania. The decision has to be yours, and so we are saying, should those people who are served by municipalities and served by authorities, should they learn to live with a degree of concern just a little bit less than those that the bill will insist should be placed upon the private companies? I think that is the answer. It really does not make any difference. I intend to stay with my first opinion because I believe that whether they serve for nothing or whether they are paid a wage, the responsibility is theirs. It is an awesome responsibility, and you know, they are the ones who decide if there is money that is going to be spent. They are the ones who decide who the manager is going to be. They are the ones who either deny you a request or not. They are the ones who make the decision, not Mr. Ryan or Bud George, and I still think that we ought to defeat the amendment.

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

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

The SPEAKER pro tempore. The gentleman, Mr. Foster, indicates he will stand for a period of interrogation. The gentleman, Mr. McVerry, is in order and may proceed.

Mr. McVERRY. Mr. Speaker, could you elucidate the intention of whom you intend to include by the elimination of the word "directors" from potential criminal liability?

Mr. A. C. FOSTER. Those members of authorities who serve in the position of director or board member and have minimal contact other than policymaking decisions on essentially a monthly basis.

Mr. McVERRY. You do then, by the elimination of the word "directors," mean to eliminate from potential criminal liability municipal authority board members specifically?

Mr. A. C. FOSTER. Absolutely, Mr. Speaker. I think the citizen board members should not be threatened with criminal penalties.

Mr. McVERRY. Do you likewise intend to eliminate from potential criminal liability those directors of privately held corporations who make similar decisions?

Mr. A. C. FOSTER. Yes, those directors who serve on strictly a tangential basis. They are essentially policymaking members; they do not participate in the day-to-day decisions or operations of the company, and I think they should justly be exempt, Mr. Speaker.

Mr. McVERRY. Thank you, Mr. Speaker.

May I make a comment?

The SPEAKER pro tempore. The gentleman, Mr. McVerry, is in order and may proceed.

Mr. McVERRY. Mr. Speaker, I could not agree more wholeheartedly with the intention of the maker of this amendment and the supporting words of the minority leader, and I would urge that all members of the House vote in favor of this amendment. We would be doing a terrible disservice to the people of this Commonwealth if we subjected municipal authority board members and directors of corporations that purvey water to our constituencies to potential criminal liability on a personal basis.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

I have been listening to the debate, and I think it is important to note for the record, Mr. Speaker, that I, too, agree with the majority chairman of the Conservation Committee that we should seek primacy in this area. But the particular Federal legislation from which the whole primacy question emanates has contained therein a definition of "person," and this is known as the Safe Drinking Water Act. We have been regulated by this particular act for a number of years, and I think something very interesting should be noted to the membership that is troubled with the manner in which Representative Foster has drafted this amendment. I think it is entirely proper the way the amendment is drafted and I think it is proper that it should be adopted for the simple fact that the Federal Safe Drinking Water Act does not, does not, include the word "directors," and we are simply tracking the Federal language by adopting Representative Foster's amendment.

I would urge an affirmative vote. Thank you, Mr. Speaker.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I am interested in some of the comments that were made during Mr. McVerry's line of questioning.

This House established in 1980 a precedent in this area. When we were debating the Solid Waste Management Act, we had a similar debate about exempting from the definition of "person" directors. And while I think the minority leader's point is in terms of changing the corporate law theory that we have stuck to over the years, we did start that change in 1980 when this chamber said that in areas that affect human health and safety, like supplying public water does, we should not provide that exemption for directors; instead, we should be holding them liable.

We are not just talking about municipal authorities; we are talking about some corporations, publicly held and privately held. I can think of the example of a small water company in Montgomery County supplying about 400 homes, a very small company where the two directors of the corporation are involved on a day-to-day basis in the decisionmaking of that company. They should be responsible. They are the ones making the important decisions regarding that water company.

Again, I want to reiterate that this House already made a decision in this area in 1980 under a similar piece of legislation that was designed to gain primacy for the Commonwealth, and that was the Solid Waste Management Act. During that debate we heard the same type of comments about exempting corporate directors, and it fell at that point in time, and I think it should fall again today. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I remind all the members to look at what we are talking about. When we are talking about protecting the citizens of the Commonwealth, we are talking about protecting them from contaminants in their water. A basic human need - their water. It is important that the people who are responsible for the policy and decisionmaking about that water are held accountable. We had a case in McKeesport where the people responsible waited 5 days before they informed the press and the public about giardiasis in their water supply. Now, how would you feel if you were a citizen who had drunk that water and then you could not go against those people because of some exclusion in the law?

I think it is very, very important that we oppose this amendment and that we include the directors in the responsibility and the accountability for their actions. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—124

Alderette	Dorr	Levi	Reinard
Angstadt	Durham	Livengood	Robbins
Armstrong	Fargo	Lloyd	Rudy
Arty	Flick	Lucyk	Ryan
Baldwin	Foster, W. W.	McCall	Saloom
Battisto	Foster, Jr., A.	McClatchy	Salvatore
Belfanti	Freind	McHale	Saurman
Book	Fryer	McVerry	Scheetz
Bowser	Gallen	Mackowski	Schuler

Boyes	Gannon	Madigan	Semmel
Brandt	Geist	Manmiller	Showers
Broujos	Gladeck	Markosek	Sirianni
Bunt	Godshall	Mayernik	Smith, B.
Burd	Greenwood	Merry	Smith, L. E.
Burns	Grieco	Michlovic	Snyder, D. W.
Caltagirone	Gruitza	Micozzie	Snyder, G. M.
Cappabianca	Gruppo	Miller	Stairs
Cessar	Hagarty	Moehlmann	Stuban
Cimini	Haluska	Morris	Swift
Civera	Hayes	Mowery	Taylor, E. Z.
Clymer	Herman	Nahill	Telek
Colafella	Hershey	Noye	Vroon
Cole	Honaman	O'Brien	Wambach
Cordisco	Itkin	Peterson	Wass
Cornell	Jackson	Phillips	Weston
Coy	Johnson	Piccola	Wilson
DeVerter	Kennedy	Pitts	Wogan
Davies	Klingaman	Pott	Wright, D. R.
Dietz	Laughlin	Punt	Wright, J. L.
Dininni	Lehr	Rappaport	Wright, R. C.
Dombrowski	Lescovitz	Reber	Zwikl

NAYS—67

Afflerbach	Fattah	Linton	Serafini
Barber	Fee	McMonagle	Seventy
Belardi	Fischer	Manderino	Steighner
Beloff	Freeman	Miscevich	Stevens
Blaum	Gallagher	Mrkonic	Stewart
Carn	Gamble	Murphy	Sweet
Cawley	George	O'Donnell	Taylor, F. E.
Clark	Hasay	Olasz	Tigue
Coslett	Hoefel	Oliver	Trello
Cowell	Jarolin	Petrarca	Truman
Deluca	Kasunic	Petrone	Van Horne
Daley	Kosinski	Pievsy	Wachob
Dawida	Kowalshyn	Pistella	Wargo
Deal	Kukovich	Pratt	Wiggins
Donatucci	Lashingner	Preston	Williams
Duffy	Letterman	Rieger	Wozniak
Evans	Levin	Rybak	

NOT VOTING—8

Cohen	Harper	McIntyre	Perzel
DeWeese	Hutchinson	Maiale	Spitz

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

WELCOME

The SPEAKER pro tempore. The Chair is pleased to announce the presence of Richard Mudrick and Rev. James Worstell. They are the guests of the Washington County delegation.

CONSIDERATION OF SB 201 CONTINUED

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

Mr. MICHLOVIC offered the following amendments No. A1201:

Amend Sec. 5, page 10, line 13, by striking out "Additional authority of the department." and inserting

Delegation of functions and fiscal matters.

Amend Sec. 5, page 10, lines 25 through 29, by striking out "A local health department" in line 25, all of lines 26 through 29, and inserting

A local health department, where it exists in each of the counties of the Commonwealth, may elect to administer and enforce any of the provisions of this act together with the department in accordance with the established policies, procedures, guidelines, standards and rules and regulations of the department. Local health departments electing to administer and enforce the provisions of this act shall be funded through contractual agreements within the department whenever program activity exceeds the minimum program requirements established under the former act of April 22, 1905 (P.L.260, No.182), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," adopted by the Advisory Health Board under the provisions of the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law. The department is authorized to provide funds to local health departments entering into an agreement to contract pursuant to this paragraph shall be considered to be agents of the department for the purpose of enforcement of this act.

(2) Notwithstanding the grant of powers in paragraph (1), in any case where administration and enforcement of this act by a local health department shall conflict with administration and enforcement by the department, the department shall so notify the local health department of the conflict and administration and enforcement by the department shall take precedence over administration and enforcement by a local health department.

Amend Sec. 5, page 10, line 30, by striking out "(2)" and inserting

(3)

Amend Sec. 5, page 11, line 3, by striking out "(3)" and inserting

(4)

Amend Sec. 5, page 11, line 4, by striking out "(4)" and inserting

(5)

Amend Sec. 17, page 25, lines 1 through 8, by striking out "To" in line 1, and all of lines 2 through 8 and inserting
Where the Department of Health amends the standards for environmental health services by local health departments to exceed existing activity by local health departments in accordance with this act, the additional activity shall be funded by the department from funds appropriated to the department to carry out the purpose of this act.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, this amendment is cosponsored by Representative Karl Boyes from Erie.

The amendment essentially requires the Department of Environmental Resources to reimburse the six county health departments that are going to be taking responsibility and regulatory functions under their auspices by virtue of this act, and they are the counties of Allegheny, Erie, Philadelphia, Bucks, Chester, and also the greater area of Allentown-Bethlehem, the dual-city area.

The county health departments have long had a battle with the State in terms of their costs for these kinds of pieces of legislation. Their per capita cost on the regulatory functions today for State-related activities is \$11. In Allegheny County they get reimbursed only \$3 from the State Government. There is a bill in the Senate now that would change that and up that to \$4.50, but even at that, they are still not getting half of what it costs them to implement the various State laws within their jurisdiction.

I would urge all members to support this amendment. We have had indications from within the department just this afternoon that they have no intention of spending any part of that \$1.4 million they are going to get from the Federal Government, they have no intention of spending any of that for reimbursing any of these counties for extraordinary costs that are going to come as a result of this legislation. That is why this amendment is extremely important. I urge its adoption. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—188

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

Duffy	Letterman	Reber	Wright, R. C.
Durham	Levi	Reinard	Zwikl
NAYS—5			

Afflerbach	Kowalyshyn	Lloyd	Rybak
Donatucci			

NOT VOTING—6

Cohen	Harper	Perzel	Salvatore
DeWeese	McIntyre		

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 201 will be passed over temporarily.

WELCOME

The SPEAKER pro tempore. The Chair welcomes Paul Thomas, Dean Robbins, and Paul Schatz, who are members of the Pennsylvania Farmers'. They are the guests of Representative Ted Stuban.

SENATE BILL FOR CONCURRENCE

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

SB 1200, PN 1854

Referred to Committee on APPROPRIATIONS, March 27, 1984.

STATEMENT BY MR. RAPPAPORT

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

Mr. RAPPAPORT. Mr. Speaker, first of all, HB 1555 is reported out of Judiciary with a recommendation that it be recommitted to the Committee on Mines and Energy Management. It deals with anthracite mines, and we feel their expertise is much better.

Secondly, Mr. Speaker, I ask leave to say a few words. I am reporting out unanimously with bipartisan sponsorship HB 1996, which proposes an amendment to the Pennsylvania Constitution on changes to the Judicial Inquiry and Review Board. The committee has been working on this problem for a number of months, and through long discussions, conferences, attendance at Bar Association seminars on this, we have reached a consensus on changes to the judiciary article involving judicial discipline.

I would like to compliment the staff, both minority and majority, for working together on this bill and helping us reach a consensus. I would also like to compliment and thank the lady from Montgomery, Mrs. Hagarty, who took the lead on this issue for the other side, for her cooperation, and all the members of the committee for their cooperation.

Unlike the other body, we have an amendment here which was reported out of committee unanimously and has sponsorship of every member of the Judiciary Committee. I would hope, therefore, that we could deal with this as we have in the past on its merits. Apparently the other body is unable to do so. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL REPORTED AND REREFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT

HB 1555, PN 1925 By Rep. RAPPAPORT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it unlawful to knowingly or recklessly ignite underground seams of anthracite coal; and providing penalties.

JUDICIARY.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1996, PN 2739 (Amended)

By Rep. RAPPAPORT

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to the Judiciary.

JUDICIARY.

HB 1997, PN 2683 By Rep. TRELLO

An Act amending the "Pharmaceutical Assistance Contract for the Elderly Act," approved November 4, 1983 (P. L. 217, No. 63), further providing for program criteria.

FINANCE.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 538, PN 2674**, entitled:

An Act requiring all consumer contracts to be written in plain language.

On the question,

Will the House agree to the bill on third consideration?

Mr. RYAN offered the following amendment No. A1147:

Amend Sec. 7, page 8, line 9, by striking out "ATTORNEY FEES NOT IN EXCESS OF \$2,500 AND COURT" and inserting

Court

On the question,

Will the House agree to the amendment?

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

Mr. RYAN. Mr. Speaker, what I have submitted is an amendment that I believe is agreed to by the gentleman, Mr. Rappaport, and the gentleman, Mr. Kukovich.

In brief, it restores the bill to the form it was in when the bill was reported back to the Committee on Judiciary, and I believe it is an agreed-to amendment.

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

Mr. RAPPAPORT. Mr. Speaker, the language referred to by Mr. Ryan was inadvertently taken out by amendment in the Judiciary Committee contrary to the rules of the House. Therefore, this amendment is agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman for the adherence to the rules.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

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

Dorr	Lescovitz	Reber	Wright, R. C.
Duffy	Letterman	Reinard	Zwilk
Durham			

NAYS—1

Donatucci

NOT VOTING—9

Cohen	McIntyre	Oliver	Rieger
DeWeese	McMonagle	Perzel	Spitz
Harper			

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

On the question,

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

Mr. RAPPAPORT offered the following amendments No. A1138:

Amend Sec. 6, page 7, line 21, by inserting after "ASSOCIATION"

, the Federal Home Loan Mortgage Corporation

Amend Sec. 8, page 9, lines 17 and 18, by striking out all of said lines and inserting

(5) The consumer alleging a violation of this act was advised by counsel about the contract before signing it.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. This is a technical amendment adding one of the Federal mortgage corporations to the bill. It is an agreed-to amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—6

Cohen	Harper	Perzel	Spitz
DeWeese	McIntyre		

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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. BURNS offered the following amendments No. A1146:

Amend Sec. 9, page 10, lines 4 and 5, by striking out "in the Office of Attorney General shall review" and inserting shall perform the review of

Amend Sec. 9, page 10, line 5, by inserting after "act" for the Attorney General

Amend Sec. 9, page 10, line 18, by striking out "review" and inserting

issue an opinion on

Amend Sec. 9, page 10, line 21, by striking out "review" and inserting

issue an opinion on

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

This is a purely technical amendment that is agreed to by the bill's sponsor and by Mr. Rappaport, and I urge its adoption.

The SPEAKER pro tempore. Would the gentleman explain what the amendment does so that we can all agree to it?

Mr. BURNS. Yes, Mr. Speaker.

The bill says in two places that after the Attorney General has reviewed a contract, he may decline to review it. I do not know how someone reviews something and then declines to review it. I think the Attorney General should decline to issue an opinion or make comment on it but not decline to review it after he is ordered to review it. So it is a technical amendment that needs correction.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. Mr. Speaker, as usual, the point of the gentleman from Bucks is well taken, and I urge adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

Duffy Letterman Reinard Zwinkl

NAYS—0

NOT VOTING—7

Cohen Harper Morris Spitz
DeWeese McIntyre Perzel

EXCUSED—4

Marmion Spencer
Richardson Irvis,
Speaker

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. L. E. SMITH offered the following amendment No. A1199:

Amend Sec. 4, page 3, lines 10 and 11, by striking out all of said lines and inserting

(1) Deeds, mortgages, mortgage bonds and notes, real estate certificates of title, title insurance contracts and property descriptions contained in deeds, mortgages, mortgage bonds and notes, real estate certificates of title and title insurance contracts.

On the question,

Will the House agree to the amendment?

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

Mr. L. E. SMITH. Mr. Speaker, this amendment would exempt deeds, mortgages, mortgage bonds and notes, real estate certificates of title, title insurance contracts, and property descriptions contained in the deeds, mortgages, mortgage bonds and notes, real estate certificates of title, and title insurance contracts.

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

Mr. RAPPAPORT. Mr. Speaker, this amendment merely clarifies language. It is already in the bill, and we have no objections to it.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I had originally thought this could be agreed to, but the way it was redrafted is not satisfactory. Deeds and mortgages would be entirely excluded from the bill. Originally we wanted only property descriptions. That was only natural because there are the legal requirements as to the way they have to be drafted, but we would like deeds and mortgages to be explained in plain language the same way as any other contract would be, and I would ask for a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—150

Afflerbach	Duffy	Levi	Saloom
Alderette	Durham	Livengood	Salvatore
Angstadt	Evans	Lucyk	Saurman
Armstrong	Fargo	McCall	Scheetz
Arty	Fattah	McClatchy	Schuler
Baldwin	Fee	McMonagle	Semmel
Battisto	Fischer	McVerry	Serafini
Belardi	Flick	Mackowski	Seventy
Belfanti	Foster, W. W.	Madigan	Showers
Beloff	Foster, Jr., A.	Manmiller	Sirianni
Book	Freind	Markosek	Smith, B.
Bowser	Fryer	Mayernik	Smith, L. E.
Boyes	Gallen	Merry	Snyder, D. W.
Brandt	Gannon	Micozzie	Snyder, G. M.
Broujos	Geist	Miller	Stairs
Bunt	George	Moehlmann	Steighner
Burd	Gladeck	Mowery	Stevens
Burns	Godshall	Mrkonic	Stuban
Caltagirone	Greenwood	Nahill	Sweet
Cappabianca	Grieco	Noye	Swift
Carn	Gruitza	O'Brien	Taylor, E. Z.
Cessar	Gruppo	Olasz	Taylor, F. E.
Cimini	Hagarty	Oliver	Telek
Civera	Hayes	Peterson	Tigue
Clymer	Herman	Phillips	Trello
Colafella	Hershey	Piccola	Truman
Cole	Honaman	Pitts	Van Horne
Cordisco	Jackson	Pott	Vroon
Cornell	Johnson	Punt	Wass
Coslett	Kasunic	Rappaport	Weston
Coy	Kennedy	Reber	Williams
DeVerter	Klingaman	Reinard	Wilson
Davies	Kosinski	Rieger	Wogan
Dietz	Kowalshyn	Robbins	Wright, D. R.
Dininni	Lashingner	Rudy	Wright, J. L.
Dombrowski	Laughlin	Ryan	Wright, R. C.
Donatucci	Lehr	Rybak	Zwilk
Dorr	Lescovitz		

NAYS—40

Barber	Gallagher	Linton	Pievsky
Blaum	Gamble	Lloyd	Pistella
Cawley	Haluska	McHale	Pratt
Clark	Hasay	Manderino	Preston
Cowell	Hoeffel	Michlovic	Stewart
Deluca	Hutchinson	Miscevich	Wachob
Daley	Itkin	Murphy	Wambach
Dawida	Kukovich	O'Donnell	Wargo
Deal	Letterman	Petrarca	Wiggins
Freeman	Levin	Petrone	Wozniak

NOT VOTING—9

Cohen	Jarolin	Maiale	Perzel
DeWeese	McIntyre	Morris	Spitz
Harper			

EXCUSED—4

Marmion	Spencer
Richardson	Irvis, Speaker

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

On the question recurring,

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

Mr. McVERRY offered the following amendment No. A1213:

Amend Sec. 4, page 3, lines 15 and 16, by striking out all of line 15 and "(4)" in line 16 and inserting
(3)

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I believe the intention of HB 538 is to apply plain language standards to all contracts that are made, solicited, or intended to be performed in this Commonwealth. The intention is to protect consumers in contractual relationships, and certain exclusions are provided in section 4(b) to which the plain language requirements would not be applicable. One of those exclusions is contracts of insurance. If there is any contract in the stream of commerce that is less intelligible or less able to be understood by the consumer than contracts of insurance, I have yet to see one.

Likewise, contracts of insurance touch all consumers in this Commonwealth. There is hardly a person in the Commonwealth who is not in one way or another affected or covered by a contract of insurance. I submit that contracts of insurance should be subject to plain language standards more than any other contract with which the people of Pennsylvania must deal. Accordingly, my amendment proposes to remove contracts of insurance from the exclusionary section of the bill, and I would request your favorable consideration of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

I wholeheartedly support the remarks of Representative McVerry and would urge the members to support this amendment.

There have been placed on our desks copies of an editorial that appeared in the Philadelphia Inquirer. A number of my constituents read that paper, and a number of my constituents, following the reading of that particular article that was placed on your desks today, called my office and said, Bob, I hope you vote for that plain language bill; I will finally be able to understand my insurance contracts. Unfortunately, without the McVerry amendment these particular constituents will not be able, hopefully, to recognize and understand some of the language that is contained in contracts of insurance. But possibly with the McVerry amendment we may go a long way to insure them the opportunity to do that.

I would urge adoption of the McVerry amendment. Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, I strongly oppose this amendment. We spent a considerable amount of time considering this in committee, and I think that after going back and forth for several months and having interrogated everybody who is important in the insurance industry and outside the insurance industry, we came to the conclusion that this is highly impractical and improper to include this as one of the areas of simple language.

Now, Mr. Speaker, it is very important for us all to know this, that property and casualty insurance policies are already subject to the simple language requirement. These are the kinds of policies that people can understand, and it is the kind of policy that can be reduced to simple language. But, by golly, when you come to something like life insurance and other more intricate forms of insurance, they are far too complex to reduce them to simple language. There are some very essential parts of the English language which must be included in life insurance contracts, for example, which just cannot make sense if you try to reduce them to simple language. We went through this with great pain, and everybody in the committee at the time agreed that we should keep this out of the bill.

I would therefore violently oppose this particular amendment and ask everybody to vote "no." We do not need this. We agreed to exclude it, and I think this is something which is very ill advised.

I would like to say one more thing about simple language in insurance. I have a property and casualty insurance policy which is written in simple English, and, Mr. Speaker, that policy is like a little book. It is about an inch thick, and I ask you, Mr. Speaker, do you think that the average person buying this kind of a policy is going to sit down and read that because it is written in simple language? I did not. And I will tell you something else: When it comes right down to it, who are you going to depend on when it comes to the enforcement of these policies? You are going to depend on your agent or you are going to turn to your lawyer and you are not going to try to understand insurance because most people do not and they know it. So I strongly urge a "no" vote on this amendment.

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

Mr. LEVIN. Mr. Speaker, I strongly favor this amendment. Almost all of the arguments made by Mr. Vroon would lead you to the conclusion that the public is not going to read any document and they are going to rely on someone else and therefore we do not need the bill at all. It is very clear that the kind of contracts that the public gets, almost everyone gets an insurance policy. To pass a plain language bill that does not include the insurance industry is to do nothing, and we will be criticized for passing a bill that does nothing. Insurance should be included.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. OLASZ. Mr. Speaker, could I interrogate Mr. Vroon, please?

The SPEAKER pro tempore. Mr. Vroon indicates he will stand for a period of interrogation. The gentleman, Mr. Olasz, is in order and may proceed.

Mr. OLASZ. Mr. Speaker, I would just like clarification of a statement. I want to be certain I heard it correctly. The insurance laws are too complex to be reduced to common language. Is that correct?

Mr. VROON. Yes, Mr. Speaker. I did make a statement to that effect.

Mr. OLASZ. Thank you.

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

The following roll call was recorded:

YEAS—181

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

NAYS—11

Gannon	Kowalyshyn	Ryan	Schuler
Godshall	Piccola	Rybak	Vroon
Hasay	Reinard	Scheetz	

NOT VOTING—7

Cohen	Maiale	Perzel	Stairs
Harper	Mowery	Spitz	

EXCUSED—4

Marmion	Spencer		
Richardson	Irvis,		
	Speaker		

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

On the question recurring,

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

Mr. L. E. SMITH offered the following amendment No. A1152:

Amend Sec. 9, page 10, line 5, by inserting after "shall" begin to

On the question,

Will the House agree to the amendment?

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

Mr. L. E. SMITH. Mr. Speaker, this is a technical amendment which just adds the words "begin to" after the word "shall" on line 5 of page 10.

The SPEAKER pro tempore. Could the gentleman give a brief explanation?

Mr. L. E. SMITH. As I said, Mr. Speaker, it is technical in nature. After the word "shall" on line 5, it adds the words "begin to."

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. It is an agreed-to amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Afflerbach	Duffy	Letterman	Rieger
Alderette	Durham	Levi	Robbins
Angstadt	Evans	Levin	Rudy
Armstrong	Fargo	Linton	Ryan
Arty	Fattah	Livengood	Rybak
Baldwin	Fee	Lloyd	Saloom
Barber	Fischer	Lucyk	Salvatore
Battisto	Flick	McCall	Saurman
Belardi	Foster, W. W.	McClatchy	Scheetz
Belfanti	Foster, Jr., A.	McHale	Schuler
Beloff	Freeman	McIntyre	Semmel
Blaum	Freind	McMonagle	Serafini
Book	Fryer	Mackowski	Seventy
Bowser	Gallagher	Madigan	Showers
Boyes	Gallen	Manderino	Sirianni
Brandt	Gamble	Manmiller	Smith, B.
Broujos	Gannon	Markosek	Smith, L. E.
Bunt	Geist	Mayernik	Snyder, D. W.
Burd	George	Merry	Snyder, G. M.
Burns	Gladeck	Michlovic	Stairs
Caltagirone	Godshall	Micozzie	Steighner
Cappabianca	Greenwood	Miller	Stevens
Carn	Grieco	Miscevich	Stewart
Cawley	Gruitza	Moehlmann	Stuban
Cessar	Gruppo	Morris	Sweet
Cimini	Hagarty	Mrkoncic	Swift
Civera	Haluska	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Colafella	Herman	O'Brien	Tigue
Cole	Hershey	O'Donnell	Trello
Cordisco	Hoeffel	Olasz	Truman

Cornell	Honaman	Oliver	Van Horne
Coslett	Hutchinson	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
Coy	Jackson	Petrone	Wambach
Deluca	Jarolin	Phillips	Wargo
DeVerter	Johnson	Piccola	Wass
DeWeese	Kasunic	Pievsky	Weston
Daley	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams
Dawida	Kosinski	Pratt	Wogan
Deal	Kowalshyn	Preston	Wozniak
Dietz	Kukovich	Punt	Wright, D. R.
Dininni	Lashingier	Rappaport	Wright, J. L.
Dombrowski	Laughlin	Reber	Wright, R. C.
Donatucci	Lehr	Reinard	Zwilk
Dorr	Lescovitz		

NAYS—0

NOT VOTING—9

Cohen	Maiale	Perzel	Spitz
Harper	Mowery	Pott	Wilson
McVerry			

EXCUSED—4

Marmion	Spencer
Richardson	
	Irvis,
	Speaker

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

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

Mr. L. E. SMITH. Mr. Speaker, we have amended this bill extensively, and I am going to suggest now that we put it on the final passage postponed calendar, and I move in that direction.

The SPEAKER pro tempore. It has been moved by the gentleman, Mr. Smith, that HB 538 be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

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

Mr. RAPPAPORT. Mr. Speaker, this bill has been out on the calendar, I believe, for at least 10 days or more. It was extensively amended in committee with a comprehensive amendment, what we call an omnibus amendment, and has been in print in that form since it came out of committee.

There were several technical amendments, all of which were accepted, as well as the substantive amendment of Mr. McVerry's. Despite the fact that many of us know that the Insurance Department already has regulations on plain language, it is good to have it in the bill. No objections to it.

It is now time for us to act. Plain language is law in the State of New York and has been for a number of years. There are no reported cases in New York, no lawsuits; there is compliance. Plain language is the law in New Jersey. No reported cases; there is compliance. There are some people who will be affected—

The SPEAKER pro tempore. Will the gentleman yield.

The Chair would state to the gentleman that he should address himself to the motion of the gentleman, Mr. Smith, rather than discuss the merits of the bill.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

The point that I am making is that this bill is now ripe for passage. The House has discussed these issues on occasion. We have reached a consensus. Now is the time to vote and send it over to the Senate for their tender mercies. Mr. Speaker, I urge that the gentleman's motion be defeated so that we can vote on this bill now. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I urge that the House support the motion of Mr. Smith. I must disagree with the gentleman from Philadelphia, Mr. Rappaport, in that this House has made a major amendment and a major change to this legislation by including insurance policies under the terms of the act. I do not know what the effect of that change will be on the insurance consumers of Pennsylvania and the insurance companies of Pennsylvania and the Insurance Department of Pennsylvania. I believe that we rather flippantly passed that amendment, and I think it is incumbent upon us—

The SPEAKER pro tempore. The Chair would instruct the gentleman, as he had the former speaker, to address himself to the motion by the gentleman, Mr. Smith.

Mr. PICCOLA. I am, Mr. Speaker. I am trying to address the House on why we should postpone this bill, so that we have an opportunity to examine what we did with this amendment, and for that reason and because of those unknown effects upon the insurance industry, upon the Insurance Department, and upon the insurance-buying public, we should postpone this bill to allow us to go back to our districts and to make inquiry with the department as to what the effects will be. I urge that the motion be supported.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. KUKOVICH. Mr. Speaker, I ask the members to vote "no" on the motion. I think it is blatantly dilatory. This bill has been around for a long time. It has been subject to public

hearings. It has been through two committees. It has been amended a number of times in many ways much more sweeping than the amendments that went in today. I think that those who wanted to amend in insurance probably were concerned about trying to slow the bill down, but the fact is that the bill is in such a position now that we should decide once and for all whether we have the guts to vote for a bill like this or not.

It has been recommitted before. It has been around a long time. Everybody should know basically what is in it. If they have not, they have been somewhat recalcitrant, I would suggest, in their duties. I think it is time we vote against this motion and once and for all vote the bill on its merits, up or down, and I would ask for a negative vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion by Mr. L. E. Smith, who has moved that the bill be placed on the final passage postponed calendar, those in favor of the motion will vote "aye"; those opposed to the motion will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—102

Afflerbach	Fischer	McVerry	Rybak
Armstrong	Flick	Mackowski	Saloom
Arty	Foster, W. W.	Madigan	Saurman
Battisto	Foster, Jr., A.	Maiale	Scheetz
Book	Freind	Manmiller	Schuler
Bowser	Gallen	Markosek	Semmel
Boyes	Gannon	Merry	Seventy
Brandt	Geist	Micozzie	Showers
Broujos	Gladeck	Miller	Sirianni
Bunt	Godshall	Miscevich	Smith, L. E.
Burd	Grieco	Moehlmann	Snyder, D. W.
Cessar	Gruppo	Mowery	Spitz
Cimini	Hasay	Noye	Stairs
Civera	Hayes	O'Brien	Stevens
Clymer	Herman	Olasz	Stuban
Cole	Hershey	Peterson	Swift
Cornell	Honaman	Petrone	Taylor, E. Z.
Coslett	Jackson	Phillips	Taylor, F. E.
Coy	Johnson	Piccola	Telek
DeVerter	Kennedy	Pitts	Trello
Davies	Klingaman	Pott	Vroon
Dietz	Kowalshyn	Punt	Wilson
Dininni	Lehr	Robbins	Wright, D. R.
Dorr	Letterman	Rudy	Wright, R. C.
Duffy	Levi	Ryan	Zwinkl
Fargo	McClatchy		

NAYS—93

Alderette	Evans	Levin	Reber
Angstadt	Fattah	Linton	Reinard
Baldwin	Fee	Livengood	Rieger
Barber	Freeman	Lloyd	Salvatore
Belardi	Fryer	Lucyk	Serafini
Belfanti	Gallagher	McCall	Smith, B.
Beloff	Gamble	McHale	Snyder, G. M.
Blaum	George	McMonagle	Steighner
Burns	Greenwood	Manderino	Stewart
Caltagirone	Gruitza	Mayernik	Sweet
Cappabianca	Hagarty	Michlovic	Tigue
Carn	Haluska	Morris	Truman
Cawley	Harper	Mrkonic	Van Horne
Clark	Hoefel	Murphy	Wachob

Colafella	Hutchinson	Nahill	Wambach
Cordisco	Itkin	O'Donnell	Wargo
Cowell	Jarolin	Oliver	Wass
Deluca	Kasunic	Petrarca	Weston
DeWeese	Kosinski	Pievsky	Wiggins
Daley	Kukovich	Pistella	Williams
Dawida	Lashingier	Pratt	Wogan
Deal	Laughlin	Preston	Wozniak
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Durham			

NOT VOTING—4

Cohen	Donatucci	McIntyre	Perzel
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EXCUSED—4

Marmion	Spencer
Richardson	
	Irvis,
	Speaker

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

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to announce the presence of Clarence Nace and Edward Rohrbaugh. They are the guests of Representative A. Carville Foster.

The Chair is also pleased to announce the presence of 14 members of the Westmoreland County Farmers' Association, and the father-in-law of Representative Stairs, Mr. McQuaide. They are the guests of the Westmoreland County House delegation.

The Chair is also pleased to announce that H. Sam Grove, Ira Whiteman, and Chet Ingram of Centre County, who are members of the Pennsylvania Farmers' Association, are here as the guests of Representative Rudy and Representative Letterman.

The Chair is also pleased to announce the presence of two close friends of the Chair. They are Stanley Fox and Butch Livengood, members of the Pennsylvania Farmers' Association, who are the guests of the Berks County House delegation.

The Chair recognizes the minority whip.

Mr. HAYES. First, Mr. Speaker, I suggest that we recognize all of those persons who are members of the PFA (Pennsylvania Farmers' Association) and who are visiting with us today.

Secondly, I would ask if you would please return for a moment to leaves of absence.

The SPEAKER pro tempore. The gentleman has made an excellent suggestion, and all of the members of the House welcome all the members of the Pennsylvania Farmers' Association, who are guests of the entire House of Representatives. The Chair extends a most gracious greeting to them to welcome them to the proceedings today, wishes them a speedy return home, and also a return visit to the Capitol at their pleasure. Shall we greet them?

LEAVE OF ABSENCE GRANTED

Mr. HAYES. Mr. Speaker, the other request I had was if you would please return to leaves of absence.

The SPEAKER pro tempore. The Chair at this time will return to leaves of absence and recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I would request a leave for the rest of the afternoon for the gentleman from Philadelphia, Mr. PERZEL.

The SPEAKER pro tempore. Without objection, leave is granted. The Chair hears no objection.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the Appropriations Committee in the rear of the chamber - immediately.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**GAME AND FISHERIES
COMMITTEE MEETING**

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to remind all the members of the Fish and Game Committee that there will be a meeting in the South Office Building tomorrow morning at 9:30. I certainly would like to see everyone attend, as we have a very important piece of legislation to bring up.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair would repeat the announcement that was just made by the chairman of the Appropriations Committee, Mr. Pievsky, that there will be an immediate meeting of the Appropriations Committee to the rear of the hall of the House.

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, on SB 201, amendment A1187, I would like to record my vote from a "yes" to a "no." Thank you.

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

STATEMENT SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, I would like to request permission to submit a brief written statement for the record.

The SPEAKER pro tempore. The gentleman's remarks and statement will be spread upon the record. The Chair thanks the gentleman.

Mr. FREIND submitted the following statement for the Legislative Journal:

Mr. Speaker: On Wednesday, March 21, I was recorded as being absent without leave from the legislative session. This is in error. I wish the record to reflect that I had requested an excused leave of absence, since I was recuperating from minor surgery.

Thank you.

STATEMENT BY MAJORITY LEADER

The SPEAKER pro tempore. The Chair recognizes at this time the majority leader.

Mr. MANDERINO. Mr. Speaker, I just wanted the Chair to admonish the members of the House that there will be a number of votes yet to be taken today, and just because there are several meetings being called, they should not take that as a clue that they should be leaving the floor. There is further business to do.

The SPEAKER pro tempore. The majority leader has reminded the members of the House that there will be further roll-call votes.

WELCOME

The SPEAKER pro tempore. The Chair also welcomes Michael Helfrich of York County, who just presented \$1,000 he raised for the preservation of flags to the Capitol Preservation Fund, and his parents, Mr. and Mrs. Ken Helfrich. They are the guests of Representative Dorr.

CONSIDERATION OF SB 201 RESUMED

On the question recurring,

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

Mr. D. W. SNYDER offered the following amendment No. A1218:

Amend Sec. 7, page 14, line 1, by removing the period after "system" and inserting
or the addition or improvement of other distribution facilities. For purposes of this provision, distribution facilities shall include transmission mains, booster pump stations, pressure reducing stations and other facilities constructed for the purpose of delivering treated water to customers.

On the question,

Will the House agree to the amendment?

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

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

This amendment refers to section 7 of the bill, which provides exemptions from the permit process for waterline extensions and also adds other distribution facilities which are very

similar to the waterline extensions. The purpose of SB 201 is to protect both the quality and the quantity of water in our communities. The installation of booster pumps, additional pipe, does not affect either the quantity or the quality of that water.

There is adequate protection within the bill itself for regulations of the distribution system without requiring the timely and costly procedure of applying for permits prior to the construction of these facilities or improvement of these facilities. Many of the items mentioned in this amendment are items that are normally taken care of almost on an annual maintenance basis or on a routine basis. To require additional engineering specifications, additional paperwork, and permit processes would be an undue burden on municipalities, without any benefit at all to the municipalities. In fact, what it would probably do is take away some of the resources of the Department of Environmental Resources, which should be reviewing the quality and the quantity aspects of the bill rather than being tied up with the paperwork required for all the additional permits necessary for the distribution facilities.

Thank you, and I ask for the support of all the members.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I am going to have to take the floor to oppose the amendment of my colleague from Lehigh County.

Prior to that, however, I would ask whether or not the gentleman, Mr. Snyder, will stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Snyder, indicates he will stand for a period of interrogation. The gentleman, Mr. Afflerbach, is in order and may proceed.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

What I would like to know is, what does the terminology "other facilities constructed for the purpose of delivering treated water" include?

Mr. D. W. SNYDER. Mr. Speaker, not being an engineer and working within the distribution facilities, it is the intention here that it would be basically the pipes and items required for the pressure-related equipment. The original amendment that I had included distribution reservoirs, and there was some question about distribution reservoirs being included with this. We have redrafted the amendment to not include the distribution reservoirs, and it is our intention, due to the fact that certain reservoirs are open, that there may be some problems with quality concerned with that aspect. The distribution facilities we are talking about would be the total facilities that are enclosed that are usually underground or deal with the pumping systems.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I have completed the interrogation and would like to comment on the amendment.

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

Mr. AFFLERBACH. Thank you.

Mr. Speaker, I would suggest that other facilities constructed for the purpose of delivering treated water do in fact

include distribution reservoirs, and of course, we are all familiar with the outbreak of contamination both in the northeast and the western parts of this State that has occurred in such distribution reservoirs. I think it would be a mistake to eliminate these facilities from the permit process.

In addition to that, it is my understanding that when Ohio achieved primacy, their legislation did in fact eliminate from the permit process a number of the same items identified in Mr. Snyder's amendment. It is my further understanding that EPA (Environmental Protection Agency) has taken a great deal of criticism for allowing that omission to occur and is now not willing to allow similar omissions to occur, which, in short, means that we are endangering primacy if we in fact approve this amendment.

One final point. According to the Department of Health statistics in this State, 65 percent of all water-borne diseases in Pennsylvania are spread through the distribution of water; not the effluent treatment system, not the sewage system, but the distribution system. That of itself convinces me that I would like to have complete oversight, including permitting prior to construction, for all aspects of significant distribution system add-ons, initiations, and what have you. I urge defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. GEORGE. Mr. Speaker, our colleague, I notice, had another amendment drafted which was A1206, and we were somewhat confused when that was not brought forward, and then when we received A1218, we noticed that the only difference was that on the first amendment he wanted to exclude "...distribution facilities shall include transmission mains, booster pump stations, pressure reducing stations, distribution reservoirs, and other facilities constructed for the purpose of delivering treated water to customers." And then in the second one, all he did was then delete "distribution reservoirs."

I emphatically insist and suggest to all the members here that if you were to accept this amendment, you would basically say to more than 200 water suppliers across Pennsylvania, you do not need a permit for anything, because that is exactly what these small systems consist of - a hole which they pump the water out of, which is their pumping station. The hole, of course, is a reservoir. The pipe that transports that water is their delivery system. I believe in all honesty we should defeat this amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Lehigh, Mr. Snyder.

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

Just to clarify several points. First of all, it was my understanding when this bill came from the Senate that one of the major reasons for the distribution facilities to be included was, with the repeal of the 1905 act, which required the submission of plans of the distribution facilities, there was no requirement at all for the department to know where the dis-

tribution facilities were located in case any problems would occur. Then there was an amendment by the committee which requires all plans of the systems to be submitted to the department to address that particular point. So that takes care of the problem of wanting to know. Somewhere the department has to have on record where these distribution facilities are.

Further, throughout the act itself it applies to the water systems, and by definition, at the beginning of the act it includes the distribution facilities as part of the definition. We are only taking it out of the permit section. Therefore, the department has the right to promulgate regulations that deal also with the distribution facilities, has the right to enforce those regulations. There are checks after the distribution system is installed to know where it is, and there is also the ability for regulations to control what type of distribution system there should be. All we are trying to do is eliminate the need for the permits and the costs and the time involved with that. I would appreciate, once again, support for this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—86

Angstadt	Flick	McVerry	Robbins
Armstrong	Foster, W. W.	Mackowski	Ryan
Arty	Foster, Jr., A.	Madigan	Salvatore
Book	Freind	Manmiller	Saurman
Bowser	Gallen	Mayernik	Scheetz
Boyes	Gannon	Merry	Schuler
Brandt	Geist	Micozzie	Semmel
Bunt	Gladeck	Miller	Sirianni
Burd	Grieco	Moehlmann	Smith, L. E.
Burns	Gruppo	Mowery	Snyder, D. W.
Cessar	Hagarty	Nahill	Snyder, G. M.
Cimini	Hayes	Noye	Spitz
Civera	Herman	O'Brien	Stairs
Clymer	Honaman	Peterson	Swift
Cornell	Jackson	Phillips	Telek
DeVerter	Johnson	Piccola	Vroon
Davies	Kennedy	Pitts	Weston
Dietz	Klingaman	Pott	Wilson
Dininni	Lashingier	Punt	Wogan
Dorr	Lehr	Reber	Wright, J. L.
Durham	Levi	Reinard	Wright, R. C.
Fargo	McClatchy		

NAYS—101

Afflerbach	Duffy	Linton	Saloom
Alderette	Evans	Livengood	Serafini
Baldwin	Fattah	Lloyd	Seventy
Barber	Fee	Lucyk	Showers
Battisto	Fischer	McCall	Smith, B.
Belardi	Freeman	McHale	Steighner
Belfanti	Fryer	McMonagle	Stevens
Blaum	Gallagher	Manderino	Stewart
Broujos	Gamble	Markosek	Stuban
Caltagirone	George	Michlovic	Sweet
Cappabianca	Greenwood	Miscevich	Taylor, E. Z.
Carn	Haluska	Mrkonic	Taylor, F. E.
Cawley	Hasay	Murphy	Tigue
Clark	Hershey	O'Donnell	Trello
Colafella	Hoeffel	Olasz	Truman
Cole	Hutchinson	Oliver	Van Horne
Cordisco	Itkin	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Kasunic	Pievsky	Wargo
Coy	Kosinski	Pistella	Wass

DeLuca	Kowalyszyn	Pratt	Wiggins
DeWeese	Kukovich	Preston	Williams
Daley	Laughlin	Rappaport	Wozniak
Dawida	Lescovitz	Rudy	Wright, D. R.
Deal	Levin	Rybak	Zwinkl
Dombrowski			

NOT VOTING—11

Beloff	Godshall	Letterman	Morris
Cohen	Gruitza	McIntyre	Rieger
Donatucci	Harper	Maiale	

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question recurring,

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

Mr. SERAFINI offered the following amendments No. A1185:

Amend Bill, page 20, by inserting between lines 4 and 5 Section 13. Certain real property not to be transferred without approval.

Any real property owned by a privately-owned public utility shall not be conveyed without the prior authorization of the General Assembly or the department.

Amend Sec. 13, page 20, line 5, by striking out "13" and inserting

14

Amend Sec. 14, page 23, line 23, by striking out "14" and inserting

15

Amend Sec. 15, page 24, line 2, by striking out "15" and inserting

16

Amend Sec. 16, page 24, line 7, by striking out "16" and inserting

17

Amend Sec. 17, page 24, line 18, by striking out "17" and inserting

18

Amend Sec. 18, page 25, line 9, by striking out "18" and inserting

19

Amend Sec. 19, page 25, line 20, by striking out "19" and inserting

20

Amend Sec. 19, page 25, line 22, by striking out "15" and inserting

16

Amend Sec. 19, page 25, line 22, by striking out "16" and inserting

17

Amend Sec. 19, page 25, line 24, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, this particular amendment is to protect the watershed property which is currently owned by

privately operated and municipally run water utilities. What I am hoping to do is have DER's (Department of Environmental Resources) approval or the legislature's approval as the ultimate criteria as to whether real estate should be sold by a public utility.

I would assume that we would be in a better position to certify to the fact that it would be to the detriment of the water supply as a body, as opposed to a profitmaking-oriented corporation.

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

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to oppose the amendment. Mr. Speaker, while the gentleman's intent, I think, is good, he sets up in his amendment a procedure which is impossible to figure out. He says that a privately owned public utility cannot convey any real property unless it has the prior authorization of either this legislature or the Department of Environmental Resources. What he does not address is how the General Assembly's approval is going to be sought and given or denied. He also does not address what happens if the department says it is okay and we say it is not okay, or vice versa. In addition to which, there is no procedure set up for the General Assembly to evaluate the pros and cons, and I do not know that we want to be in the position of deciding when real estate ought to be sold by privately owned utility companies.

Finally, Mr. Speaker, while this is a water bill, this amendment, as it is currently drafted, on its face applies to any public utility, not just water public utilities. There is no definition of "public utility" in this bill, and so at least that ambiguity will remain, and there is the possibility that the way this amendment is drafted, we could find ourselves in a position of having to decide whether a gas company or an electric company or a telephone company ought to be able to sell real property.

For all of those reasons, Mr. Speaker, I suggest that this is not the proper way to deal with this problem, and I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I suggest that this is the only way to handle this problem. Currently water companies throughout the State are experiencing heavy development along their watershed. The opportunity to develop along watershed has been very, very weakly administered by these utilities in the hopes that their profit would determine whether a piece of property would be sold or not.

As far as the legislature's ability to determine the priority of sale of real estate or its specific use, we already do that in legislation which we sponsored that has allowed covenants to be put on deeds restricting its use.

As far as the Department of Environmental Resources is concerned, they already have the responsibility of determining whether real estate can be sold or not, based upon whether it is, for instance, a municipal landfill or whether property has been used as a landfill. I believe that some group which is

responsible for the environment, such as the Department of Environmental Resources or the General Assembly, would better take care of the watershed property than a profit-oriented company.

We in the northeast have experienced problems with development along watershed, and as a result we have had a boil order for 360,000 people. If that real estate had not been developed, we would not have had the influx of feces into the water, which has created the problem.

I request a positive vote on this legislation, Mr. Speaker.

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

The following roll call was recorded:

YEAS—50

Angstadt	Davies	Klingaman	Serafini
Arty	Dawida	Lashingner	Sirianni
Battisto	Dombrowski	Laughlin	Smith, L. E.
Belardi	Durham	Levi	Spitz
Blaum	Fischer	Michlovic	Stevens
Bunt	Freind	Micozzie	Stuban
Caltagirone	Gallen	Miller	Telek
Cappabianca	Gannon	Murphy	Tigue
Cawley	Gladeck	Nahill	Van Horne
Civera	Hagarty	Reber	Wargo
Cole	Hasay	Ryan	Wright, J. L.
Coslett	Hoeffel	Saurman	Wright, R. C.
Daley	Jarolin		

NAYS—138

Afflerbach	Foster, W. W.	McClatchy	Robbins
Alderette	Foster, Jr., A.	McHale	Rudy
Armstrong	Freeman	McMonagle	Rybak
Baldwin	Fryer	McVerry	Saloom
Belfanti	Gallagher	Mackowski	Salvatore
Book	Gamble	Madigan	Scheetz
Bowser	Geist	Manderino	Schuler
Boyes	George	Manmiller	Semmel
Brandt	Godshall	Markosek	Seventy
Broujos	Greenwood	Mayernik	Showers
Burd	Grieco	Merry	Smith, B.
Burns	Gruitza	Miscevich	Snyder, D. W.
Carn	Gruppo	Moehlmann	Snyder, G. M.
Cessar	Haluska	Mowery	Stairs
Cimini	Hayes	Mrkonic	Steighner
Clark	Herman	Noye	Stewart
Clymer	Hershey	O'Brien	Sweet
Colafella	Honaman	O'Donnell	Swift
Cordisco	Hutchinson	Olasz	Taylor, E. Z.
Cornell	Itkin	Oliver	Taylor, F. E.
Cowell	Jackson	Peterson	Trello
Coy	Johnson	Petrarca	Truman
Deluca	Kasunic	Petrone	Vroon
DeVerter	Kennedy	Phillips	Wachob
DeWeese	Kosinski	Piccola	Wambach
Deal	Kowalyszyn	Pievsky	Wass
Dietz	Kukovich	Pistella	Weston
Dininni	Lehr	Pitts	Wiggins
Dorr	Lescovitz	Pott	Williams
Duffy	Letterman	Pratt	Wilson
Evans	Linton	Preston	Wogan
Fargo	Livngood	Punt	Wozniak
Fattah	Lloyd	Rappaport	Wright, D. R.
Fee	Lucyk	Reinard	Zwinkl
Flick	McCall		

NOT VOTING—10

Barber	Donatucci	McIntyre	Morris
Beloff	Harper	Maiale	Rieger
Cohen	Levin		

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

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

Mr. SERAFINI offered the following amendments No. A1221:

Amend Bill, page 20, by inserting between lines 4 and 5 Section 13. Certain septic systems prohibited.

On and after the effective date of this act, no septic system shall be built within 200 feet of any river, stream or tributary thereof which is used for a public water supply or which runs into a reservoir which is used for a public water supply.

Amend Sec. 13, page 20, line 5, by striking out "13" and inserting
14

Amend Sec. 14, page 23, line 23, by striking out "14" and inserting
15

Amend Sec. 15, page 24, line 2, by striking out "15" and inserting
16

Amend Sec. 16, page 24, line 7, by striking out "16" and inserting
17

Amend Sec. 17, page 24, line 18, by striking out "17" and inserting
18

Amend Sec. 18, page 25, line 9, by striking out "18" and inserting
19

Amend Sec. 19, page 25, line 20, by striking out "19" and inserting
20

Amend Sec. 19, page 25, line 22, by striking out "15" and inserting
16

Amend Sec. 19, page 25, line 22, by striking out "16" and inserting
17

Amend Sec. 19, page 25, line 24, by striking out "18" and inserting
19

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, this specific amendment has not been circulated; however, on the desks of the members is an amendment which would eliminate construction within a distance of 300 yards. I have removed the 300-yard restriction and lowered it to 200 feet.

I am specifically addressing the problem which has created the giardiasis outbreak throughout the State of Pennsylvania. That problem, especially in the northeast, is a result of construction of homes along the watershed of the streams and tributaries that lead into the water supply system of the utility that services our area. The septic systems were put in in a manner whereby when the cold weather occurs and heavy rains fall, the feces and the sewage run directly into the streams and then into the sinks and glasses of the people who are in our district and it is consumed. It has caused an outbreak whereby in Rome, New York, 2,800 people were stricken ill, and in Lackawanna County 300,000 people are required to boil their water and close to 450 people have had giardiasis.

I believe that we must stop construction along the waterways until we properly have a method to contain the sewage which is secreted from the ground into these streams. I would appreciate your vote. This is a very important piece of legislation for those of us in the northeast. Thank you very much, Mr. Speaker.

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

Mr. WAMBACH. Mr. Speaker, may I interrogate the sponsor of the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Serafini, indicates he will stand for a period of interrogation. The gentleman is in order and may proceed.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, the amendment I have in my hand— I understand you are offering an amendment that is currently not on our desks. Is that correct?

Mr. SERAFINI. No; the amendment is being circulated. The only change to the amendment on your desks would be to change the 300 yards to 200 feet.

Mr. WAMBACH. The amendment I have is A1194, which states 100 yards.

Mr. SERAFINI. I am sorry; 100 yards, yes.

Mr. WAMBACH. So you are going from 100 yards to 200 feet?

Mr. SERAFINI. That is right. Correct.

Mr. WAMBACH. Thank you, Mr. Speaker.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I am not going to ask my colleagues in the House to join me in voting against this amendment, because I can see that it obviously has some very popular appeal. But I do want to tell them that I am voting against it because I think it holds out a false hope to people. Now, I am not a geologist, but I have done some reading in that area and I have spoken with geologists and I have spoken with contractors who are involved in this business, and unfortunately, depending on the underground waterflow, it may in fact go directly into the stream if it is a mile away from the stream. Septic systems discharge underground; they do not discharge on the surface. Surface discharge is currently prohibited.

While the amendment appears to be plausible in suggesting a minimum distance from a septic system to a stream, the fact is that the underground topography will determine which way that effluent is going to flow, and the surface distance really does not make any difference whatsoever.

I am voting against the amendment because I think it offers a false hope to a very complicated problem.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—168

Alderette	Dininni	Laughlin	Reinard
Angstadt	Dombrowski	Lehr	Rudy
Armstrong	Dorr	Lescovitz	Ryan
Arty	Duffy	Letterman	Saloom
Baldwin	Durham	Levi	Salvatore
Barber	Evans	Levin	Saurman
Battisto	Fargo	Linton	Schuler
Belardi	Fattah	Livengood	Semmel
Belfanti	Fee	Lloyd	Serafini
Blaum	Fischer	Lucyk	Seventy
Book	Flick	McCall	Showers
Bowser	Foster, W. W.	McClatchy	Sirianni
Boyes	Foster, Jr., A.	McHale	Smith, B.
Brandt	Freeman	McMonagle	Smith, L. E.
Broujos	Freind	Mackowski	Snyder, D. W.
Bunt	Fryer	Madigan	Snyder, G. M.
Burd	Gallagher	Manmiller	Spitz
Burns	Gallen	Markosek	Stairs
Caltagirone	Gannon	Merry	Steighner
Cappabianca	Geist	Michlovic	Stevens
Carn	George	Micozzie	Stewart
Cawley	Gladeck	Miller	Suban
Cessar	Godshall	Miscevich	Sweet
Cimini	Grieco	Mrkonjic	Taylor, E. Z.
Civera	Gruppo	Murphy	Taylor, F. E.
Clark	Hagarty	Nahill	Telek
Clymer	Haluska	Noye	Tigue
Colafella	Hasay	O'Brien	Trello
Cole	Hayes	O'Donnell	Truman
Cordisco	Herman	Olasz	Van Horne
Cornell	Hoefel	Oliver	Wachob
Coslett	Honaman	Peterson	Wambach
Cowell	Hutchinson	Petrarca	Wargo
Coy	Itkin	Petrone	Weston
Deluca	Jarolin	Phillips	Wiggins
DeVerter	Johnson	Piccola	Williams
DeWeese	Kasunic	Pievsky	Wilson
Daley	Kennedy	Pistella	Wogan
Davies	Klingaman	Preston	Wozniak
Dawida	Kosinski	Punt	Wright, D. R.
Deal	Kukovich	Rappaport	Wright, J. L.
Dietz	Lashingier	Reber	Wright, R. C.

NAYS—17

Afflerbach	McVerry	Pitts	Scheetz
Greenwood	Manderino	Pott	Swift
Hershey	Moehlmann	Robbins	Vroon
Jackson	Mowery	Rybak	Wass
Kowalshyn			

NOT VOTING—13

Beloff	Gruitza	Maiale	Pratt
Cohen	Harper	Mayernik	Rieger
Donatucci	McIntyre	Morris	Zwinkl
Gamble			

EXCUSED—5

Marmion Richardson Irvis,
Perzel Spencer Speaker

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—0

NOT VOTING—7

Beloff Donatucci McIntyre Rieger
Cohen Harper Morris

EXCUSED—5

Marmion Richardson Irvis,
Perzel Spencer Speaker

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1200, PN 1854 By Rep. PIEVSKY

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," rewording definitions; increasing the level of loss reimbursement; and further providing for State appropriation for subsidies for local transportation organizations or companies.

APPROPRIATIONS.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1200 be taken from the table.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1817, PN 2692**, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," approved April 29, 1937 (P. L. 487, No. 115), requiring the Secretary of the Commonwealth to supply official registration application forms to State committees of political parties.

On the question,
Will the House agree to the bill on third consideration?
Mr. ITKIN offered the following amendments No. A1158:

Amend Sec. 1 (Sec. 17.1), page 3, line 3, by striking out "**MAJOR**"

Amend Sec. 1 (Sec. 17.1), page 3, line 3, by inserting after "**party**"
as defined in section 801 of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code,"

Amend Sec. 1 (Sec. 17.1), page 3, lines 7 through 11, by striking out "FOR PURPOSES OF THIS" in line 7 and all of lines 8 through 11

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

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

Mr. ITKIN. Mr. Speaker, HB 1817 was amended in committee to prohibit minor political parties from participating in receiving the voter registration cards for their use. The bill as reported from committee would have restricted the providing of register-by-mail cards to *only the Democratic and Republican Parties*. We think that this may give rise to some problems in that there is a third political party in Pennsylvania, albeit small, but still a political party meeting all the criteria of a political party, the Consumer Party. I think we are inviting problems to make the restriction as great as we did in committee.

Mr. Speaker, this amendment just returns the bill to the original intent, which would be to allow all political parties, including the small Consumer Party, to participate in their request to receive voter registration cards by mail as do the county registration offices currently. Mr. Speaker, this is simply an amendment which reverts the bill to the prior printer's number.

I also have an additional amendment to clarify some other provisions in the legislation which I will offer subsequently.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

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

The SPEAKER pro tempore. The gentleman, Mr. Itkin, indicates he will stand for a period of interrogation. The gentleman, Mr. Manderino, is in order and may proceed.

Mr. MANDERINO. Mr. Speaker, the concern that led to the amendment in committee to limit it to the major parties was a concern that there would be a cost in providing 100,000 forms to parties that could not make use of 100,000 forms. Does your amendment in any way speak to that issue?

Mr. ITKIN. No, but I believe if you look closely at the legislation, it says, "...upon request, up to one hundred thousand...." So it could be interpreted that that decision is left with the Bureau of Elections, and the Department of State has to decide how many to issue to them. But in no event may they issue to them more than 100,000.

Mr. MANDERINO. Are you saying that even to the two major parties the Election Bureau is going to have the discretion to issue less than 100,000 forms?

Mr. ITKIN. I believe that could be the intent of the bureau to do that, as I read the legislation.

Mr. MANDERINO. Pardon me?

Mr. ITKIN. As I read the legislation, the bureau could make that interpretation.

We do appropriate only \$50,000 for this purpose in the bill, and I do not know just how many forms that would allow for distribution.

Mr. MANDERINO. Mr. Speaker, I can understand the gentleman's concerns, but I think that the Appropriations Committee specifically amended the legislation so as to hold the costs down to something reasonable and to supply the two major parties, or the two parties that received the highest number of votes in the last election, as therein defined, which is a reasonable classification. We have used that kind of classification before; we use it here in the House of Representatives so far as funds to leaders of the parties are concerned, and, Mr. Speaker, I would oppose the amendment on the basis of saving for the Commonwealth funds that need not be expended. I am quite certain that the parties, except for the two major political parties in this Commonwealth, have no trouble getting the number of forms that they need to do registration drives. The persons or the entities having the difficulty are the two major parties, and, Mr. Speaker, the bill without the amendment addresses that problem, and I would ask that we address *only that problem*.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, when the State deals with the election process, we must, I believe, give every consideration to fairness, irrespective of the size of the group or organization that is seeking to have consideration in an election. I think that the Bureau of Elections, under the current wording of the legislation, will be able to promulgate rules and regulations to insure that the moneys of the Commonwealth are not squandered in this regard. But to deny one group the opportunity for voter-by-mail registration forms on the basis of its size and to say to the larger two political parties that they may participate in this thing just, in my judgment, promotes a bias and is grossly unfair.

I think it is just reasonable in terms of the appropriation provided in the legislation of \$50,000 that sufficient forms can be provided for each political party's use. I must point out that this legislation does provide that it must be a request on the part of the political party for the material, and the legislation does say that the amount is limited to up to 100,000 forms and does not really speak to the issue as to who determines when a lesser amount is given out.

Mr. Speaker, I still stand by this amendment.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I believe it is a precept of legislative construction that when statutes are interpreted, the legislature is not taken to ever have intended an absurd result. We already have a law on the books so far as supplying registration forms. Mr. Speaker, this law that speaks to supplying 100,000 forms to each of the major parties and defines the major parties depending upon the last election and the accumulation of votes, this bill was intended to do something that is not already the law. It is intended to make sure that each of those parties can get at least 100,000 forms.

Mr. Speaker, I think, again, I reiterate, it is my firm belief that none of the minor parties in this State have ever had difficulty getting the number of forms that they have needed for

their registration drives. Mr. Speaker, I do not think that it is necessary, under any reasoning, to provide other than what the bill provides, and I oppose the amendment.

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

The following roll call was recorded:

YEAS—8

Foster, Jr., A.	Itkin	Pistella	Rybak
Freeman	Olasz	Preston	Seventy

NAYS—178

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

NOT VOTING—12

Barber	Donatucci	McIntyre	Oliver
Beloff	Evans	McMonagle	Punt
Cohen	Levin	Merry	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. ITKIN offered the following amendment No. A1157:

Amend Sec. 1 (Sec. 17.1), page 3, line 7, by inserting after "commissions"
to be distributed based on the size of the respective county and the number of unregistered voters residing therein

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

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

Mr. ITKIN. Mr. Speaker, this amendment just insures that the 100,000 or so forms that each State committee organization might receive will be distributed based on the size of the respective county and the number of unregistered voters residing therein. So it would guarantee that there will be an appropriate geographical distribution for these forms. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think that this is a reasonable way to distribute the 100,000 registration forms, and I have no opposition to this amendment.

The SPEAKER pro tempore. Does the gentleman from Lancaster, Mr. Brandt, care to be recognized?

Mr. BRANDT. Yes, Mr. Speaker.

I respectfully disagree with the majority leader on this. We are making these forms available to the State committees, so therefore, we should allow them to distribute them as they see fit. I oppose the amendment.

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

The following roll call was recorded:

YEAS—76

Alderette	Deal	Linton	Preston
Baldwin	Evans	Livengood	Rudy
Barber	Fattah	Lloyd	Rybak
Battisto	Freeman	Lucyk	Seventy
Belardi	Gamble	McCall	Showers
Belfanti	Haluska	McHale	Steighner
Blaum	Harper	Maiale	Stewart
Caltagirone	Hoeffel	Markosek	Stuban
Cappabianca	Hutchinson	Mayermik	Taylor, F. E.
Carn	Itkin	Michlovic	Tigue
Cawley	Jarolin	Miscevich	Trello
Clark	Kasunic	Morris	Truman
Colafella	Kosinski	Mrkonic	Van Horne
Cole	Kowalyshyn	Murphy	Wambach
Cordisco	Kukovich	O'Donnell	Wargo
Cowell	Laughlin	Olasz	Wiggins
Deluca	Lescovitz	Petrarca	Williams
DeWeese	Letterman	Petrone	Wozniak
Daley	Levin	Pistella	Zwikl

NAYS—112

Afflerbach	Fee	Lehr	Saloom
Angstadt	Fischer	Levi	Salvatore
Armstrong	Flick	McClatchy	Saurman
Arty	Foster, W. W.	McVerry	Scheetz
Book	Foster, Jr., A.	Mackowski	Schuler
Bowser	Freind	Madigan	Semmel

Boyes	Fryer	Manderino	Serafini
Brandt	Gallagher	Manmiller	Sirianni
Bunt	Gallen	Micozzie	Smith, B.
Burd	Gannon	Miller	Smith, L. E.
Burns	Geist	Moehlmann	Snyder, D. W.
Cessar	George	Mowery	Snyder, G. M.
Cimini	Gladeck	Nahill	Spitz
Civera	Godshall	Noye	Stairs
Clymer	Greenwood	O'Brien	Stevens
Cornell	Grieco	Peterson	Sweet
Coslett	Gruppo	Phillips	Swift
Coy	Hagarty	Piccola	Taylor, E. Z.
DeVerter	Hasay	Pievsky	Telek
Davies	Hayes	Pitts	Vroon
Dawida	Herman	Pott	Wachob
Dietz	Hershey	Pratt	Wass
Dininni	Honaman	Punt	Weston
Dombrowski	Jackson	Rappaport	Wilson
Dorr	Johnson	Reber	Wogan
Duffy	Kennedy	Reinard	Wright, D. R.
Durham	Klingaman	Robbins	Wright, J. L.
Fargo	Lashingner	Ryan	Wright, R. C.

NOT VOTING—10

Beloff	Donatucci	McMonagle	Oliver
Broujos	Gruitza	Merry	Rieger
Cohen	McIntyre		

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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?
Bill was agreed to.

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—186

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

Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Telek
Colafella	Herman	O'Donnell	Tigue
Cole	Hershey	Olasz	Truman
Cordisco	Hoeffel	Peterson	Van Horne
Cornell	Honaman	Petrarca	Vroon
Coslett	Hutchinson	Petrone	Wachob
Cowell	Itkin	Phillips	Wambach
Coy	Jackson	Piccola	Wargo
Deluca	Jarolin	Pievsky	Wass
DeVerter	Johnson	Pistella	Weston
DeWeese	Kasunic	Pitts	Wiggins
Daley	Kennedy	Pott	Williams
Davies	Klingaman	Pratt	Wilson
Deal	Kosinski	Preston	Wogan
Dietz	Kowalshyn	Punt	Wozniak
Dininni	Kukovich	Rappaport	Wright, D. R.
Dombrowski	Lashingner	Reber	Wright, J. L.
Dorr	Laughlin	Reinard	Wright, R. C.
Duffy	Lehr	Robbins	Zwilk
Durham	Lescovitz		

NAYS—3

Dawida	Levi	Murphy
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NOT VOTING—9

Beloff	McIntyre	Merry	Rieger
Cohen	McMonagle	Oliver	Trello
Donatucci			

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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.

STATEMENT BY MAJORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, this afternoon the House Appropriations Committee reported out SB 1200. SB 1200 contains funding for a number of local transit authorities that are in dire need of additional funding so that their services may continue uninterrupted to the people of their service area. We passed earlier in the year a piece of legislation directed toward this particular problem. We passed I think it was HB 1390, which addressed the problem in a little different fashion than SB 1200.

I have looked at SB 1200—and let me say and qualify it, I alone, as the majority leader, along with, I understand, Mr. Ryan and staff of our Appropriations Committee—and symbolically we put SB 1200 that came to us from the Senate into the Appropriations Committee and reported it out very quickly to try to send a message to any of the local transit authorities that might be wondering about our attitude toward SB 1200 to indicate that in the form that it is now, at least those people who are in a position to have looked at it, thought of the problem, negotiated with the Governor's Office, have a positive attitude toward SB 1200.

WELCOMES

The SPEAKER pro tempore. The House is pleased to introduce Mrs. Scottie Durisek and her Cub Scout troop from Lower Paxton Township. They are the guests of Representative Joe Manmiller.

The Chair is pleased to welcome from the Schuylkill-Carbon Farmers' Association Franklin Troxell, John Shafer, Laverne Shafer, Myron Everett, and Gary Kuehner. They are the guests of Representative Keith McCall, Representative E. Lucyk, Representative Bill Baldwin, and Representative Bill Klingaman.

The Chair welcomes David Wurster, Myron Kressman, Herman Bishop, John Hockman, and Harold Haldeman of the Bucks County Farmers' Association. They are the guests of the Bucks County delegation.

The Chair welcomes Don Allison, Sam Elkin, and Dale Kohlhepp. They are the guests of Representatives Paul Wass and L. Eugene Smith.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1888, PN 2467**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions to the two-year statute of limitations for actions under the Vehicle Code.

On the question,

Will the House agree to the bill on third consideration?

Mr. NAHILL offered the following amendment No. A1087:

Amend Sec. 2, page 2, line 6, by striking out "in 60 days" and inserting immediately

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

The amendment is very simple. It just changes the effective date from 60 days from the passage of this bill to immediately. I will explain further on final passage of the bill, but that is the only change.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

Afflerbach	Evans	Levi	Ryan
Alderette	Fargo	Levin	Rybak
Angstadt	Fattah	Linton	Saloom
Armstrong	Fee	Livengood	Salvatore
Arty	Fischer	Lloyd	Saurman
Baldwin	Flick	Lucyk	Scheetz
Barber	Foster, W. W.	McCall	Schuler
Battisto	Foster, Jr., A.	McClatchy	Semmel
Belardi	Freeman	McHale	Serafini

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

NAYS—0

NOT VOTING—11

Beloff	Donatucci	McMonagle	Pratt
Civera	Harper	O'Brien	Rieger
Cohen	McIntyre	Oliver	

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Philadelphia, Mr. Linton. Does the gentleman wish to speak on final passage?

Mr. LINTON. Yes, Mr. Speaker.

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

Mr. LINTON. Mr. Speaker, I have had a chance to speak to one of the cosponsors of the bill, Mr. Nahill, and also to the prime sponsor. I understand the efforts of both of these

gentlemen to try to expedite a problem that they see currently written in the law. However, Mr. Speaker, even though HB 1888 addresses that problem, I think that there is a cleaner way and a better way of dealing with this issue, and I propose and plan to introduce a separate bill to address the same problem they are trying to address. I have had a chance to speak to a number of attorneys who find some difficulty with the way HB 1888 is currently written and feel that it is not the best way to solve this problem. So I just want to go on record, Mr. Speaker, to indicate that I plan to, one, introduce another bill to address the same problem. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, basically, the intent of this bill is fairly simple and fairly straightforward. There is a problem that is not throughout the entire State but does crop up in certain parts of the State, and the problem is fairly simple. If somebody gets a minor traffic violation and for whatever reason does not have that case adjudicated within 2 years, the current law indicates that after the 2-year period, the statute of limitations has expired and the district justices can no longer take any action. They cannot dismiss, they cannot prosecute, they cannot do anything. In the meantime, the Pennsylvania Department of Transportation has suspended their license for failure to pay a fine. Now the district justice can take no action, cannot dismiss, cannot do anything, and so effectively, we have said to our drivers, you will never ever get your license back again. There is no way to get it back, and I frankly think that murderers get away with an awful lot less than that.

What we are asking in this bill is for permission for the person who has gone past the 2-year statute of limitations to waive the statute, allow the case to be adjudicated, either be dismissed or pay the fine, but to eventually get his license back, and I think it is only fair. I thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—186

Afferbach	Evans	Levin	Rudy
Alderette	Fargo	Livengood	Ryan
Angstadt	Fee	Lloyd	Rybak
Armstrong	Fischer	Lucyk	Saloom
Arty	Flick	McCall	Salvatore
Baldwin	Foster, W. W.	McClatchy	Saurman
Barber	Foster, Jr., A.	McHale	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.

Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stevens
Carn	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Struban
Cessar	Haluska	Mrkoncic	Sweet
Cimini	Hasay	Murphy	Swift
Civera	Hayes	Nahill	Taylor, E. Z.
Clark	Herman	Noye	Taylor, F. E.
Clymer	Hershey	O'Brien	Telek
Colafella	Hoeffel	O'Donnell	Tigue
Cole	Honaman	Olasz	Trello
Cordisco	Hutchinson	Peterson	Truman
Cornell	Itkin	Petrarca	Van Horne
Coslett	Jackson	Petrone	Vroon
Cowell	Jarolin	Phillips	Wachob
Coy	Johnson	Piccola	Wambach
Deluca	Kasunic	Pievsky	Wargo
DeVerter	Kennedy	Pistella	Wass
DeWeese	Klingaman	Pitts	Weston
Daley	Kosinski	Pott	Williams
Davies	Kowalshyn	Pratt	Wilson
Dawida	Kukovich	Preston	Wogan
Dietz	Lashingier	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Reinard	Wright, R. C.
Duffy	Letterman	Robbins	Zwinkl
Durham	Levi		

NAYS—3

Fattah	Linton	Wiggins
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NOT VOTING—9

Beloff	Donatucci	McIntyre	Oliver
Cohen	Harper	McMonagle	Rieger
Deal			

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

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

* * *

The House proceeded to third consideration of **SB 73, PN 1803**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for speed timing devices; adding provisions relating to operation of and safety requirements for frozen dessert trucks; and providing penalties.

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

Mr. HUTCHINSON offered the following amendments
No. A1169:

Amend Title, page 1, line 2, by inserting after "Statutes," further defining "police officer";
Amend Bill, page 1, by inserting between lines 6 and 7 Section 1. The definition of "police officer" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:
§ 102. Definitions.

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

“Police officer.” A natural person authorized by law to make arrests for violations of law. The term shall also include any member of any park police department of any county of the third class.

Amend Sec. 1, page 1, line 7, by striking out “1” and inserting

2

Amend Sec. 1, page 1, lines 7 and 8, by striking out “OF THE PENNSYLVANIA CONSOLIDATED STATUTES”

Amend Sec. 2, page 2, line 9, by striking out “2” and inserting

3

Amend Sec. 3, page 6, line 19, by striking out “3” and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. In Westmoreland County we have about four or five parks plus some other property that they have roads on, and we have what they call park police. One judge ruled about 6 months ago that the park police could use the Motor Vehicle Code. About 2 weeks ago, another judge in the same courthouse said it was not apropos. So this amendment will put in the Motor Vehicle Code that the term shall include any member of any park police of any county of the third class.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

I rise to support the gentleman’s amendment. It is a good amendment, and it has been needed for some time.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Afflerbach	Evans	Levin	Rudy
Alderette	Fargo	Linton	Ryan
Angstadt	Fattah	Livengood	Rybak
Armstrong	Fee	Lloyd	Saloom
Arty	Fischer	Lucyk	Salvatore
Baldwin	Flick	McCall	Saurman
Barber	Foster, W. W.	McClatchy	Scheetz
Battisto	Foster, Jr., A.	McHale	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Maiale	Showers
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Markosek	Smith, L. E.
Broujos	Geist	Mayernik	Snyder, D. W.
Bunt	George	Merry	Snyder, G. M.

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

NAYS—0

NOT VOTING—7

Beloff	Donatucci	McIntyre	Rieger
Cohen	Harper	McMonagle	

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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?

MOTION TO RECOMMIT

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

Mr. PICCOLA. Thank you, Mr. Speaker.

The main-portion of this bill deals with regulations governing frozen dessert trucks. Now, I am unaware, Mr. Speaker, of any burning need for this legislation. As a matter of fact, my concerns are over what impediments this legislation may place upon college students who are part-time entrepreneurs during the summer months and others who are attempting to make a go of it in today’s economy. For that reason, Mr. Speaker, I would move that this bill be recommitted to the

Committee on Business and Commerce. Thank you, Mr. Speaker.

The SPEAKER pro tempore. It has been moved by the gentleman, Mr. Piccola, that SB 73 be recommitted to the Committee on Business and Commerce.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Speaker, how much am I allowed to say?

The SPEAKER pro tempore. Go the limit, Amos.

Mr. HUTCHINSON. Okay.

The SPEAKER pro tempore. However, confine it to the motion, if you will.

Mr. HUTCHINSON. This bill passed the Senate, came out of committee, and it had very, very deep study, and I do not think it should be sent back to any committee. I think we should vote on it today and get it back to the Senate. Thank you very much.

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

The following roll call was recorded:

YEAS—73

Armstrong	Freind	Lloyd	Robbins
Arty	Gallen	McClatchy	Ryan
Bowser	Gannon	Madigan	Scheetz
Boyes	Gladeck	Manmiller	Schuler
Brandt	Greenwood	Merry	Semmel
Cawley	Gruppo	Micozzie	Serafini
Civera	Hagarty	Miller	Sirianni
Clymer	Hasay	Moehlmann	Smith, B.
Cornell	Hayes	Mowery	Smith, L. E.
Coslett	Herman	Nahill	Snyder, D. W.
DeVerter	Hershey	Noye	Snyder, G. M.
Davies	Honaman	Peterson	Stevens
Dietz	Jackson	Phillips	Sweet
Dorr	Johnson	Piccola	Swift
Fargo	Kennedy	Pitts	Vroon
Fischer	Klingaman	Punt	Wambach
Flick	Lehr	Reber	Wass
Foster, W. W.	Levi	Reinard	Wright, J. L.
Foster, Jr., A.			

NAYS—114

Afflerbach	Deal	Linton	Rybak
Alderette	Dininni	Livengood	Saloom
Angstadt	Dombrowski	Lucyk	Salvatore
Baldwin	Duffy	McCall	Saurman
Barber	Durham	McHale	Seventy
Battisto	Evans	McVerry	Showers
Belardi	Fattah	Mackowski	Spitz
Belfanti	Fee	Maiale	Stairs
Blaum	Freeman	Manderino	Steighner
Book	Fryer	Markosek	Stewart
Broujos	Gallagher	Mayernik	Stuban
Bunt	Gamble	Michlovic	Taylor, E. Z.
Burd	Geist	Miscevich	Taylor, F. E.
Burns	George	Morris	Telek
Caltagirone	Godshall	Mrkonic	Tigue
Cappabianca	Grieco	Murphy	Trello
Carn	Haluska	O'Brien	Truman
Cessar	Hoeffel	O'Donnell	Van Horne
Cimini	Hutchinson	Olasz	Wachob
Clark	Itkin	Petrarca	Wargo

Colafella	Jarolin	Petrone	Weston
Cole	Kasunic	Pievsky	Wiggins
Cordisco	Kosinski	Pistella	Williams
Cowell	Kowalshyn	Pott	Wilson
Coy	Kukovich	Pratt	Wozniak
DeLuca	Lashinger	Preston	Wright, D. R.
DeWeese	Laughlin	Rappaport	Wright, R. C.
Daley	Lescovitz	Rudy	Zwicl
Dawida	Letterman		

NOT VOTING—11

Beloff	Gruitza	McIntyre	Rieger
Cohen	Harper	McMonagle	Wogan
Donatucci	Levin	Oliver	

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question recurring,
Shall the bill pass finally?

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Could I interrogate Mr. Hutchinson, please?

The SPEAKER pro tempore. You invite disaster.

Will the gentleman, Mr. Hutchinson, stand for a period of interrogation? The gentleman indicates he will stand for a period of interrogation. The gentleman is in order and may proceed.

Mr. ARMSTRONG. In this bill, if you are going 10 miles an hour over the speed limit at a school crossing, which is normally posted 15 miles per hour, you could be going 25 miles an hour and still not receive a citation or a ticket. Is that correct?

Mr. HUTCHINSON. Not in a restricted zone, no; not where you have the lights.

Mr. ARMSTRONG. This just applies to the open highway, not in the city?

Mr. HUTCHINSON. It applies to the city, but it applies away from a restricted zone where you have a 15-mile-an-hour zone for schools and they have lights up there.

Mr. ARMSTRONG. Okay. It would not apply to schools then.

Mr. HUTCHINSON. Right.

Mr. ARMSTRONG. Thank you.

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

Mr. DeVERTER. Mr. Speaker, I would like to further interrogate the gentleman, Mr. Hutchinson.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. DeVerter, is in order.

Mr. HUTCHINSON. Mr. Speaker, do not make it too tough.

Mr. DeVERTER. It is not my purpose to make it tough, Mr. Speaker. My problem is, in the response that you gave to Mr. Armstrong, I would like to take that one step further. We

have many residential areas, outlying areas, where many of us have had to go to PennDOT and to our local municipalities and ask them to restrict the speed because of the number of children. Now, these are not school zones but where there has been a reduction in the speed limit from 45 to 40, from 45 to 35, and what we are saying in this bill is that they can now have a variance of 10 miles per hour over that. Is that correct?

Mr. HUTCHINSON. Right.

Mr. DeVERTER. Well, Mr. Speaker, if I may make a comment.

Mr. HUTCHINSON. But only if they use the machine.

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. DeVERTER. Yes, I have, sir. I would like to comment.

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

Mr. DeVERTER. Mr. Speaker, in light of that response from the gentleman, Mr. Hutchinson, I would respectfully ask the members not to pass this legislation. You are opening Pandora's box by permitting that kind of overage in speed, whether it is in radar, whether it is VASCAR (visual average speed computer and recorder), ESP (excessive speed preventer), or whatever, to bring great harm in residential communities around the State, and I think we ought not to permit that kind of variance. I would ask for a negative vote on the legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hutchinson.

Mr. HUTCHINSON. That was Mr. Wilson's amendment. He might be able to answer it more fluently than I did.

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

Mr. WILSON. Thank you, Mr. Speaker.

Mr. Speaker, the amendment, contrary to some of the comments on the floor, simply says that the use of an electronic device, the instantaneous checking of the speed limit - ESP, radar, and so forth - cannot be used in prosecution outside the restricted zone to prosecute the violation until you are the 10th mile over. However, if they care to test your speed limit at the three-tenths-of-a-mile process, as is normal, they can then prosecute if you are 1 mile over the limit in any case, 2 miles over in any case, or whatever, up to whatever they want.

What we are saying here, and the common use has been of ESP, which, if the members have never seen it, is two strips 6 feet apart. They normally put it in a 25 zone, and in my area, some of the police departments have been using this kind of a device to prosecute you when you are going 28 miles an hour. I have one particular police department that uses it in a downhill situation, and you would have to be in reverse to stay at the 25-mile limit; as a matter of fact, the police themselves do not adhere to it.

It has nothing to do with prosecuting the violation if in fact they have timed you over three-tenths of a mile or greater. It is simply that instantaneous checking of your speed limit that I find to be a little bit obnoxious, a little bit absurd, the way they use it in the 25 and 35 zone. Thank you, Mr. Speaker.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

In reading the bill, I do not see an area in here where it says restricted area. I think, like Representative DeVerter was saying, you are talking about areas where school children are crossing. Nobody likes to get a ticket, but if you are going from 15 miles an hour to 25 miles an hour and some children are run over, it is not worth it. I can see an open highway where you are going 62 and it is 55 and you get a ticket and you like to go 65. That is somewhat a variance percentage-wise, but if you go from 15 to 25, you are talking about a 66-percent increase in the rate of speed, and I think we had just better look twice at this before we pass it. I ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate Mr. Wilson, please?

The SPEAKER pro tempore. He indicates he will stand for a period of interrogation. The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Thank you, Mr. Speaker.

Just a note of clarification. Did you say that this did not apply in radar cases?

Mr. WILSON. No, sir. It does apply in radar. Radar now cannot be used until you are 6 miles over the limit. All I have done is make it all uniform, saying that in any case where we use electronic instantaneous detection devices, you would have to be 10 over the limit. Today the law says six for radar right now.

Mr. WASS. Mr. Speaker, may I speak on the bill, please?

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

Mr. WASS. Mr. Speaker, I have a great concern about the expansion of that liberty on the highways, especially in our areas where we are heavily populated, and I would ask for a "no" vote on this particular bill.

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

Mr. DAVIES. Mr. Speaker, rather than interrogate and carry out, all I would like to say is that when you start increasing the limits to the degree on the percentile that some of the former gentlemen have drawn attention to, you are increasing the potential for severe injury and death at a very, very dramatic degree. The exact amounts of degree vary with the speed. Therefore, I would have to join my colleagues in opposing that sort of extension. Thank you, Mr. Speaker.

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, based on the fact that there seems to be concern about a couple things in the bill at this late time, I would like to recommend that we lay the bill on the table.

The SPEAKER pro tempore. The motion is to place the bill, SB 73, upon the table. Those in favor of the motion will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—172

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

NAYS—14

Arty	Burns	Mrkonic	Vroon
Book	Clymer	Pott	Wilson
Bowser	Gallagher	Reinard	Wozniak
Burd	Hasay		

NOT VOTING—12

Alderette	Donatucci	McIntyre	Oliver
Beloff	Gruitza	McMonagle	Pratt
Cohen	Harper	O'Brien	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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

* * *

The House proceeded to third consideration of SB 6, PN 6, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing a penalty for leaving the scene of an accident involving an unattended vehicle or property.

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

Mr. HUTCHINSON offered the following amendments No. A1119:

Amend Title, page 1, line 2, by inserting after "Statutes," providing a limited exemption from inspection for newly purchased vehicles; and

Amend Bill, page 2, by inserting between lines 10 and 11 Section 2. Section 4703 (d) of Title 75 is amended to read: § 4703. Operation of vehicle without official certificate of inspection.

(d) Newly-purchased vehicles.—

[(1) Except as provided in paragraph (2), vehicles shall be inspected within ten days of] Newly purchased vehicles may be driven without a current inspection certificate for five days after sale or resale or [three days of] entry into this Commonwealth, whichever occurs later. The inspection shall be coordinated with the staggered registration system regardless of the date of any previous inspection in this or any other jurisdiction.

[(2) Vehicles subject to semiannual inspection and mass transit vehicles which display currently valid official certificates of inspection are exempt from the provisions of paragraph (1).

(3) A vehicle held by a dealer or manufacturer and operated with a registration plate issued under section 1335 (relating to registration plates for manufacturers and dealers) and operated or used under the provisions of section 1336(a)(4), (5) or (7) (relating to use of dealer registration plates) is exempt from the provisions of paragraph (1).]

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting

3

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. What this amendment does is go back to the old— When they changed from two inspections a year to one inspection a year, they said you could have it for 10 days and you had to have it reinspected. This allows a new car to be driven for 5 days without a current sticker on it.

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

The following roll call was recorded:

YEAS—195

Afflerbach	Durham	Levin	Robbins
Alderette	Evans	Linton	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fattah	Lloyd	Rybak
Arty	Fee	Lucyk	Saloom
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McClatchy	Saurman

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

NAYS—0

NOT VOTING—3

Cohen	Harper	O'Donnell
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EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question,

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

Mr. PETRARCA offered the following amendments No. A1037:

Amend Title, page 1, line 3, by inserting after "property" ; and further providing for ice grips and tire studs

Amend Sec. 1, page 1, line 6, by striking out "Section 3745" and inserting

Sections 3745 and 4525(c) and (e)

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting

are

Amend Sec 1, page 2, by inserting between lines 10 and 11 § 4525. Tire equipment and traction surfaces.

(c) Ice grips and tire studs.—Tires in which ice grips or tire studs of wear resisting material have been installed which provide resiliency upon contact with the road and which have projections not exceeding two thirty-seconds of an inch beyond the tread of the traction surface of the tire shall be permitted between November 1 of each year and April [1] 15 of the following year. The Governor may by executive order extend the time tires with ice grips or tire studs may be used when highway conditions are such that such tires would be a safety factor in traveling Commonwealth highways. The use of tires with ice grips or tire studs contrary to the provisions of this subsection shall be unlawful.

(e) Penalty.—

(1) Any person violating the provisions of subsection (c) shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine as indicated in paragraph (2) and, in default of payment thereof, shall undergo imprisonment for not more than 30 days.

(2) Fines for violation of subsection (c) relating to the period of use of ice grips or tire studs shall be determined from the following chart based on the period of unauthorized use:

April [1] 16 to May 31	\$35
June 1 to June 30	45
July 1 to July 31	55
August 1 to August 31	55
September 1 to September 30	55
October 1 to October 31	55

(3) Fines for any other violation of subsection (c) shall be determined according to the chart in paragraph (2) except that fines for violations occurring between November 1 to April [1] 15 shall be \$10.

Amend Sec. 2, page 2, line 11, by striking out all of said line and inserting

Section 2. (a) The amendment to 75 Pa.C.S. § 3745 shall take effect in 60 days.

(b) The amendment to 75 Pa.C.S. § 4525 shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. PETRARCA. Thank you, Mr. Speaker.

Last September this bill passed overwhelmingly and there was no action on the Senate side. All we are doing now is amending SB 6.

What we are doing, the Governor has executive order to extend the time for tires with ice grips. What has happened, 2 years ago in my area we had a bad snowfall, and the State Police were actually letting the people go without citing them because conditions were so bad. They said we are hypocritical, and they wanted us to at least extend 15 more days, and that is what the bill does - extends from April 1 to April 15.

Many people now drive with Town and Country tires, they have front-wheel drive vehicles, four-wheel drive. It does not affect that many people, but in the Somerset area and Westmoreland County area, we need it. It has bipartisan support. I would appreciate your support on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

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

NAYS—11

Armstrong	Fargo	Lehr	Tigue
Burns	Foster, Jr., A.	Reinard	Wilson
Dorr	Gladeck	Snyder, G. M.	

NOT VOTING—9

Beloff	Harper	McMonagle	Oliver
Cohen	McIntyre	Manmiller	Rieger
Donatucci			

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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. O'DONNELL offered the following amendments No. A1073:

Amend. Title, page 1, line 3, by removing the period after "property" and inserting
; and further providing for the erection of traffic-control devices.

Amend Sec. 1, page 1, line 6, by striking out "Section" where it appears the second time and inserting
Sections

Amend Sec. 1, page 1, line 6, by inserting after "3745"
and 6122

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting
are

Amend Bill, page 2, by inserting between lines 10 and 11
§ 6122. Authority to erect traffic-control devices.

(a) General rule.—The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be [installed and] maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

[(1) Local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

[(2) Local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance with department regulations.]

(b) Standards for department approval.—The department shall promulgate rules and regulations setting forth minimum standards and factors to be considered in determining whether approval shall be given by the department for the installation and maintenance of official traffic-control devices by local authorities on State-designated highways within their boundaries. The factors shall include, but not be limited to, the volume of traffic and the number of accidents that occurred in each of the three preceding years.

(c) Agreements to waive department approval.—The department may enter into agreements with local authorities transferring to them the authority to install official traffic-control devices on State-designated highways within their boundaries without specific State approval provided they conduct traffic and engineering investigations which conform with the rules and regulations promulgated by the department.

(d) Signals on municipal boundaries.—Whenever the need arises for the installation of a traffic-control signal on or near the boundary of two political subdivisions adjoining each other so as to be beneficial to both, [either may petition the department for authority to install the signal. If] and if the political subdivisions cannot amicably agree upon the need or an allocation of the costs of installation and maintenance of the signal, either may petition the court of common pleas of the county in which the traffic-control signal is to be installed within 90 days after receiving the approval of the department and the court shall determine the need or proper allocation of the expenses to be incurred. The political subdivision that originated the request to the department shall install the traffic-control signal within 90 days of the date of the court order or of an amicable agreement between the political subdivisions.

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

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, this amendment is very short, very easy to understand, and somewhat controversial. It gives all municipalities the power to regulate traffic on their streets. They can erect stop signs, contrary to the existing law, which has to do with only PennDOT (Pennsylvania Department of Transportation) doing it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashingier.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I do not think it is as controversial as Mr. O'Donnell would have led everyone to believe. I support the amendment. It is something that we attempted to do in a prior Vehicle Code bill that moved through the House.

I am sure every member has confronted the problem in their individual district where a group of citizens will talk about the need for a stop sign or a traffic signal and petition you or petition the department. The department will come out, do a survey, and do what the department calls a warrant study. In most cases, while the citizens can prove in terms of the safety need in an area, if a sufficient number of cars do not pass through an intersection or travel over a specific road to meet their warrant requirement, they do not issue the permit for erecting a traffic signal or a stop sign. What the amendment does is allow municipalities which we think are best equipped to make those decisions to erect these signals without the warrant need of the Department of Transportation. Thank you, Mr. Speaker.

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

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

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, in your amendment, do you set forth any standards that the municipalities must abide by in establishing or considering such action, or is it just purely at the discretion of the municipality without any standards stated therein?

Mr. O'DONNELL. No legislative standards.

Mr. DAVIES. No legislative standards whatsoever.

Mr. Speaker, are there additional provisions provided for, such as the visibility of those particular standards, what distance you must be able to view such signs, and other norms of safety and the advantages available to the individual operating the vehicle?

Mr. O'DONNELL. Mr. Speaker, I think the best way for me to be helpful in answering this interrogation is to tell you two things: Number one, the amendment affects only the installation and not the maintenance; and second, no matter how many times you ask the question about what standards are in this amendment that would restrict the municipality, the answer will always be none. It will be none in general; it will be none as to visibility; it will be none as to each of the subdivisions of that question.

Mr. DAVIES. Mr. Speaker, then how can I be assured that the municipality of Philadelphia would establish standards and invoke standards that might be either equal to what now exists in law or maybe, let us say, as high or higher than other standards established by other municipalities in the Commonwealth? Also, that the level of these signs and the visibility of these signs are going to be in any manner, shape, or form fair to the individual who is operating the vehicle?

Mr. O'DONNELL. Mr. Speaker, you can only be assured inasmuch as you have confidence that the local governments are the place to do this in an appropriate way.

Mr. DAVIES. With that assurance, Mr. Speaker, may I make a statement then?

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. DAVIES. Yes, Mr. Speaker.

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

Mr. DAVIES. I would very reluctantly oppose this on the basis of the fact that those standards are not established therein. If those standards were guaranteed to the motoring public and if it would be done within all of the safety and normal requirements to assure that equity, I would have no objections to the consideration of such an amendment. However, Mr. Speaker, in realizing now the deluge in a 10-year period, for example, of traffic violations that my constituents have received from, let us say, the City of Brotherly Love, and then going and having these established standards, I would somewhat bring to question the ability as far as the administration.

To go further, Mr. Speaker, in some of the other concerns that I have with the backlog of the traffic problems that the city has come to us with in various times and proposals for forgiveness and other requests that we have received in regard to this, I would have to respectfully oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Freind, is in order and may proceed.

Mr. FREIND. Mr. Speaker, does this include all State highways within a municipality?

Mr. O'DONNELL. Excuse me one second, Mr. Speaker.

It would not affect State highways in municipalities. It would affect all local highways.

Mr. FREIND. I think I am confused.

Mr. Speaker?

The SPEAKER pro tempore. Has the gentleman reconsidered his reply?

Mr. O'DONNELL. No, Mr. Speaker.

It is my understanding that right now on non-State highways within municipalities, it is necessary for the municipality

to conform to the regulations of PennDOT. What we have done is taken out, by this amendment, all those highways that are not State-designated highways within the municipalities from the imposition of those standards.

Mr. FREIND. Are we talking about even stop signs, things like that?

Mr. O'DONNELL. Yes, sir.

Mr. FREIND. You mean, now local municipalities have to conform?

Mr. O'DONNELL. Yes, sir.

Mr. FREIND. They do not.

Mr. O'DONNELL. Yes, sir.

Mr. FREIND. But they are supposed to, really, now?

Mr. O'DONNELL. They have to conform now. That is correct.

Mr. FREIND. You live and learn.

Thanks a lot, Mr. Speaker. I appreciate it.

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

Mr. LETTERMAN. I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Letterman, is in order and may proceed.

Mr. LETTERMAN. Mr. Speaker, is it not correct that they only have to meet the regulations if they want the Federal money?

Mr. O'DONNELL. No. There are two sets of regulations that apply even on highways within municipalities that are not State highways. The two sets of regulations are the PennDOT regulations, which preclude a municipality from erecting a stop sign or whatever unless they conform to that; second, on certain highways that are Federally funded, there is another set of regulations whatsoever. Okay? Not the PennDOT, but Federal regulations. We have no control over the imposition of those Federal standards whatsoever. We can only affect the PennDOT standards.

Now, depending on municipality to municipality, the Federally funded items are relatively small or large. It depends on the municipality.

Mr. LETTERMAN. If a municipality did not abide by the regulations, would they lose their Federal funds?

Mr. O'DONNELL. The regulations that the Feds impose are only as to the highways which they have funded, number one. Number two, by the time you get around to the stop-sign, local-traffic-control issue, the funding has already been received. They do not get to come back and take it out of the pot. But I can tell you that the municipality would adhere to the Federal regulations on those highways where they are Federally, essentially, controlled.

Mr. LETTERMAN. Do you think it would be fair to say that if municipalities do not have to live up to the regulations, a lot of them would drop stop signs because they would not have to use as much pipe to put them up to the heights that they are supposed to be?

Mr. O'DONNELL. I do not think that would be a fair assessment. In fact, what I think would happen and I think what is the concern of people on the other side of this issue is that municipalities would be putting up more stop signs than PennDOT permits, the reason being that municipalities have a tendency to respond to the local impulse, which is generally to stop that traffic or to slow it down because they are concerned about the residents, whereas the overriding concern for PennDOT is the moving of the traffic. So it is really going to be the other way around.

I think, if you are asking what is a practical result if this amendment becomes law, the practical result is, yes, you will have more stop signs, more traffic control devices.

Mr. LETTERMAN. Thank you.

Mr. Speaker, may I make a little talk here?

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

Mr. LETTERMAN. I would just like to remind everybody what is being said here today, and I hope that the cities that really overdo this thing do not start coming back here asking for money for the stop signs. Thank you very much.

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

Mr. A. C. FOSTER. Mr. Speaker, regretfully, I ask to interrogate the gentleman, Mr. O'Donnell, from Philadelphia.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Foster, is in order and may proceed.

Mr. A. C. FOSTER. Mr. Speaker, I am not clear at this point what you seek to do. Do you simply seek to remove the need for conformity to the two sets of standards, or are you in fact giving municipalities the right to install traffic signals, traffic lights, if you will, without any further authorization?

Mr. O'DONNELL. What I am seeking to do is to give local governments the control over their own streets, not the State highways. As to the Federally funded items, they are going to have to conform there anyway. That is between them and the Federal Government. So the purpose of this—and I believe it has been carried out in the language—is to give the local governments the control over the erection of their traffic control devices on their streets.

Mr. A. C. FOSTER. Well, Mr. Speaker, local governments may install stop signs now on their own streets. It is when you get to a State highway that the problem occurs.

Mr. O'DONNELL. Mr. Speaker, I wish that were true, and I am very happy to make it an absolute part of the legislative record and any close reading of this will see that it only applies to the non-State highways.

Now, I have heard the argument that municipalities can do it now. What happens is, however, that when we tried, in fact, to erect a stop sign in the city of Philadelphia at an intersection of two city streets, it could not be done. After volumes of correspondence and opinions from lawyers all over the place, the bottom line was that you cannot erect a stop sign unless you have the approval of PennDOT even though both

of those streets have no State involvement whatsoever. That is the sole and complete function of this.

If the other argument is correct, at best this amendment has no effect. That is the worst thing that could happen.

So if those of you who believe the argument that local government now is relatively unfettered in their ability to erect these stop signs, then indulge me, vote for this amendment, because in your point of view it has no effect anyway.

Mr. A. C. FOSTER. Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Foster, is in order and may proceed.

Mr. A. C. FOSTER. Mr. Speaker, I would yield to anybody later on who is more familiar with the City Code, particularly first-class cities, but with respect to borough streets and township streets, stop signs may be erected.

Now, the thing that concerns me about the gentleman's amendment is if we do in fact get to the point where we are discussing traffic signals, I will yield to no one in my respect for local government and to give local governments control, but I do think it would be a great mistake to have a beltway around a city or town on which the several surrounding municipalities had the right to erect traffic signals. Apparently that is not the gentleman from Philadelphia's intent, but I am not at all sure that that is correct in the way the amendment is drawn.

With all the ambiguities of the amendment, I would ask for a negative vote.

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

The following roll call was recorded:

YEAS—138

Afflerbach	Fattah	McIntyre	Ryan
Alderette	Fischer	McMonagle	Rybak
Angstadt	Flick	McVerry	Salvatore
Arty	Foster, W. W.	Madigan	Saurman
Baldwin	Freeman	Manderino	Semmel
Battisto	Freind	Manmiller	Serafini
Belardi	Gallagher	Markosek	Seventy
Belfanti	Gamble	Merry	Sirianni
Beloff	Gannon	Michlovic	Snyder, D. W.
Blaum	Geist	Micozzie	Spitz
Boyes	Gladeck	Miller	Stairs
Broujos	Gruitza	Miscevich	Steighner
Bunt	Gruppo	Moehlmann	Stevens
Caltagirone	Hagarty	Morris	Swift
Cappabianca	Haluska	Mowery	Taylor, E. Z.
Carn	Hayes	Mrkonic	Taylor, F. E.
Cawley	Hoeffel	Murphy	Telek
Civera	Honaman	Nahill	Tigue
Clymer	Itkin	O'Brien	Trello
Cole	Jackson	O'Donnell	Truman
Cordischo	Jarolin	Olasz	Van Horne
Cornell	Johnson	Oliver	Vroon
Coslett	Kasunic	Petrone	Wachob
Deluca	Klingaman	Phillips	Wambach
DeWeese	Kosinski	Piccola	Wargo
Daley	Kowalshyn	Pievsky	Wass
Dawida	Kukovich	Pistella	Weston
Deal	Lashinger	Pitts	Wiggins
Dietz	Levin	Pratt	Williams
Dombrowski	Linton	Preston	Wogan
Donatucci	Lloyd	Reber	Wright, D. R.
Duffy	Lucyk	Reinard	Wright, J. L.
Durham	McCall	Rieger	Wright, R. C.

Evans	McClatchy	Robbins	Zwikel
Fargo	McHale		

NAYS—50

Armstrong	Dininni	Hutchinson	Pott
Book	Dorr	Kennedy	Punt
Bowser	Fee	Laughlin	Rappaport
Brandt	Foster, Jr., A.	Lehr	Saloom
Burd	Fryer	Lescovitz	Scheetz
Burns	Gallen	Letterman	Schuler
Cessar	George	Levi	Showers
Cimini	Godshall	Livengood	Smith, B.
Clark	Greenwood	Mackowski	Smith, L. E.
Colafiglia	Grieco	Noye	Snyder, G. M.
Coy	Hasay	Peterson	Sweet
DeVerter	Herman	Petrarca	Wilson
Davies	Hershey		

NOT VOTING—10

Barber	Harper	Rudy	Stuban
Cohen	Maiale	Stewart	Wozniak
Cowell	Mayernik		

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

WELCOMES

The SPEAKER pro tempore. The Chair interrupts the proceedings on this bill to welcome Alden Post, Orlo Burnham, Wilson Gum, Jean Scouten, and Cathy Miller. They are members of the Pennsylvania Farmers' Association from Crawford County. They are the guests of Representative Tom Swift and Representative Jim Merry.

The Chair is also extremely pleased to announce the presence of Leroy Howard, Ed Hartman, and Harold Burgert, who are from Berks County and are members of the Pennsylvania Farmers' Association. They are the guests of the Berks County delegation.

CONSIDERATION OF SB 6 CONTINUED

On the question recurring,

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

Mr. A. C. FOSTER offered the following amendments No. A1007:

Amend Title, page 1, line 3, by inserting after "property" ; and for the issuance of registration and certificates of title

Amend Sec. 1, page 1, line 6, by striking out "Section" and inserting

Sections 1109 and

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting

are

Amend Bill, page 1, by inserting between lines 7 and 8 § 1109. Refusing issuance of certificate of title.

The department may refuse issuance of a certificate of title when it has reasonable grounds to believe:

(1) That any required fee has not been paid.
 (2) That any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the vehicle have not been paid except that the department shall not refuse to issue the registration but may hold the certificate if a tax is paid but it has reasonable grounds to believe the amount of tax paid is understated, in which case it shall issue the registration and notify the Department of Revenue of its findings so that the Department of Revenue can assess the tax due under the provisions of Article II, Part VI, Chapter IV of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971.

(3) That the applicant is not the owner of the vehicle.

(4) That the application contains a false or fraudulent statement.

(5) That the applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

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

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

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

This is the same amendment that the gentleman, Mr. Stuban, and I offered to SB 11 previously. It addresses itself to the problem of the matter of automobile sales tax at such time as a person purchases a car at a reasonable price and then is confronted in PennDOT with an observation that the person purchased the vehicle at less than the red-book value; so therefore, the person will have to pay sales tax based on the red-book value.

Mr. Speaker, this is totally unfair to the public. What we would do is simply state that, very well, the department may hold the certificate of title if they wish to while they question, the proceedings, but they shall not fail to issue the registration.

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

The following roll call was recorded:

YEAS—188

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

Cimini	Hagarty	Mowery	Sweet
Civera	Haluska	Mrkonic	Swift
Clark	Hasay	Murphy	Taylor, E. Z.
Clymer	Hayes	Nahill	Taylor, F. E.
Colafella	Herman	Noye	Telek
Cole	Hershey	O'Brien	Tigue
Cordisco	Hoefel	O'Donnell	Trello
Cornell	Honaman	Olasz	Truman
Coslett	Hutchinson	Peterson	Van Horne
Cowell	Itkin	Petrarca	Vroon
Coy	Jackson	Petrone	Wachob
Deluca	Jarolin	Phillips	Wambach
DeVerter	Johnson	Piccola	Wargo
DeWeese	Kasunic	Pievsky	Weston
Daley	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams
Dawida	Kosinski	Pott	Wilson
Deal	Kowalshyn	Pratt	Wogan
Dietz	Kukovich	Preston	Wozniak
Diminni	Lashinger	Punt	Wright, D. R.
Dombrowski	Laughlin	Rappaport	Wright, J. L.
Dorr	Lehr	Reber	Wright, R. C.
Duffy	Lescovitz	Reinard	Zwikl

NAYS—0

NOT VOTING—10

Beloff	Harper	Madigan	Rieger
Cohen	McIntyre	Oliver	Wass
Donatucci	McMonagle		

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A1154:

Amend Title, page 1, line 2, by inserting after "Statutes," increasing the penalty for leaving the scene of an accident where a death occurs; further providing for revocation of operating privileges; and

Amend Sec. 1, page 1, line 6, by striking out "Section" where it appears the second time and inserting Sections 1532(a), 3742 and

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Sec. 1, page 1, by inserting between lines 7 and 8 § 1532. Revocation or suspension of operating privilege.

(a) Revocation.—The department shall revoke the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of any of the following offenses:

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

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence) or section 3742 (relating to accidents involving death or personal injury) where a death results from the violation.

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3742 (relating to accidents involving death or personal injury) where the accident results in personal injury.

Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

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

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

§ 3742. Accidents involving death or personal injury.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.—Any person violating this section [is guilty of a misdemeanor of the third degree.]:

(1) Where the accident results in death, is guilty of a felony of the third degree when the violation is the cause of death; and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years.

(2) Where the accident results in injury, is guilty of a misdemeanor of the third degree.

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, it has been brought to my attention that there is quite a disparity between what would happen in the case of someone operating a motor vehicle while under the influence, where there is a serious accident and in fact where death occurs, where there is a mandatory 3-year sentence, as we passed in our drunk driving bill. If that same individual is aware of the Motor Vehicle Code, he probably is aware, also, that the penalty for leaving the scene of the accident is merely a misdemeanor, and therefore, he might opt, knowing that, to leave the scene of the accident. This amendment will make the penalty for leaving the scene of the accident, if the individual injured dies, the same as if the individual were found guilty of committing a vehicular homicide while driving under the influence.

There are two things, I think, that should be kept in mind. First of all, if an individual is involved in an accident, knows that a person has been injured, and leaves the scene of an accident, I do not think that this penalty is out of line. Secondly, if he has been drinking and is under the influence and leaves the scene, there is no difference in the penalty that we are suggesting. I would ask an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—8

Beloff	Donatucci	McIntyre	Oliver
Cohen	Harper	McMonagle	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

The question is, shall the bill pass finally?

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

YEAS—189

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

NAYS—1

Davies

NOT VOTING—8

Beloff	Donatucci	McIntyre	Oliver
Cohen	Harper	McMonagle	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

CONSIDERATION OF HB 1799 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A1191:

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

Title

Amend Title, page 1, lines 1 and 2, by striking out "AND 42 (JUDICIARY AND JUDICIAL PROCEDURE)"

Amend Title, page 1, line 4, by striking out "AND DAMAGES"

Amend Bill, page 2, lines 18 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages

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

2

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This morning after raising my parliamentary inquiry, the Speaker wisely suggested that I confer with Mr. O'Donnell, and Mr. O'Donnell and I have agreed that the bill as it is presently written violates the rules of the House, and this amendment would strike section 2 from the bill, which amends title 42. This will conform the bill to the House rules so that it amends only title 18, which is the Crimes Code. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, just to correct the record, I am supporting this amendment. I think it is an appropriate thing to do, and just as a matter of record, there was no agreement that as presently drafted it violates the rules of the House. In fact, we have mooted that issue altogether by Mr. Piccola's present draft. Thank you. I support the amendment.

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Mr. Speaker, on SB 6, amendment A1073, the O'Donnell amendment, I would like to give that gentleman a "yes" vote. I was away from my seat at the time.

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

WELCOME

The SPEAKER pro tempore. The Chair welcomes several members of the Lehigh County Farmers' Association, with their president, Frances Lichtenwalner. They are the guests of the Lehigh delegation.

CONSIDERATION OF HB 1799 CONTINUED

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

Mr. LETTERMAN. I would like to interrogate Mr. Piccola, please.

The SPEAKER pro tempore. Mr. Piccola indicates he will stand for a period of interrogation. The gentleman, Mr. Letterman, is in order and may proceed.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I understand now—I have got your amendment—that you are taking out section 42, right? You are not touching section 18 at all.

Mr. PICCOLA. That is correct. Title 42, which is the Judicial Code, that section of the bill which amends title 42 is being removed. We are not touching title 18 nor any of the amendments to title 18.

Mr. LETTERMAN. Thank you very much.

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

The following roll call was recorded:

YEAS—186

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

Duffy Letterman

NAYS—1

Sweet

NOT VOTING—11

Beloff	Harper	McMonagle	Rieger
Cohen	Hutchinson	Madigan	Wiggins
Donatucci	McIntyre	Oliver	

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question,

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

Mr. O'DONNELL offered the following amendment No. A1107:

Amend Sec. 1 (Sec. 4105), page 2, line 1, by inserting after "payee"

or such other party as the circumstances may indicate

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, the purpose of the bill was to put the party that was at loss back where they should have been and to make them whole. We used the term "payee" in the bill, and it turns out, of course, that there is yet another possibility of a subsequent holder or perhaps even the drawee bank being the party who lost on the bad check, and that is the party we want to reach. This amendment is a technical amendment which just extends the definition of "payee" to really include whoever the party was that lost on the check. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

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

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

NAYS—0

NOT VOTING—9

Beloff	Donatucci	McIntyre	Oliver
Clymer	Harper	McMonagle	Rieger
Cohen			

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question recurring,

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

Mr. DORR offered the following amendments No. A1167:

Amend Title, page 1, line 3, by inserting after "the" offense, venue and

Amend Sec. 1, page 1, line 7, by striking out "4105(c)" and inserting 4105

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

Amend Sec. 1, page 1, lines 8 and 9, by striking out "A SUBSECTION IS added"

Amend Sec. 1 (Sec. 4105), page 1, line 11, by striking out all of said lines and inserting

(a) Offense defined.—

(1) A person commits an offense if he issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

(2) A person commits an offense if he, knowing that it will not be honored by the drawee, issues or passes a check or similar sight order for the payment of money when the drawee is located within this Commonwealth. A violation of this paragraph shall occur without regard to whether the location of the issuance or passing of the check or similar sight order is within or outside of this Commonwealth. It shall be no defense to a violation of this section that some or all of the acts constituting the offense occurred outside of this Commonwealth.

(b) Presumption.—For the purposes of this section as well as in any prosecution for theft committed by means of a bad check, an issuer is presumed to know that the check or order (other than a post-dated check or order) would not be paid, if:

(1) the issuer had no account with the drawee at the time the check or order was issued; or

(2) payment was refused by the drawee for lack of funds, upon presentation within 30 days after issue, and the issuer failed to make good within ten days after receiving notice of that refusal.

Amend Sec. 1 (Sec. 4105), page 1, by inserting between lines 14 and 15

(d) Venue.—An offense under subsection (a) may be deemed to have been committed at either the place where the defendant issues or passes the bad check or similar sight order for the payment of money or the place where the financial institution upon which the bad check or similar sight order for the payment of money was drawn is located.

Amend Sec. 1 (Sec. 4105), page 1, line 15, by striking out "(d)" and inserting

(e)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

The gentleman, Mr. Saurman, and I offer this amendment together. The first part of it is an effort to get at a problem which exists mainly in the border counties. It is the beginning of what we hope will become reciprocal laws in the various other States so that our merchants in Pennsylvania eventually will be able to attack the problem of out-of-State residents coming to our State attempting to and then successfully passing bad checks, and then the problem being that our merchants are not able to prosecute those offenses for bad checks because the persons do not live in this jurisdiction. Hopefully, if other States will adopt similar language to what we are adopting, and we are attempting to encourage them to do so by the adoption of this amendment, then our merchants will be able to go into those States and obtain justice in the exercise of this particular kind of statute.

The gentleman, Mr. Saurman, has suggested and offers the venue section of this amendment so that our police officers, when prosecuting a series of bad check offenses, do not have to go to various jurisdictions, local justice of the peace offices or district justice offices in order to do that, but may do it at one location, namely the place where the financial institution on which the bad checks were written has its jurisdiction so that they can go to one district justice office instead of many.

I ask the members to vote in the affirmative on the amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I believe the amendment adds some important items to the bill, and I would recommend its adoption.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—8

Beloff	Donatucci	McMonagle	Pratt
Cohen	McIntyre	Oliver	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, on SB 6, amendment A1007, the Foster amendment, my vote did not record. I would like to be recorded in the affirmative.

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

The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

Also on SB 6, amendment A1073, I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

Mrs. RUDY. Thank you.

CONSIDERATION OF HB 1799 CONTINUED

On the question recurring,

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

Mr. HUTCHINSON offered the following amendments No. A1170:

Amend Bill, page 1, by inserting between lines 6 and 7

Section 1. The definition of "peace officer" in section 501 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 501. Definitions.

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

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to section 311 of the act of May 27, 1949 (P.L.1903, No.568), known as "The Military Code of 1949." The term "peace officer" shall also include any member of any park police department of any county of the third class.

Amend Sec. 1, page 1, line 7, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 7 and 8, by striking out "of the Pennsylvania Consolidated Statutes

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

3

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

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I want a pardon from the members for overextending myself today. This is almost the limit, three amendments.

This, again, is for the Westmoreland County Park Police, and we are adding them so that they can enforce the Crimes Code on county property and in the county parks. Thank you.

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

The following roll call was recorded:

YEAS—186

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

NAYS—0

NOT VOTING—12

Beloff	Freind	McMonagle	Oliver
Cohen	Harper	Miscevich	Rieger
Donatucci	McIntyre	O'Brien	Spitz

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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. LETTERMAN offered the following amendments No. A1140:

Amend Title, page 1, line 3, by inserting after "for" prohibited offensive weapons, for

Amend Bill, page 1, by inserting between lines 6 and 7

Section 1. Section 908 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 908. Prohibited offensive weapons.

(a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exception.—It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that, with the exception of a bomb, grenade or incendiary device, he complied with the National Firearms Act (26 U.S.C. § 5801 et seq.), or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(c) Definition.—As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Amend Sec. 1, page 1, line 7, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 7 and 8, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

3

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

4

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

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

Mr. LETTERMAN. Mr. Speaker, my amendment puts all types of firearms under the National Firearms Act so that they are all the same throughout the State. In other words, if you are in one area and they have a law, they will all be the same. They will all be under the National Firearms Act.

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

Mr. NOYE. Thank you, Mr. Speaker.

I rise in support of the amendment. What we are doing here is, gun collectors in Pennsylvania are running into a problem. They have certain items in their collections which are perfectly legal under Federal law, but under present State law they could be found in violation. This brings Federal and State law into compliance. This is an amendment similar to a bill that passed the Senate unanimously and was sent to the House, and a similar bill with many, many of the members here was introduced into the House earlier in this session. I would ask for the members' support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

NAYS—1

Michlovic

NOT VOTING—10

Beloff	Harper	O'Donnell	Rieger
Cohen	McIntyre	Oliver	Spitz
Donatucci	McMonagle		

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, on the amendment before last, the Hutchinson amendment A1170 to HB 1799, I failed to vote. Had I voted, I would have voted in the affirmative.

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

CONSIDERATION OF HB 1799 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

NAYS—0

NOT VOTING—8

Beloff Cohen	Donatucci Harper	McIntyre McMonagle	Oliver Rieger
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EXCUSED—5

Marmion Perzel	Richardson Spencer	Irvis, Speaker
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTE

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

Mr. WILSON. Mr. Speaker, I happened to walk up the aisle here and Representative Petrarca convinced me that I had pushed my button in error on his amendment to SB 6, and he is quite correct. I was recorded in the negative, and I would not want to do the wrong thing. It should be in the affirmative on A1037.

The SPEAKER pro tempore. The gentleman is most persuasive, and the gentleman's remarks will be spread upon the record.

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to announce the presence of Mr. and Mrs. Howard Glenn, Mr. and Mrs. Charles Bopp, Mr. Fred Heinz, Mr. Robert Hemmerlin, and Mr. Ed Pawlowicz. They are guests from the Pennsylvania Farmers' Association, and they are the guests of Representative James Burd.

We also have visitors from the Pennsylvania Farmers' Association from the 111th District - Susquehanna, Wyoming, Sullivan, and Bradford Counties. They are the guests of the charming lady, Carmel Sirianni, and Representative Roger Madigan.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 453, PN 1730, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for assistance in voting.

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

Mr. KUKOVICH offered the following amendments No. A1196:

Amend Title, page 1, line 11, by inserting after "elections," further providing for the content of nomination petitions; and

Amend Sec. 1, page 1, line 14, by striking out "1218(a) and (b)" and inserting 908

Amend Sec. 1, page 1, line 16, by striking out "are" and inserting

amended August 13, 1963 (P.L.707, No.379), is

Amend Bill, page 1, by inserting between lines 16 and 17

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.—Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, or the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his [occupation and] residence, giving city, borough or township, with street and number, if any, and shall add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to the thirteenth Tuesday before the primary, and no signature shall be counted unless it bears a date affixed not earlier than the thirteenth Tuesday nor later than the tenth Tuesday prior to the primary.

Section 2. Section 1218(a) and (b) of the act are amended to read:

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

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

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is one of three amendments that make some clarifications and changes in the Election Code. Amendment A1196 is very simple. What it does is remove the requirement of occupation from being listed on the nomination petitions. Apparently it is no longer really necessary for that to be listed. It causes confusion when circulating petitions, and there is no real necessity for it anymore. It would simplify the nominating process. I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—183

Afflerbach	Durham	Linton	Rybak
Alderette	Evans	Livengood	Saloom
Angstadt	Fargo	Lloyd	Salvatore
Armstrong	Fattah	Lucyk	Saurman
Arty	Fee	McCall	Scheetz
Baldwin	Fischer	McClatchy	Schuler
Barber	Flick	McHale	Semmel
Battisto	Foster, W. W.	McVerry	Serafini
Belardi	Foster, Jr., A.	Mackowski	Seventy
Blaum	Freeman	Madigan	Showers

Book	Freind	Maiale	Sirianni
Bowser	Fryer	Manderino	Smith, B.
Boyes	Gallagher	Manmiller	Smith, L. E.
Brandt	Gamble	Markosek	Snyder, D. W.
Broujos	Gannon	Merry	Snyder, G. M.
Bunt	Geist	Michlovic	Spitz
Burd	George	Micozzie	Stairs
Burns	Gladeck	Miller	Steighner
Caltagirone	Godshall	Miscevich	Stevens
Cappabianca	Greenwood	Moehlmann	Stewart
Carn	Grieco	Morris	Stuban
Cawley	Gruppo	Mowery	Sweet
Cessar	Hagarty	Murphy	Swift
Cimini	Haluska	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Colafella	Hershey	Olasz	Trello
Cole	Hoefel	Peterson	Truman
Cordisco	Honaman	Petrarca	Van Horne
Cornell	Hutchinson	Petrone	Vroon
Coslett	Itkin	Phillips	Wachob
Cowell	Jarolin	Piccola	Wambach
Coy	Johnson	Pievsky	Wargo
Deluca	Kasunic	Pistella	Wass
DeVerter	Kennedy	Pitts	Weston
DeWeese	Kosinski	Pott	Wiggins
Daley	Kowalshyn	Pratt	Williams
Davies	Kukovich	Preston	Wilson
Dawida	Lashingier	Punt	Wogan
Deal	Laughlin	Rappaport	Wozniak
Dietz	Lehr	Reber	Wright, D. R.
Dininni	Lescovitz	Reinard	Wright, J. L.
Dombrowski	Letterman	Robbins	Wright, R. C.
Dorr	Levi	Rudy	Zwikl
Duffy	Levin	Ryan	

NAYS—3

Jackson	Klingaman	Mrkonic
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NOT VOTING—12

Belfanti	Donatucci	Harper	Mayernik
Beloff	Gallen	McIntyre	Oliver
Cohen	Gruitza	McMonagle	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

On the question,

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

Mr. KUKOVICH offered the following amendments No. A1197:

Amend Title, page 1, line 11, by inserting after "voting" ; and further defining "expenditure"

Amend Bill, page 2, by inserting between lines 22 and 23

Section 2. Section 1621(d) of the act, added October 4, 1978 (P.L.893, No.171), is amended to read:

Section 1621. Definitions.—As used in this article, the following words have the following meanings:

(d) The word "expenditure" shall mean:

(1) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election;

(2) The payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees;

(3) The providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth; [or]

(4) The payment or providing of money or other valuable thing by any person other than a candidate or political committee, to compensate any person for services rendered to a candidate or political committee[.]; or

(5) The payment, distribution, loan or advancement of money or any valuable thing by a candidate or political committee for the purpose of attending local, State or national political meetings, caucuses or conventions.

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, A1197 changes the allowable expenditures out of a candidate's campaign account. Currently the only specifically allowable campaign committee expenditures are for the individual candidate to spend in seeking his or her own election to public office. This would allow such a person who has already established a political committee to expend those funds, if he or she wishes, to attend a local, a State, or a national political meeting or political convention.

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

Mr. DORR. Mr. Speaker, will the gentleman answer a question, please?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Dorr, is in order and may proceed.

Mr. DORR. Mr. Speaker, would this change in the law mean that someone who happens to be a candidate for office in Pennsylvania but spends money out of his own pocket to attend a national convention of his political party would have to report that expenditure on his campaign expenses?

Mr. KUKOVICH. No.

Mr. DORR. The term "expenditure" is not used in the finance reporting law? Is that the reason for that? What is the reason for that?

Mr. KUKOVICH. The reason is to allow them to use money from their campaign account for that expenditure. If they do, then it would be reported. Anything out of their private pocket is not covered.

Mr. DORR. Mr. Speaker, is it not a fact that under the present law a person who expends money is required to report that expenditure if he is a candidate for office?

Mr. KUKOVICH. I could not quite hear that question.

Mr. DORR. Are not candidates for office in Pennsylvania required to report, under the financial reporting sections of the Election Code, expenditures? Is that not the term used?

Mr. KUKOVICH. Expenditures from their campaign fund?

Mr. DORR. Personally. If you are a candidate, you have to make a report on your own personal expenditures as well.

Mr. KUKOVICH. That is true.

Mr. DORR. If the term "expenditure" is used—

Mr. KUKOVICH. For the purpose of seeking election to the office.

Mr. DORR. Right.

Mr. KUKOVICH. That is right.

Mr. DORR. So the justification for indicating that you do not have to report it is that unless it is for the purpose of seeking that office— You are indicating that it would not be for the purpose of seeking that office that you attend the convention. Is that correct?

Mr. KUKOVICH. Mr. Speaker, I think you are talking about two different sections of the law.

Mr. DORR. I am; that is right. But what I am concerned about is that the term "expenditure" is used in both of those sections, and you are changing the definitional section here.

Mr. KUKOVICH. The language in the operative section has to do with allowable expenditures. It does not change the section you are referring to, and the language only deals with allowing the expenditure to be used from that campaign account for attending such a caucus or convention.

Mr. DORR. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—152

Afflerbach	Duffy	Letterman	Ryan
Alderette	Durham	Levin	Rybak
Angstadt	Evans	Linton	Saloom
Armstrong	Fattah	Livengood	Salvatore
Arty	Fee	Lloyd	Saurman
Barber	Fischer	McCall	Schuler
Battisto	Flick	McClatchy	Semmel
Belardi	Foster, Jr., A.	McHale	Serafini
Blaum	Freeman	McVerry	Seventy
Book	Freind	Mackowski	Sirianni
Boyes	Gallagher	Maiale	Smith, B.
Brandt	Gamble	Manderino	Snyder, D. W.
Broujos	Gannon	Manmiller	Stairs
Bunt	Geist	Markosek	Steighner
Burd	George	Mayermik	Stevens
Burns	Gladeck	Michlovic	Stewart
Caltagirone	Godshall	Micozzie	Sweet
Cappabianca	Greenwood	Miller	Swift
Carn	Grieco	Miscevich	Taylor, E. Z.
Cawley	Gruppo	Morris	Taylor, F. E.
Cessar	Hagarty	Mrkonic	Telek
Cimini	Haluska	Murphy	Tigue
Civera	Hasay	Nahill	Trello
Clark	Hayes	Noye	Truman
Clymer	Herman	O'Brien	Van Horne
Colafella	Hershey	Olasz	Wachob
Cole	Hoeffel	Petrarca	Wambach
Cordisco	Itkin	Petrone	Wargo
Coslett	Jarolin	Piccola	Wass
Cowell	Johnson	Pievsky	Weston
Coy	Kasunic	Pistella	Wiggins
Deluca	Klingaman	Pitts	Williams
DeWeese	Kosinski	Pott	Wilson
Daley	Kowalshyn	Pratt	Wozniak
Dawida	Kukovich	Punt	Wright, D. R.

Deal	Lashinger	Rappaport	Wright, J. L.
Dietz	Laughlin	Reber	Wright, R. C.
Dombrowski	Lescovitz	Reinard	Zwikl

NAYS—32

Baldwin	Foster, W. W.	Lucyk	Rudy
Bowser	Fryer	Madigan	Scheetz
Cornell	Gallen	Merry	Showers
DeVerter	Honaman	Moehlmann	Smith, L. E.
Davies	Jackson	Mowery	Snyder, G. M.
Dininni	Kennedy	Peterson	Stuban
Dorr	Lehr	Phillips	Vroon
Fargo	Levi	Robbins	Wogan

NOT VOTING—14

Belfanti	Gruitza	McMonagle	Preston
Beloff	Harper	O'Donnell	Rieger
Cohen	Hutchinson	Oliver	Spitz
Donatucci	McIntyre		

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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. KUKOVICH offered the following amendments No. A1198:

Amend Title, page 1, line 11, by inserting after "voting" ; and further providing for the reporting of expenditures

Amend Bill, page 2, by inserting between lines 22 and 23 Section 2. Section 1626(b)(4) of the act, added October 4, 1978 (P.L.893, No.171), is amended to read:

Section 1626. Reporting by Candidate and Political Committees and other Persons.—

(b) Each report shall include the following information:

(4) Each and every expenditure, the date made, the full name and address of the person to whom made and the purpose for which such expenditure was made. When recording election day expenditures, it is necessary to include the amount, the full name and the address of each election day ward or area captain, ward or area leader or ward or area coordinator to whom an expenditure is made for the purpose of hiring, transporting or feeding election day workers or for renting, leasing or purchasing equipment to be used on election day.

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, this amendment deals with the reporting of election day expenses. Currently the State Election Bureau is interpreting the expenditure of funds on election day as requiring receipts from each individual election day worker. Now, I think most of you know that that is

almost impossible to comply with and is frequently impractical because of the rush of events on election day.

What this language would do would require that whenever recording election day expenditures, they would have to include the amount, the full name, the address of each ward leader or ward area coordinator to whom an expenditure is made. That way it will be easier to record legally how money was spent on election day for workers at the various precincts and allow those people to comply with the law more readily.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, would you suspend for 1 minute? Thank you.

The SPEAKER pro tempore. The House will be at ease.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. If you could hold for just a minute until we can check a problem with the amendment.

The SPEAKER pro tempore. The House will continue to be at ease.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. For what purpose does the gentleman from Westmoreland, Mr. Kukovich, rise?

Mr. KUKOVICH. I would like to withdraw that amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Kukovich, has withdrawn amendment A1198.

On the question recurring,

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

Mr. PHILLIPS offered the following amendments No. A0821:

Amend Title, page 1, line 11, by inserting after "elections," "requiring written notice to candidates where unofficial results differ from official results; and

Amend Sec. 1, page 1, line 14, by striking out "Section" where it appears the second time and inserting Sections 302(l) and

Amend Bill, page 1, by inserting between lines 16 and 17

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

(l) To publicly announce by posting at its office the results of primaries and elections for county, city, borough, township, ward, school district, poor district, election offices, and party offices, if any, and to issue certificates of election to the successful candidates for said offices. Whenever the unofficial results posted by the county board of election differ from the final official results, and that difference affects the outcome of the election or nomination, the county board of election shall serve written notice by certified mail of that fact to those candidates affected within 10 days of the official count.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply says that whenever the unofficial results posted by the county board of election differ from the final official results and that difference affects the outcome of the election or nomination, the county board of election shall serve written notice by certified mail of that fact to those candidates affected within 10 days of the official count. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—11

Beloff	Donatucci	McMonagle	Rieger
Brandt	Harper	Maiale	Spitz
Cohen	McIntyre	Oliver	

EXCUSED—5

Marmion Richardson Irvis,
Perzel Spencer Speaker

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. PETERSON offered the following amendments No. A0658:

Amend Title, page 1, line 11, by removing the period after "voting" and inserting

; and further providing for manner of computing irregular ballots.

Amend Bill, page 2, by inserting between lines 22 and 23

Section 2. Section 1405 of the act, amended December 22, 1971 (P.L.613, No.165), is amended to read:

Section 1405. Manner of Computing Irregular Ballots.— The county board, in computing the votes cast at any primary or election, shall compute and certify votes cast on irregular ballots exactly as such names were written, stamped, affixed to the ballot by sticker, or deposited or affixed in or on receptacles for that purpose, and as they have been so returned by the election officers. In [the] any primary or election the Secretary of the Commonwealth shall not certify the votes cast on irregular ballots for any person for a National office including that of the President of the United States, United States Senator and Representative in Congress; or for any State office including that of Governor and Lieutenant Governor, Auditor General, State Treasurer, Senator and Representative in the General Assembly, justices and judges of courts of record or for any party office including that of delegate or alternate delegate to National conventions and member of State committee unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office. In [the] any primary or election the county board shall not certify the votes cast on irregular ballots for any person for a justice of the peace, constable, National, State, county, city, borough, town, township, ward, school district, election or local party office unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office.

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. PETERSON. Thank you, Mr. Speaker.

Presently, in a primary election you must have enough votes equal to the number of required signers as if you had filed a petition. That is not true in the fall. In the fall a person could vote for himself and be elected to a local office.

My amendment makes the same requirements that are there in the primary be there in the fall, where they would have to have an equal number of voters as would be required for signatures to be on the primary ballot. I ask my colleagues for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

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

NAYS—12

Arty	Gamble	Micozzie	Seventy
Civera	Gannon	Moehlmann	Trello
Dawida	Michlovic	Olasz	Van Horne

NOT VOTING—12

Beloff	Harper	McMonagle	Preston
Cohen	Hutchinson	Mayernik	Rieger
Donatucci	McIntyre	Oliver	Spitz

EXCUSED—5

Marmion Richardson Irvis,
Perzel Spencer Speaker

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. GALLEN offered the following amendments No. A0656:

Amend Title, page 1, line 11, by inserting after "elections," "eliminating cross filing by candidates for the office of judge, justice of the peace and school directors; and

Amend Bill, page 1, by inserting between lines 13 and 14

Section 1. Section 909 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended December 22, 1971 (P.L.613, No.165), is amended to read:

Section 909. Petition May Consist of Several Sheets; Affidavit of Circulator.—Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. In cases of petitions for delegate or alternate delegate to National conventions, each sheet shall contain a notation indicating the presidential candidate to whom he is committed or the term "uncommitted." Each sheet shall have appended thereto the affidavit of the circulator of each sheet, setting forth—(a) that he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State, or of the political district, as the case may be, referred to in said petition, unless said petition relates to the nomination of a judicial candidate for the court of common pleas or district justice in which event the circulator need not be a duly registered and enrolled member of the designated party; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

Section 2. Section 910 of the act, amended July 11, 1980 (P.L.591, No.127), is amended to read:

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of [record] common pleas, or for the office of school director in a district where that office is elective or for the office of [justice of the peace] district justice that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted;" and (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to

the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 3. The first paragraph of section 976 of the act, amended June 27, 1974 (P.L.413, No.146) and repealed in part April 28, 1978 (P.L.202, No.53), is amended to read:

Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers.—When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if—(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of [a court of record] the court of common pleas, or the office of school director in districts where that office is elective or the office of [justice of the peace] district justice upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

Section 4. Sections 993(a) and 998(a) and (b) of the act, amended June 27, 1974 (P.L.413, No.146), are amended to read:

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.—

(a) In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of [record] common pleas or the office of school director in districts where that office is elective or for the office of [justice of the peace] district justice. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of [record] common pleas or the office of school director in districts where that office is elective or for the office of [justice of the peace] district justice.

Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.—(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office, unless such person is a candidate for the office of judge of a court of [record] common pleas or for the office of school director in districts where that office is elective or for the office of [justice of the peace] district justice.

(b) In case of the death or withdrawal of any candidate nominated by a political body for an election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section nine hundred eighty of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a death certificate properly certified. No substituted nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of [record] common pleas or for the office of school director in districts where that office is elective or for the office of [justice of the peace] district justice.

Section 5. Section 1004 of the act, amended December 10, 1974 (P.L. 835, No. 280), is amended to read:

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however,

That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of [record] common pleas, or the office of school director in districts where that office is elective or the office of [justice of the peace] district justice be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box and beside that corner shall also be printed, "Remove numbered stub immediately before depositing your ballot in ballot box."

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

6

Amend Sec. 1, page 1, lines 14 through 16, by striking out "of June 3," in line 14, all of line 15, and "Code," in line 16

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

7

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, this amendment has to do with cross-filing once again. We have gone this route a number of times. We passed a bill which passed the Senate and the Governor vetoed. Recently we passed another bill to which Representative Duffy offered an amendment which would do away with cross-filing completely.

This amendment tempers— I am in favor, Mr. Speaker, of doing away with cross-filing for all offices, but this particular amendment does not do that. This amendment does away with cross-filing only for the appellate courts. For the Commonwealth Court, the Superior Court, the Supreme Court of Pennsylvania, there could no longer be cross-filing.

I think, Mr. Speaker, that much of our confusion with regard to these big ballots and so on has to do with the statewide candidates, people whom we do not know. As a matter of fact, Mr. Speaker, there are times when we get, it seems, very poor quality as a result of the current arrangement. So this amendment would do away with cross-filing only for the appellate courts. I feel, Mr. Speaker, that this would have a chance of escaping a veto by the Governor. I ask for its support.

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

Mr. WAMBACH. Mr. Speaker, I would like to interrogate the sponsor for just one brief second.

The SPEAKER pro tempore. The gentleman, Mr. Gallen, indicates he will stand for a period of interrogation. The gentleman, Mr. Wambach, is in order and may proceed.

Mr. WAMBACH. Mr. Speaker, you had stated with your explanation that you are only talking about the appellate areas of the court, that you would take away cross-filing.

Mr. GALLEN. That is correct.

Mr. WAMBACH. The school directors, district justices, courts of common pleas?

Mr. GALLEN. That is correct. They would not be affected.

Mr. WAMBACH. Okay.

Where is that enumerated in your amendment with school directors?

Mr. GALLEN. Mr. Speaker, since the amendment is silent on school directors, it does not affect them. There is no mention of them.

Mr. WAMBACH. But you do have within the—

Mr. GALLEN. Well, that is in a separate section of the Election Code and that is the reason it is not addressed. But since there is no mention— In other words, the election of school directors would remain as is.

Mr. WAMBACH. Okay. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—166

Afflerbach	Dombrowski	Lehr	Reber
Alderette	Dorr	Lescovitz	Reinard
Angstadt	Duffy	Letterman	Robbins
Armstrong	Durham	Levi	Rudy
Arty	Evans	Levin	Ryan
Baldwin	Fargo	Linton	Rybak
Barber	Fattah	Livengood	Saloom
Battisto	Fee	Lloyd	Salvatore
Belardi	Flick	Lucyk	Saurman
Belfanti	Foster, W. W.	McCall	Scheetz
Blaum	Foster, Jr., A.	McClatchy	Schuler
Book	Freeman	McHale	Semmel
Bowser	Freind	Mackowski	Sirianni
Brandt	Fryer	Madigan	Smith, B.
Broujos	Gallagher	Maiale	Smith, L. E.
Bunt	Gallen	Manderino	Snyder, D. W.
Burd	Gamble	Manmiller	Snyder, G. M.
Burns	Gannon	Markosek	Stairs
Caltagirone	Geist	Merry	Stevens
Carn	George	Michlovic	Stewart
Cawley	Gladeck	Micozzie	Stuban
Cessar	Godshall	Miller	Swift
Cimini	Grieco	Miscevich	Taylor, E. Z.
Civera	Gruppo	Moehlmann	Taylor, F. E.
Clark	Hagarty	Morris	Telek
Clymer	Haluska	Mowery	Trello
Colafella	Hasay	Murphy	Truman
Cole	Hayes	Nahill	Van Horne
Cordisco	Herman	Noye	Vroon
Cornell	Hershey	O'Brien	Wachob
Coslett	Hoeffel	O'Donnell	Wambach
Cowell	Honaman	Peterson	Wargo
Coy	Hutchinson	Petrarca	Wass
DeLuca	Jackson	Phillips	Weston
DeVerter	Jarolin	Piccola	Wiggins

DeWeese	Johnson	Pievsky	Williams
Daley	Kasunic	Pistella	Wogan
Davies	Kennedy	Pitts	Wozniak
Dawida	Kosinski	Pratt	Wright, D. R.
Deal	Kowalshyn	Preston	Wright, J. L.
Dietz	Kukovich	Punt	Zwinkl
Dininni	Lashingier		

NAYS—21

Boyes	Laughlin	Pott	Steighner
Cappabianca	McVerry	Rappaport	Sweet
Fischer	Mayernik	Serafini	Tigue
Greenwood	Mrkonic	Seventy	Wilson
Itkin	Olasz	Showers	Wright, R. C.
Klingaman			

NOT VOTING—11

Beloff	Gruitza	McMonagle	Rieger
Cohen	Harper	Oliver	Spitz
Donatucci	McIntyre	Petrone	

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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. DAWIDA offered the following amendments No. A0853:

Amend Title, page 1, line 11, by inserting after "voting" ; and providing for absentee voting by electors who are members of religious orders which do not permit their members to leave the confines of the religious institutions in which they reside

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 102(w)(12) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 13, 1963 (P.L.707, No.379), is amended and a subclause is added to read:

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

(w) The words "qualified absentee elector" shall mean:

(12) Any qualified registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the Commonwealth or county of his residence[-]; or

(13) Any qualified registered and enrolled elector who is unable to attend his polling place because he is a member of a religious order which does not permit him to leave the confines of the religious institution in which he resides:

Provided, however, That the words "qualified absentee elector" shall in no wise be construed to include persons confined in a penal institution or a mental institution nor shall it in anywise be construed to include a person not otherwise qualified as a qualified elector in accordance with the definition set forth in section 102 (t) of this act.

Section 2. Section 1218(a) and (b) of the act are amended to read:

Amend Bill, page 2, by inserting between lines 22 and 23 Section 3. Section 1301(l) of the act, amended August 13, 1963 (P.L.707, No.379), is amended and a subsection is added to read:

Section 1301. Qualified Absentee Electors.—The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:

(l) Any qualified registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the Commonwealth or county of his residence[.]; or

(m) Any qualified registered and enrolled elector who is unable to attend his polling place because he is a member of a religious order which does not permit him to leave the confines of the religious institution in which he resides:

Provided, however, That the words "qualified absentee elector" shall in nowise be construed to include persons confined in a penal institution or a mental institution nor shall it in anywise be construed to include a person not otherwise qualified as a qualified elector in accordance with the definition set forth in section 102 (t) of this act.

Section 4. Section 1302(e) of the act, amended May 7, 1982 (P.L.393, No.114), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—

(e) Any qualified bedridden or hospitalized veteran absent from the State or county of his residence and unable to attend his polling place because of such illness or physical disability, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of elections of the county in which his voting residence is located.

The application shall contain the following information: Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

(1) The application of any qualified registered elector, including spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation

or business require him to be elsewhere on the day of any primary or election, shall be signed by the applicant and shall include the surname and christian name or names of the applicant, his occupation, date of birth, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, the reason for his absence, and such other information as shall make clear to the county board of elections the applicant's right to an official absentee ballot.

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and christian name or names of the applicant, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

..... (Mark)

(Date)

..... (Complete Address of Witness) (Signature of Witness)

(3) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because he is a member of a religious order which does not permit him to leave the confines of the religious institution in which he resides may be made by mail by sending a letter to the county board of elections in the county in which his voting residence is located. The letter shall be signed by the applicant and contain his name and place of residence, the name of the religious order of which he is a member, the post office address to which the ballot is to be mailed and such other information as shall make clear to the county board of elections the applicant's right to an official absentee ballot.

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, this amendment deals with a very narrow issue in the election law.

A group of contemplative nuns in my district are unable to vote absentee, even though their religious duties preclude them from going to the polls. The Election Bureau ruled that it is somewhere in between all the acceptable reasons for voting absentee, and this will make sure that they will be allowed to vote.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—10

Beloff	Gruitza	McMonagle	Rieger
Cohen	Harper	Oliver	Spitz
Donatucci	McIntyre		

EXCUSED—5

Marmion	Richardson	Irvis,	
Perzel	Spencer	Speaker	

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. BUNT offered the following amendment No. A0993:

Amend Sec. 1 (Sec. 1218), page 2, line 21, by removing the period after "elector" and inserting
and no person may provide assistance to more than two electors during any election.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

My amendment would provide that no person may provide assistance to more than two electors during any election. This amendment will help to curb any potential for abuse which may occur.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. O'DONNELL. May I interrogate the gentleman, Mr. Speaker?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. O'Donnell, is in order and may proceed.

Mr. O'DONNELL. Mr. Speaker, I think this is an excellent idea, but I am just curious. We have an election coming up on April 10, and the voter registration rolls having already been closed, a significant number of people have designated someone on their voter affidavit, frequently the judge of elections, to be their assistant, so to speak, in the polling place. Now, my question to you is, how in the world do we communicate with those judges of election who are now on the verge of violating the Election Code, and how do we communicate with those folks who probably have some limited capacity, or otherwise they would not have designated someone else? How do we deal with that as a practical matter?

Mr. BUNT. Well, first of all, this legislation cannot become law before the election. Secondly, on the voter registration form, it only asks the question, do you require assistance? It does not require on the voter's affidavit that he name the individual who will be providing assistance.

Mr. O'DONNELL. Mr. Speaker, it is my understanding that you can designate, and frequently people have on their registration affidavit, who the person is to render the assistance. Otherwise, when you come in to vote, if you need assistance, the judge of elections does it, but frequently they designate on the voter affidavit.

Mr. BUNT. Okay. It is not required on your voter registration form. There is a voter assistance form that the judge of elections has in his election day material that he executes on the day of election, and on that form, yes, it indicates the individual who is providing assistance to the voter.

Mr. O'DONNELL. So it can all be done on the day of election?

Mr. BUNT. That is correct.

Mr. O'DONNELL. Thank you.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I am going to urge a "no" vote on the amendment, because, frankly, I think the amendment strikes to more than just the new provision. It would actually curtail present existing law. The present law, of course, allows a person to request of the judge of elections assistance in voting and may select anyone from that election precinct or that election polling area to assist.

As I read the amendment the gentleman is now offering, his amendment would not only prohibit a person under the new language from selecting an elector from anywhere to help more than two people; he would also prohibit the present situation of allowing an elector in that precinct or that polling place from assisting. Now, I am particularly concerned about this, because we have a number of people who are in rehabilitative hospitals or other such centers who frequently ask their therapy counselor to help them, and that therapy counselor may in fact be helping 25, 30, 40 different people in that center to cast their vote. I think the gentleman's amendment would prohibit that, and therefore, I oppose the amendment.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I would like to echo the sentiments of the last speaker. I think that what we are going to do if we pass this amendment is prohibit an awful lot of handicapped people from having an opportunity to vote. It has been my experience that oftentimes senior citizens in a nursing home, many of whom have difficulty voting by themselves, will have a nurse or an assistant at the nursing home perhaps deliver six or eight residents at a time to the voting booth and assist them, and that would be impossible under this amendment.

There is also a movement across the Commonwealth to have mentally retarded individuals registered to vote and have an opportunity to go into the polling place, and many of them, while they may take the time to study the candidates, still require some assistance in voting. I think once again, if we take a van or a carload of these residents over, it would be important that their staff person be able to assist more than two on any given day. So I would ask for a negative vote on the amendment.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Bunt.

Mr. BUNT. Mr. Speaker, I saw my amendment as an area that could be considered in election reform. I would be remiss if I did not withdraw the amendment at this point. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Bunt, has withdrawn his amendment A0993.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—186

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

NAYS—2

Fischer	Greenwood
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NOT VOTING—10

Beloff	Harper	Majale	Rieger
Cohen	McIntyre	Oliver	Spitz
Donatucci	McMonagle		

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **SB 408, PN 1747**, entitled:

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," reducing the waiting period prior to offering certain investments; exempting certain registered promoters; limiting the forfeit of certain mutual fund fees; reducing the time period for certain registration statements to be on file with the commission; further providing for the effectiveness of certain registration statements and amendments thereto; eliminating certain withdrawals for mutual funds; and further providing for fees to be assessed by the Pennsylvania Securities Commission.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The **SPEAKER** pro tempore. 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, on final passage of the bill, the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, the Democrats have caucused on this bill. We did not. I would like to just make a brief explanation and see if we can pass the bill.

First of all, it came over from the Securities and Exchange Commission, and it makes a little more flexible their deregulative approach. For one thing, the bill reduces the number of documents and forms necessary presently to be filed with the commission; the periods of effectiveness of certain registrations, exemption and exemption renewals are defined and made more uniform; and finally, it brings two sections of the law into accord with recent Federal law changes. I would urge the members to support the bill.

On the question recurring,

Shall the bill pass finally?

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

YEAS—185

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

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

NAYS—0

NOT VOTING—13

Beloff	Harper	Mowery	Rieger
Cohen	McIntyre	Oliver	Sirianni
Donatucci	McMonagle	Pott	Zwikl
Gruitza			

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**SUPPLEMENTAL CALENDAR A
BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1448, PN 2724**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Real Estate Licensing and Registration Act," approved February 19, 1980 (P. L. 15, No. 9), adding and amending definitions; creating, empowering and governing a commission; eliminating confidentiality requirements; changing hours of study and specifying areas of study for applicants; eliminating fee requirements; imposing reporting duties on the Pennsylvania Human Relations Commission; adding a prohibition; broadening the scope of regulation of promotional sales and requiring public accounting for promotional sales; requiring contractual disclosures; regulating reinstatement of revoked licenses; changing limits of liability and increasing assessments for the recovery fund; requiring statements as to the fair market value and odds of receiving any prize in relation to certain offerings of real property; making editorial changes; and making repeals.

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this is the sunset legislation for the Real Estate Commission. If it is not passed by March 31, the commission would go out of existence.

Very briefly, the major amendments the Senate put in, they put in a definition of promotional real estate land sales, both inside and outside the Commonwealth. Previously, we just had regulation on promotional land sales outside the Commonwealth.

The Senate also changed the language on zoning classifications to exclude single-family dwellings, but for all other dwellings, the zoning classification will be required to be in the sales agreement, and if it is not, the agreement will be void and any deposits will be reimbursed back to the buyer.

The most controversial part of the language, we had put in language that set up a special study commission to look at the question of third-party brokerage. Because of the cooperation from interests of the real estate industry and the savings association industry, that language was taken out, and the Senate has passed a resolution, SR 107, which will be coming to us, that will require the Joint State Government Commission to look at that whole issue of third-party brokerage. So we have taken that language out of this bill, with the concurrence of everybody involved in it.

Other than that, most of the other amendments that were put in by the Senate were more technical amendments. I urge concurrence in this legislation. It does include a lot of consumer-oriented reforms of both the commission and the real estate industry, and I hope you will support it. Thank you.

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

Mr. DORR. Mr. Speaker, I support concurrence in the Senate amendments.

The SPEAKER pro tempore. It is moved by the gentleman from Allegheny, Mr. Murphy, that the House concur in the amendments inserted by the Senate.

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

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

YEAS—190

Afflerbach	Evans	Levin	Rudy
Alderette	Fargo	Linton	Ryan
Angstadt	Fattah	Livengood	Rybak
Armstrong	Fee	Lloyd	Saloom
Arty	Fischer	Lucyk	Salvatore
Baldwin	Flick	McCall	Saurman
Barber	Foster, W. W.	McClatchy	Scheetz
Battisto	Foster, Jr., A.	McHale	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Maiale	Showers
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Markosek	Smith, L. E.

Broujos	Geist	Mayernik	Snyder, D. W.
Bunt	George	Merry	Snyder, G. M.
Burd	Gladeck	Michlovic	Spitz
Burns	Godshall	Micozzie	Stairs
Caltagirone	Greenwood	Miller	Steighner
Cappabianca	Grieco	Miscevich	Stevens
Carn	Gruitza	Moehlmann	Stewart
Cawley	Gruppo	Morris	Stuban
Cessar	Hagarty	Mowery	Sweet
Cimini	Haluska	Mrkonic	Swift
Civera	Hasay	Murphy	Taylor, E. Z.
Clark	Hayes	Nahill	Taylor, F. E.
Clymer	Herman	Noye	Telek
Colafella	Hershey	O'Brien	Tigue
Cole	Hoeffel	O'Donnell	Trello
Cordisco	Honaman	Olasz	Truman
Cornell	Hutchinson	Peterson	Van Horne
Coslett	Itkin	Petrarca	Vroon
Cowell	Jackson	Petrone	Wachob
Coy	Jarolin	Phillips	Wambach
Deluca	Johnson	Piccola	Wargo
DeVerter	Kasunic	Pievsky	Wass
DeWeese	Kennedy	Pistella	Weston
Daley	Klingaman	Pitts	Wiggins
Davies	Kosinski	Pott	Williams
Dawida	Kowalshyn	Pratt	Wilson
Deal	Kukovich	Preston	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Reinard	Wright, R. C.
Duffy	Letterman	Robbins	Zwilk
Durham	Levi		

NAYS—0

NOT VOTING—8

Beloff	Donatucci	McIntyre	Oliver
Cohen	Harper	McMonagle	Rieger

EXCUSED—5

Marmion	Richardson	Irvis,
Perzel	Spencer	Speaker

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

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. MADIGAN

The SPEAKER pro tempore. Under unanimous consent, the Chair at this time recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. Thank you, Mr. Speaker.

I regret that I was not on the floor of the House this morning when Mr. Cappabianca reported the interim report on the cheese committee. I feel that I should make a statement as to the position of the Republican members of that committee.

Yesterday afternoon we received the report. I barely had time to read it myself. Because of its legal involvement and the contract provisions, I requested the legal counsel of the minority party to study this. We did not have this report at 10 o'clock this morning when the committee met, and we therefore abstained from voting on this.

Although there is strong criticism of the Department of Agriculture in this report, it is not entirely substantiated by all of the testimony which we have received in the committee. We also have a concern that because of the Federal funds involved, the difference in the Federal requirements as far as advertising of bids, that this should be considered, and we would appreciate the legal opinions of our minority counsel before we take a position on this. We are also considering the possibility of a minority report based on these reasons. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUNSHINE NOTICE

The SPEAKER pro tempore. The Chair has the following announcement:

NOTICE
SESSION SCHEDULE
HOUSE OF REPRESENTATIVES

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

Wednesday, March 28, 1984, at 11 o'clock a.m.

John J. Zubeck
Chief Clerk
House of
Representatives

This will be a nonvoting session.

At this time, does the majority leader have any further business?

Mr. MANDERINO. No, Mr. Speaker. I just wanted to inform the members of the House that the notice that you just read was to keep the desk open tomorrow in case there are any last-minute signatures that have to be made to any of the bills that passed between the House and the Senate today.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL SIGNED BY SPEAKER PRO TEMPORE

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

HB 1448, PN 2724

An Act amending the "Real Estate Licensing and Registration Act," approved February 19, 1980 (P. L. 15, No. 9), adding and amending definitions; creating, empowering and governing a commission; eliminating confidentiality requirements; changing hours of study and specifying areas of study for applicants; eliminating fee requirements; imposing reporting duties on the Pennsylvania Human Relations Commission; adding a prohibition; broadening the scope of regulation of promotional sales and requiring public accounting for promotional sales; requiring contractual disclosures; regulating reinstatement of revoked licenses; changing limits of liability and increasing assessments for the recovery fund; requiring statements as to the fair market value

and odds of receiving any prize in relation to certain offerings of real property; making editorial changes; and making repeals.

The SPEAKER pro tempore. Does the minority leader have any further business?

Mr. RYAN. Representative Davies desired recognition.

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

Mr. DAVIES. Mr. Speaker, regretfully, I would have asked for unanimous consent. However, due to the lack of a quorum, I will have to submit my resolution for consideration at a later date. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 28, 1984, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:05 p.m., e.s.t., the House adjourned.