

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, October 16, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 61

### HOUSE OF REPRESENTATIVES

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

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

##### PRAYER

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

With all of the beauty, glory, and grandeur in the world about us, we turn to Thee, O God, with the knowledge that it all belongs to Thee. We are Thy workmen and need to bring praise to Thee for all of Thy blessings to mankind. We ask Thy forgiveness for our many failures to do what is expected and required of Thy stewards. We seek Thy presence in order that our accomplishments may redound to the dedication of stewards committed to Thee and Thy truth, and we beseech Thee to keep us close to Thee, filled with Thy spirit and showing forth Thy honor so that our lives may reflect Thy majesty in the world about us. In Thy blest name, we pray. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is advised that the Journal for Tuesday, October 15, 1985, is not yet in print. Approval of the Journal will be postponed, without objection, until the Journal is in print, and the Chair hears no such objection.

##### LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence.

The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have any requests?

Mr. FEE. Yes, Mr. Speaker. The gentleman from Chester, Mr. MORRIS, for today.

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

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Dauphin, Mr. DININNI, for the day; and the gentleman from Delaware, Mr. WRIGHT, for the day.

The SPEAKER. Without objection, the leaves are granted. The Chair hears no such objection.

##### MASTER ROLL CALL

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

The following roll call was recorded:

##### PRESENT—197

Acosta	Distler	Laughlin	Robbins
Afflerbach	Dombrowski	Lescovitz	Roebuck
Angstadt	Donatucci	Letterman	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucyk	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Birmelin	Flick	McHale	Seventy
Black	Foster, Jr., A.	McVerry	Showers
Blaum	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manderino	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Steighner
Burd	Geist	Micozzie	Stevens
Bush	George	Miller	Stewart
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonc	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	O'Donnell	Telek
Cimini	Harper	Olasz	Tigue
Civera	Hasay	Oliver	Trello
Clark	Hayes	Perzel	Truman
Clymer	Herman	Petrarca	Van Horne
Cohen	Hershey	Petrone	Veon
Colafella	Honaman	Phillips	Vroon
Cole	Howlett	Piccola	Wambach
Cordisco	Hutchinson	Pievsky	Wass
Cornell	Itkin	Pistella	Weston
Coslett	Jackson	Pitts	Wiggins
Cowell	Jarolin	Pott	Wilson
Coy	Johnson	Pratt	Wogan
Deluca	Josephs	Pressmann	Wozniak
DeVerter	Kasunic	Preston	Wright, D. R.
DeWeese	Kennedy	Punt	Wright, J. L.
Daley	Kenney	Raymond	Yandrisevits

Davies	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashingier	Rieger	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

LEAVES ADDED—1

Sweet

LEAVES CANCELED—1

Morris

**SENATE MESSAGE**

**SENATE CONCURRENCE  
IN HOUSE RESOLUTION**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 140, PN 1866.**

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate, October 15, 1985

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 21, 1985 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, October 21, 1985 unless sooner recalled by the Speaker.

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

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

**HB 1642, PN 2275 (Amended)**

By Rep. PETRARCA

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for the Surface Mining Conservation and Reclamation Fund and payments to the Clean Water Fund.

**MINES AND ENERGY MANAGEMENT.**

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 367 and HB 446 be lifted from the tabled calendar and placed on the active calendar.

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

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1635, PN 2087**, entitled:

An Act amending the act of December 21, 1984 (P. L. 1270, No. 241), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further defining the term 'public utility'; and providing for the conversion of generating units from oil or gas to coal and for the recovery of conversion costs, for the approval of the construction of generating units fueled by nuclear energy, oil or natural gas and for the financing of energy supply alternatives," extending provisions relating to mobile domestic cellular radio telecommunications service for an additional period of time.

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

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

The question is, shall the bill pass finally?

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

**YEAS—197**

Acosta	Distler	Laughlin	Robbins
Afflerbach	Dombrowski	Lescovitz	Roebuck
Angstadt	Donatucci	Letterman	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucyk	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Birmelin	Flick	McHale	Seventy
Black	Foster, Jr., A.	McVerry	Showers
Blaum	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manderino	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Steighner
Burd	Geist	Micozzie	Stevens
Bush	George	Miller	Stewart
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	O'Donnell	Telek

Cimini	Harper	Olasz	Tigue
Civera	Hasay	Oliver	Trello
Clark	Hayes	Perzel	Truman
Clymer	Herman	Petrarca	Van Horne
Cohen	Hershey	Petrone	Veon
Colafella	Honaman	Phillips	Vroon
Cole	Howlett	Piccola	Wambach
Cordisco	Hutchinson	Pievsky	Wass
Cornell	Itkin	Pistella	Weston
Coslett	Jackson	Pitts	Wiggins
Cowell	Jarolin	Pott	Wilson
Coy	Johnson	Pratt	Wogan
DeLuca	Josephs	Pressmann	Wozniak
DeVerter	Kasunic	Preston	Wright, D. R.
DeWeese	Kennedy	Punt	Wright, J. L.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashingier	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

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

**WELCOME**

The SPEAKER. The Chair is delighted to welcome to the hall of the House Shirley Merkin, Nancy Parks, and Neil Farley. They are here as the guests of Representatives Nahill and Fox. They are to the left of the Speaker. Welcome to the hall of the House.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1636, PN 2147**, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," authorizing counties to extend the redemption period under certain circumstances; and making a repeal.

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

Mr. PUNT offered the following amendments No. A3086:

Amend Title, page 1, line 29, by striking out "under certain circumstances" and inserting

at the option of the county commissioners

Amend Sec. 1 (Sec. 502), page 3, line 18, by inserting a bracket before "If"

Amend Sec. 1 (Sec. 502), page 3, line 20, by inserting a bracket after "a" and inserting immediately thereafter

A

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

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

Mr. PUNT. Thank you, Mr. Speaker.

My amendment would remove the provision in the bill which limits this consideration to counties with 8 percent or greater unemployment for the previous calendar year. I am removing the entire section so that any county can be eligible for this consideration should the commissioners choose to do so. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on the Punt amendment.

Mr. LAUGHLIN. Mr. Speaker, I certainly agree with the gentleman, Mr. Punt's amendment. As a matter of fact, that was the original draft of the bill when we put it out, but we had been informed a few years ago by the Senate that they wished to have a restriction based on unemployment level. I agree that all the county commissioners should be able to take advantage of the opportunity of helping the people who are in need of help with regard to tax claim sales.

I would ask the members to vote in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—197**

Acosta	Distler	Laughlin	Robbins
Afflerbach	Dombrowski	Lescovitz	Roebuck
Angstadt	Donatucci	Letterman	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucy	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Birmelin	Flick	McHale	Seventy
Black	Foster, Jr., A.	McVerry	Showers
Blaum	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manderino	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michiovic	Steighner
Burd	Geist	Micozzie	Stevens
Bush	George	Miller	Stewart
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	O'Donnell	Telek
Cimini	Harper	Olasz	Tigue
Civera	Hasay	Oliver	Trello
Clark	Hayes	Perzel	Truman
Clymer	Herman	Petrarca	Van Horne
Cohen	Hershey	Petrone	Veon
Colafella	Honaman	Phillips	Vroon
Cole	Howlett	Piccola	Wambach

Cordisco	Hutchinson	Pievsky	Wass
Cornell	Itkin	Pistella	Weston
Coslett	Jackson	Pitts	Wiggins
Cowell	Jarolin	Pott	Wilson
Coy	Johnson	Pratt	Wogan
Deluca	Josephs	Pressmann	Wozniak
DeVerter	Kasunic	Preston	Wright, D. R.
DeWeese	Kennedy	Punt	Wright, J. L.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashingner	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Distler	Lashingner	Robbins
Afflerbach	Dombrowski	Laughlin	Roebuck
Angstadt	Donatucci	Lescovitz	Rudy
Argall	Dorr	Letterman	Ryan
Arty	Duffy	Levdansky	Rybak
Baldwin	Durham	Levin	Saloom
Barber	Evans	Linton	Saurman
Barley	Fargo	Livengood	Scheetz
Battisto	Fattah	Lloyd	Schuler
Belardi	Fee	Lucyk	Semmel
Belfanti	Fischer	McCall	Serafini
Birmelin	Flick	McClatchy	Seventy
Black	Foster, Jr., A.	McHale	Showers
Blaum	Fox	McVerry	Sirianni
Bortner	Freeman	Mackowski	Smith, B.
Bowley	Freind	Maiale	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Steighner
Burd	Geist	Micozzie	Stevens
Bush	George	Miller	Stewart
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	Olasz	Telek
Cimini	Harper	Oliver	Tigue
Civera	Hasay	Perzel	Trello
Clark	Hayes	Petrarca	Truman
Clymer	Herman	Petrone	Van Horne
Cohen	Hershey	Phillips	Veon
Colafella	Honaman	Piccola	Vroon
Cole	Howlett	Pievsky	Wambach

Cordisco	Hutchinson	Pistella	Wass
Cornell	Itkin	Pitts	Weston
Coslett	Jackson	Pott	Wiggins
Cowell	Jarolin	Pratt	Wilson
Coy	Johnson	Pressmann	Wogan
Deluca	Josephs	Preston	Wozniak
DeVerter	Kasunic	Punt	Wright, D. R.
DeWeese	Kennedy	Raymond	Wright, J. L.
Daley	Kenney	Reber	Yandrisevits
Davies	Kosinski	Reinard	
Dawida	Kukovich	Richardson	Irvis,
Deal	Langtry	Rieger	Speaker
Dietz			

NAYS—0

NOT VOTING—2

EXCUSED—6

Manderino	O'Donnell		
Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

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

\* \* \*

The House proceeded to third consideration of **HB 443, PN 497**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," exempting transfers from industrial development agencies from the realty transfer tax.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A1390:

Amend Title, page 1, line 11, by inserting after "agencies" and transfers between brothers and sisters or their spouses

Amend Sec. 1 (Sec. 1101-C), page 2, line 27, by inserting after "grandchild," transfers between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister,

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, this provision would exempt the transfers between brothers and sisters and their spouses, basically exempting sibling transfers. Essentially what is done today is you tend to go through two steps - you transfer property into parents, tax free, and then the parent transfers it back to the brother or sister tax free. This would simply do away with that sham and exempt the transfer directly between the brother and sister.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

## YEAS—195

Acosta	Donatucci	Lescovitz	Robbins
Afflerbach	Dorr	Letterman	Roebuck
Angstadt	Duffy	Levdansky	Rudy
Argall	Durham	Levin	Ryan
Arty	Evans	Linton	Rybak
Baldwin	Fargo	Livengood	Saloom
Barber	Fattah	Lloyd	Saurman
Barley	Fee	Lucyk	Scheetz
Battisto	Fischer	McCall	Schuler
Belardi	Flick	McClatchy	Semmel
Belfanti	Foster, Jr., A.	McHale	Serafini
Birmelin	Fox	McVerry	Seventy
Black	Freeman	Mackowski	Showers
Blaum	Freind	Maiale	Sirianni
Bortner	Fryer	Manderino	Smith, B.
Bowley	Gallagher	Manmiller	Smith, L. E.
Bowser	Gallen	Markosek	Snyder, D. W.
Boyes	Gamble	Mayernik	Snyder, G. M.
Brandt	Gannon	Merry	Staback
Bunt	Geist	Michlovic	Stairs
Burd	George	Micozzie	Steighner
Bush	Gladeck	Miller	Stevens
Caltagirone	Godshall	Moehlmann	Stewart
Cappabianca	Greenwood	Mowery	Stuban
Carlson	Gruitza	Mrkonic	Sweet
Carn	Gruppo	Murphy	Swift
Cawley	Hagarty	Nahill	Taylor, E. Z.
Cessar	Haluska	O'Brien	Taylor, F. E.
Chadwick	Harper	O'Donnell	Taylor, J.
Cimini	Hasay	Olasz	Telek
Civera	Hayes	Oliver	Tigue
Clark	Herman	Perzel	Trello
Clymer	Hershey	Petrarca	Truman
Colafella	Honaman	Petrone	Van Horne
Cole	Howlett	Phillips	Veon
Cordisco	Hutchinson	Piccola	Vroon
Cornell	Itkin	Pievsky	Wambach
Coslett	Jackson	Pistella	Wass
Cowell	Jarolin	Pitts	Weston
Coy	Johnson	Pott	Wiggins
Deluca	Josephs	Pratt	Wilson
DeVerter	Kasunic	Pressmann	Wogan
DeWeese	Kennedy	Preston	Wozniak
Daley	Kenney	Punt	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dawida	Kukovich	Reber	Yandrisevits
Deal	Langtry	Reinard	
Dietz	Lashinger	Richardson	Irvis,
Distler	Laughlin	Rieger	Speaker
Dombrowski			

## NAYS—1

Broujos

## NOT VOTING—1

Cohen

## EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the prime sponsor, Mr. Gruitza, consent to interrogation on this bill?

The SPEAKER. Mr. Gruitza is not on the floor of the House.

Mr. RYAN. Mr. Speaker, if the gentleman, Mr. Afflerbach, who is the second sponsor—

The SPEAKER. Mr. Afflerbach, will you stand for interrogation on the bill?

The gentleman, Mr. Afflerbach, said he will.

Mr. RYAN. Mr. Speaker, it is my understanding of this bill, as I read it, that transfers from an IDA (industrial development agency) would be exempt from the 1-percent realty tax. Would the gentleman describe, for the benefit of the House, who would be the grantee in a conveyance such as that?

Mr. AFFLERBACH. If I understand the question correctly, you are asking me who would benefit from the elimination of this particular transfer tax?

Mr. RYAN. That is correct.

Mr. AFFLERBACH. The person or the individual or the corporation would benefit in the sense that the individual person or corporation acquiring the land from an IDA would be exempt from the realty transfer tax.

Mr. RYAN. Mr. Speaker, I do not know how many of the members understand what happens in these situations. I think I do. I would ask the gentleman to correct me, however, if I am wrong.

In a transfer such as the one described in this particular bill, it would ordinarily be a situation where the gentleman, Mr. Afflerbach, is buying a piece of ground from me or a factory from me and he is financing it through an industrial development authority. So in order to get the tax-exempt financing, the property is conveyed to the industrial development authority where the financing is placed on, and then at such time as the mortgage is paid off, it is conveyed actually to the person who is the real beneficial owner - in this case, the gentleman, Mr. Afflerbach.

Now, I am opposed to the bill for this reason: The State and Federal Government have done the buyer—in this case, Mr. Afflerbach, under my hypothetical—a favor in allowing him to buy this property and have tax-exempt, low-interest financing. Except for that fact - that convenience of an IDA low-interest loan - he would ordinarily have had to pay the 1-percent tax.

This is not a situation where a government agency is actually the true owner of a property; rather they are the owner of the property only for the purpose of creating the financing that is going to result in a lower interest rate. I think the State has done enough for this particular buyer, and to exempt him from this 1-percent tax is uncalled for and really not necessary.

Would you agree that the facts as I gave them are essentially correct, Mr. Speaker?

Mr. AFFLERBACH. I would agree that the explanation you have given is essentially correct. I would simply disagree with the presumption that to do a bit more to encourage industrial development is not necessary. I think it is.

Mr. RYAN. Thank you, Mr. Speaker.

I have no further remarks on the bill.

Mr. Speaker, pardon me. I do have correspondence from the Secretary of Revenue in the nature of a fiscal note, which seems to indicate that based on loans that they are aware of and estimating or guesstimating the dates that these loans would be paid off and the property would be reconveyed to the beneficial owner, the fiscal year 1985-86 would cost \$2.7 million; fiscal year 1986-87, \$5.9 million; 1987-88, \$12.8 million; and 1988-89, \$28,365,000. That is what it would cost the State. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—145

Acosta	Dorr	Laughlin	Rybak
Afflerbach	Duffy	Lescovitz	Saloom
Angstadt	Durham	Letterman	Semmel
Argall	Evans	Levdansky	Serafini
Baldwin	Fargo	Levin	Seventy
Barber	Fattah	Linton	Showers
Battisto	Fee	Livengood	Sirianni
Belardi	Fischer	Lucyk	Snyder, D. W.
Belfanti	Flick	McCall	Snyder, G. M.
Black	Foster, Jr., A.	McHale	Staback
Blaum	Fox	Mackowski	Stairs
Bowser	Freeman	Maiale	Steighner
Boyes	Fryer	Manderino	Stevens
Broujos	Gallagher	Markosek	Stewart
Bunt	Gamble	Mayernik	Suban
Burd	George	Merry	Sweet
Caltagirone	Gladeck	Michlovic	Swift
Cappabianca	Greenwood	Miller	Taylor, F. E.
Carn	Gruitza	Mrkonic	Taylor, J.
Cessar	Gruppo	Murphy	Telek
Clark	Haluska	Olasz	Trello
Cohen	Harper	Oliver	Truman
Colafella	Hasay	Perzel	Van Horne
Cole	Hayes	Petrarca	Veon
Cordisico	Herman	Petrone	Wambach
Coslett	Hershey	Phillips	Wass
Cowell	Howlett	Pievsky	Weston
Coy	Hutchinson	Pistella	Wiggins
Deluca	Itkin	Pitts	Wilson
DeWeese	Jarolin	Pratt	Wogan
Daley	Johnson	Pressmann	Wozniak
Dawida	Josephs	Preston	Wright, D. R.
Deal	Kasunic	Punt	Yandrisevits
Dietz	Kenney	Richardson	
Distler	Kosinski	Rieger	Irvis,
Dombrowski	Kukovich	Robbins	Speaker
Donatucci	Lashingier	Roebuck	

NAYS—49

Arty	Cornell	Langtry	Raymond
Barley	DeVerter	Lloyd	Reinard
Birmelin	Davies	McClatchy	Rudy
Bortner	Freind	McVerry	Ryan
Bowley	Gallen	Manmiller	Scheetz

Brandt	Gannon	Micozzie	Schuler
Bush	Geist	Moehlmann	Smith, B.
Carlson	Godshall	Mowery	Smith, L. E.
Cawley	Hagarty	Nahill	Taylor, E. Z.
Chadwick	Honaman	O'Brien	Tigue
Cimini	Jackson	Piccola	Vroon
Civera	Kennedy	Pott	Wright, J. L.
Clymer			

NOT VOTING—3

O'Donnell	Reber	Saurman
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EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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 376, PN 599**, entitled:

An Act amending the act of May 27, 1953 (P. L. 244, No. 34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," authorizing incorporated towns to lease, sell, convey and acquire property.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Distler	Laughlin	Robbins
Afflerbach	Dombrowski	Lescovitz	Roebuck
Angstadt	Donatucci	Letterman	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucyk	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Birmelin	Flick	McHale	Seventy
Black	Foster, Jr., A.	McVerry	Showers
Blaum	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manderino	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Steighner
Burd	Geist	Micozzie	Stevens
Bush	George	Miller	Stewart
Caltagirone	Gladeck	Moehlmann	Suban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	O'Donnell	Telek

Cimini	Harper	Olasz	Tigue
Civera	Hasay	Oliver	Trello
Clark	Hayes	Perzel	Truman
Clymer	Herman	Petrarca	Van Horne
Cohen	Hershey	Petrone	Veon
Colafella	Honaman	Phillips	Vroon
Cole	Howlett	Piccola	Wambach
Cordisco	Hutchinson	Pievsky	Wass
Cornell	Itkin	Pistella	Weston
Coslett	Jackson	Pitts	Wiggins
Cowell	Jarolin	Pott	Wilson
Coy	Johnson	Pratt	Wogan
Deluca	Josephs	Pressmann	Wozniak
DeVerter	Kasunic	Preston	Wright, D. R.
DeWeese	Kennedy	Punt	Wright, J. L.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashingner	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

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

**REMARKS ON VOTE**

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

Mr. DeVERTER. Mr. Speaker, on HB 443, PN 497, my vote was recorded in the negative. I would like it to be recorded in the affirmative, please.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1307, PN 1556**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, the Secretary of Environmental Resources and the United States Secretary of the Interior, to convey to Peter C. Fick a certain parcel of land situated in Hanover Township, Beaver County, Pennsylvania, in exchange for a tract of land of equal value.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Distler	Lescovitz	Robbins
Afflerbach	Dombrowski	Letterman	Roebuck
Angstadt	Donatucci	Levdansky	Rudy
Argall	Dorr	Levin	Ryan
Arty	Duffy	Linton	Rybak
Baldwin	Durham	Livengood	Saloom
Barber	Evans	Lloyd	Saurman
Barley	Fargo	Lucyk	Scheetz
Battisto	Fattah	McCall	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
Birmelin	Foster, Jr., A.	McVerry	Seventy
Black	Fox	Mackowski	Showers
Blaum	Freind	Maiale	Sirianni
Bortner	Fryer	Manderino	Smith, B.
Bowley	Gallagher	Manmiller	Smith, L. E.
Bowser	Gallen	Markosek	Snyder, D. W.
Boyes	Gamble	Mayernik	Snyder, G. M.
Brandt	Gannon	Merry	Staback
Broujos	Geist	Michlovic	Stairs
Bunt	George	Micozzie	Steighner
Burd	Gladeck	Miller	Stevens
Bush	Godshall	Moehlmann	Stewart
Caltagirone	Greenwood	Mowery	Stuban
Cappabianca	Gruitza	Mrkonic	Sweet
Carlson	Gruppo	Murphy	Swift
Carn	Hagarty	Nahill	Taylor, E. Z.
Cawley	Haluska	O'Brien	Taylor, F. E.
Cessar	Harper	O'Donnell	Taylor, J.
Chadwick	Hasay	Olasz	Telek
Cimini	Hayes	Oliver	Tigue
Civera	Herman	Perzel	Trello
Clark	Hershey	Petrarca	Truman
Clymer	Honaman	Petrone	Van Horne
Cohen	Howlett	Phillips	Veon
Colafella	Hutchinson	Piccola	Vroon
Cole	Itkin	Pievsky	Wambach
Cordisco	Jackson	Pistella	Wass
Cornell	Jarolin	Pitts	Weston
Coslett	Johnson	Pott	Wiggins
Cowell	Josephs	Pratt	Wilson
Coy	Kasunic	Pressmann	Wogan
Deluca	Kennedy	Preston	Wozniak
DeVerter	Kenney	Punt	Wright, D. R.
DeWeese	Kosinski	Raymond	Wright, J. L.
Daley	Kukovich	Reber	Yandrisevits
Davies	Langtry	Reinard	
Dawida	Lashingner	Richardson	Irvis,
Deal	Laughlin	Rieger	Speaker
Dietz			

NAYS—0

NOT VOTING—2

EXCUSED—6

Flick	Freeman		
Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

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

\* \* \*

The House proceeded to third consideration of **HB 1345, PN 1605**, entitled:

An Act designating a certain bridge crossing the Allegheny River in the City of Pittsburgh as the Veterans' Memorial Bridge.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments No. A2743:

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

Veterans

Amend Sec. 1, page 1, line 9, by striking out "Veterans'" and inserting

Veterans

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this is simply a grammatical change deleting an apostrophe after the word "Veterans."

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Distler	Laughlin	Robbins
Afflerbach	Dombrowski	Lescovitz	Roebuck
Angstadt	Donatucci	Letterman	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucyk	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Birmelin	Flick	McHale	Seventy
Black	Foster, Jr., A.	McVerry	Showers
Blaum	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manderino	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Steighner
Burd	Geist	Micozzie	Stevens
Bush	George	Miller	Stewart
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	Olasz	Telek
Cimini	Harper	Oliver	Tigue
Civera	Hasay	Perzel	Trello
Clark	Hayes	Petrarca	Truman
Clymer	Hershey	Petrone	Van Horne
Cohen	Honaman	Phillips	Veon
Colafella	Howlett	Piccola	Vroon
Cole	Hutchinson	Pievsky	Wambach
Cordisco	Itkin	Pistella	Wass
Cornell	Jackson	Pitts	Weston
Coslett	Jarolin	Pott	Wiggins
Cowell	Johnson	Pratt	Wilson

Coy	Josephs	Pressmann	Wogan
Deluca	Kasunic	Preston	Wozniak
DeVerter	Kennedy	Punt	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashinger	Rieger	Speaker
Dietz			

NAYS—0

NOT VOTING—2

Herman O'Donnell

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Distler	Lescovitz	Robbins
Afflerbach	Dombrowski	Letterman	Roebuck
Angstadt	Donatucci	Levdansky	Rudy
Argall	Dorr	Levin	Ryan
Arty	Duffy	Linton	Rybak
Baldwin	Durham	Livengood	Saloom
Barber	Evans	Lloyd	Saurman
Barley	Fargo	Lucyk	Scheetz
Battisto	Fattah	McCall	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
Birmelin	Flick	McVerry	Seventy
Black	Foster, Jr., A.	Mackowski	Showers
Blaum	Fox	Maiale	Sirianni
Bortner	Freeman	Manderino	Smith, B.
Bowley	Freind	Manmiller	Smith, L. E.
Bowser	Fryer	Markosek	Snyder, D. W.
Boyes	Gallagher	Mayernik	Snyder, G. M.
Brandt	Gallen	Merry	Staback
Broujos	Gamble	Michlovic	Stairs
Bunt	Gannon	Micozzie	Steighner
Burd	Geist	Miller	Stevens
Bush	George	Moehlmann	Stewart
Caltagirone	Gladeck	Mowery	Stuban
Cappabianca	Godshall	Mrkonic	Sweet
Carlson	Greenwood	Murphy	Swift
Carn	Gruitza	Nahill	Taylor, E. Z.
Cawley	Gruppo	O'Brien	Taylor, F. E.
Cessar	Hagarty	O'Donnell	Taylor, J.
Chadwick	Haluska	Olasz	Telek
Cimini	Harper	Oliver	Tigue
Civera	Hasay	Perzel	Trello
Clark	Hayes	Petrarca	Truman
Clymer	Herman	Petrone	Van Horne
Cohen	Hershey	Phillips	Veon
Colafella	Honaman	Piccola	Vroon
Cole	Howlett	Pievsky	Wambach
Cordisco	Itkin	Pistella	Wass
Cornell	Jackson	Pitts	Weston
Coslett	Jarolin	Pott	Wiggins



Cowell	Johnson	Pratt	Wilson
Coy	Josephs	Pressmann	Wogan
Deluca	Kasunic	Preston	Wozniak
DeVerter	Kennedy	Punt	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashinger	Rieger	Speaker
Dietz	Laughlin		

NAYS—0

NOT VOTING—1

Hutchinson

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

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

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 98, PN 2227**, 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 Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to support, custody, visitation, property and contracts; and making repeals.

On the question,

Will the House concur in Senate amendments?

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I urge concurrence in Senate amendments.

The Senate amended several sections of this bill. In reviewing those amendments, first, the Senate struck chapter 41, which dealt with interspousal property rights, which was not a necessary section and remains in current law. The Senate reinserted the duties of the district attorney in support cases at the request of some of the counties which use district attorneys to enforce support actions. The Senate also added an amendment making it clear that when it is cost effective, State tax refunds can be intercepted for support purposes.

Section 4325 was amended by the Senate providing that medical support shall be provided when it is available as part of an employee package or at reasonable cost by the obligor or obligee, that that medical insurance must cover the children and dependent spouse. The Senate amended section 4304 relating to requesting information from Commonwealth agencies for purposes of support. The Senate also amended section 4305. Section 4305 now makes clear that at the initiation of a support action, the parties must be informed of the

availability of guidelines at the domestic relations office. Section 4348 was amended to insure that persons subject to existing orders receive notice that their wages may be attached if they fall into arrears. There was an additional amendment to the attachment section, and some other Federal requirements were also inserted by the Senate.

Mr. Speaker, I urge concurrence this morning in this important bill, which will better insure support for dependent children and dependent spouses in the Commonwealth. Thank you.

The SPEAKER. On the question, does the House concur in the Senate amendments, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Mr. Speaker, one brief interrogation of the prime sponsor, if you will.

The SPEAKER. The lady, Mrs. Hagarty, indicates she will stand for interrogation. You are in order, and you may proceed, sir.

Mr. REBER. Mr. Speaker, on page 10, line 12, at section 9 of the bill, you did mention that that was an area of change by the Senate. I want to make sure that it is abundantly clear that the information that has to be provided to both parties of the support action by the domestic relations office has to be done and shall be done at the commencement of the support action as opposed to some other time similar to the holding of the hearing or whatever. My concern is that it be done immediately upon the commencement when the domestic relations office gives whatever might be its first notice to the parties. Is that the intent of that section?

Mrs. HAGARTY. Yes, Mr. Speaker. The intent of this section is to insure that parties, when the initial notice of a support petition is received, become aware that there are guidelines and that the guidelines are available for their review.

Mr. REBER. Thank you, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, I am going to vote to concur in this bill. I just want to make a comment, however, about one change that the Senate made, as I understand it.

When this bill left the House, there was a 3-percent administrative fee that could be removed by an employer when the employer was required to withhold wages for the purpose of paying a support order. The Senate apparently has changed that from 3 percent to 2 percent. It is my judgment that particularly for small businesses in Pennsylvania which do not have a lot of automated capability that 3 percent is inadequate, and to move it back to 2 percent I think was a mistake that we ought to be addressing very soon. I will attempt to do that, but I think the bill is important enough that we ought to concur in it today.

The SPEAKER. The Chair thanks the gentleman.

It has been moved by the lady, Mrs. Hagarty, that the House do concur in amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—195

Acosta	Distler	Laughlin	Rieger
Afflerbach	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Letterman	Roebuck
Argall	Dorr	Levdansky	Rudy
Arty	Duffy	Levin	Ryan
Baldwin	Durham	Linton	Rybak
Barber	Evans	Livengood	Saloom
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	Flick	McHale	Serafini
Black	Foster, Jr., A.	McVerry	Seventy
Blaum	Fox	Mackowski	Showers
Bortner	Freeman	Maiale	Sirianni
Bowley	Freind	Manderino	Smith, B.
Bowser	Fryer	Manmiller	Smith, L. E.
Boyes	Gallagher	Markosek	Snyder, D. W.
Brandt	Gallen	Mayernik	Snyder, G. M.
Broujos	Gamble	Merry	Staback
Bunt	Gannon	Michlovic	Stairs
Burd	Geist	Micozzie	Steighner
Bush	George	Miller	Stevens
Caltagirone	Godshall	Moehlmann	Stewart
Cappabianca	Greenwood	Mowery	Stuban
Carlson	Gruitza	Mrkonic	Sweet
Carn	Gruppo	Murphy	Swift
Cawley	Hagarty	Nahill	Taylor, E. Z.
Cessar	Haluska	O'Brien	Taylor, F. E.
Chadwick	Harper	O'Donnell	Taylor, J.
Cimini	Hasay	Olasz	Telek
Civera	Hayes	Oliver	Tigue
Clark	Herman	Perzel	Trello
Clymer	Hershey	Petrarca	Truman
Cohen	Honaman	Petrone	Van Horne
Colafella	Howlett	Phillips	Veon
Cole	Hutchinson	Piccola	Vroon
Cordisco	Itkin	Pievsky	Wambach
Cornell	Jackson	Pistella	Wass
Coslett	Jarolin	Pitts	Weston
Cowell	Johnson	Pott	Wiggins
Coy	Josephs	Pratt	Wogan
Deluca	Kasunic	Pressmann	Wozniak
DeVerter	Kennedy	Preston	Wright, D. R.
DeWeese	Kenney	Punt	Wright, J. L.
Daley	Kosinski	Raymond	Yandrisevits
Davies	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashinger	Richardson	Speaker
Dietz			

NAYS—1

Wilson

NOT VOTING—1

Gladeck

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick. Why do you rise?

Mr. FLICK. Thank you, Mr. Speaker.

On the vote taken on HB 1307, I noted that the explanation of the bill on our calendar referred to exchange of lands between the Commonwealth of Pennsylvania and Peter C. Flick, F-i-i-c-k. Not knowing whether that was a distant relative of mine or not, I refrained from voting on that bill. However, I note on the bill itself the reference is to Peter C. Fick, F-i-c-k, so I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be recorded.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 824, PN 1669**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the collection of an additional fee at State universities under certain conditions.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

Acosta	Dombrowski	Lescovitz	Roebuck
Angstadt	Donatucci	Letterman	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucyk	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Black	Flick	McHale	Seventy
Blaum	Foster, Jr., A.	McVerry	Showers
Bortner	Fox	Mackowski	Sirianni
Bowley	Freeman	Maiale	Smith, B.
Bowser	Freind	Manderino	Smith, L. E.
Boyes	Fryer	Manmiller	Snyder, G. M.
Brandt	Gallagher	Markosek	Staback
Broujos	Gamble	Mayernik	Stairs
Bunt	Gannon	Merry	Steighner
Burd	Geist	Michlovic	Stevens
Bush	George	Micozzie	Stewart
Caltagirone	Gladeck	Miller	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	O'Brien	Taylor, J.
Chadwick	Haluska	O'Donnell	Telek
Civera	Harper	Olasz	Tigue
Clark	Hasay	Oliver	Trello
Clymer	Hayes	Perzel	Truman
Cohen	Herman	Petrarca	Van Horne
Colafella	Hershey	Petrone	Veon

Cole	Honaman	Phillips	Vroon
Cordisco	Howlett	Piccola	Wambach
Cornell	Hutchinson	Pievsky	Wass
Coslett	Itkin	Pistella	Weston
Cowell	Jarolin	Pitts	Wiggins
Coy	Johnson	Pott	Wilson
DeLuca	Josephs	Pressmann	Wogan
DeVerter	Kasunic	Preston	Wozniak
DeWeese	Kennedy	Punt	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kosinski	Reber	Yandrisevits
Dawida	Kukovich	Reinard	
Deal	Langtry	Richardson	Irvis,
Dietz	Lashinger	Rieger	Speaker
Distler	Laughlin	Robbins	

NAYS—7

Afflerbach	Cimini	Jackson	Snyder, D. W.
Birmelin	Gallen	Moehlmann	

NOT VOTING—1

Pratt

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

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

\* \* \*

The House proceeded to third consideration of **HB 1086, PN 1248**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the movement of certain devices while under manufacture.

On the question,

Will the House agree to the bill on third consideration?

Mr. PHILLIPS offered the following amendments No. A3020:

Amend Sec. 2 (Sec. 4904), page 2, line 3, by inserting after "of"

a truck and one trailer or

Amend Sec. 2 (Sec. 4904), page 2, line 4, by striking out "not exceeding" and inserting

which trailers shall not exceed

Amend Sec. 2 (Sec. 4904), page 2, line 5, by inserting after "and"

shall be

Amend Sec. 3 (Sec. 4968), page 2, line 27, by striking out "in excess of" and inserting

wider than

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips, on the amendment.

Mr. PHILLIPS. Thank you, Mr. Speaker.

This is just a technical amendment which clarifies some of the language.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Acosta	Dorr	Letterman	Roebuck
Afflerbach	Duffy	Levdansky	Rudy
Angstadt	Durham	Levin	Ryan
Argall	Evans	Linton	Rybak
Arty	Fargo	Livengood	Saloom
Baldwin	Fattah	Lloyd	Saurman
Barber	Fee	Lucyk	Scheetz
Barley	Fischer	McCall	Schuler
Battisto	Flick	McClatchy	Semmel
Belardi	Foster, Jr., A.	McHale	Serafini
Belfanti	Fox	McVerry	Seventy
Birmelin	Freeman	Mackowski	Showers
Black	Freind	Maiale	Siriani
Blaum	Fryer	Manderino	Smith, B.
Bowley	Gallagher	Manmiller	Smith, L. E.
Bowser	Gallen	Markosek	Snyder, D. W.
Boyes	Gamble	Mayernik	Snyder, G. M.
Brandt	Gannon	Merry	Staback
Broujos	Geist	Michlovic	Stairs
Bunt	George	Miller	Steighner
Burd	Gladeck	Moehlmann	Stevens
Bush	Godshall	Mowery	Stewart
Caltagirone	Greenwood	Mrkonic	Suban
Cappabianca	Gruitza	Murphy	Sweet
Carlson	Gruppo	Nahill	Swift
Carn	Hagarty	O'Brien	Taylor, E. Z.
Cawley	Haluska	O'Donnell	Taylor, F. E.
Cessar	Hasay	Olasz	Taylor, J.
Chadwick	Hayes	Oliver	Telek
Cimini	Herman	Perzel	Tigue
Clark	Hershey	Petrarca	Trello
Clymer	Honaman	Petrone	Truman
Colafella	Howlett	Phillips	Van Horne
Cole	Hutchinson	Piccola	Veon
Cordisco	Itkin	Pievsky	Vroon
Cornell	Jackson	Pistella	Wambach
Coslett	Jarolin	Pitts	Wass
Cowell	Johnson	Pott	Weston
Coy	Josephs	Pratt	Wiggins
DeLuca	Kasunic	Pressmann	Wilson
DeVerter	Kennedy	Preston	Wogan
Daley	Kenney	Punt	Wozniak
Davies	Kosinski	Raymond	Wright, D. R.
Dawida	Kukovich	Reber	Wright, J. L.
Deal	Langtry	Reinard	Yandrisevits
Dietz	Lashinger	Richardson	
Distler	Laughlin	Rieger	Irvis,
Dombrowski	Lescovitz	Robbins	Speaker
Donatucci			

NAYS—1

Bortner

NOT VOTING—5

Civera	DeWeese	Harper	Micozzie
Cohen			

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—192

Acosta	Dombrowski	Letterman	Roebuck
Afflerbach	Donatucci	Levdansky	Rudy
Angstadt	Dorr	Levin	Ryan
Argall	Duffy	Linton	Rybak
Arty	Durham	Livengood	Saloom
Baldwin	Evans	Lucyk	Saurman
Barber	Fattah	McCall	Scheetz
Barley	Fee	McClatchy	Schuler
Battisto	Fischer	McHale	Semmel
Belardi	Flick	McVerry	Serafini
Belfanti	Foster, Jr., A.	Mackowski	Seventy
Birmelin	Fox	Maiale	Showers
Black	Freeman	Manderino	Sirianni
Blaum	Freind	Manmiller	Smith, B.
Bowley	Fryer	Markosek	Smith, L. E.
Bowser	Gallagher	Mayernik	Snyder, D. W.
Boyes	Gallen	Merry	Snyder, G. M.
Brandt	Gamble	Michlovic	Staback
Broujos	Gannon	Micozzie	Stairs
Bunt	Geist	Miller	Steighner
Burd	George	Moehlmann	Stevens
Bush	Gladeck	Mowery	Stewart
Caltagirone	Godshall	Mrkonic	Suban
Cappabianca	Greenwood	Murphy	Sweet
Carlson	Gruitza	Nahill	Swift
Carn	Gruppo	O'Brien	Taylor, E. Z.
Cawley	Hagarty	O'Donnell	Taylor, F. E.
Cessar	Haluska	Olasz	Taylor, J.
Chadwick	Harper	Oliver	Telek
Cimini	Hasay	Perzel	Tigue
Civera	Hayes	Petrarca	Trello
Clark	Herman	Petrone	Truman
Clymer	Hershey	Phillips	Van Horne
Colafella	Honaman	Piccola	Veon
Cole	Howlett	Pievsky	Vroon
Cordisco	Hutchinson	Pistella	Wambach
Cornell	Jackson	Pitts	Wass
Coslett	Jarolin	Pott	Weston
Cowell	Johnson	Pratt	Wiggins
Coy	Josephs	Pressmann	Wilson
DeLuca	Kasunic	Preston	Wogan
DeVerter	Kennedy	Punt	Wozniak
DeWeese	Kenney	Raymond	Wright, D. R.
Daley	Kosinski	Reber	Wright, J. L.
Davies	Kukovich	Reinard	Yandrisevits
Dawida	Langtry	Richardson	
Deal	Lashingier	Rieger	Irvis,
Dietz	Laughlin	Robbins	Speaker
Distler	Lescovitz		

NAYS—4

Bortner	Fargo	Itkin	Lloyd
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NOT VOTING—1

Cohen

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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. Mr. Wilson, do you wish to correct a vote? Mr. WILSON. Yes, Mr. Speaker.

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

Mr. WILSON. On concurrence in HB 98 my vote was inadvertently registered in the negative, which is a total error. That switch does that occasionally. I would like it to be in the affirmative.

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

RESOLUTION

Mr. OLASZ called up HR 158, PN 2107, entitled:

Memorializing the United States Congress and the United States Department of Commerce to examine the recent sale of a steel rod mill by the United States Steel Corporation to China.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Dombrowski	Lescovitz	Robbins
Afflerbach	Donatucci	Letterman	Roebuck
Angstadt	Dorr	Levdansky	Rudy
Argall	Duffy	Levin	Ryan
Arty	Durham	Linton	Rybak
Baldwin	Evans	Livengood	Saloom
Barber	Fargo	Lloyd	Saurman
Barley	Fattah	Lucyk	Scheetz
Battisto	Fee	McCall	Schuler
Belardi	Fischer	McClatchy	Semmel
Belfanti	Flick	McHale	Serafini
Birmelin	Foster, Jr., A.	McVerry	Seventy
Black	Fox	Mackowski	Showers
Blaum	Freeman	Maiale	Sirianni
Bortner	Freind	Manderino	Smith, B.
Bowley	Fryer	Manmiller	Smith, L. E.
Bowser	Gallagher	Markosek	Snyder, D. W.
Boyes	Gallen	Mayernik	Snyder, G. M.
Brandt	Gamble	Merry	Staback
Broujos	Gannon	Michlovic	Stairs
Bunt	Geist	Micozzie	Steighner
Burd	George	Miller	Stevens
Bush	Gladeck	Moehlmann	Stewart
Caltagirone	Godshall	Mowery	Suban
Cappabianca	Greenwood	Mrkonic	Sweet
Carlson	Gruitza	Murphy	Swift
Carn	Gruppo	Nahill	Taylor, E. Z.
Cawley	Hagarty	O'Brien	Taylor, F. E.
Chadwick	Haluska	O'Donnell	Taylor, J.
Cimini	Harper	Olasz	Telek
Civera	Hasay	Oliver	Tigue
Clark	Hayes	Perzel	Trello
Clymer	Herman	Petrarca	Truman
Cohen	Hershey	Petrone	Van Horne
Colafella	Honaman	Phillips	Veon
Cole	Howlett	Piccola	Vroon

Cordisco	Hutchinson	Pievsky	Wambach
Cornell	Itkin	Pistella	Wass
Coslett	Jackson	Pitts	Weston
Cowell	Jarolin	Pott	Wiggins
Coy	Johnson	Pratt	Wilson
Deluca	Josephs	Pressmann	Wogan
DeVerter	Kasunic	Preston	Wozniak
DeWeese	Kennedy	Punt	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kosinski	Reber	Yandrisevits
Dawida	Kukovich	Reinard	
Deal	Langtry	Richardson	Irvis,
Dietz	Lashingier	Rieger	Speaker
Distler	Laughlin		

NAYS—0

NOT VOTING—1

Cessar

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1773** By Representatives DeLUCA, NOYE, ITKIN, KASUNIC, PETRONE, DALEY, MRKONIC, LEVDANSKY, DeWEESE, PISTELLA, HERSHEY, WOZNIAK, BARLEY, MICHLOVIC, DAWIDA, MURPHY, COWELL, MARKOSEK, BELFANTI, LAUGHLIN, McCALL, STABACK, GALLAGHER, PRESSMANN, FLICK, RAYMOND, PUNT, FOX, TELEK, PRESTON, TRELLO, MORRIS, O'DONNELL, FEE, SEVENTY, OLASZ, J. TAYLOR, PETRARCA, BURNS, DURHAM, WESTON, GLADECK, TRUMAN, EVANS, COHEN, RUDY, SALOOM, GEORGE, FRYER, COLAFELLA, CAPPABIANCA, DUFFY, CALTAGIRONE, COLE, WILSON, RIEGER and RICHARDSON

An Act authorizing an employee to reject medical insurance coverage provided by the employer for a consideration; and providing for enforcement.

Referred to Committee on HEALTH AND WELFARE, October 16, 1985.

**No. 1776** By Representatives F. E. TAYLOR and L. E. SMITH

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," reestablishing and continuing the Pennsylvania Housing Finance Agency; further providing for agency membership and terms; providing for removal from the agency for nonattendance at meetings; and further providing for mortgagors profits.

Referred to Committee on BUSINESS AND COMMERCE, October 16, 1985.

**No. 1777** By Representatives F. E. TAYLOR and L. E. SMITH

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for sovereign immunity as it relates to the Pennsylvania Housing Finance Agency.

Referred to Committee on BUSINESS AND COMMERCE, October 16, 1985.

**No. 1778** By Representatives STEWART, E. Z. TAYLOR, F. E. TAYLOR, CAPPABIANCA, COY, POTT, GREENWOOD, WOZNIAK, MICHLOVIC, GLADECK, SAURMAN, ITKIN, NAHILL and CLYMER

An Act providing for the certification of professional geologists; and appropriating funds collected.

Referred to Committee on PROFESSIONAL LICENSURE, October 16, 1985.

**No. 1779** By Representatives EVANS, KOSINSKI, RIEGER, DONATUCCI, TRUMAN and ROEBUCK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for habitual offenses; and increasing penalty for overtaking school bus.

Referred to Committee on TRANSPORTATION, October 16, 1985.

**No. 1780** By Representatives EVANS, RIEGER, DONATUCCI, JOSEPHS, COHEN, TRUMAN and ROEBUCK

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing a tax credit for certain child day-care center payments.

Referred to Committee on FINANCE, October 16, 1985.

**No. 1781** By Representatives EVANS, KOSINSKI, RIEGER, DONATUCCI and COHEN

An Act creating a Pennsylvania Honors Scholarship Program administered by the Department of Education to provide an annual scholarship to a student in each school district who has excelled in educational achievements and endeavors.

Referred to Committee on EDUCATION, October 16, 1985.

**No. 1782** By Representatives EVANS, RIEGER, DONATUCCI and COHEN

An Act amending the act of April 25, 1929 (P. L. 723, No. 315), entitled "An Act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," further providing for investment of funds.

Referred to Committee on STATE GOVERNMENT, October 16, 1985.

**No. 1783** By Representatives EVANS, RIEGER, DONATUCCI and COHEN

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," further providing for classes of investments for certain types of insurance companies.

Referred to Committee on INSURANCE, October 16, 1985.

**No. 1784** By Representatives EVANS, RIEGER, DONATUCCI and COHEN

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," further providing for investments by savings banks.

Referred to Committee on BUSINESS AND COMMERCE, October 16, 1985.

**No. 1785** By Representative JOHNSON

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a tract of land and a right-of-way in Noyes Township, Clinton County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 16, 1985.

**No. 1786** By Representatives JOHNSON, SCHULER, JACKSON, J. L. WRIGHT, SIRIANNI, FOX, PHILLIPS, WOZNIAK, NOYE, J. TAYLOR, HERMAN and CIVERA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of use of a computer for the sexual exploitation of children; providing for wiretapping and electronic surveillance with respect thereto; and making an editorial change.

Referred to Committee on JUDICIARY, October 16, 1985.

**No. 1787** By Representatives JOHNSON, JACKSON, J. L. WRIGHT, SIRIANNI, FOX, VROON, HERMAN and CIVERA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it unlawful to knowingly transmit acquired immune deficiency syndrome through sexual contact.

Referred to Committee on JUDICIARY, October 16, 1985.

**No. 1788** By Representatives KUKOVICH, SEVENTY, DALEY, GEORGE, HALUSKA, DeWEESE, DOMBROWSKI, STABACK, KOSINSKI, J. L. WRIGHT, MRKONIC, O'DONNELL, HARPER, JOHNSON, DeLUCA, REBER, LEVDANSKY, PRESSMANN, PRATT, COLAFELLA and TRELLO

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, exempting from taxation the owner-occupied residence of a person 65 years of age or older.

Referred to Committee on FINANCE, October 16, 1985.

**No. 1789** By Representatives DALEY, TIGUE, PISTELLA, KASUNIC, COLAFELLA, BELFANTI, CARLSON, JOHNSON, PETRONE, GODSHALL, SERAFINI, NAHILL, BOWSER, MORRIS, J. TAYLOR, McVERRY, WOGAN, FOX, REBER, CIVERA, MAIALE, REINARD, LINTON, OLASZ, TRELLO, CARN and LUCYK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the issuance of a limited drive-to-work-only permit to persons whose license is revoked or suspended.

Referred to Committee on TRANSPORTATION, October 16, 1985.

**No. 1790** By Representatives DALEY, MICHLOVIC, SWEET, COY, J. L. WRIGHT, SALOOM, PISTELLA, WOGAN, KUKOVICH, REBER, TRELLO, WOZNIAK, FISCHER, PETRONE, DAWIDA and JAROLIN

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), referred to as the "Intergovernmental Cooperation Law," providing for a council of governments and its rights and powers.

Referred to Committee on STATE GOVERNMENT, October 16, 1985.

**No. 1791** By Representative LAUGHLIN

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," providing that sellers cannot charge or collect a credit card surcharge.

Referred to Committee on CONSUMER AFFAIRS, October 16, 1985.

**No. 1792** By Representatives ITKIN, McVERRY, YANDRISEVITS, JOHNSON, WIGGINS, MICHLOVIC, MRKONIC, PETRONE, DORR, SERAFINI, PISTELLA, KOSINSKI, MORRIS, VAN HORNE, PRESTON and CARN

An Act amending the act of May 21, 1943 (P. L. 349, No. 162), entitled as amended, "An act requiring political subdivisions to refund certain taxes, license fees, penalties, fines or moneys paid thereto, and providing procedure for obtaining such refunds," requiring interest to be paid on certain overpayments of taxes.

Referred to Committee on FINANCE, October 16, 1985.

**No. 1793** By Representatives ITKIN, JOHNSON, TRELLO and PRESTON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, to include certain Federal service as nonstate service.

Referred to Committee on FINANCE, October 16, 1985.

**No. 1794** By Representatives FLICK, BELFANTI, WOGAN, REBER, LANGTRY,

**AFFLERBACH, WOZNIAK, TRUMAN,  
BOWSER and PETRONE**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for antique slot machines.

Referred to Committee on JUDICIARY, October 16, 1985.

**No. 1795** By Representatives GLADECK, CORNELL,  
SAURMAN, REBER, FOX, NAHILL and  
LASHINGER

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the "Intangible Personal Property Tax Law," imposing the tax upon interest-bearing accounts in certain non-Pennsylvania banking institutions.

Referred to Committee on FINANCE, October 16, 1985.

**No. 1796** By Representatives GLADECK, CORNELL,  
SAURMAN, REBER, FOX, NAHILL and  
LASHINGER

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the "Intangible Personal Property Tax Law," exempting loans between parents and children from the tax.

Referred to Committee on FINANCE, October 16, 1985.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 173** By Representatives MANDERINO,  
GEORGE, STEIGHNER, BELARDI,  
JAROLIN, CAWLEY, LUCYK,  
STEWART, WOZNIAK, FREEMAN and  
FEE

Requesting the Auditor General to conduct a program audit of the Department of Environmental Resources' solid waste and hazardous waste programs.

Referred to Committee on RULES, October 16, 1985.

**SENATE BILLS FOR CONCURRENCE**

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

**SB 15, PN 1428**

Referred to Committee on INSURANCE, October 16, 1985.

**SB 560, PN 1429**

Referred to Committee on FINANCE, October 16, 1985.

**REMARKS ON VOTE**

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

Mr. CESSAR. On HR 158 I was not recorded, and if I were recorded, it would be in the affirmative. Thank you.

**RECESS**

The SPEAKER. If there are no further announcements, the House stands in recess until 1 p.m.

**AFTER RECESS**

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

**FILMING PERMISSION**

The SPEAKER. The Speaker has given permission for "The People's Business" to film on the floor of the House this afternoon.

**BILLS SIGNED BY SPEAKER**

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

**HB 98, PN 2227**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to support, custody, visitation, property and contracts; and making repeals.

**SB 606, PN 679**

An Act amending the act of June 7, 1961 (P. L. 257, No. 151), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes;....," removing the maximum limitation upon the cost of roadside rests; and making editorial changes.

**ADDITIONS AND DELETIONS OF SPONSORS**

The SPEAKER. The Chair acknowledges receipt from the majority leader of additions and deletions of sponsorships of bills.

The following list was submitted:

**ADDITIONS:**

HB 452, D. W. Snyder; HB 446, Lucyk; HB 691, Petrone; HB 843, Broujos, Wambach; HB 1086, Sirianni; HB 1102, Mrkonic; HB 1321, Dawida; HB 1368, Serafini; HB 1369, Serafini; HB 1370, Serafini; HB 1371, Serafini; HB 1372, Serafini; HB 1587, Fattah, Blaum, Hershey; HB 1627, Telek; HB 1696, Cowell; HB 1732, Hershey; HB 1735, Pratt, Hershey; HB 1741, R. C. Wright; HB 1749, R. C. Wright; HR 159, Fattah; HR 165, R. C. Wright, Pratt; HR 167, Bortner, Fischer.

**COMMUNICATION FROM JOINT STATE  
GOVERNMENT COMMISSION**

The SPEAKER. The Chair also acknowledges a report signed by the gentleman, Mr. Madigan, from the Joint State Government Commission. The clerk will file the report.

The following communication was submitted:

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

October 16, 1985

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

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication Probate, Estates and Fiduciaries Code, Proposed Amendments and Comments—1985.

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

Respectfully submitted, Roger A. Madigan Chairman

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman. Why do you rise?

Mr. HERMAN. I would like to correct a vote, Mr. Speaker.

The SPEAKER. Go right ahead.

Mr. HERMAN. On HB 1345, Representative Itkin's amendment A2743, I pressed my button to indicate I was voting in the affirmative. However, it was not registered. I would like to be recorded in the affirmative on that amendment.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, I move for the immediate suspension of the rules so that we take up immediately a resolution.

The SPEAKER. Both floor leaders have agreed to this suspension of the rules.

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

The following roll call was recorded:

YEAS—179

Table listing names of members who voted 'YEAS' in two columns: Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Flick, Foster, Jr., A., Fox, Lashinger, Laughlin, Lescovitz, Letterman, Levdansky, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McHale, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Showers

Table listing names of members who were present or absent: Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Burd, Caltagirone, Cappabianca, Carlson, Carn, Cessar, Chadwick, Cimini, Civera, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Distler, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Langtry, Langtry, McVerry, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Moehlmann, Mrkonic, Murphy, Nahill, O'Brien, O'Donnell, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pressmann, Preston, Punt, Raymond, Reber, Reinard, Richardson, Rieger, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Steighner, Stevens, Stewart, Stuban, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek, Tigue, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Yandrisevits, Irvis, Speaker

NAYS—0

NOT VOTING—18

Table listing names of members who did not vote: Bowser, Bunt, Bush, Cawley, Clark, Fischer, Geist, Kukovich, McClatchy, Mackowski, Miller, Mowery, Olasz, Pratt, Seventy, Staback, Stairs, Sweet

EXCUSED—6

Table listing names of members who were excused: Book, Burns, Dininni, Morris, Noye, Wright, R. C.

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

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy, who submits the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 174

A RESOLUTION

Designating the week of October 20 through 26, 1985, as "Pennsylvania Businesswomen's Week."

WHEREAS, More than 46.2 million women account for 40.5% of the labor force in the United States; and

WHEREAS, Beyond joining the labor force in greater numbers, women are moving into occupations traditionally dominated by men, breaking barriers previously set by men; and

WHEREAS, In every field women have made significant advances. In increasing numbers they are becoming doctors,



lawyers, professors, stockbrokers, architects, engineers, ministers and politicians; and

WHEREAS, The personal achievements, accomplishments, intellectual abilities and promise of further success by women in the labor force have made a dramatic impact on the local, state and national levels; and

WHEREAS, These able-bodied, strong-willed, independent thinking, hard-working, intelligent women have proved their worth in the business world; therefore be it

RESOLVED, That the House of Representatives designate the week of October 20 through 26, 1985, as "Pennsylvania Businesswomen's Week," and recognize, honor and applaud the talent of Pennsylvania businesswomen and the value of their labor in the Commonwealth of Pennsylvania and the Nation.

- Ruth C. Rudy
- Mary Ann Arty
- William E. Baldwin
- Ruth B. Harper
- John F. Pressmann
- Carmel Sirianni
- Roy C. Afflerbach
- Robert Freeman
- Paul McHale
- Peter C. Wambach
- William C. Rybak
- Mark B. Cohen
- H. William DeWeese
- Elinor Z. Taylor
- Babette Josephs
- Gerard A. Kosinski
- Ralph Acosta
- William J. Stewart
- John Showers

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

I would just like to point out that this is in conjunction with National Businesswomen's Week, which is running through the week of October 20 to October 26.

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

The following roll call was recorded:

YEAS—190

Acosta	Dietz	Lashing	Robbins
Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Levin	Saloom
Barber	Durham	Linton	Saurman
Barley	Evans	Livengood	Scheetz
Battisto	Fargo	Lloyd	Schuler
Belardi	Fattah	Lucyk	Semmel
Belfanti	Fee	McCall	Serafini
Birmelin	Fischer	McClatchy	Seventy
Black	Flick	McHale	Showers
Blaum	Foster, Jr., A.	McVerry	Sirianni
Bortner	Fox	Mackowski	Smith, B.
Bowley	Freeman	Maiale	Smith, L. E.
Bowser	Freind	Manderino	Snyder, D. W.
Boyes	Fryer	Manmiller	Snyder, G. M.
Brandt	Gallagher	Markosek	Staback
Broujos	Gallen	Mayernik	Stairs
Bunt	Gamble	Merry	Steighner

Burd	Gannon	Michlovic	Stevens
Bush	George	Micozzie	Stewart
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Mowery	Swift
Carn	Greenwood	Mrkonic	Taylor, E. Z.
Cawley	Gruitza	Murphy	Taylor, F. E.
Cessar	Gruppo	Nahill	Taylor, J.
Chadwick	Hagarty	O'Brien	Telek
Cimini	Haluska	O'Donnell	Tigue
Civera	Harper	Olasz	Trello
Clark	Hasay	Oliver	Truman
Clymer	Hayes	Perzel	Van Horne
Cohen	Herman	Petrarca	Veon
Colafella	Hershey	Petrone	Vroon
Cole	Honaman	Piccola	Wambach
Cordisco	Hutchinson	Pievsky	Wass
Cornell	Itkin	Pistella	Weston
Coslett	Jackson	Pitts	Wiggins
Cowell	Jarolin	Pott	Wilson
Coy	Johnson	Pressmann	Wogan
Deluca	Josephs	Preston	Wozniak
DeVerter	Kasunic	Punt	Wright, D. R.
DeWeese	Kennedy	Raymond	Wright, J. L.
Daley	Kenney	Reber	Yandrisevits
Davies	Kosinski	Reinard	
Dawida	Kukovich	Richardson	Irvis,
Deal	Langtry	Rieger	Speaker

NAYS—0

NOT VOTING—7

Carlson	Howlett	Phillips	Sweet
Geist	Miller	Pratt	

EXCUSED—6

Book	Dininni	Noye	Wright, R. C.
Burns	Morris		

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

LEAVE OF ABSENCE

The SPEAKER. Without objection, the gentleman from Washington, Mr. SWEET, will be granted leave for the afternoon session, and the Chair hears no objection thereto.

WELCOME

The SPEAKER. We have Joyce Carnahan and Linda Critzer here as guests of Representative Curt Bowley. Welcome to the floor of the House.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 452, PN 506**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for ineligibility for licensing, for reports on mental or physical disabilities and for determination of incompetency.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. MURPHY offered the following amendments No. A3189:

Amend Title, page 1, line 4, by removing the period after "incompetency" and inserting

; and requiring insurance companies to collect Catastrophic Loss Trust Fund charges.

Amend Bill, page 5, by inserting between lines 9 and 10

Section 2. Sections 1762 and 1764(d) of Title 75 are amended to read:

§ 1762. Funding.

The Catastrophic Loss Trust Fund shall be funded by levying an initial charge of \$5 upon all motor vehicles required to be registered under Chapter 13 (relating to registration of vehicles) except trailers, recreational vehicles not intended for highway use, motorcycles, motor-driven cycles, motorized pedalcycles or like type vehicles. This charge shall be remitted to [an insurance company or other party as may be designated by the Insurance Department] the insurance company at the same time as the payment of the premium. Upon receipt of the charge, the insurance company [or other designated party] shall remit it to the Insurance Department for deposit in the trust fund. The Catastrophic Loss Trust Fund Board shall, by regulation, determine by January 1 of each calendar year the amount of the fund charge for each registration year subsequent to the initial registration year and shall notify the Insurance Department which shall notify the insurance companies [or other designated parties] to collect the charge.

§ 1764. Catastrophic Loss Trust Fund.

\*\*\*

(d) Expenses in collecting fund charge.—Any expense incurred by the Commonwealth in the collection of the fund charge shall be paid by the fund. The Insurance Department may determine a formula to provide for the reimbursement by the fund for expenses incurred by insurance companies [or others] in collecting the fund charge.

Section 3. Title 75 is amended by adding a section to read:

§ 1766.1. Payment of fund charge prerequisite to issuance of insurance.

No motor vehicle liability insurance policy shall be delivered, issued for delivery in this Commonwealth or renewed, with respect to any motor vehicle required to be registered under Chapter 13 (relating to registration of vehicles), except trailers, recreational vehicles not intended for highway use, motorcycles, motor-driven cycles, motorized pedalcycles or like type vehicles, unless all charges levied for the Catastrophic Loss Trust Fund for the vehicle have been collected by the insurance company delivering, issuing for delivery or renewing the policy.

Section 4. Section 1787(d) of Title 75 is amended to read:

§ 1787. Self-insurance.

\*\*\*

(d) Catastrophic Loss Trust Fund.—Self-insurers shall contribute to the Catastrophic Loss Trust Fund in the manner provided in Subchapter F (relating to Catastrophic Loss Trust Fund), except that the charge shall be remitted to the Department of Transportation at the time of the filing in accordance with subsection (a). Upon receipt of the charge, the Department of Transportation shall remit it to the Insurance Department for deposit in the trust fund.

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

5

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment amends the part of Act 75 that deals with the Catastrophic Loss Trust Fund. What it does very simply is put the responsibility for collecting the premiums on the insurance company. It would eliminate the language in the bill that presently permits any party designated by the Insurance Department to collect the premiums—that had set up the cumbersome process that we have now—so that the \$5 fee would become part of the premium you receive annually or semiannually that you pay.

From my point of view, this makes it much easier for our constituents to pay for the catastrophic coverage that they need. It would eliminate the need to receive another bill separately, and it would eliminate a lot of the confusion that we face with this fund.

I urge your support of the amendment. Thank you.

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

Mr. COWELL. Mr. Speaker, would Mr. Murphy consent to interrogation, please?

The SPEAKER. The gentleman, Mr. Murphy, indicates he will stand for interrogation.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, my inclination is to agree with the thrust of Mr. Murphy's proposed amendment - that is, that the insurance companies be responsible for collecting this insurance fee. However, the question to Mr. Murphy is, do you in any way give consideration to the collection of the fee from those substantial numbers of motorists who apparently do not purchase insurance in this State? That would appear to be a gap that is not addressed by the amendment.

Mr. MURPHY. That is correct. This amendment does not address the question of the uninsured motorists.

Mr. COWELL. Well, Mr. Speaker, the followup question then is, how would we address the question of the uninsured motorists? Could we insure that by some means they do pay the \$5 fee like everyone else?

Mr. MURPHY. The only way that we address that is, there is language in the existing act now that if they do not participate in the program of buying insurance, they do not receive the coverage. So the only way that we deal with the uninsured motorists is to assure them that they will not receive this coverage if they do not pay.

Mr. COWELL. And finally, Mr. Speaker, again I do not know if the gentleman has an approximate number off the top of his head, but does Mr. Murphy have any indication or any idea what percentage of Pennsylvania motorists are uninsured?

Mr. MURPHY. Under the old no-fault system that we eliminated last year, the percentage ranged as high as 20 percent of the approximately 6 million drivers. As you might remember in the discussion when we repealed no-fault, it was argued that because this system provided more flexibility and at least theoretically would provide lower costs, that that percentage would drop substantially. The most recent statistics I do not think are available under the new system of how many uninsured motorists there are now presently in the State.

Mr. COWELL. Thank you, Mr. Speaker.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I was going to ask to interrogate the maker of the amendment, but the questions that Mr. Cowell directed to him were the questions that I was going to ask him, and the responses were what I had expected.

This amendment is fatally flawed, Mr. Speaker, because the whole idea behind the Catastrophic Loss Fund and really the only benefit that the consumer gets from having a Catastrophic Loss Fund is that it is tied to every registered vehicle in the Commonwealth; that is, for every registered vehicle, someone will pay \$5 to cover that vehicle. By tying it to registrations, we have assured that.

Now, by having the insurance companies collect this \$5, we have eliminated that saving grace, if you will, for the Catastrophic Loss Fund. It will be impossible for that \$5 to be collected by the 1 million or 1 1/2 million uninsured vehicles that are driving around on the roads of the Commonwealth. I do not see how 250 insurance companies that do business in Pennsylvania are going to be able to collect \$5 for every registered vehicle. Therefore, the Catastrophic Loss Fund will be spread over a smaller group of people and our constituents are going to have to pay, when they pay, a higher-than-\$5 fee.

I think this is a flawed amendment, and I would urge that it be defeated.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think the gentleman is erroneous in his view that this is a flawed amendment. The Catastrophic Loss Fund sticker at the present time and the payment of the \$5 for the Catastrophic Loss Fund for self-insurers will be the same as under present law. Our present law does not permit the registration of an automobile without the purchasing of liability insurance. That is how we will insure that everyone who registers an automobile is insured. What Mr. Murphy's amendment says is that the companies cannot deliver, issue, a policy of insurance - a liability policy - unless they collect the \$5 Cat Fund. If the second step in that process is needing to be insured before you can register an automobile, you are not going to be able to register the automobile unless you have purchased the insurance, which means you must have purchased the \$5 Cat Fund.

We are not fatally flawed in this amendment. This amendment puts the responsibility of collecting the \$5 for the Cat Fund where it should have been in the beginning, where this General Assembly said it would be when it said that the Insurance Commissioner would design a method by which the insurance companies would collect the money. This is what we passed when we passed the Cat Fund, and to say that there are going to be many people who are not paying into the Cat Fund I think is making an erroneous statement.

Now, if the insurance companies indicate that people are insured who are not insured, then it is their responsibility, and they will be charged for the \$5 Cat Fund. They cannot without liability indicate that people are insured for liability as they

must be under our statutes and have bought the Cat Fund purchase of \$5 and then walk away and say, oh, no, they did not. If they allow their company's name and policy number to be used in the registration procedure, then those people certainly will be responsible for the \$5 Cat Fund.

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

Mr. AFFLERBACH. Mr. Speaker, will the gentleman, Mr. Murphy, please stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Murphy, indicates he will so stand. You are in order and may proceed, sir.

Mr. AFFLERBACH. My first question is this: Will the portion of the present law which requires the Bureau of Motor Vehicles not to renew a registration remain in effect should this amendment be approved?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. AFFLERBACH. The second question then is this: How will the Bureau of Motor Vehicles know that in fact a person has paid the Cat Fund charge?

Mr. MURPHY. Mr. Speaker, presently this system is in effect with the remainder of the required insurance responsibility that people have to purchase, that the insurance companies notify PennDOT that that insurance has been purchased or that an individual has independent financial responsibility. So there is no change in that part of the system. The insurance company is still going to be required to notify PennDOT of the purchase of insurance. If an individual has not purchased insurance, then they will not be permitted to receive their registration.

Mr. AFFLERBACH. Can the gentleman inform the members of the House as to whether or not there is any time limit within which the insurance company must notify PennDOT of the payment of the Cat Fund charge?

Mr. MURPHY. I do not have the copy of Vehicle 75 before me to indicate what that time limit is. My assumption is that this does not change what is in present law. I do not know what the time limit is that they must notify PennDOT now.

Mr. AFFLERBACH. The point being, however, that there is nothing contained in your amendment that would set a time certain by which the insurance company must notify PennDOT that the charge has been paid. Is that correct?

Mr. MURPHY. The amendment does not touch what is in present law.

Mr. AFFLERBACH. Thank you. That concludes my interrogation. I would like to speak on the amendment.

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

Mr. AFFLERBACH. While it may be suggested that any change to the present collection system would be an improvement, and I suspect it would, I do not believe that this particular change would be that great an improvement. Some of the very problems that exist presently will continue to exist in a change of this nature.

For example, an individual's motor vehicle registration may well become due for the upcoming year long before the insurance premium becomes due. How will we rectify that with the

Bureau of Motor Vehicles? Will that individual have to obtain some particular information from the insurance company to indicate that he has in fact paid his Cat Fund charge in advance? And will we not run into exactly the same problem we have experienced under ICS (Insurance Collection Services) collection, and that is a mishandling, a slow handling, and, in my opinion, a very inappropriate handling of the charges that have been paid as they are recorded and reported to the Bureau of Motor Vehicles.

I do not believe I need remind the members of this Assembly that the present system was constructed and devised in great part by the insurance companies and their executives. In fact, it is an insurance company executive who serves as president of ICS. We have seen what the insurance companies can do in terms of providing efficient, effective, and timely service, and it stands, unfortunately, as a disaster.

I do not believe we gain a thing by changing to a different system of collection with an amendment of this nature. The inherent problems that we presently have will continue to exist as long as this Assembly and this Commonwealth does not have direct control over the collection process.

There is only one efficient, effective, and economical way to collect this fund - that is to have PennDOT do it directly. The next amendment will propose that. I ask you to defeat this amendment so that we may get on to the next one. Thank you.

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

Mr. MERRY. Mr. Speaker, I would like to further emphasize the remarks of Representative Piccola and Representative Afflerbach in that this is not the proper way to handle the problem. I want to draw out just three small issues that will further their testimony.

There is no provision in your bill, Mr. Speaker, that would indicate how you would handle personal payments. It seems to be a common occurrence in the Commonwealth today that when you purchase an insurance policy, you will do it perhaps for only 6 months, and then under conditions that provide for two payments or perhaps even monthly payments. Your amendment does not address that. Your amendment does not address the very serious flaw of how an insurance agent sells you something without collecting his service fee. In every other type of insurance he gets a commission. There is no provision, and neither should there be a provision, for paying a commission to a person collecting and servicing this insurance policy.

Finally, the point that Representative Afflerbach made about the insurance year not running concurrent with the registration year is a very serious flaw, because how do you address the fact that he is not buying the insurance at the same time that he is registering his car, or the fact that he may very well buy one, two, or three insurance policies during the insurance year? Does he pay two and three times the \$5 fee or does he not?

I suggest that this bill is not in our best interests, that I would like to look at further amendments on this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, approximately a year and a half ago we were on the floor of this House debating this issue. At that time the members of the General Assembly passed a measure which in fact did say, and still does say, that the insurance companies or a designee by the Insurance Commissioner will collect the Catastrophic Loss Fund fee. Now, whether or not we agree with that today or not is not the problem. Some of the debate has centered around the fact that everybody is afraid that if we do not put it over in PennDOT, somebody is not going to pay the \$5 fee. Well, that is not my concern, quite frankly. My concern centers around the fact that under the no-fault system, not everyone was covered under that system. And you can rest assured that not everyone is going to be covered under the Catastrophic Loss Fund or the automobile financial responsibility law.

Now, one of the flaws—and no one has brought it to the floor's attention yet—is conceivably, and it could happen, that for those of you who would say PennDOT has to collect it, that individual could in fact pay his \$5 Cat Fund fee and never have bought another drop of insurance, if we place it over there. That is what happened under no-fault; that is what is happening today. I have had any number of my constituents back home tell me that they have gotten their automobile registration renewal without having paid the Cat Fund fee, and I can go downstairs and into my files and show you some of the people who in fact have done that.

Now, I believe Mr. Murphy is on the right track. My one concern—and I would like, if I may, Mr. Speaker, to interrogate the gentleman relative to the amendment.

The SPEAKER. The gentleman, Mr. Murphy, indicates he will stand for further interrogation.

Mr. DeVERTER. Mr. Speaker, the amendment does not address, I believe, one particular area of concern that I have, and that is as it relates to the ICS contract. You in no way mention what happens, and my query is, what will happen? Are we still going to be obligated to pay that contract out of the Catastrophic Loss Fund fees that are collected?

Mr. MURPHY. Mr. Speaker, this amendment does not address that issue. This amendment simply shifts the responsibility for collecting the premium to the insurance companies, away from State Government.

Mr. DeVERTER. I understand that, but in your opinion, by our so doing this, will that have a tendency to void that contract, or will we as the Commonwealth be obligated to pay it?

Mr. MURPHY. I honestly cannot answer that question, Mr. Speaker.

Mr. DeVERTER. Mr. Speaker, if it is appropriate, could I address that same question to the majority leader? Perhaps he has some additional knowledge that Mr. Murphy does not.

The SPEAKER. The majority leader indicates he will stand for interrogation. You may proceed.

Mr. MANDERINO. Mr. Speaker, I have no more knowledge than Mr. Murphy. This amendment, as I read it, does not speak to that issue. My guess is that there would be a claim by that particular organization that we have violated the contract by passing the legislation, and there would be some argument as to whether we have and what damages they might serve. But let me point out to you that that is an outfit that has been set up by the insurance companies, who originally agreed to collect this Cat Fund, and I would not like to be in their position of advocating damages for themselves, having reneged on a promise that they made at least to one individual in this General Assembly.

The SPEAKER. Mr. DeVerter, anything further?

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I suspect that this debate could rage on for hour upon hour. I would just like to remind the members that the original act does call for what Mr. Murphy is indicating in this amendment. I contend that irrespective of how you feel about the Catastrophic Loss Fund or the new automobile financial responsibility law, that you support this amendment.

The \$5 catastrophic fee is an insurance premium. It does not belong in the Department of Transportation; it belongs rightfully on the automobile owner's premium renewal or his new premium notice. Short of that, I think we are doing a disservice. We have all seen the confusion that is running rampant out there. I daresay that any number of people—and that includes hundreds of them over the summer months—had said, why did you not just put it on our premium notice? It would have been so much easier. But that is not the way the insurance industry and the trial lawyers ended up with their out-of-court settlement, and we were faced with the onslaught of our constituents being angry and confused.

Short of abolishing the whole system, Mr. Speaker, I would urge support of the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SALOOM. Mr. Speaker, several years ago many of us were sitting on this floor when we passed the no-fault insurance legislation. This legislation was to bring our insurance premiums down, and we all know what happened - they went right up. Of course, in the last session here we were to repeal the no-fault insurance, which again was to bring our insurance premiums down. We know what happened - they went right back up again, even higher than they were before we repealed the no-fault.

Mr. Speaker, we placed the Cat Fund on the last insurance legislation that we passed. Of course, \$5 is a bargain for 900,000 dollars' worth of insurance. But, Mr. Speaker, outside of unemployment, the catastrophic insurance fund has caused more confusion and more concern among the constituents whom I represent than any one item that has come before this House in this particular session.

Every time that I have taken the advice of my attorney on insurance programs, our insurance seems to go up. I would

ask that we defeat this amendment because I am concerned that if we have someone other than the Department of Transportation collecting the \$5 fee, we will probably be paying our insurance companies \$10 to collect it. So, Mr. Speaker, I ask you and I ask the members of the House to please defeat this amendment and consider having PennDOT collect the fee where it does belong. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Morris, has reported to the floor of the House, so his leave is canceled for today and his name will be added to the master roll.

### CONSIDERATION OF HB 452 CONTINUED

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment. I think there is a little bit of a misunderstanding as to how the insurance companies would go about implementing this amendment. Everybody who has car insurance in this State gets a premium notice from his insurance company, and what this amendment would do is require that an additional line item appear on that insurance premium that says Catastrophic Loss Fund. I do not see, once that gets programmed into the computers, why that ought to cost the insurance companies anything other than a mere pittance, to turn the money they collect over to the State fund, over and above what it costs them to otherwise collect insurance. It should not be any more confusing to the motorist, because as far as he is concerned, everything is on one piece of paper, one bill, he writes one check to the insurance company, he does not have to deal with any State agency, and his problems are taken care of.

The question about whether that coincides with the period that the auto license runs and so forth is really irrelevant, because it is being tied to the insurance premium. This is simply a cost of insurance. It is one of the mandatory elements of insurance required in this State and you pay for it through your insurance premium.

Now, I know that some people have said, well, if we have it under the insurance companies, you know, everybody is not going to participate because we know a lot of people do not buy insurance. And that is true, except at a hearing in Bloomsburg about a month ago I asked the insurance industry if they could document for us what the difference in the cost of coverage would be if we had this collected from everybody on the basis of registration as compared to what it would be under the Murphy amendment. I am still waiting for any kind of evidence from the insurance companies that there is any significant difference in cost at all. But let us assume that there is. Let us take Mr. Piccola's argument and let us run with that a little bit.

If it is true that the cost of insurance would be lower if we can make everybody participate, then it also ought to be true

that the cost of buying the basic insurance, the \$10,000 of coverage, the liability insurance that I am required to carry, that that ought to be cheaper if we could just make everybody buy it.

It is absolutely beyond me that we have stood this State on its head all summer. We have alienated people, our constituents, consumers all across the State, and we are today trying to find a foolproof way to make sure we get \$5 from everybody, and we are doing virtually nothing and seemingly care so little about the failure to collect the \$2 or \$3 or \$4 or \$5 or \$1,000 of insurance that people are otherwise required to buy and that they are not. Now, if we would go after those people with the same vigor that some folks want to go after the \$5, maybe we would do everybody a favor because maybe we would then lower the cost of insurance across the board. But nobody is suggesting that and I think I know why nobody is suggesting that. They recognize that that is not doable, and they also recognize that the insurance companies, with their big lobbies, think they are going to have their day today.

We thought we had passed a piece of legislation that was going to make them responsible for the Catastrophic Loss Fund. They subverted the desires of the legislature and the Governor, they went to court, and they created some animal called ICS. Now they think that they are going to be able to create so much confusion that we are going to reject every alternative other than having this money collected through PennDOT, and they may be right. As I hear people talk on the floor today, this amendment may go down and Mr. Afflerbach's may pass and PennDOT may have to collect it and we may override a Governor's veto someday. But if people think that having the insurance rates controlled through your Department of Transportation somehow is going to lance this boil of all of this patent discontent that has been stirred up over the last several months, they are very, very mistaken. That may look good for a year or 2 years or 3 years, but sooner or later that \$5 is going to have to go up, and everybody knows that. And if you have that collected by the Department of Transportation rather than by the insurance companies, that becomes a tax vote; that becomes something which you and I are responsible for every penny, and I do not think that is wise and I do not think if we want a sound fund that that is going to work.

It seems to me that intellectually honesty kind of compels us to say one of two things - either we want the insurance companies to do what they promised to do and we are going to pass the Murphy amendment, or we are just going to abolish the fund entirely. Anything else, I think, is simply postponing the day of reckoning. I would ask for a "yes" vote.

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

Mr. GALLEN. Mr. Speaker, I do not believe what we are doing here and I cannot believe some of the things I am hearing on the floor of this House with regard to this bill. You talk about going from the frying pan into the fire, vote for this amendment and find out what happens.

Some of us were here - the Speaker, Mr. Manderino, Mr. Ryan, and others were here - when Ray Shafer was Governor when we passed the infamous insurance premium tax. We could tell you something about lobbying. We could really tell you something about vehemence, and brother, you are going to bring those insurance agents down on your necks. Now, you are saying, let us let the insurance companies do this. First of all, 85 percent of the automobile insurance policies in this Commonwealth are written for 6 months. You will have a mess on your hands when you have the insurance companies collecting it because a lot of people will have a policy with Erie for 6 months and switch to Travelers and then switch to Aetna after another 6 months. You will have a mess on your hands. You know, you just went through this thing; the public is down on you, and so on. Why do we not abolish this ridiculous thing?

Mr. Speaker, we are telling people they have to buy a million dollars' worth of accident insurance. That is what we are telling them. Why do we not tell them they have to lose 40 pounds? Why do we not tell them they have to have a high-fiber diet? Why do we not tell them they have to invest in blue-chip stocks? I mean, what gives us the right to tell people that they have to buy this type of insurance? Do we tell every father in this State that he has to buy 100,000 dollars' worth of life insurance? How ridiculous can we get?

This is the worst of all the options. There are plenty of options; this is by far the worst. Why not have PennDOT collect it? I heard this argument from a lot of people: What happens when it goes to \$15, \$20, \$60? What happens? Well, I am telling you what happens. Everybody who supported this bill is trying to do a copout on it. Everybody says if it goes to \$50, \$60, we are going to be responsible for it. Well, who the heck should be responsible for it? The people who voted for this legislation are the people who put this thing in place. If it goes to \$60 and PennDOT collects it and it is the most practical way to do it, why not do it that way? Do not do a copout; face the issue.

The SPEAKER. After that calm and reasoned dissertation, the Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

Somewhere along the line I have become very confused with this whole issue, going back to the original concept of no-fault insurance. No-fault insurance permitted claims to be paid by an insurance company for someone disabled or hurt in an accident, and the only way it could be drawn, apparently, was to have compulsory liability insurance in the State. So in a sense, what the legislature did at that time was bring about a condition which said insurance will be a compulsory thing, when it had not been before. Now, this is great for the insurance companies; there is no question about that. But the weakness that we ultimately found, as I understand during later debates, was the fact that the no-fault law was not enforced. The reason it was not enforced is the fact that companies, when notified the premium was not paid, there was a lag before PennDOT or the Motor Vehicle Department found

out that this person was not insured, he did not pay the premium. Then suddenly they were notified you must show us that you are financially responsible by giving us your new insurance number. So, as many thousands of people did, they went to another agent, they did not pay the premium but they did get a policy, which finally lapsed, so they went for another 6 months before anybody noticed it. So it was not working. There is no question about that.

Now, here we go. We are being asked to pass an amendment that would put us right back in the same bind, where an insurance company is supposed to collect this money, and if it does not come to them, if the agent has to remit that immediately, it is going to come out of the agent's pocket. The company will get the money to remit, but the agent gets stuck for that \$5.

There is nothing wrong if we feel that we have to take care of all those losses in excess of \$100,000. I do not know why we feel that we have to do that, because we still believe in free competitive enterprise and people can buy it. If the insurance companies are willing to offer it at a reasonable price, it will be purchased. But here we are dumping it back in the laps of the insurance companies again and we are back in the same race that we were in before this whole thing had been repealed.

So what is happening? We now have compulsory insurance. We have given the trial lawyers the opportunity to sue for the first dollar. We are not doing anything as far as making sure that the proper money is going into the Cat Fund. To do it in this manner, I think all we are doing is kind of backtracking and trying to dodge the issue, as Representative Gallen said. If we are going to go this route, maybe it would be simpler to go back to the old no-fault law and live with it as it was, and let people receive their benefits when they become injured or involved in motor vehicle accidents without going through the necessities of the court system to do that.

I think that we are trying to dodge the issue entirely, and by putting it back there to what was wrong to begin with, now we want to do it wrong again. I urge defeat of this amendment, and if anything can be done, I think PennDOT should face the fact, they should collect the money, turn it over to the Cat Fund, and then let those claims be paid. If that Cat Fund is raised and PennDOT has to face that issue, it will come back to us, one way or the other. So I urge defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I must rise to oppose this amendment very vigorously. What are we trying to do, Mr. Speaker? Are we trying to make ourselves look like a bunch of fumble bums? We have just gotten through the wave of a mixed-up situation and confusion with the collection. Now that has settled down and we have everything operating quite smoothly. All we have to do now is change it again and let the people out there say, do these people know what in the wide world they want? They do not. And the way you are talking

here today, you do not know what you want. I think this is a sign of instability.

I think the best advice at this point that I could give everybody here is, let us be very calm and collected about this whole thing; let us not be emotional about changing things now. Let this ride for a couple of years, and if we do anything at all, there is only one sure way, believe it—and I do not care who sits here and says otherwise—there is only one sure way of collecting that \$5 every year and tying it in with registration, and that is for PennDOT to do it. And I will say this on top of that: That was our intent in the first place. It was absolutely our intent. Then politics started to take a hand in this.

There is no sure way of the insurance companies collecting \$5 from every motorist who owns a car. Absolutely not. We stand to lose as much as \$5 million by turning around now and saying the insurance companies have to collect it.

This is very ill advised. It cannot be efficient; it cannot work; but on top of everything else, we are going to look awfully, awfully foolish if we change things now. Right now the thing to do is sit tight and let us see what happens from here on in. The furor of the public has quieted down because now we have the Cat Fund collection under control. At least we can say that it is working right now as well as we could possibly hope to have it work. But to change now would just mean telling the people out there, I guess we really were wrong in the first place, we were wrong in the second place, so now we are going to try this. And how long is that going to last?

I say, let us reject the amendment. Let us stay put with what we have. I think that is the best advice we can take.

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

Mr. LEVIN. I second almost everything that has been said negatively about the Murphy amendment. I am not going to repeat all the things that everybody said, but I am going to give you one separate minor focus.

One of the greatest problems we have encountered is collecting from the uninsured motorists, those people who do not buy insurance. We have had that problem, and no matter how we have tried to correct it, we have failed. The figures have indicated—and they are just guesses—that at least a million people in the Commonwealth of Pennsylvania drive without acquiring insurance. That is \$5 million a year into the Cat Fund. For us to adopt the Murphy amendment and then pretend that the record of the past 20 years is going to be wiped out overnight and PennDOT or the Department of Transportation or anything you name is suddenly going to be able to enforce the insurance laws and collect the money from that million people just is believing in Santa Claus. It is not true; it is not going to happen. The Murphy amendment is divorced from reality. It is not a meaningful approach, because you are not going to collect the money from the people you have to collect it from to make it work.

The Murphy amendment is fatally flawed. History shows it is bad. Vote it down. Let us wait and see what happens with our present system.

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

Mr. ACOSTA. Mr. Speaker, I do not know Mr. Murphy personally.

(A statement by Mr. Acosta at this point was voluntarily stricken from the record.)

I will ask my colleagues to vote against that amendment. Thank you.

The SPEAKER. Mr. Acosta, it is against the rules of the House for a member to impugn the integrity of another member, and although the Chair is sure that you did not mean that as anything more than a passing remark, the Chair would ask you to retract your statement. Do you do so, sir?

Mr. ACOSTA. I apologize to Mr. Murphy. I am just very angry and very disturbed as to what has been happening with the insurance companies and the policyholders. Thank you.

The SPEAKER. Thank you.

The clerk is instructed to strike the offensive remark from the record.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, a lot has been said about we now have the uninsured motorists under control because of the Cat Fund. It does not really matter who collects it, whether it is the insurance company, the department, or the special agency; all we really know is that everyone now who gets their registration has paid \$5. That does not provide the assurance that we want when we talk about an insured motorist, so we have not accomplished anything.

Mr. Speaker, in my opinion, the Catastrophic Fund is a catastrophe in itself. It forces people to buy insurance when many have coverage, and it is unnecessary for them to have that coverage. They resent the fact that they have to pay this. They do not understand it. The better thing to do would be to eliminate it as has been suggested.

Mr. Vroon has indicated that everything is now under control and our constituents who were upset before have now settled down. I suggest, Mr. Speaker, that they have settled down because they are silently waiting to see what this legislature is going to do now that it is back in session and has the opportunity to correct the terrible error that they made in the spring. I think that we need to do that to act responsively to our constituents, and I think to put this into the Insurance Department or put it over into the Department of Transportation is the wrong direction. We should indeed get rid of it, allow the coverage to be optional for those persons who want to be covered for it, and return the individual choice to the individual. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

You will note, some of you, that you have been standing longer than you anticipated. What the Chair is trying to do in this debate is recognize all those who speak for the first time first and then go to those who wish to speak for the second time. For some of you who are standing and wondering when the Chair will get to you, the Chair has your name, but we are

taking in first speeches first and then we will take you if you wish to speak for the second time.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the Murphy amendment accomplishes two very important objectives that have been set by this House since the time that I was here.

The first one deals with making certain that the drivers of motor vehicles on the highways of the Commonwealth are insured. We have had a number of bills before us in the past dealing with mandatory insurance and requirements for insurance, and we have always insisted that drivers have insurance.

I believe the Murphy amendment addresses that issue to the point but not quite directly, but it does accomplish the goal and let me explain how. Very simply, a person who is not insured is not going to get a bill for the Cat Fund from an insurance company, or a person who is not self-insured, and that person is not going to be able to obtain a motor vehicle registration from the Commonwealth to operate a vehicle or to register a vehicle. That person therefore will not be operating an uninsured motor vehicle on the Commonwealth's highways. It is very simple, but it is very effective, and I think it is a solution that we have been looking for for quite some time.

I may add as an aside, Mr. Speaker, that I am no friend of the Cat Fund, and I would fully support any amendments to repeal it entirely.

I think the Murphy amendment is a step in the right direction on my second point, and that was to go back to what was originally intended by this House when we passed the legislation creating this Cat Fund, and that was—and although I objected to it at that time, the House had different views—that was to make certain or to provide that the insurance company would collect that \$5 fee. Now, that bill went over to the Senate and the Senate sent us back a conference report where they made some changes that permitted the situation that we have today. I think we have an opportunity to correct that and make it very clear what the intent of this legislature is, to reinstate that language back into the law. So I think on those two points alone we should support the Murphy amendment.

I believe that Representative Saurman is correct in his statement when he tells us why there is a lot of silence out there today on this issue, because like many of you there, I have received a number of communications from my constituents vigorously protesting this Cat Fund, and I have promised to do something about it, and I am following through on that commitment today, Mr. Speaker. I think that is why the people are quiet; they are watching the legislature to fill our commitment that we have promised that we would do something about this mess that has been created not by the legislature—and I take exception with those who would say that—this mess has been created by the courts.

A while ago Mr. Manderino talked about the fact that what we put into law was this and what we put into law was that, and, Mr. Speaker, what we are dealing with today is not what



we put into law and not what we intended; it is something that has been created by the court, and I think we not only have an opportunity but we have an obligation to correct that. Even today, Mr. Speaker, these changes that have been made in the Cat Fund through this agreement between the Insurance Department and the court are contradictory to the clear statement in the law as to how this fund is going to be collected even today without that green sticker.

So, Mr. Speaker, I think we have the opportunity to put the law where it should be. We have an opportunity to make certain that only operators of insured vehicles are on our highways, and, Mr. Speaker, I do not think anyone out here is sympathetic with that person who is driving on our highways who is uninsured and could potentially cause serious injury or property damage to the people of the Commonwealth.

Thirdly, Mr. Speaker, we have an opportunity to bring us back to the original intent of the legislation as passed by the House. Mr. Speaker, I urge the members to support the Murphy amendment. Thank you.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the Murphy amendment. Today what our constituents are asking us for is they are asking us for action. What we will do if we adopt the Murphy amendment would be exactly what happened to the auto emissions program. It will linger in the courts and we will get no satisfaction; there will be nothing done with this type of amendment and this type of legislation.

I am not in favor of this one, and I personally am not in favor of PennDOT collecting it, but I think we have an amendment to rectify the whole situation and that is the Geist amendment to repeal the Cat Fund, and that is what we should be doing today. Thank you.

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

Mr. WASS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, sir, please?

The SPEAKER. The gentleman, Mr. Murphy, has indicated he will stand for interrogation. You may proceed, Mr. Wass.

Mr. WASS. Mr. Speaker, as I listen to the debate on the floor, you have a good bit of support for your amendment. I would like to just follow up on Representative Gallen's observation in one area, and that is, if I should buy a 6-month policy for my automobile and I would then pay for the Cat Fund in that premium, and suppose the next time around in the next 6 months I went to another insurance company, how would you determine my obligation to the Cat Fund at that time?

Mr. MURPHY. Mr. Speaker, I think that very simply you would only have to demonstrate proof that you had paid the Cat Fund for that year and you would not have to pay the second time. That proof would come from demonstration that you had paid the first 6 months' premium which included the Cat Fund.

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

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

Mr. DAWIDA. Mr. Speaker, I feel that a lot of the fears that I have heard expressed about the Murphy amendment are groundless, and in fact, in this morning's Post-Gazette in Pittsburgh there was a very good description of what I think these fears are like. It is luposlipaphobia - the fear of being pursued by timber wolves around a kitchen table while wearing socks on a newly waxed floor.

We are arguing and quibbling about things that really do not exist and are not really at the crucial nature of what we are dealing with here, and I deal with one of the previous speakers who said, do we know what we want? Yes, we know what we want. The majority of you voted for this amendment or something very similar to it when we passed the no-fault repeal bill, and I know that because I was the prime sponsor of that amendment. The legislative intent was clear, and most of you did vote for that concept.

This concept of catastrophic coverage is important. It is very important. For any of you who have ever run into anyone who has had a catastrophic injury, it is probably the most important element in insurance coverage, far more important than your collision coverage. It is not any different than collision or liability or the PIP (personal injury protection) premium and should not be considered all that much different. Mr. Lloyd illustrated very accurately earlier on that this should not cost a whole lot more money, because the line item you have on your insurance policy has quite a few line items, and this should be only part of that coverage.

We eliminated in the law coverage for people who did not pay. Under the old no-fault law, you used to be able to get away with not paying and still collecting. I think the greatest incentive for people to pay is the fact they will not collect if they do not, and that is our law now.

The reality—as I heard a previous speaker say we are not dealing with reality—the reality today is that your constituents and you are paying higher costs, they are dealing with an arrogant system, and they are getting less coverage.

I believe the Murphy amendment provides the most intelligent and comprehensible way to solve some of the problems created by the Catastrophic Fund, and I believe we should all support it as we did a year ago.

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

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

The SPEAKER. Mr. Murphy indicates he will stand for further interrogation. You are in order, and you may proceed.

Mrs. TAYLOR. Mr. Speaker, I think that most of us are aware of the fact that the confusion in this whole area has been in the collection process, and if my memory serves me, it was the legislative intent of this body to have the insurance companies collect the fee. Did not the insurance companies then go to the courts and did they not have an out-of-court settlement in which the court declared that they did not have

to collect the fee? Would not your amendment put us right back to square one?

Mr. MURPHY. Mr. Speaker, you are correct in your response, initially, that it was the legislative intent to require the insurance companies to collect the fee. That intent came through the Dawida amendment.

What happened was, when the bill came back to us from the Senate for concurrence, language had been added that provided for the insurance company, to quote from the existing language, "or other party as may be designated by the Insurance Department" to collect the fee. With that language in there, we in effect created a loophole for the insurance industry to shift the responsibility for the collection of the fee to a third party. I guess our statement in the existing law that we passed was ambiguous as to who could collect it.

What my amendment does is make it clear in the language that it is the insurance company's responsibility, and the language that says "or other designated party" is bracketed so that it would be eliminated. So it would be unequivocal as to whose responsibility it would be to collect that fee. It would be the insurance company's, not a third party, as we have done now, and that really is what has caused the confusion.

Mrs. TAYLOR. May I make a statement, Mr. Speaker?

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

Mrs. TAYLOR. Mr. Speaker, as much as I would like to see, and hopefully by the end of this afternoon we will see, some changes in the collection method for the Catastrophic Loss Fund, I do not think that the Murphy amendment is the answer. I think that we have already heard the court speak, and I am afraid that even though we clarify the legislative intent, that the answer will still be the same and there will be that same confusion in the process of collection, so I am opposed to the Murphy amendment.

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

Mr. FLICK. Thank you, Mr. Speaker.

I think the lady from Chester, Representative Taylor, did pursue the line of questioning that I was going to pursue, but I do want to share with the membership some of the specifics which I would think, when brought to their attention, will recall in their minds just exactly what happened.

In Act 11 of 1984, we had provided that the charge, as far as the funding of the Cat Fund, the charge shall be remitted to the insurance company at the same time as the payment of the premium. You will recall that bill went to the Governor and sat on his desk. Then we had to deal with legislation which became Act 12. If I said Act 12, that was Act 11. We had to deal with another piece of legislation which was SB 300, which became Act 12. That provided the change in the funding, as Representative Murphy did indicate, which said that the Commissioner of the Insurance Department could designate another party.

The regulations were then promulgated by the Department of Insurance, is my understanding, and they were to go into being. However, the Pennsylvania Insurance Federation then did take the State to court over implementation of those regu-

lations. On December 5 of 1984, there was a settlement out of court—which my copy is not signed—but it was approved by the Acting Commissioner of the Insurance Department, William Muir; the Secretary of the Department of Transportation, Thomas Larson; the Insurance Federation of Pennsylvania; and Allstate Insurance Company. It was this document that gave us the little green stamp, and it was this document that gave us the vendor known as ICS. It was not our legislation that provided that bureaucratic mess; it was the out-of-court settlement in Commonwealth Court under the direction of Judge Crumlish.

I am glad to have this opportunity to present this information on the floor, because many of our constituents think that we came up with this diabolical scheme to confuse them and to make it difficult for them to register their automobiles. I think if the members of the press will properly report the activity and discussions on the floor of the House today, it has been clearly documented that the process by which the Cat Fund was to be collected is an agreement out of Commonwealth Court, not legislation enacted by us.

I personally would support the Murphy amendment, because I want to go back to the way that we in the House suggested that this process ought to be handled, and that is that we should have the insurance companies collect this \$5 premium. It is a premium for insurance. It is properly handled by the insurance companies, and I think it has been stated clearly enough that we do not wish to see, while I would vote for a collection of the Department of Transportation, that is not the amendment on the floor right now. The amendment is to reaffirm what we did last year and demand that the insurance companies collect this fee.

I, for one, and I hope my colleagues will join me, urge an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, just a couple of things very quickly.

To Mr. Acosta, who feels that the insurance company is going to get this \$40 million, let me assure you that the \$5 collected by the insurance companies, by the terms of the amendment and the act that we have already passed, would be turned over to the Catastrophic Fund Board just as it would if it were collected by any other agency. We are not enriching insurance companies; we are simply using them as the mechanism to collect the fund and it would be administered by the same manner in which it is administered presently or would be administered presently.

Also, Mr. Speaker, when we talk about what the courts have done and we are going to be back in court again, Mr. Speaker, this General Assembly has the right to clarify its intention on the collection of the Cat Fund. That is simply what we are doing this afternoon. Any court, Mr. Speaker, would be faced with the language that is presently before us. Might the insurance companies take us to court? They may, but I refer you to Mr. Dawida, who says, if we are going to be

concerned and afraid of people who do not want to do what the General Assembly says they ought to do, just be afraid because they are going to take us to court because they do not want to do it, then we will never accomplish anything meaningful in this Assembly.

What we are doing here today, I think, takes two large steps. I think we are taking a large step toward having PennDOT toe the line so far as not registering vehicles where there is no financial responsibility shown and not registering vehicles where the Cat Fund has not been paid. We are putting them on the dime, on the line. It appears that today they will register vehicles just to get the \$24 registration fee.

The estimates that I have heard of a million drivers driving in the Commonwealth without insurance have never—and I repeat—have never been documented by any official in the Department of Transportation, any official of the insurance industry, or any official study that I have ever seen. Are there people who drive without insurance? I am sure that there are. Is it that great? I have no way of knowing, and I have asked for those figures from the Department of Insurance and the Department of Transportation many times.

The best chance we have to correct the problems that there are with the Cat Fund presently is to adopt this amendment that places the collection of an insurance premium—and that is what the Cat Fund payment is; it is the collection of an insurance premium—on people who are well versed in collecting insurance premiums, the insurance companies. And with the combination of them, a more diligent Department of Transportation and the registration of vehicles, and this General Assembly, I think we come to a fair and equitable solution of the entire problem. I think it will work.

Those of you who have called it fatally defective have not read the amendment, have not considered in depth this amendment with the present status of the law so far as the necessity to be financially responsible before you can register a vehicle under present law. And it is fully within the Department of Transportation to determine that one is financially responsible. That is an easy thing to do. Either they have insurance within the limits that the General Assembly has prescribed or they demonstrate to the department that they have the financial wherewithal to cover any judgments that might be within those limits. There is a laxity in the Department of Transportation in registering vehicles without a sound showing of financial responsibility.

What we do here this afternoon, I think, goes far in making them toe the mark and carry out the intentions of the General Assembly so far as no one in this Commonwealth being able to drive an automobile, not being able to register an automobile unless they are financially responsible.

Mr. Speaker, I ask for an adoption of the Murphy amendment.

The SPEAKER. Now for the second time, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I believe the debate on this issue has shown that politics does indeed make strange bedfellows on occasion.

Just a couple of comments to finish up.

First of all, I am a little bit disturbed by the members who indicate that we have had a breach of confidence and a breach of commitment by the insurance companies and therefore we should reaffirm our original intent of having them collect the Cat Fund fee. I think that is precisely the wrong reason to pass this kind of an amendment.

I, too, feel betrayed. I, too, was led to believe that the insurance companies had agreed to collect the Cat Fund fee, and I am sure there will be many opportunities for them to atone for their sin in misleading us in that way. But to pass this amendment is not the answer to that particular problem.

First of all, if you take a close look at the amendment, you will see that it constructs a dual collection system. It not only requires the insurance companies to collect the Cat Fund premium; it also requires the Department of Transportation to collect the Cat Fund premium from all self-insurers. And I suspect it is a dual system because it has to be that way; there is no other reasonable way to effect that collection under this kind of an amendment. I suggest to the membership that the very worst thing we could do is establish a dual collection system where we will have most of our people attempting to pay their Cat Fund with their insurance premium and another group paying the money directly to the Department of Transportation.

I think the nub of the whole issue, however, is this: While it is true that the Cat Fund fee is an insurance premium, we have authorized and we continue to authorize the mechanism of a State agency to penalize people, to take away their right to drive their automobile on the mere allegation that they have not paid their Cat Fund charge. I think if we are going to place that kind of a penalty upon a person, then we have a responsibility to place into effect the most efficient and the most economical collection system possible so that the risk of error is minimized to the greatest extent possible. When we place a middleman, a middle agency, in between the individual and the State agency that will effect the penalty, we are not minimizing the risk of error; we are in fact increasing it. That is precisely what has brought us to this debate on the floor today. I suggest that this amendment does not alleviate that problem, and once again I ask for its defeat.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen, for the second time.

Mr. GALLEN. Mr. Speaker, I would like to interrogate Mr. Murphy briefly.

The SPEAKER. All right, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I want to give you a little hypothetical, and I would like to find out how this situation would evolve.

Representative DeWeese buys an annual automobile insurance policy on January 1. On January 6 he buys a second automobile. On January 10, being the irascible person he is, he sells that second automobile. He is charged \$5 for the 4 days that he had it. Now, he comes down to the last days of the policy period, having just one car, and he buys a car on December 1, December 3, December 5, and December 7—all

right?—and his policy is coming up for renewal on January 1. Agents will tell you that they have constant changes with additional cars. Now, the man bought four additional cars in December; \$5 for each one, all right? Now his policy comes up for renewal on January 1. Is he going to pay another 20 bucks, 25 bucks on January 1 after he gets paid? How does that work?

Mr. MURPHY. I do not have the slightest idea, Mr. Speaker.

Mr. GALLEN. I did not think you would.

You will see from this interrogation how perfectly ridiculous it is to have the insurance companies collect this premium.

That is all the interrogation, Mr. Speaker. I have a few further comments.

The SPEAKER. The gentleman may make his additional comments.

Mr. GALLEN. Mr. Speaker, it is arrogant for us to assume that the insurance companies speak for the insurance industry. The majority of people who are involved in insurance are out there on the streets and in their offices selling you the policies. They are, for a big part, the insurance industry. It is ridiculous for us to say we can deal with Tom Finley or Henry Hager or somebody and say, ha, ha, they agree that everything is okay. The insurance agents do not agree to this, believe me, and they are the people from whom you will hear with regard to this situation if indeed you have them collect the premium. The insurance companies by and large will not be collecting this premium. They will be a passthrough; the agents will be collecting it. I am telling you, look out. If you think you had a storm with the mess with this Cat Fund previously, pass this amendment and you have a tiger by the tail. Thank you, Mr. Speaker.

I hate to throw a monkey wrench in Mr. Murphy's chowder.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy, to finish the debate on the Murphy amendment.

Mr. MURPHY. Thank you, Mr. Speaker.

Just to try to put a little perspective on this. I want you to remember back last year when we did vote on the Cat Fund and the repeal of the no-fault law. At that time we were told that premiums would go down, that more people would become insured. In fact, we have not seen that happen, and it seems to me outrageous that we have shifted to the public sector the most unpredictable part of insurance writing, and that is the catastrophic injury, and we are further attempting with future amendments to shift that responsibility further to the public sector while at the same time permitting the insurance industry to have a lot less risk and not to have reduced their policy costs of the policies to our constituents.

From a philosophic point of view, I think it is wrong to suggest that PennDOT or the State Government ought to be in the insurance business, and by encouraging PennDOT to collect this fee, that is what we are doing. What I am attempting to do in my amendment is to say that this is ultimately a

private responsibility of the free enterprise system in this State, that they are responsible for collecting the insurance premium. This is a very modest change in that regard. From my point of view, we ought to shift the whole burden back on them, but this simply shifts the responsibility for collecting the premium. It is ultimately a private and should be a private responsibility.

A lot of concern was raised about the uninsured motorist. That continues to be a concern in any kind of system we have. But please understand that if we shifted this responsibility to PennDOT, your assumption that the uninsured motorists also register their cars is not a correct assumption. There are numerous individuals who do not buy insurance and who do not register their car, so they are not going to get caught in either system about paying. Please keep that in mind. That million-driver number that we have heard includes a substantial number of people who simply drive without ever filing any papers for their car.

Mr. Speaker, I urge your support for this amendment because I think it places some responsibility for the insurance, catastrophic injury, on the people who ought to have that responsibility - the private sector in this State. To continue to move that responsibility entirely to the public sector I think ultimately will lead to a very badly run bureaucratic system that denies where the responsibility ought to be, and that is in the private sector. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—67

Argall	Dorr	Kosinski	Seventy
Arty	Fee	Kukovich	Sirianni
Barber	Fischer	Lashingner	Smith, L. E.
Battisto	Flick	Levdansky	Snyder, D. W.
Belardi	Freind	Lloyd	Snyder, G. M.
Blaum	Gamble	McClatchy	Stairs
Bortner	Gannon	Manderino	Stewart
Bowser	Geist	Michlovic	Telek
Bunt	George	Micozzie	Tigue
Carn	Gladeck	Miller	Truman
Cessar	Godshall	Murphy	Van Horne
Civera	Gruitza	O'Donnell	Veon
Cohen	Gruppo	Olasz	Wambach
Coslett	Hayes	Pistella	Wiggins
Cowell	Itkin	Preston	
DeVerter	Johnson	Raymond	Irvis,
Dawida	Josephs	Ryan	Speaker
Dombrowski			

NAYS—129

Acosta	Distler	Linton	Richardson
Afflerbach	Donatucci	Livengood	Rieger
Angstadt	Duffy	Lucy	Robbins
Baldwin	Durham	McCall	Roebuck
Barley	Evans	McHale	Rudy
Belfanti	Fargo	McVerry	Rybak
Birmelin	Fattah	Mackowski	Saloom
Black	Foster, Jr., A.	Maiale	Saurman
Bowley	Fox	Manmiller	Scheetz
Boyes	Freeman	Markosek	Schuler
Brandt	Fryer	Mayernik	Semmel
Broujos	Gallagher	Merry	Serafini
Burd	Gallen	Moehlmann	Showers

Bush	Greenwood	Morris	Smith, B.
Caltagirone	Hagarty	Mowery	Staback
Cappabianca	Haluska	Mrkonjic	Steighner
Carlson	Harper	Nahill	Stevens
Cawley	Hasay	O'Brien	Stuban
Chadwick	Herman	Oliver	Swift
Cimini	Hershey	Perzel	Taylor, E. Z.
Clark	Honaman	Petrarca	Taylor, F. E.
Clymer	Howlett	Petrone	Taylor, J.
Colafella	Jackson	Phillips	Trello
Cole	Jarolin	Piccola	Vroon
Cordisco	Kasunic	Pievsky	Wass
Cornell	Kennedy	Pitts	Weston
Coy	Kenney	Pott	Wilson
Deluca	Langtry	Pratt	Wogan
DeWeese	Laughlin	Pressmann	Wozniak
Daley	Lescovitz	Punt	Wright, D. R.
Davies	Letterman	Reber	Wright, J. L.
Deal	Levin	Reinard	Yandrisevits
Dietz			

## NOT VOTING—1

Hutchinson

## EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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. AFFLERBACH offered the following amendments No. A2903:

Amend Title, page 1, line 2, by inserting after "providing" for the Catastrophic Loss Trust Fund charge and

Amend Title, page 1, line 4, by removing the period after "incompetency" and inserting  
; and making a repeal.

Amend Sec. 1, page 1, line 7, by inserting after "Sections" 1309,

Amend Bill, page 1, by inserting between lines 8 and 9 § 1309. Renewal of registration.

(a) Application.—At least 60 days prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by self-certification of financial responsibility, the applicable fee or fees and [proof that] payment for the Catastrophic Loss Trust Fund charge [has been paid], the department shall send to the registrant a renewed registration card. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

(b) Collection of Catastrophic Loss Trust Fund charge.—In conjunction with the provisions of subsection (a), the department shall collect the appropriate Catastrophic Loss Trust Fund charge. The application for renewal of registration shall separately specify the applicable fee or fees for registration and the applicable Catastrophic Loss Trust Fund charge. Trust fund charges so collected shall be remitted to the Catastrophic Loss Trust Fund in accordance with applicable law and department regulations.

Amend Bill, page 5, by inserting between lines 9 and 10

Section 2. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

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

3

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I do not believe there is any need to go into all the reasons for this amendment. I think that was covered in the previous debate. Let me simply say that the amendment would make the Department of Transportation the collection agency for the Cat Fund charge. The amendment, in its language, is self-explanatory. It provides that the department shall indicate on the registration renewal form the applicable charge for registration renewal and, on a separate item, the applicable charge for the Cat Fund so that there is a distinction drawn between the two collection amounts.

Insofar as an effective date is concerned, the effective date presently in the bill is 60 days from the date of signature. This amendment does not change that. Therefore, it would become effective 60 days from the date the bill is enacted.

I ask support for the amendment.

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

Mr. HAYES. Mr. Speaker, I am quite surprised. We sat here in this chamber for quite a long period of time listening to one speaker after another come to the microphone and talk about how a vote for the Murphy amendment would make insurance agents upset. Other speakers also talked about how the people of Pennsylvania were watching this Assembly as to what it was going to do about the Cat Fund. I suggest that those people of Pennsylvania are not most concerned about how we would upset insurance agents; they are waiting to see if we are going to upset them.

A vote for this particular amendment is nothing more than a shell game. It is preservation of something that the people do not want. The Afflerbach amendment just institutionalizes it in yet another way.

What is the Pennsylvania Department of Transportation all about anyway? It is about the business of building and maintaining highways and bridges. It is not an insurance company; it is not the Insurance Department; it is in charge of highways and bridges, building and maintaining those structures and highways. We should not put them in the insurance business.

The people of Pennsylvania have been asking us to get away from the Cat Fund, and the Afflerbach amendment does nothing more than remove it from a computer company that we have heard so much about today and all through the summer and fall and put it into PennDOT. The people of Pennsylvania have had it with the Cat Fund. One of the speakers said if you vote for the Murphy amendment, you shall hear again from the insurance agents. I suggest to you that if you institutionalize the Cat Fund by putting it in PennDOT, you will hear from the people again and again and again.

I do not believe that there is one member of this Assembly who believes for a second that the Cat Fund is going to remain a paltry \$5. Every actuary who is worth his or her salt will tell

you that there is real prospect that that sum will go much higher than \$5. That has been the actual track record in other States that have adopted such an insurance program. I do not know what kind of serum the Afflerbach amendment offers to prevent that from happening here in Pennsylvania. So it will be \$5 today on somebody's registration card and it will be a great deal more on another day in another year.

I suggest if you do not want the people to be a bit upset with you as you return home to your districts over the institutional protection of a Cat Fund, you do not vote for Afflerbach and you do not vote for that Senate bill that came over to us here last week, if it ever shows its face on our calendar. Vote "no" on Afflerbach, and then do what almost every speaker has been alluding to as he or she came to the microphone - Mr. Geist will be offering an amendment; vote for the Geist amendment, which will rid the people of Pennsylvania once and for all of this Catastrophic Loss Fund fiasco. Vote "no" on this amendment and go to the next one and vote "yes." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

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

Mr. GALEN. Mr. Speaker, I would like to make a point of parliamentary inquiry.

The SPEAKER. Will the gentleman state the point.

Mr. GALEN. Well, I think that many of the members are awaiting the Geist amendment to be considered, and I think if in fact we act positively on that amendment, we are going to waste a lot of time by debating the Afflerbach amendment. My question is, is it possible to ask Mr. Afflerbach to withdraw his amendment and allow the Geist amendment to be offered in order that we can decide whether or not there is any need at all for the Afflerbach amendment? I ask that Mr. Afflerbach withdraw his amendment in order that the Geist amendment can be considered.

The SPEAKER. The gentleman has the right to request the withdrawal of the Afflerbach amendment, and the Chair will entertain the answer of the gentleman, Mr. Afflerbach.

Mr. AFFLERBACH. Mr. Speaker, I would insist that the amendment be run. I believe that we are going to engage in lengthy debate regardless. We might as well try to make things a little bit better. When the next amendment comes up to do away with the entire fund, the debate will have already taken place.

Mr. GALEN. All right. Then, Mr. Speaker, I would like to be recognized on the amendment.

The SPEAKER. The gentleman is so recognized.

Mr. GALEN. It is a rare day when I disagree with Sam Hayes, but, Mr. Speaker, I totally disagree with his specious reasoning on this particular piece of legislation. What we are being told is there is a good possibility that the Cat Fund cost will increase and the premium, therefore, will increase. What we are saying is, if that happens, we do not want to be blamed

for it. We do not want to be blamed for it; we do not want to have PennDOT collecting it.

The only practical way to have this done—I said this 6 months ago—is to have PennDOT collect it. It is so simple. It is so simple. Somebody said it puts them in the insurance business. It does not. They collect the money and they give it to the Cat Fund. There is nothing to it. And it is one mailing, one premium; it is very simple.

Aha, I know that it may go up; it is very possible, but we are the legislators who created the Cat Fund. We are the ones—I did not vote for it, by the way, but you who did are the ones who are responsible. You think it is a good idea. Well, then, who cares who gets blamed or how much it is going to be. If it is a good idea, it is a good idea.

So let us not run away from it by saying PennDOT should not collect it. It does not put PennDOT in the insurance business. I reiterate that - it allows PennDOT to collect the money and give it to the Cat Fund. One mailing; a very simple operation. It is clean. And remember this, that the Cat Fund is tied to registrations. Why have a third party or any other party do it? One simple operation. As I pointed out, you put it on the insurance premium, and the insurance premium comes due at a different time than the registration. It is a ridiculous situation. This would be very, very simple.

I intend to support this amendment, and I intend then to vote to repeal the entire mess. Thank you, Mr. Speaker.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to support the Afflerbach amendment. I think that we are not here to discuss at this particular time repeal. Like it or not, we have the Cat Fund, and in my opinion, the only logical reason for having a Catastrophic Loss Fund run by the government is that we have tied it to registrations and we are at least getting \$5 from every registered vehicle properly registered in the Commonwealth. That is something we did not have under the old no-fault law, and it is something, if the Department of Transportation collects this fund, we will have. It is the only logical way to do it. Mr. Gallen is absolutely correct in that respect, and I would support this amendment and urge that the House vote in the affirmative.

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

Mr. COHEN. Mr. Speaker, I also support the Afflerbach amendment. My constituents are outraged at the inconvenience; they are outraged at the lack of information as to what the Cat Fund is. But I have heard very, very few people, if indeed I have heard a single person at all, express opposition to the concept of the Cat Fund.

In short, the real problem in Pennsylvania is the outrageously high insurance bills. Many families with more than one driver pay \$2,000, \$3,000, \$4,000 a year. That is what the outrage is. Whether the Cat Fund is \$5 or \$15 or \$25, it is still going to be a very, very small percentage of the average family's insurance bill.

It is a very reasonable program. The Afflerbach amendment makes a lot of administrative sense. I urge support for the Afflerbach amendment.

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

Mr. ACOSTA. Mr. Speaker, I rise to support Mr. Afflerbach's amendment. I believe in 3 or 4 or 5 years from now all the voters in Pennsylvania are going to force us, the legislators, to make the State take over the insurance rates, the reason being that every insurance company in the different States away from Pennsylvania - that is in New Jersey and that is in Baltimore and that is in different other States - the same companies that are ripping off every individual in the State of Pennsylvania are setting cheaper rates in different States.

So I am sure that in the future the people who will vote for legislators to come into the House here will demand from us that the State take over the insurance. So, therefore, I ask that the Afflerbach amendment be supported.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GANNON. Mr. Speaker, going back a few years ago when we originally passed the legislation putting the Cat Fund into place, I was reminded of that by a statement made earlier by one of the members when he talked about who to blame. Mr. Speaker, if we were not sensitive at that time about who to blame, then we would have passed the legislation as it originally was reported out of the Insurance Committee, and as you will recall, that provided that PennDOT would collect that \$5 fee that was set by that original legislation.

The House at that time elected to change that language and provide that the insurance companies would collect that \$5 fee, and then when the legislation went over to the Senate, additional language was added which created the ambiguity which permitted the courts to put into place the system that we have today. Mr. Speaker, going back to that set of circumstances today I believe would be a mistake. I think the same reasons prevail today as did then as to why we would not want the Department of Transportation to include that fund collection with the department, that \$5 fee as it is now.

As I see the Afflerbach amendment, Mr. Speaker, there is nothing in there that changes the existing language which permits the Catastrophic Loss Fund Board to raise that \$5 fee. Mr. Speaker, if the Catastrophic Loss Fund Board, in its wisdom, decides to increase that \$5 fee, that means that there is going to be an increase in the registration fee for the motor vehicle owners in the State. Mr. Speaker, I can assure you that if there is an increase in that fee, and therefore an increase in the registration fee, the public is not going to blame the Catastrophic Loss Fund Board for that increase; they are going to blame us. The members who are willing to support the Afflerbach amendment have to be prepared to defend that increase, because we are the body that sets the registration fees for automobiles and we are the body that will be accountable to the public, at least as they see it. It is not something

that we will be able to pass on to someone else as, fortunately, we are a little bit today.

So, Mr. Speaker, for that reason, for the reasons we had back 2 years ago when we initially put this legislation through the House, those reasons prevail today, Mr. Speaker. I would urge that the members consider seriously the blame that they may be faced with in the future when that fund increases its fee and passes it on to motor vehicle registrations.

Also, Mr. Speaker, consider that if we pass this amendment and it becomes law, there will be an immediate \$5 increase in registration fees. It may be more, because we are approaching January of 1986 when the board will decide what the fee will be next year, so we should be prepared. If we are prepared to vote "yes" on the Afflerbach amendment, we should be prepared to defend that set of circumstances over which we will really have no control.

For those reasons, Mr. Speaker, I would urge the members to vote "no" on the Afflerbach amendment. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, I also rise to oppose the amendment. I have a small grocery store in my district that is owned by an elderly couple. I walked in last week and the lady asked me right away, what are you going to do about the Cat Fund? I said, I do not know; what do you want me to do about the Cat Fund? She said, if I need more insurance I do not need the State to tell me what to do. I think that is exactly what we ought to do - abolish it and let the good people of Pennsylvania decide how much insurance they need. Thank you.

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

Mr. REBER. Mr. Speaker, could the maker of the amendment stand for one brief question, please?

The SPEAKER. The gentleman, Mr. Afflerbach, indicates he will so stand. You are now in order, and you may proceed, Mr. Reber.

Mr. REBER. Mr. Speaker, does your amendment in essence track the legislation that recently passed the Senate I believe last week?

Mr. AFFLERBACH. Yes; the amendment tracks it very closely. The only significant difference is that the legislation which was approved unanimously by the Senate has an effective date 6 months from the effective date of that bill, which could mean as many as 8 months down the path.

Mr. REBER. Mr. Speaker, do you know what the vote was in the Senate on that particular bill that tracks your language?

Mr. AFFLERBACH. Yes. The vote was 49 to 0 in the Senate.

Mr. REBER. Thank you.

Mr. Speaker, could I please be recognized on the bill?

The SPEAKER. The gentleman may speak on the amendment at this point.

Mr. REBER. Mr. Speaker, I think it is important at least for you to sit back and be honest with yourself. I personally

have not had one single telephone call from anybody concerning the vote that was taken in the Senate last week on this particular issue. I would ask you to ask yourself if you have had a mass opposition type of contact concerning what was done in the Senate. I have not read about it, I have not heard about such a forceful opposition in the media, and I have not heard from it in the way of any constituent response. I would only ask you to introspect your own mind and make a determination whether that is a similar situation with yourself.

Secondly, Mr. Speaker, I think we ought to become very cognizant of what we are really talking about and what we are really saying in regard to which way we ought to go on this issue. I think we are all kidding ourselves and I think we are all being rather naïve, because at least my constituents are aware, whether they pay \$5 through PennDOT or they pay \$5 through an insurance company or they pay the premium on their insurance company where there is no Catastrophic Loss Fund, they are still paying X amount of dollars out of their pocket. That is the real name of the game.

I think we have to recognize that what we have to do is maximize a collection effort to minimize the cost to our constituents for a catastrophic-type-of-loss fund or a catastrophic-type-of-loss insurance coverage for our constituents. There is no doubt that the best way to maximize the collection, maximize the increase into the pool which in effect keeps down the cost of that protection, is to make sure each and every registered vehicle is in fact paying into that pool or at least being held accountable to pay into the pool and then putting the appropriate penalties on them under the Motor Vehicle Code under the registration provisions if they do not pay it.

I do not think anyone can stand here and say that in one way we are in fact vesting something upon our constituents and in another way we are not. No matter what we do, we are responsible in some way in effectuating what the cost is going to be because of the underlying principles behind the actuarial soundness of the program that we are talking about. I think there is absolutely no way that we can maximize our collection efforts other than by the way that we are presently faced under this amendment. I would certainly voice a favorable vote in favor of this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I supported the Murphy amendment not only because the insurance companies at one time agreed to collect the Cat Fund but because I thought an insurance premium ought to be collected by the insurance companies. But I am convinced that either insurance companies collect the Cat Fund or PennDOT collects the Cat Fund. Anything in between will be as much of a mess as we presently have.

PennDOT collecting the Cat Fund poses its problems though, and I think you all ought to be aware of those problems; I am sure you are and you have thought about it. The reason that the leaders, I think, voted for the insurance companies to collect it is because by placing another collection at PennDOT, which is apt to rise from \$5 to \$6 or \$8 or \$11 over

the next 5 to 7 years, just has more of a perception, I think, to our constituents that they are paying more and more to drive an automobile or to register an automobile, and that is not true. But there will be a time that this General Assembly will be called upon to raise registration fees. From time to time it becomes necessary. From time to time as costs go up on road-building and materials and personnel, we must raise registration fees to keep up with it, and it will be more difficult to do that with PennDOT collecting the Cat Fund.

Be that as it may, I intend to support the Afflerbach amendment. This Assembly has spoken, at least in this House, that the insurance companies are not to collect the Cat Fund, and if that is so, then we will take the next best, in my opinion, and have PennDOT collect it. It does have its problems, and I hope you all remember that you have been warned that it will be difficult, but we will face that when we come to it and probably get over that hurdle, too, someday.

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

Mr. FATTAH. Mr. Speaker, for the same reasons that the majority leader indicated his caution about placing this at PennDOT, I am anxious to support this amendment because I think at the point that our constituents become clearer and clearer about the real costs of insurance and the opportunity to drive in this State, the sooner the pressure will be on us to really do something to bring insurance rates down. I think that is what all of us really know is at the bottom of this issue, and that is that the cost of car insurance, the cost of the Cat Fund and motor vehicle registration in this State is overwhelming to the majority of our constituents, and one day we will have to reckon with that. And so in my anxiousness I would hope that all of my colleagues would join with me in supporting the Afflerbach amendment. Thank you.

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

Mr. STEVENS. Thank you, Mr. Speaker.

May I ask a question of the maker of the amendment, please?

The SPEAKER. Mr. Afflerbach indicates he will stand for further interrogation. You may proceed.

Mr. STEVENS. I am pretty sure, but I wanted to clarify from the debate, do I understand that this is unlike Mr. Geist's proposed amendment in the sense that there is no cap, so that PennDOT could charge in the future whatever they would want to charge?

Mr. AFFLERBACH. That is correct. I am not proposing to change any portion of the existing law except the collection agency.

Mr. STEVENS. Thank you.

May I make a brief comment, Mr. Speaker?

The SPEAKER. You may speak on the amendment.

#### PARLIAMENTARY INQUIRY

Mr. STEVENS. Parliamentary inquiry, Mr. Speaker. Will this amendment, if it passes, in any way affect the amend-



ments to be offered by Mr. Geist - the repealer amendment and the one that would have a \$5 cap?

The SPEAKER. Mr. Stevens, we cannot answer that. We have not seen the Geist amendment and it has not been presented. It may well have an effect on it, but we cannot answer that at this point in time.

Mr. STEVENS. Thank you, Mr. Speaker.

I would just urge that those members of this House who would like to eliminate the Cat Fund—and I would—would have to vote against this amendment. Even though we favor a change in the system, if we cannot eliminate it, we certainly do not want to keep the collection system the way it is. But I am concerned that this amendment will adversely affect the amendments that are coming up, and those of us who want to eliminate the Cat Fund totally I think should vote against this so as not to preclude the proposed amendments that are coming up. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Just very briefly, I would like to bring back to the attention of this General Assembly that there is another option. Both Mr. Reber and Mr. Manderino expressed, I think very eloquently, that the collection method would best be handled in the Department of Transportation but precluded that there is another option, that option being the one that would be presented under Representative Geist's amendment that would do away with the Cat Fund as such and give back to the driving public the option to make a choice. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—120

Acosta	Donatucci	Levin	Richardson
Afflerbach	Dorr	Linton	Rieger
Angstadt	Durham	Livengood	Roebuck
Argall	Evans	Lloyd	Rybak
Baldwin	Fargo	Lucyk	Saloom
Barber	Fattah	McCall	Scheetz
Battisto	Fee	McHale	Semmel
Belardi	Flick	Mackowski	Serafini
Belfanti	Foster, Jr., A.	Maiale	Sirianni
Blaum	Fox	Manderino	Smith, B.
Bortner	Freeman	Manmiller	Staback
Bowley	Freind	Markosek	Stewart
Broujos	Fryer	Mayernik	Swift
Bunt	Gallagher	Merry	Taylor, E. Z.
Bush	Gallen	Micozzie	Taylor, J.
Caltagirone	George	Moehlmann	Tigue
Cappabianca	Gladeck	Morris	Truman
Carn	Greenwood	Mowery	Van Horne
Chadwick	Gruppo	Nahill	Vcon
Civera	Haluska	O'Donnell	Vroon
Cohen	Hershey	Oliver	Wambach
Colafella	Howlett	Petrarca	Weston
Cole	Jackson	Piccola	Wiggins
Cordisco	Josephs	Pievsky	Wogan
Cornell	Kennedy	Pitts	Wozniak
Cowell	Kenney	Pratt	Wright, D. R.
Coy	Kosinski	Pressmann	Yandrisevits
Deal	Kukovich	Punt	

Dietz	Laughlin	Raymond	Irvis,
Distler	Lescovitz	Reber	Speaker
Dombrowski	Letterman		

NAYS—76

Arty	Davies	Langtry	Rudy
Barley	Dawida	Lashingier	Ryan
Birmelin	Duffy	Levdansky	Saurman
Black	Fischer	McClatchy	Schuler
Bowser	Gamble	McVerry	Seventy
Boyes	Gannon	Michlovic	Showers
Brandt	Geist	Miller	Smith, L. E.
Burd	Godshall	Mrkonic	Snyder, D. W.
Carlson	Gruitza	Murphy	Snyder, G. M.
Cawley	Hagarty	O'Brien	Stairs
Cessar	Harper	Olasz	Steighner
Cimini	Hasay	Perzel	Stevens
Clark	Hayes	Petrone	Stuban
Clymer	Herman	Phillips	Taylor, F. E.
Coslett	Honaman	Pistella	Telek
Deluca	Irkin	Pott	Trello
DeVerter	Jarolin	Preston	Wass
DeWeese	Johnson	Reinard	Wilson
Daley	Kasunic	Robbins	Wright, J. L.

NOT VOTING—1

Hutchinson

EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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. GEIST offered the following amendments No. A2953:

Amend Title, page 1, line 4, by removing the period after "incompetency" and inserting

; removing provisions relating to catastrophic loss and the Catastrophic Loss Trust Fund; and further providing for the availability of benefits.

Amend Sec. 1, page 1, line 7, by striking out "1503(a), 1518 and 1519(a)" and inserting

1306, 1309, 1373, 1503(a), 1518, 1519(a) and 1715(a)

Amend Bill, page 1, by inserting between lines 8 and 9 § 1306. Grounds for refusing registration.

The department shall refuse registration or renewal or transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

[(7) The Catastrophic Loss Trust Fund charge has not been paid.]

§ 1309. Renewal of registration.

At least 60 days prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by self-certification of financial responsibility[,] and the applicable fee or fees [and proof that the Catastrophic Loss Trust Fund charge has been paid], the department shall send to the registrant a renewed registration card. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

§ 1373. Suspension of registration.

The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

- (1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.
- (2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.
- (3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.
- (4) Upon the request or order of any court of record.
- (5) The required fees have not been paid.
- (6) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

[(7) The Catastrophic Loss Trust Fund charge has not been paid.]

Amend Bill, page 5, by inserting between lines 9 and 10

§ 1715. Availability of adequate limits.

(a) General rule.—An insurer shall make available for purchase first party benefits as follows:

- (1) For medical benefits, up to at least [\$100,000] \$1,000,000.
- (2) For income loss benefits, up to at least \$2,500 per month up to a maximum benefit of at least \$50,000.
- (3) For accidental death benefits, up to at least \$25,000.
- (4) For funeral benefits, \$2,500.
- (5) For combination of benefits enumerated in paragraphs (1) through (4) and subject to a limit on the accidental death benefit of up to \$25,000 and a limit on the funeral benefit of \$2,500, up to at least \$277,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first.

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Section 2. Subchapter F of Chapter 17 of Title 75 is repealed.

Section 3. Sections 1787, 1796, 1797 and 1798 of Title 75 are amended to read:

§ 1787. Self-insurance.

(a) General rule.—Self-insurance is effected by filing with the Department of Transportation, in satisfactory form, evidence that reliable financial arrangements, deposits, resources or commitments exist such as will satisfy the department that the self-insurer will:

- (1) Provide the benefits required by section 1711 (relating to required benefits), subject to the provisions of Subchapter B (relating to motor vehicle liability insurance first party benefits), except the additional benefits and limits provided in sections 1712 (relating to availability of benefits) and 1715 (relating to availability of adequate limits).
- (2) Make payments sufficient to satisfy judgments as required by section 1774 (relating to payments sufficient to satisfy judgments).

(3) Provide uninsured motorist coverage up to the limits set forth in section 1774.

(b) Stacking limits prohibited.—Any recovery of uninsured motorist benefits under this section only shall not be increased by stacking the limits provided in section 1774, in consideration of the ownership or operation of multiple vehicles or otherwise.

(c) Assigned Risk and Assigned Claims Plans.—Self-insurers shall not be required to accept assigned risks pursuant to Subchapter D (relating to Assigned Risk Plan) or contribute to the Assigned Claims Plan pursuant to Subchapter E (relating to Assigned Claims Plan).

[(d) Catastrophic Loss Trust Fund.—Self-insurers shall contribute to the Catastrophic Loss Trust Fund in the manner provided in Subchapter F (relating to Catastrophic Loss Trust Fund).]

(e) Promulgation of regulations, etc.—The Department of Transportation may, jointly with the Insurance Department, promulgate rules, regulations, guidelines, procedures or standards for reviewing and establishing the financial eligibility of self-insurers.

§ 1796. Mental or physical examination of person.

(a) General rule.—Whenever the mental or physical condition of a person is material to any claim for medical[,] or income loss [or catastrophic loss benefits], a court of competent jurisdiction [or the administrator of the Catastrophic Loss Trust Fund for catastrophic loss claims] may order the person to submit to a mental or physical examination by a physician. The order may only be made upon motion for good cause shown. The order shall give the person to be examined adequate notice of the time and date of the examination and shall state the manner, conditions and scope of the examination and the physician by whom it is to be performed. If a person fails to comply with an order to be examined, the court [or the administrator] may order that the person be denied benefits until compliance.

(b) Report of examination.—If requested by the person examined, a party causing an examination to be made shall promptly deliver to the person examined a copy of every written report concerning the examination at least one of which must set forth the physician's findings and conclusions in detail. Upon failure to promptly provide copies of these reports, the court or the administrator shall prohibit the testimony of the examining physician in any proceeding to recover benefits.

§ 1797. Customary charges for treatment.

A person or institution providing treatment, accommodations, products or services to an injured person for an injury covered by medical [or catastrophic loss] benefits shall not make a charge for the treatment, accommodations, products or services in excess of the amount the person or institution customarily charges for like treatment, accommodations, products and services in cases involving no insurance.

§ 1798. Attorney fees and costs.

(a) Basis for reasonable fee.—No attorney's fee for representing a claimant in connection with a claim for first party benefits provided under Subchapter B (relating to motor vehicle liability insurance first party benefits) [or a claim for catastrophic loss benefits under Subchapter F (relating to Catastrophic Loss Trust Fund)] shall be calculated, determined or paid on a contingent fee basis, nor shall any attorney's fees be deducted from the benefits enumerated in this subsection which are otherwise due such claimant. An attorney may charge a claimant a reasonable fee based upon actual time expended.

(b) Unreasonable refusal to pay benefits.—In the event an insurer is found to have acted with no reasonable foundation in refusing to pay the benefits enumerated in subsection (a) when due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended.

[(c) Payment by fund.—The Catastrophic Loss Trust Fund may award the claimant's attorney a reasonable fee based upon actual time expended because a claimant is unable to otherwise pay the fees and costs.]

(d) Fraudulent or excessive claims.—If, in any action by a claimant to recover benefits under this chapter, the court determines that the claim, or a significant part thereof, is fraudulent or so excessive as to have no reasonable foundation, the court may award the insurer's attorney a reasonable fee based upon actual time expended. The court, in such case, may direct that the fee shall be paid by the claimant or that the fee may be treated in whole or in part as an offset against any benefits due or to become due the claimant.

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

4

On the question,

Will the House agree to the amendments?

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

Mr. GEIST. Thank you, Mr. Speaker.

I think that we have heard from every special interest group concerned with the Cat Fund today during the previous debate. The one special interest group that we really have not heard from is our constituents. Representative Hayes, Representative Johnson, and myself offer this amendment with the hopes that this General Assembly would repeal the Cat Fund and let that Cat Fund option be out there as part of the cafeteria plan that we now enjoy.

My remarks are very brief. I think that of the bills that have been passed by this General Assembly in the 7 years that I have been here, nothing has provoked the ire of the people of the city of Altoona any more than the Cat Fund. I ask for a very positive and affirmative vote on this amendment.

The SPEAKER. On the Geist amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I would urge a defeat of this amendment. What this amendment does is place the Cat Fund in the insurance industry. It says that the insurance industry will decide how much catastrophic loss coverage is worth and how much has to be paid for it. The insurance company will decide what the reserves are; the insurance company will decide what the profit margins are; the insurance company will decide what the risks are. If the State runs it, it will be most likely—one could not commit future Governors to how they will run it—but it would be most likely that it will be a segregated fund, that the amount of money paid out will be publicly revealed, and that there will be tremendous legislative input in what the rates are. If the insurance companies run it, there will be no legislative input in what the costs are, and the insurance premiums will skyrocket even higher than they have skyrocketed already.

The Geist amendment, as appealing politically as it might sound for anybody casting a vote today, means in the long run, say easily by the 1986 elections, that the insurance rates will go even higher.

I would urge people to cast a vote for the long-run interest of Pennsylvania and not just in the interest of today's headlines and defeat this amendment.

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

Mr. GALLEN. Mr. Speaker, I rise in support of this amendment. For the reasons outlined by Mr. Geist in that we know that our constituents are mightily upset with the idea of the Cat Fund, Mr. Levin's arguments state that the insurance companies are somehow going to make a profit on this thing. Well, they should. This is a free enterprise system. But if he is right in that the \$5 is not enough, then it is not enough. It is not enough whether the State runs it or insurance companies run it. If the true cost of buying \$1 million medical is \$32, or \$16, depending on where you live—\$72 in Philadelphia—then that is the true cost of it. And it is my idea that if it only costs \$5 in Clarion County, because there will not be that many people injured, and the true cost should be \$5 in Clarion County and the true cost in Philadelphia should be \$72, then the people of Philadelphia should pay \$72 and the people in Clarion County should pay a buck and a half, if that is the real cost.

Mr. Speaker, this is a free enterprise society, or at least we would like to keep it that way. Mr. Speaker, I think the only way to go is to vote for this amendment and repeal the Cat Fund. The cat apparently is a tiger, and we have this tiger by the tail. People say you cannot let a tiger go when you have him by the tail, but I think we can bury him, and I think that is what we should do, and we have the opportunity to do that here today. Thank you, Mr. Speaker.

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

Mr. LEVIN. We have debated this before, and I am just going to try and focus on a very narrow point of it. When the insurance industry had this problem before no-fault, what they did was simply not insure people. Obviously there are some people who will carry over 100,000 dollars' worth of medical coverage, but they will be very few. So what happened prior to no-fault when you had a catastrophic loss was very simple - the Commonwealth of Pennsylvania, the taxpayers, paid it. There was no insurance policy that paid it, Mr. Speaker. I have been a lawyer for 27 years. I saw what happened when people were severely hurt and damaged and had no insurance. We paid it. They went on welfare. It came out of your General Fund taxes.

Now, what this bill would do, if we reverted to that, is there would be some people who would carry insurance of over \$100,000 for medical coverage. They would be very, very few. The vast majority of the public would not be insured. And when you have the few people each year who get hurt in that category, you would pay it and I would pay it out of our tax dollars. Somebody has to pay those medical bills.

Now, what we have is a system which if we give it a chance to work, we will have an opportunity to see whether we are right. We have a system where everyone is kicking in \$5. I did not hear any of my constituents say they were upset at paying \$5. The outcry was that they were upset at our inefficiency and a system which did not make sense to them in collection. No one in my community came to me and said \$5 is too much for 100,000 to 1 million dollars' worth of medical coverage.

I would hope that we would not be foolish enough to wipe out the major change that we have made until we have an opportunity to see how it works. We can only transfer this cost back to somebody, and if you wipe out this \$5, you are transferring it back to those members of the public who pay taxes.

Vote against this amendment.

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

Mr. REBER. Thank you, Mr. Speaker.

I think the question that each and every member should ask themselves right now is what is the Geist amendment going to cost your constituents in comparison to the Afflerbach amendment which was just passed? This question was something that was hammered out at the Senate hearings during the summer, some of which I attended and some of which I read the testimony. The question was asked of the insurance industry, if we did not have the Cat Fund, what would that similar coverage cost us? There is no doubt, no matter where you live in the Commonwealth of Pennsylvania, for the coverage now afforded from \$100,000 to \$1 million under the Cat Fund, whether you live in Philadelphia, Aliquippa, Erie, Johnstown, you name it, it is \$5. However, there is no doubt that if you are going to privatize this through an insurance payment under the Geist plan, it is going to cost anywhere from \$25 to \$130. These are not my figures; these are figures that were presented to the Senate committee investigating this matter during the summer. Now, that is the hard and fast; that is the cut and dry of it, if you will, and I think that is the bottom line that we are talking about.

We are not talking about overall no-fault reform or reform of the existing insurance reform act that we have before us. We are talking about now two particular procedures - one which this year and next year will be \$5; another one which this year and next year who knows what it will be, but this year it certainly would be \$25 to \$130. That is the bottom line. So if you want to vote to have your constituents pay in some way, shape, or form to that insurance company \$25 to \$130, vote "yes." If not, vote "no," because we are at \$5 under the amendment Mr. Afflerbach presented and which was adopted. Thank you, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I wish to speak on behalf of repeal of the Cat Fund.

I have been in this legislature for many, many years, and I seldom have seen the controversy that has arisen over this legislation. What my constituents tell me is that they are extremely disturbed by the point of State Government coming in and telling them once again what they shall do. Now, proponents of the measure point to the fact of what a good buy these constituents are getting. The point remains, you are taking that decision away from them. You, in your ultimate wisdom, are saying, you shall do this, and then they go on to state that it is really a tremendous buy; look what you would have to pay for it so.

I think you are missing the point, and I would say this, that this matter will not go away. People have memories, and they check voting records. I would not like to run on the basis of a defense of the Cat Fund, because I think you would be meowing your way to a losing position.

Somehow or other it disturbs me when we have a majority of the people who are opposed to a measure but then a select body sits down and decides, do not worry about that; the Gallup poll does not mean anything; we know what is best for you. And you know, as we look around to one another and we see both strength and weakness, does it not make you wonder how we arrive at some of our decisions? We played the biggest volley game in town on this particular thing, and it is no wonder that the people are saying, what in the world are you people doing there? If you cannot do any better, why do you not just adjourn and come home and you will not harm anyone?

Now, if you want to go against that, if you want to go against the people who voted you here to office, take a poll—And you do not need Mr. Gallup to do it. Just walk up and down the street, and you might be surprised, because you know what? They are thinking maybe contrary to this august body. Is it not frightening? Is it not frightening? Somehow or other it is amazing to me that the political leaders are always trying to catch up to the crowd, and sometimes they have to run pretty fast to catch up, because the people are way ahead of them.

Mr. Speaker, I call for the repeal of the Cat Fund. Thank you.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I would like to interrogate Representative Levin.

The SPEAKER. Mr. Levin indicates he will stand for interrogation. You are in order and may proceed.

Mr. MACKOWSKI. Mr. Speaker, as I understood, you raised some questions concerning high claims and that there are many people who cannot afford to purchase anything over \$100,000. I would also suggest that there must be a lot of people who cannot afford to buy \$25,000. Consequently, there is a gray area there between \$25,000 and \$100,000 which you say would have to be picked up by the taxpayers. Is that correct?

Mr. LEVIN. If that person was on welfare and they had no coverage between the \$10,000—it is not \$25,000; I think it is \$10,000 medical coverage—and \$100,000, welfare would have to pick up the difference.

Mr. MACKOWSKI. Would you suggest that there are probably more people in that category than there would be having claims in excess of \$100,000?

Mr. LEVIN. In numbers, yes.

Mr. MACKOWSKI. And so the cost is already there. Thank you.

I would like to ask Representative Geist a question, if I may, sir.

The SPEAKER. Mr. Geist indicates he will stand for interrogation. You may proceed.

Mr. MACKOWSKI. When you suggest that the insurance companies offer medical benefits up to \$1 million, would that not be a greater coverage than what the Cat Fund— For example, under the Cat Fund, as I understand it—and this may be splitting a hair—if you have a claim over \$100,000, the current law provides only recovery of \$50,000 a year. So you would really have to, under those terms, be stretched out for 20 years to get the million. Under yours, that could be recovered the first year. Is that not correct?

Mr. GEIST. Yes, thank you.

The coverage would pick up so that it would be continuous coverage and you could buy the limits that you would want to buy. Say if Representative Mowery was selling you a policy, you would now be able to buy that coverage to fill that gap in up to whatever you felt was necessary to cover you.

Mr. MACKOWSKI. Thank you.

Because of the answers to those questions, I certainly think that this gives a person an opportunity to prepare himself for any amount, whether it be a half million or whatever, and he might be in better shape than being under the Cat Fund with a limitation of a \$50,000-a-year recovery on an annual basis.

As a consequence, I heartily endorse removal of the Cat Fund and urge that this amendment be voted upon affirmatively. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, obviously this whole matter today is not drawn on partisan lines. There are as many people on this side on a question as there are on the other side. So I am standing here, Mr. Speaker, really just giving my own personal views, and certainly not the views of my caucus.

I am opposed to doing away with the Cat Fund, unless and until something comes along to replace it. I do not know how many of you realize that the employees of the Commonwealth, by way of example, I suspect that they have probably as good a Blue Cross/Blue Shield major medical plan as perhaps offered to any employees in the State, and this was true of the legislative employees and yourselves until quite recently when the leadership addressed this issue separately, at my urging, when our major medical benefits were increased slightly. All of the employees in the Commonwealth, including us a year ago, had 100,000 dollars' worth of coverage with our Blues, so that if you were in an automobile accident—and we all know people who have been in severe ones—and those medical expenses exceeded \$100,000, you were then a self-insurer. I think all of us probably consider ourselves fairly responsible people. I think we consider ourselves, as employees of this Commonwealth, well insured for health and accident insurance, yet unknown to me a year ago, we only had 100,000 dollars' worth of coverage.

Now, a severe automobile accident or a severe injury of any kind today, particularly where you are involved with orthopedic problems, you are going to run up tremendous bills. I just asked Rick Geist, who as most of you know was in a terrible accident which really would not be covered by this at

all, but he was in a terrible accident here a few years ago, if you remember. His medical bills to date he thinks are some \$60,000 and are continuing on and on. Now, that was not an automobile accident, but it was a tragic accident. There are any number of tragic accidents that happen in automobiles. They are few and far between where they exceed \$100,000, but believe me, most of the responsible people in Pennsylvania today do not carry more than 100,000 dollars' worth of medical insurance. They just do not carry it. We did not have it until some short time ago, so any one of us in one of these tragic situations would have been self-insurers once we hit the \$100,000 mark if there was no Cat Fund.

I just pass that on to you for your information and the information of your constituents, who probably think they are in good shape with Blue Cross and Blue Shield and yet they probably do not have more than 100,000 dollars' worth of coverage, even if they are working for a big employer.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Would Mr. Geist consent to interrogation?

The SPEAKER. Mr. Geist indicates he will so stand. The gentleman is in order, and you may proceed, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, what I want to understand in this amendment—because it is a little confusing with regard to what must be offered as opposed to what I must buy—under existing law the insurance company has to offer me \$100,000 of first-party medical coverage but I only have to buy \$10,000. Under the amendment the insurance company has to offer me \$1 million of that coverage. The question is, must I still buy only \$10,000, or does something in this amendment now require me to buy more than \$10,000?

Mr. GEIST. There is nothing in that amendment that would require you to buy more than the mandatory \$10,000, but you have the personal option of buying whatever coverage you feel is necessary.

Mr. LLOYD. So in other words, nothing in this amendment requires me to buy anything more than I currently have either for first-party coverage or anything else.

Mr. GEIST. Absolutely.

Mr. LLOYD. Okay. So that the only cost question involved is whether somehow it is going to be more expensive if I choose to buy what is now under the Cat Fund, but the rates that my constituents pay or that I pay for the coverage which I am mandated to have should not fluctuate at all. Is that right?

Mr. GEIST. They should not change at all, and there was a feeling expressed by some of the people who worked on this that it might actually lower rates overall.

Mr. LLOYD. Now, the other question I have has to do with the claims that are currently pending against the Cat Fund. Is it the position of this amendment—which does not seem to address; it does not get rid of the fund—that those people who currently have claims would draw upon the money which is in that fund?

Mr. GEIST. Absolutely, until it lapses.

Mr. LLOYD. Do you have any, Mr. Speaker, any estimate as to whether the money in the fund, assuming that we could pass this and it would become law within a reasonable period of time - a couple of weeks - do you have any idea whether there is enough money in the fund to take care of all of those people who have filed claims to the present time?

Mr. GEIST. No. And as Representative Gallen just said, that would be a good reason to do away with it. We do not know actuarially what the claims will be.

Mr. LLOYD. Do we have any estimate or any rough idea, because what I am looking at is—and I would like to vote for this amendment—the only concern I have is whether we are somehow breaking a contract with people who have already filed claims against the fund.

Mr. GEIST. That information is available. I do not have it here. We had looked at it when we drafted the amendment, but I do not have that information.

Mr. LLOYD. But to the best of your belief, there is going to be adequate money to take care of the claims which have been filed to this point?

Mr. GEIST. Yes, to the best of my knowledge.

Mr. LLOYD. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

I rise in support of the Geist amendment. There are constituents in my district who have expressed themselves; they are extremely concerned. Many of our families in rural Pennsylvania have three and four vehicles because there is no public transportation. When Mr. Reber speaks of a \$125 premium, if that is what it costs, you can be sure someday that is what my constituents and your constituents are going to be asked to pay. I certainly know that my constituents do not want that. They want to have freedom of choice to buy what they need for their own protection.

They are big people, big men and women, and I urge an affirmative vote on this amendment. Thank you.

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

Mr. FATTAH. Mr. Speaker, I would like to know if the maker of the amendment would stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Geist, indicates he will so stand. You are in order, and you may proceed, sir.

Mr. FATTAH. Mr. Speaker, you indicated that several of your constituents had complained about the Cat Fund, and that was the purpose for your bringing forth this amendment. Are there also occasions where constituents of yours have voiced concerns about insurance rates and the high cost of insurance here in the Commonwealth to you?

Mr. GEIST. Absolutely. I have not had a single issue since I have been in Harrisburg that has generated the kind of ire from my constituents as has the Cat Fund.

Mr. FATTAH. Have there also been concerns from your constituents about the high cost of car insurance in general?

Mr. GEIST. Absolutely. When some of the companies brought out their new rates, we literally had people screaming and blaming us for those rates.

Mr. FATTAH. Mr. Speaker, is it your impression that your constituents are more upset about the \$5 fee for the Cat Fund or about the \$500 or \$1,000 or \$1,500 fees overall for their car insurance rates?

Mr. GEIST. They are upset about everything, and I think there is a genuine concern with my constituency that this Cat Fund is going to go like New Jersey, right up to \$65, and these people do not want it. That is the reason this amendment was offered, for all those reasons.

Mr. FATTAH. So it is your sincere belief then that your constituents are equally concerned about their car insurance rates as they are about the Cat Fund then?

Mr. GEIST. I think it is all one ball of wax, but the Cat Fund was the one that really hit home.

Mr. FATTAH. Thank you very much.

Mr. Speaker, may I make a statement on the amendment?

The SPEAKER. On the amendment, the gentleman is in order and may proceed.

Mr. FATTAH. I appreciate the sincerity of the maker of the amendment in terms of trying to address this issue. However, it is my belief that the constituents, at least in my district and probably throughout the Commonwealth, are more concerned about the enormous cost to them and their families to provide adequate insurance for them and their personal automobiles and that this effort by the Assembly to provide some relief in the form of this Cat Fund is an effort that I think, if it pans out to be true, that we can keep rates lower.

We have heard Representative Reber's statement about the \$25 to \$130 fee that could be associated with the repeal of the Cat Fund. That indicates to me that we should stick to our guns, not get shy. I think the constituents are more concerned about the bureaucratic inefficiency as to how the fund was applied versus the actual intent of the fund, because in the final analysis what we are trying to do is address the real concern, and that is about how they can afford car insurance in this day and age. Thank you very much, Mr. Speaker.

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

Mr. FLICK. Thank you, Mr. Speaker.

I just want to be very specific. I think the maker of the amendment has already answered the question, but there is nothing contained in this amendment that would invalidate the contract that we have with those individuals who presently have been injured, severely injured, and qualify for the Cat Fund.

Mr. GEIST. That is correct.

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

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

Mr. BORTNER. Mr. Speaker, will the maker of the amendment stand for some more interrogation?

The SPEAKER. The gentleman indicates he will so stand. You are in order, and you may proceed, sir.

Mr. BORTNER. Mr. Speaker, the previous question is exactly the one that I would like to follow up on, and it is a

point that Mr. Lloyd has addressed also. Where in the amendment is there some provision or some reference to dealing with claims that either are already pending or accidents that have already occurred and will perhaps generate claims in the future?

Mr. GEIST. It is not part of the amendment.

Mr. BORTNER. Is my reading of the amendment correct, that being that at the effective date of this legislation the Cat Fund would go out of existence?

Mr. GEIST. That is correct, and the present moneys would cover the claims during the period that it was in effect.

Mr. BORTNER. I guess my question is, what basis is there, if there is no longer a fund and there is no longer a board to administer it, to continue to pay claims or to continue to receive claims after this legislation would be effective?

Mr. GEIST. Could you repeat the question, please?

Mr. BORTNER. I guess my question is, I am reading this amendment as phasing out the Cat Fund completely. There would be no fund; there would be no board to administer it. It would be finished, and my question is, what basis is there for anybody to continue paying claims or to approve claims that may result from accidents that have already occurred but which have not generated a claim over the threshold yet?

Mr. GEIST. I think, in my personal opinion, it would be the obligation of the Commonwealth to honor those claims and see that everything was processed until this thing is completely done away with.

Mr. BORTNER. Is there any basis in the law or the amendment for that? I agree with you that there may be a moral obligation.

Mr. GEIST. Regulation can handle it, but there is nothing in the amendment that addresses it.

Mr. BORTNER. Thank you. You have answered my question.

May I speak briefly, Mr. Speaker?

The SPEAKER. The gentleman may speak on the amendment.

Mr. BORTNER. In the short time that I have been in office, I have received more calls on this issue than any other one, and I hear other people saying the same thing. I have taken a lot of heat, I suppose, as a lot of legislators have, even though I never voted on this legislation. It seems to me though, although I have mixed feelings about the fund, that it is irresponsible to totally abolish it without some provision being made for the claims that are either pending or the claims that are going to come along as the result of accidents that have already occurred.

People made judgments about the amount of insurance coverage that they ought to have and they should have based on this legislation. I think it is premature to adopt any legislation like this that does not deal with those claims, and I would urge the defeat of the amendment and urge members not to adopt an amendment which did not deal with what I think is a very important aspect of this problem. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

We have been presented with a number of amendments today, and I think many of us wish that we would have had this amendment before us earlier. I would strongly advise that we support the Geist amendment, and I would like to address myself to those who are decrying the fact that we are doing away with 900,000 or 1 million dollars' worth of insurance. What is going to happen to people? They will be left to fend for themselves.

Mr. Speaker, I submit before we threw out a good, workable system known as no-fault, before we uprooted that and threw it away, you were not limited to 1 million dollars' worth of benefits. Your benefits were unlimited, whatever it took to pay the bill, and it was costing you less money than it is costing right now. But, no, we uprooted that system. The result of it is I have one of these catastrophic-type claims in my area in which now three insurance companies and a host of attorneys are fighting over who is at fault. Everybody is denying responsibility, and my constituent lies in the trauma unit in a Maryland hospital incurring some of these catastrophic costs. Those parents are asking me, why can we not get the money out of the Catastrophic Loss Fund? We cannot get it out because nobody will agree whose fault the accident was, and that is exactly why we had no-fault, Mr. Speaker, until it was thrown out last year summarily.

Now, at this point, in the Geist amendment we have a set of clippers, and we are going to clip the bloom off this thistle we call the Cat Fund. Next, we are going to come back with a grubbing iron and dig it out by the roots and start over again and get back to a decent system of auto insurance.

I urge an affirmative vote on the Geist amendment.

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

Mr. McCLATCHY. Mr. Speaker, I rise to support the Geist amendment.

I am now serving my ninth term in the legislature, going on 18 years up here. I have never faced an issue with more opposition back home than possibly our sales tax on insurance premiums back when I was a freshman legislator. That was a disaster. This is a disaster. I think it is time to change this, Mr. Speaker, and abolish it.

I have tried in the last 4 months to explain to my district what the Catastrophic Loss Fund is. The concept I do not think is a bad one, but we will not sell it. We will not sell it; we cannot sell it. I think it is time to forget about it, abolish it, and let us start all over again. That is what they have asked me to do back home. And I will tell you, those who do not support the Geist amendment—and I am not trying to be political—Democrat or Republican, you are going to face a real tough time in the next election.

Mr. Speaker, I vote to abolish it. Thank you.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I, as all the other members of the General Assembly, am very concerned about this Cat Fund, but I am

concerned about a couple different points. When we left in June, we decided that we would take a look at the Cat Fund and have hearings and let us see what the Cat Fund is doing - what is it meant to do, where is it going, and is it the best vehicle to insure our motorists in Pennsylvania? I have to be quite honest and say that I do not know at this moment, nor does anybody else here on the floor know, exactly whether this is the best vehicle or the worst vehicle.

I am very concerned that we are doing something, I think, too precipitously. I am not standing here and saying that the Cat Fund is the absolute best thing. I cannot tell you that, but I can tell you that we do not know if there is a better vehicle out there, and we are offering no substitutes. We are just simply coming back as quickly as we passed it; we are coming back and eliminating it, and we have not done the proper amount of study in between.

Public opinion, sure, is a very important forum, but there comes a time when we who do the voting have to vote as our facts dictate, and I for one do not have the facts to sit here and say that, yes, it should be eliminated or, no, it should not. I think, Mr. Speaker, if we all took the proper stand, that we would step back a little bit and say, let us find out what are the facts; should it be eliminated; should it be kept, but I think at this moment we are working too fast, too precipitously. I do not know that the vast majority are going to be able to vote on facts or emotion, and when we vote on emotion, we have got serious problems; we make mistakes. Thank you, Mr. Speaker.

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

Mr. AFFLERBACH. Mr. Speaker, as one who instigated bringing this issue to the floor of the House, I think it only fair to tell my colleagues that I do not support this amendment.

During the summer months, against the advice of some of my colleagues from the Lehigh Valley, I took every opportunity to go before every organization and every group that had questions and complaints about the Cat Fund to listen to those complaints and to explain to the individuals precisely what the Cat Fund did. At the end of those meetings—and I can hardly believe I am a better salesman than the gentleman, Mr. McClatchy—but in any event, at the end of those meetings, the message given to me loudly and clearly was that the public does not object to the Cat Fund per se; the public was incensed and objected to the manner in which the fund was collected. That is why I have approached that particular amendment to the present fund.

In short, I am not yet prepared to throw the cat out with the skunk. I think in the previous amendment we have taken care of the offensive part of the fund. I think, given a little bit of opportunity and time, we can get that aroma away from the cat and it will be in good shape and good condition for the people of the Commonwealth.

I would urge defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon, on the Geist amendment.

Mr. GANNON. Mr. Speaker, perhaps I could answer one of the questions that was raised earlier by one of the members about whether or not there would be sufficient funds available to pay benefits to claims that were incurred during the effective date of the act.

Mr. Speaker, based upon my experience of about 10 years as a claims supervisor for a rather large commercial insurance company dealing principally with workers' compensation insurance and knowing the amount that has been collected to date by the fund, I believe, yes, in my judgment, there would be sufficient funds to compensate any catastrophic loss victims who incurred losses during the effective date of the act. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. For those members on this side of the aisle who have asked how I am going to vote and how they should, I am going to vote against this. I think it is throwing the baby out with the bath water, and that is my advice.

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

The following roll call was recorded:

YEAS—128

Angstadt	Dietz	Kennedy	Reinard
Argall	Distler	Kenney	Robbins
Arty	Dombrowski	Kosinski	Rudy
Baldwin	Donatucci	Langtry	Saloom
Barley	Fargo	Lashingier	Saurman
Belardi	Fee	Letterman	Schuler
Belfanti	Fischer	Levdansky	Semmel
Birmelin	Flick	Lloyd	Serafini
Black	Foster, Jr., A.	McCall	Seventy
Bowser	Fox	McClatchy	Showers
Bunt	Fryer	McVerry	Sirianni
Burd	Gallen	Mackowski	Smith, L. E.
Bush	Gamble	Maiale	Snyder, D. W.
Caltagirone	Gannon	Manmiller	Snyder, G. M.
Carlson	Geist	Markosek	Staback
Cawley	George	Mayernik	Stairs
Cessar	Gladeck	Micozzie	Steighner
Chadwick	Godshall	Miller	Stevens
Cimini	Greenwood	Moehlmann	Stewart
Civera	Gruitza	Morris	Stuban
Clark	Gruppo	Mowery	Taylor, E. Z.
Clymer	Hagarty	Mrkonic	Taylor, F. E.
Colafella	Hasay	Oiasz	Taylor, J.
Cornell	Hayes	Perzel	Telek
Coslett	Herman	Petrarca	Tigue
Cowell	Honaman	Petrone	Trello
Coy	Howlett	Phillips	Veon
Deluca	Hutchinson	Pistella	Wass
DeVerter	Jackson	Pott	Weston
DeWeese	Jarolin	Pratt	Wilson
Daley	Johnson	Preston	Wright, D. R.
Davies	Kasunic	Punt	Wright, J. L.

NAYS—67

Acosta	Durham	Lucyk	Roebuck
Afflerbach	Evans	McHale	Ryan
Barber	Fattah	Manderino	Rybak
Battisto	Freeman	Merry	Scheetz
Blaum	Freind	Michlovic	Smith, B.
Bortner	Gallagher	Murphy	Swift
Bowley	Haluska	Nahill	Truman
Boyes	Harper	O'Brien	Van Horne
Brandt	Hershey	O'Donnell	Vroon
Broujos	Itkin	Oliver	Wambach
Cappabianca	Josephs	Piccola	Wiggins



Carn	Kukovich	Pievsky	Wogan
Cohen	Laughlin	Pitts	Wozniak
Cole	Lescovitz	Pressmann	Yandrisevits
Dawida	Levin	Reber	
Deal	Linton	Richardson	Irvis,
Dorr	Livengood	Rieger	Speaker
Duffy			

NOT VOTING—2

Cordisco Raymond

EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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. PICCOLA offered the following amendments No. A2919:

Amend Title, page 1, line 3, by inserting a comma after "disabilities"

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 4, by removing the period after "incompetency" and inserting

and for the sentencing authority in cases relating to driving under the influence of alcohol or controlled substance.

Amend Bill, page 5, by inserting between lines 9 and 10

Section 2. Section 3731(e) of Title 75 is amended by adding a paragraph to read:

§ 3731. Driving under influence of alcohol or controlled substance.

\*\*\*

(e) Penalty.—

\*\*\*

(3.1) There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in this subsection or to place such offender on probation or to suspend the sentence.

\*\*\*

Section 3. Section 3735 of Title 75 is amended by adding a subsection to read:

§ 3735. Homicide by vehicle while driving under influence.

\*\*\*

(c) Authority of the court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in this section or to place such offender on probation or to suspend the sentence.

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

4

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment has nothing to do with the Catastrophic Loss Fund.

Several years ago, Mr. Speaker, we adopted a very tough law on mandatory sentencing for drunken driving - driving

while under the influence. As a part of that, we imposed a mandatory minimum sentence for various offenses including homicide by vehicle. I believe it was our intention that those mandatory minimum sentences be imposed by the court without condition. However, there have been courts, there has been at least one court in the Commonwealth, that has determined that they would be permitted to impose that sentence but then suspend it, and the interpretation that they used, the rationale for their interpretation, was that we had not inserted into the drunken driving law the same language that we had inserted into the mandatory minimum sentencing law. The language that I am offering here today is that language. That language says that no court has any authority to suspend any of the mandatory sentences that are required to be imposed under the drunken driving law.

I ask for adoption of the amendment, Mr. Speaker.

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

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

The SPEAKER. The gentleman, Mr. Piccola, indicates he will stand for interrogation. Mr. Manderino is in order, and you may proceed, sir.

Mr. MANDERINO. Mr. Speaker, it is difficult, because of the manner in which the amendment is drawn, to tell what is in the sections immediately prior to the additional language. My question to you is, does this amendment have any effect on the process of ARD (accelerated rehabilitative disposition)?

Mr. PICCOLA. No, Mr. Speaker.

Mr. MANDERINO. So the ARD is still available with the probation on a first offense in either of the offenses here?

Mr. PICCOLA. Yes; that is correct. ARD will still be available. This has no effect on that.

The SPEAKER. The Chair thanks the gentlemen.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Afflerbach	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Letterman	Roebuck
Argall	Dorr	Levdansky	Rudy
Arty	Duffy	Levin	Ryan
Baldwin	Durham	Linton	Rybak
Barber	Evans	Livengood	Saloom
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	Flick	McHale	Serafini
Black	Foster, Jr., A.	McVerry	Seventy
Blaum	Fox	Mackowski	Showers
Bortner	Freeman	Maiale	Sirianni
Bowley	Freind	Manderino	Smith, B.
Bowser	Fryer	Manmiller	Smith, L. E.
Boyes	Gallagher	Markosek	Snyder, D. W.
Brandt	Gallen	Mayernik	Snyder, G. M.
Broujos	Gamble	Merry	Staback
Bunt	Gannon	Michlovic	Stairs
Burd	Geist	Micozzie	Steighner
Bush	George	Miller	Stevens
Caltagirone	Gladeck	Moehlmann	Stewart

Carlson	Godshall	Morris	Stuban
Carn	Greenwood	Mowery	Swift
Cawley	Gruitz	Mrkonic	Taylor, E. Z.
Cessar	Gruppo	Murphy	Taylor, F. E.
Chadwick	Hagarty	Nahill	Taylor, J.
Cimini	Haluska	O'Brien	Telek
Civera	Harper	O'Donnell	Tigue
Clark	Hayes	Olasz	Trello
Clymer	Herman	Oliver	Truman
Cohen	Hershey	Perzel	Van Horne
Colafella	Honaman	Petrarca	Veon
Cole	Howlett	Petrone	Vroon
Cordisco	Hutchinson	Phillips	Wambach
Cornell	Itkin	Piccola	Wass
Coslett	Jackson	Pievsky	Weston
Cowell	Jarolin	Pistella	Wiggins
Coy	Johnson	Pitts	Wilson
DeLuca	Josephs	Pott	Wogan
DeVerter	Kasunic	Pratt	Wozniak
DeWeese	Kennedy	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kosinski	Punt	Yandrisevits
Dawida	Kukovich	Raymond	
Deal	Langtry	Reinard	Irvis,
Dietz	Lashinger	Richardson	Speaker
Distler	Laughlin	Rieger	

NAYS—0

NOT VOTING—4

Acosta	Cappabianca	Hasay	Reber
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EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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. PICCOLA offered the following amendments No. A2922:

Amend Title, page 1, line 3, by inserting a comma after "disabilities"

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 4, by removing the period after "incompetency" and inserting  
and for driving while operating privilege is suspended or revoked.

Amend Sec. 1, page 1, line 7, by inserting a comma after "1518"

Amend Sec. 1, page 1, line 7, by striking out "and"

Amend Sec. 1, page 1, line 7, by inserting after "1519(a)" and 1543

Amend Sec. 1, page 5, by inserting between lines 9 and 10 § 1543. Driving while operating privilege is suspended or revoked.

(a) Offense defined.—Except as provided in subsection (b), any person who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when their operating privilege is suspended, revoked or recalled is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) Certain offenses.—Any person who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when their operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 (relating to driving under influence

of alcohol or controlled substance) or because of a violation of section 1547(b)(1) (relating to suspension for refusal) or 3731 shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(c) Extending existing suspension or revocation.—The department, upon receiving a certified record of the conviction of any person under this section upon a charge of driving a vehicle while the operating privilege was suspended, shall revoke such privilege for an additional period of six months. If the conviction was upon a charge of driving while the operating privilege was revoked, the department shall revoke the operating privilege for an additional period of one year.

(d) Citation of appropriate subsection.—Prior to filing a citation for a violation of this section with the issuing authority named in the citation, the police officer shall verify the basis for the suspension with the department. Upon receiving the verification, the officer shall cite the appropriate subsection of this section on the citation.

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Again, this has nothing to do with the Catastrophic Loss Fund.

Section 1543 of the Vehicle Code provides for penalties for individuals who are found guilty or arrested or cited for driving while having their license suspended, and specifically subparagraph (b) of 1543 provides for a mandatory minimum sentence for individuals who are driving while under suspension for having been found guilty of driving under the influence. The problem is, Mr. Speaker, when many of our local police departments cite an individual for driving under suspension, they do not have immediately available to them the reason for the suspension, and therefore they only put section 1543, generally, on the citation.

What we are requiring under a new subsection (d) is that the local police officer place onto the citation the reason for the previous suspension so that in the event an individual had been driving under suspension for driving while under the influence, the local district justice will have that information immediately available to him when he sees the citation.

I would ask for an adoption of the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Dietz	Laughlin	Rieger
Afflerbach	Distler	Lescovitz	Robbins
Angstadt	Dombrowski	Letterman	Roebuck
Argall	Donatucci	Levdansky	Rudy
Arty	Dorr	Levin	Ryan
Baldwin	Duffy	Linton	Rybak
Barber	Durham	Livengood	Saloom
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucy	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	Flick	McHale	Serafini

Black	Foster, Jr., A.	McVerry	Seventy
Blaum	Fox	Mackowski	Showers
Bortner	Freeman	Maiale	Sirianni
Bowley	Freind	Manderino	Smith, B.
Bowser	Fryer	Manmiller	Smith, L. E.
Boyes	Gallagher	Markosek	Snyder, D. W.
Brandt	Gallen	Mayernik	Snyder, G. M.
Broujos	Gamble	Merry	Staback
Bunt	Gannon	Michlovic	Stairs
Burd	Geist	Micozzie	Steighner
Bush	George	Miller	Stevens
Caltagirone	Gladeck	Moehlmann	Stewart
Cappabianca	Godshall	Morris	Stuban
Carlson	Greenwood	Mowery	Swift
Carn	Gruitza	Mrkonic	Taylor, E. Z.
Cawley	Gruppo	Murphy	Taylor, F. E.
Cessar	Hagarty	Nahill	Taylor, J.
Chadwick	Harper	O'Brien	Telek
Cimini	Hasay	O'Donnell	Tigue
Civera	Hayes	Oliver	Trello
Clark	Herman	Perzel	Truman
Clymer	Hershey	Petrarca	Van Horne
Cohen	Honaman	Petrone	Veon
Colafella	Howlett	Phillips	Vroon
Cole	Hutchinson	Piccola	Wambach
Cordisco	Itkin	Pievsky	Wass
Cornell	Jackson	Pistella	Weston
Coslett	Jarolin	Pitts	Wiggins
Cowell	Johnson	Pott	Wilson
Coy	Josephs	Pratt	Wogan
Deluca	Kasunic	Pressmann	Wozniak
DeVerter	Kenney	Preston	Wright, D. R.
DeWeese	Kosinski	Punt	Wright, J. L.
Daley	Kukovich	Raymond	Yandrisevits
Dawida	Langtry	Reinard	Irvis,
Deal	Lashingner	Richardson	Speaker

NAYS—0

NOT VOTING—3

Evans	Haluska	Reber
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EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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. GREENWOOD offered the following amendment No. A3063:

Amend Sec. 1 (Sec. 1518), page 4, line 9, by inserting after "confidential"

, except to the person who is the subject of the report who shall be given a copy of the report upon request,

On the question,

Will the House agree to the amendment?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment also has nothing to do with the Cat Fund. In fact, it actually has to do with HB 452.

HB 452 makes some changes in the Vehicle Code as it relates to reports on mental or physical disabilities and for

determination of incompetency. Those reports which are submitted by physicians to the Department of Transportation enable the department to prohibit individuals who have certain physical and mental ailments from obtaining a driver's license. The problem is that the Department of Transportation has interpreted the language in the act which requires that these reports be confidential to also mean that they shall be held confidential from the individual who is the subject of the report. As a consequence of that, there are people in the Commonwealth for whom a report is on file in PennDOT indicating that they should not be able to drive. They are denied a license, and they are never given the opportunity, if they challenge that determination, to see the report about which they are the subject.

I offered this amendment to another bill earlier in the year, and the House supported it by a 2-to-1 margin. I would ask again for your support. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Acosta	Distler	Laughlin	Rieger
Afflerbach	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Levdansky	Roebuck
Argall	Dorr	Levin	Rudy
Arty	Duffy	Linton	Ryan
Baldwin	Durham	Livengood	Rybak
Barber	Evans	Lloyd	Saloom
Barley	Fargo	Lucyk	Saurman
Battisto	Fattah	McCall	Scheetz
Belardi	Fee	McClatchy	Schuler
Belfanti	Fischer	McHale	Semmel
Birmelin	Flick	McVerry	Serafini
Black	Foster, Jr., A.	Mackowski	Seventy
Blaum	Fox	Maiale	Showers
Bortner	Freeman	Manderino	Sirianni
Bowley	Freind	Manmiller	Smith, B.
Bowser	Fryer	Markosek	Smith, L. E.
Boyes	Gallagher	Mayernik	Snyder, D. W.
Brandt	Gallen	Merry	Snyder, G. M.
Broujos	Gamble	Michlovic	Staback
Bunt	Gannon	Micozzie	Stairs
Burd	Geist	Miller	Steighner
Bush	George	Moehlmann	Stevens
Caltagirone	Gladeck	Morris	Stewart
Cappabianca	Godshall	Mowery	Stuban
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruppo	Murphy	Taylor, E. Z.
Cawley	Hagarty	Nahill	Taylor, F. E.
Cessar	Haluska	O'Brien	Taylor, J.
Chadwick	Harper	O'Donnell	Telek
Cimini	Hasay	Olasz	Tigue
Civera	Hayes	Oliver	Trello
Clark	Herman	Perzel	Truman
Clymer	Hershey	Petrarca	Van Horne
Cohen	Honaman	Petrone	Veon
Colafella	Howlett	Phillips	Vroon
Cole	Hutchinson	Piccola	Wambach
Cordisco	Itkin	Pievsky	Wass
Cornell	Jackson	Pistella	Weston
Coslett	Jarolin	Pitts	Wiggins
Cowell	Johnson	Pott	Wilson
Coy	Josephs	Pratt	Wogan
Deluca	Kasunic	Pressmann	Wozniak
DeVerter	Kenney	Preston	Wright, D. R.
DeWeese	Kenney	Punt	Wright, J. L.
Daley	Kosinski	Raymond	Yandrisevits
Davies	Kukovich	Reber	

Dawida Deal Dietz	Langtry Lashinger	Reinard Richardson	Irvis, Speaker
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NAYS—2

Gruitza	Letterman
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NOT VOTING—0

EXCUSED—6

Book Burns	Dininni Noye	Sweet	Wright, R. C.
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. GANNON offered the following amendments No. A3145:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for availability of adequate limits of insurance; removing provisions relating to catastrophic loss and the Catastrophic Loss Trust Fund; and

Amend Sec. 1, page 1, line 7, by inserting after "Sections" 1306, 1309, 1373,

Amend Sec. 1, page 1, line 7, by striking out "and 1519(a)" and inserting

, 1519(a) and 1715

Amend Bill, page 1, by inserting between lines 8 and 9 § 1306. Grounds for refusing registration.

The department shall refuse registration or renewal or transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

[(7) The Catastrophic Loss Trust Fund charge has not been paid.]

§ 1309. Renewal of registration.

At least 60 days prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by self-certification of financial responsibility[,] and the applicable fee or fees [and proof that the Catastrophic Loss Trust Fund charge has been paid], the department shall send to the registrant a renewed registration card. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

§ 1373. Suspension of registration.

The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.

(2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.

(3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.

(4) Upon the request or order of any court of record.

(5) The required fees have not been paid.

(6) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

[(7) The Catastrophic Loss Trust Fund charge has not been paid.]

Amend Bill, page 5, line 10, by striking out all of said line and inserting

§ 1715. Availability of adequate limits.

(a) General rule.—An insurer shall make available for purchase first party benefits as follows:

(1) For medical benefits, up to at least [\$100,000] \$1,000,000.

(2) For income loss benefits, up to at least \$2,500 per month up to a maximum benefit of at least \$50,000.

(3) For accidental death benefits, up to at least \$25,000.

(4) For funeral benefits, \$2,500.

(5) For combination of benefits enumerated in paragraphs (1) through (4) and subject to a limit on the accidental death benefit of up to \$25,000 and a limit on the funeral benefit of \$2,500, up to at least \$277,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first.

(b) Higher or lower limits and additional benefits.—Insurers may make available higher or lower limits or benefits in addition to those enumerated in subsection (a).

(c) Restriction on providing first party benefits.—An insurer shall not issue or deliver a policy providing first party benefits in accordance with this subchapter unless the policy also contains coverage for liability in amounts at least equal to the limits required for financial responsibility.

Section 2. Subchapter F of Chapter 17 of Title 75 is repealed.

Section 3. Sections 1787, 1791, 1796, 1797 and 1798 of Title 75 are amended to read:

§ 1787. Self-insurance.

(a) General rule.—Self-insurance is effected by filing with the Department of Transportation, in satisfactory form, evidence that reliable financial arrangements, deposits, resources or commitments exist such as will satisfy the department that the self-insurer will:

(1) Provide the benefits required by section 1711 (relating to required benefits), subject to the provisions of Subchapter B (relating to motor vehicle liability insurance first party benefits), except the additional benefits and limits provided in sections 1712 (relating to availability of benefits) and 1715 (relating to availability of adequate limits).

(2) Make payments sufficient to satisfy judgments as required by section 1774 (relating to payments sufficient to satisfy judgments).

(3) Provide uninsured motorist coverage up to the limits set forth in section 1774.

(b) Stacking limits prohibited.—Any recovery of uninsured motorist benefits under this section only shall not be increased by

stacking the limits provided in section 1774, in consideration of the ownership or operation of multiple vehicles or otherwise.

(c) Assigned Risk and Assigned Claims Plans.—Self-insurers shall not be required to accept assigned risks pursuant to Subchapter D (relating to Assigned Risk Plan) or contribute to the Assigned Claims Plan pursuant to Subchapter E (relating to Assigned Claims Plan).

[(d) Catastrophic Loss Trust Fund.—Self-insurers shall contribute to the Catastrophic Loss Trust Fund in the manner provided in Subchapter F (relating to Catastrophic Loss Trust Fund).]

(e) Promulgation of regulations, etc.—The Department of Transportation may, jointly with the Insurance Department, promulgate rules, regulations, guidelines, procedures or standards for reviewing and establishing the financial eligibility of self-insurers.

§ 1791. Notice of available benefits and limits.

It shall be presumed that the insured has been advised of the benefits and limits available under this chapter provided the following notice in bold print of at least ten-point type is given to the applicant at the time of application for original coverage or at the time of the first renewal after October 1, 1984, and no other notice or rejection shall be required:

#### IMPORTANT NOTICE

Insurance companies operating in the Commonwealth of Pennsylvania are required by law to make available for purchase the following benefits for you, your spouse or other relatives or minors in your custody or in the custody of your relatives, residing in your household, occupants of your motor vehicle or persons struck by your motor vehicle:

(1) Medical benefits, up to at least [\$100,000] \$1,000,000.

(2) Income loss benefits, up to at least \$2,500 per month up to a maximum benefit of at least \$50,000.

(3) Accidental death benefits, up to at least \$25,000.

(4) Funeral benefits, \$2,500.

(5) As an alternative to paragraphs (1) through (4), at the option of the insured, a combination benefit, up to at least \$277,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first, subject to a limit on accidental death benefit of up to \$25,000 and a limit on funeral benefit of \$2,500.

(6) Uninsured, underinsured and bodily injury liability coverage up to at least \$100,000 because of injury to one person in any one accident and up to at least \$300,000 because of injury to two or more persons in any one accident or, at the option of the insurer, up to at least \$300,000 in a single limit for these coverages, except for policies issued under the Assigned Risk Plan. Also, at least \$5,000 for damage to property of others in any one accident.

Additionally, insurers may offer higher benefit levels than those enumerated above as well as additional benefits. However, an insured may elect to purchase lower benefit levels than those enumerated above.

Your signature on this notice or your payment of any renewal premium evidences your actual knowledge and understanding of the availability of these benefits and limits as well as the benefits and limits you have selected.

§ 1796. Mental or physical examination of person.

(a) General rule.—Whenever the mental or physical condition of a person is material to any claim for medical[,] or income loss [for catastrophic loss benefits], a court of competent jurisdiction [or the administrator of the Catastrophic Loss Trust Fund

for catastrophic loss claims] may order the person to submit to a mental or physical examination by a physician. The order may only be made upon motion for good cause shown. The order shall give the person to be examined adequate notice of the time and date of the examination and shall state the manner, conditions and scope of the examination and the physician by whom it is to be performed. If a person fails to comply with an order to be examined, the court [or the administrator] may order that the person be denied benefits until compliance.

(b) Report of examination.—If requested by the person examined, a party causing an examination to be made shall promptly deliver to the person examined a copy of every written report concerning the examination at least one of which must set forth the physician's findings and conclusions in detail. Upon failure to promptly provide copies of these reports, the court or the administrator shall prohibit the testimony of the examining physician in any proceeding to recover benefits.

§ 1797. Customary charges for treatment.

A person or institution providing treatment, accommodations, products or services to an injured person for an injury covered by medical [or catastrophic loss] benefits shall not make a charge for the treatment, accommodations, products or services in excess of the amount the person or institution customarily charges for like treatment, accommodations, products and services in cases involving no insurance.

§ 1798. Attorney fees and costs.

(a) Basis for reasonable fee.—No attorney's fee for representing a claimant in connection with a claim for first party benefits provided under Subchapter B (relating to motor vehicle liability insurance first party benefits) [or a claim for catastrophic loss benefits under Subchapter F (relating to Catastrophic Loss Trust Fund)] shall be calculated, determined or paid on a contingent fee basis, nor shall any attorney's fees be deducted from the benefits enumerated in this subsection which are otherwise due such claimant. An attorney may charge a claimant a reasonable fee based upon actual time expended.

(b) Unreasonable refusal to pay benefits.—In the event an insurer is found to have acted with no reasonable foundation in refusing to pay the benefits enumerated in subsection (a) when due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended.

[(c) Payment by fund.—The Catastrophic Loss Trust Fund may award the claimant's attorney a reasonable fee based upon actual time expended because a claimant is unable to otherwise pay the fees and costs.]

(d) Fraudulent or excessive claims.—If, in any action by a claimant to recover benefits under this chapter, the court determines that the claim, or a significant part thereof, is fraudulent or so excessive as to have no reasonable foundation, the court may award the insurer's attorney a reasonable fee based upon actual time expended. The court, in such case, may direct that the fee shall be paid by the claimant or that the fee may be treated in whole or in part as an offset against any benefits due or to become due the claimant.

Section 4. (a) The amendments to sections 1503, 1518 and 1519 shall take effect in 60 days.

(b) Section 2 of this act, repealing Subchapter F of Chapter 17 of Title 75, shall take effect October 1, 1986, except that the last sentence of section 1762 is repealed immediately.

(c) The remainder of this act shall take effect October 1, 1986.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon, on the amendment.

Mr. GANNON. Mr. Speaker, this amendment has turned out to be more technical in nature, although there are some important technical matters, and the members should pay attention so they know what is happening here.

This amendment tracks with the Geist amendment, which we just passed a few moments ago which repeals the Catastrophic Loss Fund. However, it makes the following changes: It provides specifically that the insurance companies must notify their insureds of the availability of the \$1 million in coverage. That is section 1791, and actually on the amendment it is page 4 at the top of the page where it says that medical benefits will be provided or are available up to \$1 million so that the insureds know that that additional coverage is available if they wish to purchase it.

In addition to that, Mr. Speaker, it makes the effective date of the repealer October 1 of 1986 rather than 60 days after the act goes into effect. The reason for that, Mr. Speaker, is because the way the law was initially set up, it went into effect on October 1 of 1984, and the whole system has been set up on this 1-year cycle. Because of the disruption that would occur there and in addition to the contractual agreements that the Commonwealth has committed itself to so far as these organizations and companies that are in this system, we may very well be liable for substantial damages to them should we make the repealer effective immediately.

In addition to that, making the effective date of the repealer October 1 of 1986 will give those people who wish to have that additional coverage the opportunity to obtain it.

Finally, Mr. Speaker, this amendment puts a cap on the \$5 fee. As the present law is, on January of next year the fund can meet, and under the law they can increase the amount that would be collected. This amendment specifically provides that that fee will stay at \$5 until the Catastrophic Loss Fund is repealed.

Basically, that is all the amendment does differently from the Geist amendment, Mr. Speaker. Thank you.

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

Mr. COWELL. Mr. Speaker, would Mr. Gannon consent to interrogation, please?

The SPEAKER. Mr. Gannon indicates he will so stand. You are in order, and you may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, if the gentleman would be kind enough to clarify, section 4(a) of his amendment—this is on page 5 near the end—reads, “The amendments to sections 1503, 1518 and 1519 shall take effect in 60 days.” And as I read the rest of the amendment, I am looking for the amendments to sections 1503, 1518, and 1519. Could you tell me where they are in this multipage amendment and specifically what they do?

Mr. GANNON. Mr. Speaker, they are in the original bill. The original bill takes effect in 60 days. This only adds the additional language repealing the Catastrophic Loss Fund. The amendment is referring to the original bill as far as when that takes effect. There is really a two-tiered effective date here. The original bill, if it is enacted, would take effect in 60

days. One portion of the amendment dealing with the cap on the \$5 fee would take effect immediately, and the repeal of the Catastrophic Loss Fund would take effect October 1 of 1986.

Mr. COWELL. So all of the repealer action that we have considered and approved in the Geist amendment and may approve in your amendment would not take effect until October of 1986?

Mr. GANNON. That portion repealing the fund would take effect October 1 of 1986 for the reasons that I gave to you.

Mr. COWELL. I understand now. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

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

Mr. AFFLERBACH. Mr. Speaker, first a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. AFFLERBACH. If I am correct at this point, the amendment I offered which was approved, A2903, was not removed from the bill by the Geist amendment A2953. Is that correct? So that both of those amendments are now in the bill.

The SPEAKER. The Chair was afraid that question would eventually arise, hoping that it would not. What the House has done, in a quick survey of it, is not to remove the language on page 1 of your amendment, Mr. Afflerbach, subsection (b), “Collection of Catastrophic Loss Trust Fund charge,...” and ending with the words “and department regulations.” That language is still there. Now, what the House will do with that conflict, the Speaker saith not.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

If I may now speak on the Gannon amendment.

The SPEAKER. You may, sir.

Mr. AFFLERBACH. The reason I asked for that clarification was because I believe if the Gannon amendment is now accepted, we will be in the position of having PennDOT collect the Catastrophic Loss Trust Fund fee for a short period of time, until October 1, 1986, when the Gannon amendment would trigger into effect. On the other hand, without accepting the Gannon amendment, we are caught in the dilemma of having PennDOT collect the fee for a fund which according to the Geist amendment will no longer exist.

I am not going to suggest to this chamber which way to vote on this. I just thought they ought to know about it.

The SPEAKER. The Chair admires your wisdom.

The Chair recognizes the gentleman from Bucks, Mr. Wilson. Do you wish to address this particular issue?

Mr. WILSON. Just slightly.

The SPEAKER. The Chair recognizes the gentleman.

Mr. WILSON. I think the gentleman, Mr. Gannon's amendment is definitely on the right track. I think that what he is trying to do to improve the Geist amendment should be supported. I think the gentleman, Mr. Afflerbach, who raises the question about who collects the fund, his latest summa-

tion is correct that PennDOT would collect it until October 1, 1986. However, if the Geist amendment stays in, I would not want to be a parliamentarian, but I would assume the whole act goes out and so does the Afflerbach amendment.

I would urge an affirmative vote for the Gannon amendment.

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

Mr. LLOYD. Mr. Speaker, I think a lot of people are confused. I would like to know whether Mr. Geist supports this amendment. Will he stand for interrogation? I do not want to undo what we just did. I do not understand what Mr. Gannon is trying to do.

The SPEAKER. Mr. Geist indicates he will stand for interrogation.

Mr. LLOYD. Mr. Speaker, the Geist amendment said that as soon as the bill is signed—I think it is 60 days after that effective date—nobody has to pay \$5 anymore. Is that correct?

Mr. GEIST. That is correct.

Mr. LLOYD. Now, under this amendment it seems to say that something does not happen until October of next year. What I want to know is, if the Gannon amendment passes, are people going to have to pay \$5 until October 1 of 1986?

Mr. GEIST. I think so. May I expand upon that answer?

If this amendment was divisible and if you could divide it I think at (e), then it would be palatable, but since it is nondivisible, I would urge a “no” vote.

Mr. LLOYD. Very good. Thank you.

May I speak on the amendment?

The SPEAKER. The Chair is anxious to hear.

Mr. LLOYD. Thank you, Mr. Speaker.

I am glad that Mr. Geist pointed that out, because it seemed to me that this was inconsistent. If we pass this amendment, everybody has to understand that what we are doing is voting for another year of paying the \$5. So if you want another year of paying the \$5, you vote with Mr. Gannon. If you do not want that, you vote with Mr. Geist and vote “no.”

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon, for the second time on your amendment.

Mr. GANNON. Mr. Speaker, that argument is seriously flawed. What is happening now is the department has collected \$5 for the year 1984 to 1985. They are now collecting for 1985 to 1986, and that is October 1 of 1984 to September 30 of 1985. We are now in the period that the fee they are collecting today is for benefits that would be provided from October 1 of 1985 to September 30 of 1986. So what my amendment says is what we will do in order to keep this thing from getting into a big legal morass is make the repealer effective October 1 of 1986 so that there will be some collections. They are going on right now, but someone who has already paid that \$5 will be entitled to benefits. Should they be involved in an accident and unfortunately sustain catastrophic injuries, they would be eligible for benefits up to October 1 of 1986, and that is what they paid for.

So what we are simply saying is that those people who paid for those benefits will definitely get them. My view is that if we stay with the way we have done it already, we will be essentially saying to those people that 60 days after this act becomes effective, even though you have paid that \$5, you are not going to get benefits. So I am simply saying, we will give the benefits for the full year that the people have paid for. We will have an orderly repeal of this act. We will not be involved in serious breaches of contracts with those companies that have been contracted with to collect this fee.

Mr. Speaker, this provision of the amendment came about as a result of the public hearings that we had in the Insurance Committee on the Cat Fund, and at that time I learned that the contracts that were signed were for a 2-year period. So they do not expire until the latter part of 1986. So what I am trying to do is to guarantee that the people will get the benefits that they paid for and also to make certain, to the best extent possible, that we do not get ourselves into serious contractual legal problems with the contractors. I certainly do not want to pay any money to those people for a service that they are not going to provide. Basically, that is why I have made the effective date October 1 of 1986, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—47

Arty	Flick	Livengood	Ryan
Bowley	Fox	McClatchy	Saurman
Bunt	Freeman	McHale	Semmel
Burd	Freind	McVerry	Sirianni
Cessar	Gannon	Manmiller	Smith, B.
Civera	Gladeck	Micozzie	Snyder, D. W.
Cole	Hershey	Miller	Taylor, E. Z.
Cornell	Itkin	Perzel	Taylor, J.
Dorr	Kenney	Pitts	Trello
Duffy	Langtry	Pott	Wambach
Durham	Lashingner	Punt	Wilson
Fischer	Levin	Raymond	

NAYS—144

Afflerbach	Davies	Laughlin	Rieger
Angstadt	Dawida	Lescovitz	Robbins
Argall	Deal	Letterman	Rudy
Baldwin	Dietz	Levdansky	Rybak
Barber	Distler	Linton	Saloom
Barley	Dombrowski	Lloyd	Scheetz
Battisto	Donatucci	Lucyk	Schuler
Belardi	Evans	McCall	Serafini
Belfanti	Fargo	Mackowski	Seventy
Birmelin	Fattah	Maiale	Showers
Black	Fee	Manderino	Smith, L. E.
Blaum	Foster, Jr., A.	Markosek	Snyder, G. M.
Bortner	Fryer	Mayernik	Staback
Bowser	Gallagher	Merry	Stairs
Boyes	Gallen	Michlovic	Steighner
Brandt	Gamble	Moehlmann	Stevens
Broujos	Geist	Morris	Stewart
Bush	George	Mowery	Stuban
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Telek
Carn	Gruppo	O'Donnell	Tigue
Cawley	Hagarty	Olasz	Truman
Chadwick	Haluska	Oliver	Van Horne

Cimini	Harper	Petrarca	Veon
Clark	Hasay	Petrone	Vroon
Clymer	Hayes	Phillips	Wass
Cohen	Herman	Piccola	Wiggins
Colafella	Honaman	Pievsky	Wogan
Cordisco	Howlett	Pistella	Wozniak
Coslett	Jackson	Pratt	Wright, D. R.
Cowell	Jarolin	Pressmann	Wright, J. L.
Coy	Johnson	Preston	Yandrisevits
Deluca	Josephs	Reber	
DeVerter	Kasunic	Reinard	Irvis,
DeWeese	Kosinski	Richardson	Speaker
Daley	Kukovich		

NOT VOTING—6

Acosta	Kennedy	Roebuck	Weston
Hutchinson	O'Brien		

EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, on final passage.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, it took 10 years for the General Assembly, realizing that the no-fault system was not working, to abolish it last year. Two weeks ago our new automobile insurance system celebrated its first anniversary. I agree with the opinions expressed by some of the previous speakers that we simply have not had enough time to analyze all the effects of the new system. Admittedly, we have had a number of problems with the operation of the Catastrophic Loss Trust Fund itself. I speak not only as a member of this legislature but as a member of the Trust Fund Board, and I see that I am the only Trust Fund Board member here present today.

MOTION TO RECOMMIT

Mr. WOGAN. I think that we are involved in a rush to judgment. I hesitate to use stronger language, but we are dealing with very, very significant issues with HB 452, and HB 452, of course, bears no resemblance to the way it looked early this morning. I think this requires a great deal more study. I would hate to see us make the kind of mistake today that we have been accused of making last year, and I therefore move to recommit this bill to the Insurance Committee.

The SPEAKER. It is moved by the gentleman, Mr. Wogan, that HB 452, as amended, be recommitted to the Committee on Insurance.

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

The SPEAKER. On the motion, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Very briefly, I oppose the motion to recommit. This issue is not going to go away until the House takes a final passage vote on it in one way or another.

What we are doing, should we pass this bill, is providing the Senate with the feeling of this House. We have voted by a substantial vote to indicate to the Senate that the Cat Fund should be repealed. We have also voted by a substantial vote that failing that, we would prefer to see PennDOT collect the fee. I think the least we should do is give the Senate the opportunity to choose from those options. Both options are presently in the bill, as we learned earlier during the point of parliamentary inquiry. I would urge passage of the bill at this time and a defeat of the motion to recommit.

The SPEAKER. Those in favor of recommitment will vote "aye"; those opposed to recommitment will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—62

Barber	Dawida	Manderino	Rybak
Battisto	Deal	Merry	Scheetz
Blaum	Dombrowski	Michlovic	Schuler
Bortner	Dorr	Murphy	Sirianni
Bowley	Duffy	O'Brien	Smith, B.
Boyes	Evans	O'Donnell	Swift
Brandt	Freeman	Olasz	Truman
Bunt	Gamble	Oliver	Van Horne
Bush	Godshall	Pievsky	Vroon
Cappabianca	Itkin	Preston	Wiggins
Carlson	Josephs	Raymond	Wogan
Carn	Kukovich	Reber	Wozniak
Cohen	Levin	Richardson	Yandrisevits
Cole	Linton	Rieger	
Cornell	Lucyk	Roebuck	Irvis,
Cowell	McHale	Ryan	Speaker

NAYS—132

Afflerbach	Durham	Kosinski	Pressmann
Angstadt	Fargo	Langtry	Punt
Argall	Fee	Lashingier	Reinard
Arty	Fischer	Laughlin	Robbins
Baldwin	Flick	Lescovitz	Rudy
Barley	Foster, Jr., A.	Letterman	Saloom
Belardi	Fox	Levdansky	Saurman
Belfanti	Freind	Livengood	Semmel
Birmelin	Fryer	Lloyd	Serafini
Black	Gallagher	McCall	Seventy
Bowser	Gallen	McClatchy	Showers
Broujos	Gannon	McVerry	Smith, L. E.
Burd	Geist	Mackowski	Snyder, D. W.
Caltagirone	George	Maiale	Snyder, G. M.
Cawley	Gladeck	Manmiller	Staback
Cessar	Greenwood	Markosek	Stairs
Chadwick	Gruitza	Mayernik	Steighner
Cimini	Gruppo	Micozzie	Stevens
Civera	Hagarty	Miller	Stewart
Clark	Haluska	Moehlmann	Stuban
Clymer	Harper	Morris	Taylor, E. Z.
Colafella	Hasay	Mowery	Taylor, F. E.
Cordisco	Hayes	Mrkonic	Taylor, J.
Coslett	Herman	Nahill	Telek



Coy	Hershey	Perzel	Tigue
Deluca	Honaman	Petrarca	Trello
DeVerter	Howlett	Petrone	Veon
DeWeese	Jackson	Phillips	Wambach
Daley	Jarolin	Piccola	Wass
Davies	Johnson	Pistella	Weston
Dietz	Kasunic	Pitts	Wilson
Distler	Kennedy	Pott	Wright, D. R.
Donatucci	Kenney	Pratt	Wright, J. L.

NOT VOTING—3

Acosta	Fattah	Hutchinson
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EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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. On final passage, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, I have a few brief remarks that I would like to make for the record and because this bill might well be heading for a conference committee.

I am speaking in opposition to the bill itself, Mr. Speaker, because first of all, it reverses a longstanding trend toward improvement of highway safety. The bill would permit a situation analogous to driving under the influence. An individual does not obviously want to surrender his license, and therefore, making it optional or giving him that choice is not apt to produce the surrender of that license. Then the physician who seeks to remove himself from the position of, in a sense, blowing the whistle on this individual has, under the bill, a final responsibility to report if in his opinion the medical evidence is strong enough. Mr. Speaker, that would open him, I would think, to lawsuits if that individual should subsequently have an accident and, therefore, would not be in the best interests of the physician. That physician who fears the anger of his patients when all such incapacities must now be reported will find even greater hostility when he exercises that option. Therefore, it is not likely that the physician will so voluntarily make that choice.

What we are talking about then is that neither the patient nor the physician will likely report a condition which admittedly is injurious or potentially injurious to the driver himself and generally to the driving public on our highways. I think that this is a very dangerous thing to do, and I think that we should consider it seriously. I would ask for a "no" vote on the bill. Thank you, sir.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, on final passage.

Miss SIRIANNI. Mr. Speaker, I just have a question that I do not know who can answer, but if this is repealed, has a way been provided for people to get refunds, or what is going to happen?

The SPEAKER. The gentleman who is the expert on what will happen to the \$5 is Mr. Stewart, who has a suggestion that we return the \$5 to each one of the citizens of the Com-

monwealth who paid it, together with interest. Are you prepared for that amendment, Miss Sirianni?

Miss SIRIANNI. Who is going to pick up the tab for doing that, Mr. Speaker?

The SPEAKER. Not I.

Miss SIRIANNI. I am afraid you will, along with me.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—142

Afflerbach	Durham	Lashingier	Reinard
Angstadt	Fargo	Laughlin	Rieger
Argall	Fee	Lescovitz	Robbins
Arty	Fischer	Letterman	Roebuck
Baldwin	Flick	Levdansky	Rudy
Barley	Foster, Jr., A.	Lloyd	Saloom
Belardi	Fox	McCall	Schuler
Belfanti	Freind	McClatchy	Semmel
Birmelin	Fryer	McVerry	Serafini
Bowser	Gallagher	Mackowski	Seventy
Brandt	Gallen	Maiale	Showers
Broujos	Gamble	Manmiller	Smith, L. E.
Bunt	Gannon	Markosek	Snyder, D. W.
Burd	Geist	Mayernik	Snyder, G. M.
Bush	George	Micozzie	Staback
Caltagirone	Gladeck	Miller	Stairs
Carlson	Godshall	Moehlmann	Steighner
Cawley	Greenwood	Morris	Stevens
Cessar	Gruitza	Mowery	Stewart
Chadwick	Gruppo	Mrkonic	Stuban
Cimini	Hagarty	Nahill	Swift
Civera	Haluska	Olasz	Taylor, E. Z.
Clark	Hasay	Perzel	Taylor, F. E.
Clymer	Hayes	Petrarca	Taylor, J.
Colafella	Herman	Petrone	Telek
Cordisco	Hershey	Phillips	Tigue
Cornell	Honaman	Piccola	Trello
Coslett	Howlett	Pievsky	Truman
Coy	Jackson	Pistella	Veon
Deluca	Jarolin	Pott	Wambach
DeVerter	Johnson	Pratt	Wass
Daley	Kasunic	Pressmann	Weston
Davies	Kennedy	Preston	Wogan
Dietz	Kenney	Punt	Wright, D. R.
Distler	Kosinski	Raymond	Wright, J. L.
Donatucci	Langtry		

NAYS—53

Acosta	Dawida	Lucyk	Saurman
Barber	Deal	McHale	Scheetz
Battisto	Dombrowski	Manderino	Sirianni
Black	Dorr	Merry	Smith, B.
Blaum	Duffy	Michlovic	Van Horne
Bortner	Evans	Murphy	Vroon
Bowley	Freeman	O'Brien	Wiggins
Boyes	Harper	O'Donnell	Wilson
Cappabianca	Itkin	Oliver	Wozniak
Carn	Josephs	Pitts	Yandrisevits
Cohen	Kukovich	Reber	
Cole	Levin	Richardson	Irvis,
Cowell	Linton	Ryan	Speaker
DeWeese	Livengood	Rybak	

NOT VOTING—2

Fattah	Hutchinson
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## EXCUSED—6

Book Burns	Dininni Noye	Sweet	Wright, R. C.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

## REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco. Why do you rise, sir?

Mr. CORDISCO. Mr. Speaker, on the Geist amendment I was in my seat and voted. However, my switch did not function. I wish to be recorded in the affirmative on A2953 to HB 452.

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

BILLS ON THIRD  
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1234, PN 2059**, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for contracts relating to refuse materials.

On the question,

Will the House agree to the bill on third consideration?

Mr. REBER offered the following amendment No. A3235:

Amend Sec. 1 (Sec. 702), page 2, line 22, by striking out "TEN" and inserting eighteen

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

The bill that is presently before us provides for a term not to exceed 10 years to allow a second-class township to enter into an agreement for the disposal of municipal solid waste to a resource recovery privateer, if you will, contracting with that municipality. The amendment which I have before you at the present time simply changes the period of time from 10 years, as the bill now reads, to 18 years.

The reason for this is twofold. First of all, from a financing standpoint, these particular resource recovery facilities are extremely expensive, running in the neighborhood of \$8 million to \$10 million for probably the smallest portable type of prototype. As a result of that, it is almost impossible for someone who is going to act as a vendor in this particular type of operation to secure the necessary financing within the 10-year period. The 18-year period is also advantageous for carrying out the intent of this legislation, because there are

certain tax ramifications that will permit depreciation of such a facility to be carried up to a maximized period of 18 years under the existing Federal tax law.

I think this will certainly not cause a hardship on anyone any more than the 10 years from the standpoint of entering into a bona fide contract, but it will, frankly, make it available for the intent of the legislation to come into fruition, because an individual firm, corporation, or other private company desiring to enter into such an arrangement certainly is going to need financing for a period in excess of 10 years and certainly will want to be in a position to recapture the necessary depreciation that is permitted to be taken over this period of time.

I would ask for an affirmative vote.

The SPEAKER. On the Reber amendment, the Chair recognizes the gentleman from Bucks, Mr. Cordisco.

Mr. Cordisco yields to Mr. Fryer. Is that correct?

Mr. CORDISCO. Mr. Speaker, it was the decision of the committee to amend the bill to incorporate the language which says the 10-year provision, which Mr. Reber is attempting to amend. I think it only more appropriate that the chairman, Mr. Fryer, address the issue.

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

Mr. FRYER. Mr. Speaker, the Local Government Committee deliberated over this matter for some time, and what we had to balance was the point of the municipalities' interest and also the interest of the private investors. What we, the committee, decided on was for a period of 10 years, which we felt was fair to both parties. Now, basically by increasing it to 18 years, you are giving an advantage to the private investor.

Now, it is really the decision of this House as to how you feel. Presently it is 10 years, which we felt was ample in the Local Government Committee. Mr. Reber is attempting to make that 18 years, so it is entirely up to the members of this House on the issue. I merely wanted to state the position of the committee, which felt 10 years was ample, bearing in mind the wishes and desires of the municipalities.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

We presently in my district are building a resource recovery facility. These facilities are extremely expensive, running about \$100,000 per ton. In other words, a 300-ton-a-day plant will cost in excess of \$30 million. The financing on these plants really cannot go, because of the expense, below 15 years. It is really running from 15 to 25 years.

In order for this financing to be worked out, you need a trash stream, and the municipalities have to cooperate. The 10-year trash stream is better than the 3-year, which is the contract period they can go into now, but it is not near long enough in order to allow these facilities to be constructed and adequately financed. The financing is advantageous to the municipality, and without the construction of these facilities, the municipalities really have no place to go. So it is advantageous both to the contractee and the contractor.

The other thing is it ties these municipalities into a site for a period of years. With the dumping costs rising to the degree that they are, this will give the municipalities that have a chance to tie in with a facility such as this a break, and I would encourage this legislature to adopt the Reber amendment allowing for a period up to 18 years.

I also want to point out that the boroughs—this is only second-class townships—boroughs right now have a right to go up to 30 years if they like. They can go 20 years, 30 years; there is no limit. So what we are saying here is 18 years, which I believe is a reasonable compromise. Thank you.

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

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

I, too, rise in support of the Reber amendment. The members should note that first of all, the time period only applies to privately owned resource recovery facilities. There is no time period at all when the operation is in a contract with a political subdivision or municipal authority. Likewise, for private ownership there is a 3-year restriction that still remains for landfills or other types of incineration.

I feel, as the previous speakers have spoken in favor of this amendment, that the need for the financing of these types of facilities, the amount of cost necessary to invest into it to make it a profitable operation, requires a much greater time period than 10 years. Plus it is a "may" provision in the legislation. The municipalities may enter into a contract of a lesser period if they so desire.

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

Mr. DAVIES. I had a question of interrogation, but I think that if the last speaker is correct, that question is answered, that if it is a "may" provision, the matter can be a shorter duration than the 18 years and could be the 10 years. So therefore, I would be supportive of the amendment.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I think the purpose of the Reber amendment might be well intended. I can understand why they would want to do something to protect this big investor. But you know, this matter is big, and sometimes it is so big that it is uncontrollable. Just to give another 8 years, what will happen with the municipality that was wrong to start with and it signed to do business with someone and they are not being treated properly? I do not think there is anything in the bill that would not allow them to do what they want without putting it in, but I think the mandate of 18 years is just too long. I would urge that this amendment be defeated.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—127

Angstadt	Dietz	Kosinski	Rybak
Argall	Distler	Kukovich	Saurman
Arty	Dorr	Langtry	Scheetz
Barley	Durham	Lashingier	Schuler

Battisto	Fargo	Linton	Semmel
Birmelin	Fattah	Livengood	Serafini
Bortner	Fischer	McClatchy	Seventy
Bowley	Flick	McHale	Sirianni
Bowser	Foster, Jr., A.	McVerry	Smith, B.
Boyes	Fox	Mackowski	Smith, L. E.
Brandt	Freeman	Manmiller	Snyder, D. W.
Bunt	Freind	Merry	Snyder, G. M.
Burd	Gallagher	Michlovic	Stairs
Bush	Gallen	Micozzie	Steighner
Cappabianca	Gannon	Miller	Stevens
Carlson	Geist	Moehlmann	Swift
Carn	Gladeck	Mowery	Taylor, E. Z.
Cessar	Godshall	Nahill	Taylor, J.
Chadwick	Greenwood	O'Brien	Telek
Cimini	Gruppo	O'Donnell	Van Horne
Civera	Hagarty	Perzel	Vroon
Clark	Hasay	Phillips	Wambach
Clymer	Hayes	Piccola	Wass
Cohen	Herman	Pitts	Weston
Cordisco	Hershey	Pott	Wiggins
Cornell	Honaman	Punt	Wilson
Coslett	Howlett	Raymond	Wogan
Coy	Jackson	Reber	Wozniak
DeVerter	Johnson	Reinard	Wright, D. R.
Daley	Josephs	Robbins	Wright, J. L.
Davies	Kennedy	Rudy	Yandrisevits
Dawida	Kenney	Ryan	

NAYS—66

Acosta	Dombrowski	Lloyd	Pressmann
Afflerbach	Donatucci	Lucyk	Preston
Baldwin	Duffy	McCall	Richardson
Barber	Fee	Maiale	Rieger
Belardi	Fryer	Manderino	Roebuck
Belfanti	Gamble	Markosek	Saloom
Black	George	Mayernik	Showers
Blaum	Gruitza	Morris	Staback
Broujos	Harper	Mrkonic	Stewart
Caltagirone	Itkin	Murphy	Stuban
Cawley	Jarolin	Olasz	Taylor, F. E.
Colaifella	Kasunic	Oliver	Tigue
Cole	Laughlin	Petrarca	Trello
Cowell	Lescovitz	Petrone	Veon
DeLuca	Letterman	Pievsky	
DeWeese	Levdansky	Pistella	Irvis,
Deal	Levin	Pratt	Speaker

NOT VOTING—4

Evans	Haluska	Hutchinson	Truman
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EXCUSED—6

Book Burns	Dininni Noye	Sweet	Wright, R. C.
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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. 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

Acosta	Distler	Laughlin	Richardson
Afflerbach	Dombrowski	Lescovitz	Rieger
Angstadt	Donatucci	Letterman	Roebuck
Argall	Dorr	Levdansky	Rudy
Arty	Duffy	Levin	Ryan
Baldwin	Durham	Linton	Rybak
Barber	Evans	Livengood	Saloom
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	Flick	McHale	Serafini
Black	Foster, Jr., A.	McVerry	Seventy
Blaum	Fox	Mackowski	Showers
Bortner	Freeman	Maiale	Sirianni
Bowley	Freind	Manderino	Smith, B.
Bowser	Fryer	Manmiller	Smith, L. E.
Boyes	Gallagher	Markosek	Snyder, D. W.
Brandt	Gallen	Mayernik	Snyder, G. M.
Broujos	Gamble	Merry	Staback
Bunt	Gannon	Michlovic	Stairs
Burd	Geist	Micozzie	Steighner
Bush	George	Miller	Stevens
Caltagirone	Gladeck	Moehlmann	Stewart
Cappabianca	Godshall	Morris	Stuban
Carlson	Greenwood	Mowery	Swift
Carn	Gruitza	Mrkonic	Taylor, E. Z.
Cawley	Gruppo	Murphy	Taylor, F. E.
Cessar	Hagarty	Nahill	Taylor, J.
Chadwick	Haluska	O'Brien	Telek
Cimini	Harper	O'Donnell	Tigue
Civera	Hasay	Olasz	Trello
Clark	Hayes	Oliver	Truman
Clymer	Herman	Perzel	Van Horne
Cohen	Hershey	Petrarca	Veon
Colafella	Honaman	Petrone	Vroon
Cole	Howlett	Phillips	Wambach
Cordisco	Hutchinson	Piccola	Wass
Cornell	Itkin	Pievsky	Weston
Coslett	Jackson	Pistella	Wiggins
Cowell	Jarolin	Pitts	Wilson
Coy	Johnson	Pott	Wogan
Deluca	Josephs	Pratt	Wozniak
DeVerter	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kennedy	Preston	Wright, J. L.
Daley	Kenney	Punt	Yandrisevits
Davies	Kosinski	Raymond	Irvis,
Dawida	Kukovich	Reber	Speaker
Deal	Langtry	Reinard	
Dietz	Lashingier		

NAYS—0

NOT VOTING—1

Robbins

EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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

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

\* \* \*

The House proceeded to third consideration of **HB 1235, PN 2060**, entitled:

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for contracts relating to refuse materials.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. REBER offered the following amendment No. A3231:

Amend Sec. 1 (Sec. 1502), page 2, line 16, by striking out "TEN" and inserting eighteen

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

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

Mr. REBER. Mr. Speaker, in honor of the Halloween season which is just about upon us, I would simply say that consistency is not a hobgoblin of small minds. I would ask you to be consistent and also vote the same way. Thank you.

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

The following roll call was recorded:

YEAS—133

Angstadt	Dietz	Kosinski	Ryan
Argall	Distler	Kukovich	Rybak
Arty	Dorr	Langtry	Saurman
Barley	Durham	Lashingier	Scheetz
Battisto	Fargo	Linton	Schuler
Birmelin	Fattah	Livengood	Semmel
Black	Fischer	McClatchy	Serafini
Bortner	Flick	McHale	Seventy
Bowley	Foster, Jr., A.	McVerry	Sirianni
Bowser	Fox	Mackowski	Smith, B.
Boyes	Freeman	Manmiller	Smith, L. E.
Brandt	Freind	Merry	Snyder, D. W.
Bunt	Gallagher	Michlovic	Snyder, G. M.
Burd	Gallen	Micozzie	Stairs
Bush	Gannon	Miller	Steighner
Cappabianca	Geist	Moehlmann	Stevens
Carlson	Gladeck	Mowery	Stewart
Carn	Godshall	Nahill	Swift
Cessar	Greenwood	O'Brien	Taylor, E. Z.
Chadwick	Gruppo	O'Donnell	Taylor, F. E.
Cimini	Hagarty	Olasz	Taylor, J.
Civera	Hasay	Perzel	Telek
Clark	Hayes	Phillips	Van Horne
Clymer	Herman	Piccola	Vroon
Cohen	Hershey	Pitts	Wambach
Cordisco	Honaman	Pott	Wass
Cornell	Jackson	Punt	Weston
Coslett	Jarolin	Raymond	Wilson
Coy	Johnson	Reber	Wogan
DeVerter	Josephs	Reinard	Wozniak
Daley	Kasunic	Richardson	Wright, D. R.
Davies	Kennedy	Robbins	Wright, J. L.
Dawida	Kenney	Rudy	Yandrisevits
Deal			

NAYS—57

Acosta	Dombrowski	Levin	Pratt
Afflerbach	Duffy	Lloyd	Pressmann
Baldwin	Evans	Lucyk	Preston
Barber	Fee	McCall	Saloom
Belardi	Fryer	Maiale	Showers
Belfanti	Gamble	Manderino	Staback
Blaum	George	Markosek	Stuban
Broujos	Gruitza	Mayernik	Tigue
Caltagirone	Haluska	Morris	Trello
Cawley	Harper	Mrkonic	Veon
Colafella	Itkin	Murphy	Wiggins
Cole	Laughlin	Petrarca	
Cowell	Lescovitz	Petrone	Irvis,
Deluca	Letterman	Pievsky	Speaker

DeWeese	Levdansky	Pistella	
NOT VOTING—7			
Donatucci	Hutchinson	Rieger	Truman
Howlett	Oliver	Roebuck	
EXCUSED—6			
Book Burns	Dininni Noye	Sweet	Wright, R. C.

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. 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

Acosta	Dietz	Lashinger	Robbins
Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Dorr	Levdansky	Ryan
Arty	Duffy	Levin	Rybak
Baldwin	Durham	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fargo	Lloyd	Scheetz
Battisto	Fattah	Lucy	Schuler
Belardi	Fee	McCall	Semmel
Belfanti	Fischer	McClatchy	Serafini
Birmelin	Flick	McHale	Seventy
Black	Foster, Jr., A.	McVerry	Showers
Blaum	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manmiller	Smith, L. E.
Bowser	Fryer	Markosek	Snyder, D. W.
Boyes	Gallagher	Mayernik	Snyder, G. M.
Brandt	Gallen	Merry	Staback
Broujos	Gamble	Michlovic	Stairs
Bunt	Gannon	Micozzie	Steighner
Burd	Geist	Miller	Stevens
Bush	George	Moehlmann	Stewart
Caltagirone	Gladeck	Morris	Suban
Cappabianca	Godshall	Mowery	Swift
Carlson	Greenwood	Mrkonic	Taylor, E. Z.
Carn	Gruitza	Murphy	Taylor, F. E.
Cawley	Gruppo	Nahill	Taylor, J.
Cessar	Hagarty	O'Brien	Telek
Chadwick	Haluska	O'Donnell	Tigue
Cimini	Harper	Olasz	Trello
Civera	Hasay	Oliver	Truman
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Cohen	Hershey	Petrone	Vroon
Colafella	Honaman	Phillips	Wambach
Cole	Howlett	Piccola	Wass
Cordisco	Itkin	Pievsky	Weston
Cornell	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pratt	Wogan
Coy	Josephs	Pressmann	Wozniak
Deluca	Kasunic	Preston	Wright, D. R.
DeVertter	Kennedy	Punt	Wright, J. L.
DeWeese	Kenney	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Davies	Kukovich	Reinard	Irvis,
Dawida	Langtry	Richardson	Speaker

Deal			
NAYS—2			
Letterman	Manderino		
NOT VOTING—4			
Donatucci	Hutchinson	Pott	Rieger
EXCUSED—6			
Book Burns	Dininni Noye	Sweet	Wright, R. C.

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.

HB 824 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion made by Mr. Gallen, whereby he moves that the vote by which HB 824 was passed on this the 16th day of October be reconsidered.

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

The following roll call was recorded:

YEAS—181

Acosta	Dombrowski	Livengood	Ryan
Afflerbach	Dorr	Lloyd	Rybak
Angstadt	Duffy	Lucy	Saloom
Argall	Durham	McCall	Saurman
Baldwin	Fargo	McClatchy	Scheetz
Barber	Fattah	McHale	Schuler
Barley	Fischer	McVerry	Semmel
Battisto	Flick	Mackowski	Serafini
Belardi	Foster, Jr., A.	Maiale	Seventy
Belfanti	Fox	Manderino	Showers
Birmelin	Freeman	Manmiller	Sirianni
Black	Freind	Markosek	Smith, B.
Blaum	Gallagher	Mayernik	Smith, L. E.
Bortner	Gallen	Merry	Snyder, D. W.
Bowley	Gamble	Michlovic	Snyder, G. M.
Bowser	Geist	Micozzie	Staback
Boyes	George	Miller	Stairs
Brandt	Gladeck	Moehlmann	Steighner
Broujos	Godshall	Morris	Stevens
Bunt	Greenwood	Mowery	Stewart
Burd	Gruitza	Mrkonic	Suban
Bush	Hagarty	Murphy	Swift
Caltagirone	Haluska	Nahill	Taylor, E. Z.
Cappabianca	Harper	O'Brien	Taylor, F. E.
Carlson	Hasay	O'Donnell	Taylor, J.
Carn	Hayes	Olasz	Telek
Cawley	Herman	Perzel	Tigue
Cessar	Hershey	Petrarca	Trello
Chadwick	Honaman	Petrone	Truman
Cimini	Howlett	Phillips	Van Horne
Civera	Hutchinson	Piccola	Veon
Clark	Itkin	Pievsky	Vroon
Clymer	Jackson	Pistella	Wambach
Cohen	Jarolin	Pitts	Wass
Colafella	Josephs	Pott	Weston
Cole	Kasunic	Pratt	Wiggins
Cornell	Kennedy	Pressmann	Wilson
Coslett	Kenney	Preston	Wogan
Coy	Kosinski	Punt	Wozniak
Deluca	Kukovich	Raymond	Wright, D. R.
DeWeese	Langtry	Reber	Wright, J. L.

Daley	Laughlin	Reinard	Yandrisevits
Dawida	Lescovitz	Richardson	
Deal	Levdansky	Robbins	Irvis,
Dietz	Levin	Roebuck	Speaker
Distler	Linton	Rudy	

NAYS—0

NOT VOTING—16

Arty	Davies	Fryer	Lashingier
Cordisco	Donatucci	Gannon	Letterman
Cowell	Evans	Gruppo	Oliver
DeVerter	Fee	Johnson	Rieger

EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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

### LIQUOR CONTROL COMMITTEE MEETING

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

Mr. SALOOM. Mr. Speaker, at the call of the recess or adjournment, I would like to have a meeting of the House Liquor Control Committee in the members' lounge at the rear of the House. Thank you, Mr. Speaker.

### REMARKS ON VOTES

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

Mr. BLACK. Mr. Speaker, on HB 1234, on the Reber amendment A3235, I would like my vote to be in the affirmative.

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

Mr. BLACK. Thank you.

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

Mr. WILSON. Mr. Speaker, I respectfully request that the Chief Clerk or somebody check this button. On the board it was green; on the record it shows in the negative on HB 452. I have witnesses here who saw the green light, and yet it says in the negative.

The SPEAKER. We will instruct the Chief Clerk to check on that—

Mr. WILSON. That does not help my vote any, though.

The SPEAKER. —on yours and Mr. Cordisco's. Apparently the two of them have been malfunctioning. We will have both of them checked.

Mr. WILSON. That might be a sign.

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

Mr. ROBBINS. Mr. Speaker, on HB 1234 I would like to be recorded in the affirmative.

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

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

Mr. HASAY. Thank you, Mr. Speaker.

On the Piccola amendment A2919 to HB 452 my switch malfunctioned. I would like to be recorded in the affirmative. Thank you.

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

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

Mr. ACOSTA. Yes, I just want to make sure that on HB 452 I am voted in the affirmative.

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

### ANNOUNCEMENT BY MR. BRANDT

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

Mr. BRANDT. Thank you, Mr. Speaker.

Today I am introducing a bill that would look at the issue of our local taxes in a different light. I circulated a memo and I have been joined by over 20 sponsors of the House to allow the wage tax in our local municipalities to move upward at the discretion of that local municipality. These bills will be at the desk. If anyone would still care to join me with these bills, I would be more than happy to have you as a cosponsor. Thank you.

### CONSIDERATION OF HB 824 CONTINUED

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The House has immediately before it, as a result of the reconsideration motion, on page 3, HB 824.

The Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. I would like to interrogate Mr. Gallagher.

The SPEAKER. Mr. Gallagher indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, currently the Commonwealth Association of Students is funded how?

Mr. GALLAGHER. I am sorry; I could not hear the last part of your question.

Mr. GALLEN. How is this association, the Commonwealth Association of Students, currently funded?

Mr. GALLAGHER. It is currently funded by the students who belong to the association. On some university campuses they have difficulties in collecting the dues. What the bill does is recognize them as being an association and that the board of trustees of the university can have a campuswide referendum on a voluntary collection by the university of a fee of \$3 in support of the Commonwealth Association of Students. It creates a referendum that this is the association and it authorizes a voluntary collection.

Mr. GALLEN. It authorizes the college to collect it?

Mr. GALLAGHER. Yes.

Mr. GALLEN. And currently they are not collecting it that way? I thought they were.

Mr. GALLAGHER. No; they were not. You see, that was the problem. Most of them had decided not to collect it. They claimed it was an office problem. They did not want to put it on their computer list, et cetera. They take other deductions, but they did not want to take that one.

Mr. GALLEN. Do State colleges collect money for any other organizations?

Mr. GALLAGHER. Some of them were collecting for many, many different organizations and they were taking—like if you wanted to make a deduction for the United Fund, they would deduct it, but they did not want to do it for this association. And all this bill does is after a campuswide referendum for the voluntary collection—so it is a voluntary situation—then the college will collect and give it over to the association.

Mr. GALLEN. The Commonwealth Association of Students, as well as other activities, is a lobbying group for the students or the colleges. Is that correct?

Mr. GALLAGHER. Yes; they do that. Sure. They do that among other things, but they do try to tell you and me and other people what the problems are on the campus and what the needs are. That is what they do.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this legislation. I think the college ought to stay out of private organizations and should not collect fees for such private organizations, whether it is the Commonwealth Association of Students or the Junior League or anything else. I think that these associations should stand on their own. In many cases the Commonwealth Association of Students is a group that lobbies the State legislature at the urging of the faculty. Mr. Speaker, I oppose it and I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass, on final passage.

Mr. WASS. Thank you, Mr. Speaker.

I stand in support of the legislation. Mr. Speaker, the legislation is more or less a "may" piece of legislation. It has to be approved by the students by referendum. After the approval of the students, the student can still refuse to pay those fees. So I ask for an affirmative vote.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we approve this legislation. What we are trying to do is put back into place a system that once was operational at the campuses, and for some reason the Board of Governors decided to end that process. We are talking about a voluntary fee. We are talking about a fee which students may choose not to pay. But again, what we would be mandating is that each of the universities establish a procedure which is designated in the legislation to allow for the collection of that fee for the maintenance of a

single organization representing students. If we are afraid of hearing from those students or we do not want to hear from them, then we ought to vote "no."

With that exception, we ought to be supportive of this legislation, because basically we lived with this situation for years and years and years. We are just trying to go back to something that was in place not too many months ago. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. May I interrogate the gentleman, Mr. Gallagher, briefly?

The SPEAKER. Mr. Gallagher indicates he will stand for interrogation. You may proceed.

Mr. RYAN. Assuming that the referendum passes, does this fee go on the bill with the tuition and activities charges?

Mr. GALLAGHER. Yes; that is the idea, Mr. Speaker.

Mr. RYAN. So that the parents can pay it?

Mr. GALLAGHER. The parents will eventually pay it, just like they do the tuition.

Mr. RYAN. I am going to vote "no." If my kids want to join it, let them take it out of their allowance. Thank you, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, if the gentleman does not want to pay for his son or daughter, then he can vote "no," but it is a voluntary situation. A parent could say I am going to pay all this tuition and my daughter or my son shall pay the other \$3.

One thing I think everybody should understand is that this is \$3 that we are talking about that the students will pay for their own association. In the School Code we authorize every school board to join the Pennsylvania State School Boards Association and pay the dues out of the taxpayers' money, which is a lobbying group that lobbies us for their benefits, out of tax dollars. And it is the only association that the school board can join. So all we are doing is letting the students have a method of having their say of what is going on on campus and what should be done to correct the problem.

I urge the members to support this bill.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it is my understanding that Representative Sirianni has amendments to this bill. I have no idea whether they are on the floor, but she says they are coming to the floor and she insists that the House wait for her amendments, and I am not going to fight with the young lady.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I thought the bill was put over, and that is why I did not put them out before.

The SPEAKER. You have a right to offer your amendment. Do you insist on that right?

Miss SIRIANNI. Well, I would like to, and I do not think it would take very long.

The SPEAKER. Very well. The House will stand at ease.

The House will return to order.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, on page 3, HB 824, PN 1669, because the lady, Miss Sirianni, has two amendments, the Chair rescinds its announcement that the bill is on final passage. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration?

Miss SIRIANNI offered the following amendments No. A3134:

Amend Title, page 1, line 5, by inserting after "thereto,"" authorizing the establishment of a dress code at the universities of the State System of Higher Education; and

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

Section 1. Section 2006-A(a) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a clause to read:

Section 2006-A. Powers and Duties of the Board of Governors.—(a) The Board of Governors shall have overall responsibility for planning and coordinating the development and operation of the system. The powers and duties of the Board of Governors shall be:

\*\*\*

(6.1) To establish a dress code for students and professional employes when they are attending classes.

\*\*\*

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949,"

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

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. I think the majority leader has my amendment.

The SPEAKER. The amendment we have before us, Miss Sirianni, is A3134.

Miss SIRIANNI. Mr. Speaker, the amendment is to establish a dress code for students as well as the professional employees when they are attending classes. That would include the instructors.

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

Mr. COWELL. Mr. Speaker, let me simply say that the members of this legislature and/or the Board of Governors would look ridiculous if we seriously took up the issue of a dress code for students and faculty members at a college or university in this State.

We ought to immediately reject this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—18

Barley	Durham	Harper	Ryan
Belardi	Flick	Lashingier	Sirianni
Bowser	Foster, Jr., A.	Piccola	Tigue
Caltagirone	Fox	Reber	Vroon
Cawley	Gruitza		

NAYS—175

Acosta	Dombrowski	Levin	Rieger
Afflerbach	Donatucci	Linton	Robbins
Angstadt	Dorr	Livengood	Roebuck
Argall	Duffy	Lloyd	Rudy
Arty	Fargo	Lucyk	Rybak
Baldwin	Fattah	McCall	Saloom
Battisto	Fee	McClatchy	Saurman
Belfanti	Fischer	McHale	Scheetz
Birmelin	Freeman	McVerry	Schuler
Black	Freind	Mackowski	Semmel
Blaum	Fryer	Maiale	Serafini
Bortner	Gallagher	Manderino	Seventy
Bowley	Gallen	Manmiller	Showers
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	Staback
Bush	Godshall	Miller	Stairs
Cappabianca	Greenwood	Moehlmann	Steighner
Carlson	Gruppo	Morris	Stevens
Carn	Hagarty	Mowery	Stewart
Cessar	Haluska	Mrkonic	Stuban
Chadwick	Hasay	Murphy	Swift
Cimini	Hayes	Nahill	Taylor, E. Z.
Civera	Herman	O'Brien	Taylor, F. E.
Clark	Hershey	O'Donnell	Taylor, J.
Clymer	Honaman	Olasz	Telek
Cohen	Howlett	Oliver	Trello
Colafella	Itkin	Perzel	Truman
Cole	Jackson	Petrarca	Van Horne
Cordisco	Jarolin	Petrona	Veon
Cornell	Johnson	Phillips	Wambach
Coslett	Josephs	Pievsky	Wass
Cowell	Kasunic	Pistella	Weston
Coy	Kennedy	Pitts	Wilson
Deluca	Kenney	Pott	Wogan
DeVerter	Kosinski	Pratt	Wozniak
DeWeese	Kukovich	Pressmann	Wright, D. R.
Daley	Langtry	Preston	Wright, J. L.
Davies	Laughlin	Punt	Yandrisevits
Dawida	Lescovitz	Raymond	
Deal	Letterman	Reinard	Irvis,
Dietz	Levdansky	Richardson	Speaker
Distler			

NOT VOTING—4

Barber	Evans	Hutchinson	Wiggins
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EXCUSED—6

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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?

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, who offers the following amendment, which the clerk will read.



Miss SIRIANNI. Mr. Speaker, I am going to withdraw this amendment.

The SPEAKER. The Chair is grateful to the lady.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

**MOTION TO RECOMMIT**

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

Mr. FOX. Mr. Speaker, in terms of this bill, I have been approached by some students as to whether the Commonwealth Association of Students represents the students in all cases. I would ask for a motion to recommit for further study.

The SPEAKER. It has been moved by the gentleman, Mr. Fox, that HB 824 be recommitted to the Committee on Education.

On the question,

Will the House agree to the motion?

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

Mr. COWELL. Mr. Speaker, this bill has already been considered by the Higher Education Subcommittee and the full Education Committee and approved by the members of both of those committees by a very substantial margin.

There is no doubt that this association or any particular group probably does not represent each and every student. That is why the question or the opportunity for a referendum is included in the legislation. The students themselves by majority vote can make that decision on a campus-by-campus basis.

I think we have considered that issue. There really is no further deliberation required. We can vote "yes" or "no" today. I would urge we not recommit.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—56**

Angstadt	Distler	Hershey	O'Brien
Barley	Dorr	Honaman	Perzel
Birmelin	Durham	Jackson	Phillips
Bowser	Fargo	Johnson	Piccola
Boyes	Flick	Kennedy	Pott
Brandt	Foster, Jr., A.	Kenney	Raymond
Burd	Fox	Langtry	Robbins
Carlson	Freind	Lashingier	Ryan
Cessar	Gallen	McClatchy	Sirianni
Cimini	Geist	Merry	Smith, L. E.
Cornell	Godshall	Moehlmann	Snyder, G. M.
Coslett	Greenwood	Mowery	Swift
DeVerter	Hasay	Mrkonic	Taylor, E. Z.
Dietz	Hayes	Nahill	Wogan

**NAYS—135**

Acosta	Dombrowski	McCall	Scheetz
Afflerbach	Donatucci	McHale	Schuler
Argall	Duffy	McVerry	Semmel
Arty	Fattah	Mackowski	Serafini
Baldwin	Fee	Maiale	Seventy
Battisto	Fischer	Manderino	Showers
Belardi	Freeman	Manmiller	Smith, B.
Belfanti	Fryer	Markosek	Snyder, D. W.
Black	Gallagher	Mayernik	Staback
Blaum	Gamble	Michlovic	Stairs
Bortner	George	Micozzie	Steighner
Bowley	Gladeck	Miller	Stevens
Broujos	Gruitza	Morris	Stewart
Bunt	Gruppo	Murphy	Stuban
Bush	Hagarty	O'Donnell	Taylor, F. E.
Caltagirone	Haluska	Olasz	Taylor, J.
Cappabianca	Harper	Oliver	Telek
Carn	Herman	Petrarca	Tigue
Cawley	Hutchinson	Petrone	Trello
Chadwick	Itkin	Pievsky	Truman
Civera	Jarolin	Pistella	Van Horne
Clark	Josephs	Pitts	Veon
Clymer	Kasunic	Pratt	Vroon
Cohen	Kosinski	Pressmann	Wambach
Colafella	Kukovich	Preston	Wass
Cole	Laughlin	Punt	Weston
Cordisco	Lescovitz	Reinard	Wilson
Cowell	Letterman	Richardson	Wozniak
Coy	Levdansky	Rieger	Wright, D. R.
DeLuca	Levin	Roebuck	Wright, J. L.
DeWeese	Linton	Rudy	Yandrisevits
Daley	Livengood	Rybak	
Davies	Lloyd	Saloom	Irvis,
Dawida	Lucyk	Saurman	Speaker
Deal			

**NOT VOTING—6**

Barber	Gannon	Reber	Wiggins
Evans	Howlett		

**EXCUSED—6**

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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

On the question recurring,

Shall the bill pass finally?

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

**YEAS—147**

Acosta	Donatucci	Livengood	Robbins
Afflerbach	Duffy	Lloyd	Roebuck
Angstadt	Fargo	Lucyk	Rudy
Argall	Fattah	McCall	Rybak
Baldwin	Fee	McClatchy	Saloom
Battisto	Fischer	McHale	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Fryer	Maiale	Seventy
Black	Gallagher	Manderino	Showers
Blaum	Gamble	Manmiller	Smith, B.
Bortner	Geist	Markosek	Staback
Bowley	George	Mayernik	Stairs
Bowser	Gladeck	Merry	Steighner
Boyes	Gruitza	Michlovic	Stewart
Broujos	Gruppo	Miller	Stuban
Burd	Haluska	Morris	Swift
Bush	Harper	Mowery	Taylor, E. Z.
Caltagirone	Hasay	Mrkonic	Taylor, F. E.
Cappabianca	Hayes	Murphy	Taylor, J.
Carn	Herman	O'Donnell	Telek

Cawley	Howlett	Olasz	Tigue
Cessar	Hutchinson	Oliver	Trello
Chadwick	Itkin	Perzel	Truman
Clymer	Jarolin	Petrarca	Van Horne
Cohen	Johnson	Petrone	Veon
Colafella	Josephs	Phillips	Wambach
Cole	Kasunic	Pievsky	Wass
Cordisco	Kenney	Pistella	Weston
Cowell	Kosinski	Pitts	Wilson
Coy	Kukovich	Pott	Wogan
Deluca	Lashingier	Pratt	Wozniak
Daley	Laughlin	Pressmann	Wright, D. R.
Davies	Lescovitz	Preston	Wright, J. L.
Dawida	Letterman	Punt	Yandrisevits
Deal	Levdansky	Reinard	
Dietz	Levin	Richardson	Irvis,
Distler	Linton	Rieger	Speaker
Dombrowski			

**NAYS—44**

Arty	Dorr	Hershey	Reber
Barley	Durham	Honaman	Ryan
Birmelin	Flick	Jackson	Saurman
Brandt	Foster, Jr., A.	Kennedy	Semmel
Bunt	Fox	Langtry	Serafini
Carlson	Freind	Mackowski	Sirianni
Cimini	Gallen	Micozzie	Smith, L. E.
Civera	Gannon	Moehlmann	Snyder, D. W.
Cornell	Godshall	Nahill	Snyder, G. M.
Coslett	Greenwood	Piccola	Stevens
DeVerter	Hagarty	Raymond	Vroon

**NOT VOTING—6**

Barber	DeWeese	O'Brien	Wiggins
Clark	Evans		

**EXCUSED—6**

Book	Dininni	Sweet	Wright, R. C.
Burns	Noye		

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 MR. LAUGHLIN**

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

Mr. LAUGHLIN. Mr. Speaker, earlier today we passed a cellular phone bill of which I was the prime sponsor. The bill passed with a 195-to-0 vote. Mr. Speaker, it is a follow-up of legislation that Senator Bell had introduced 2 years ago which totally deregulated the industry. I did not agree with deregulation of that industry, and so I amended the bill in the House and gave them a 1-year extension on that particular deregulation. The Public Utility Commission wants deregulation; others have mentioned they want 5 years on deregulation. Mr. Speaker, I proposed only a 1-year extension, because I am concerned with the expansion of that industry and to make sure that the legislature maintains a year-to-year regulatory control through the Public Utility Commission.

Mr. Speaker, one thing I did not mention is that my son is employed in the cellular industry in New Jersey, and so that

no member of the House would have voted without that knowledge, I felt that it was appropriate to bring it to their attention, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**STATEMENT BY MR. WAMBACH**

The SPEAKER. For what purpose does the gentleman from Dauphin, Mr. Wambach, rise?

Mr. WAMBACH. Mr. Speaker, just a follow-up to Representative Laughlin's remarks.

The SPEAKER. The Chair recognizes the gentleman.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, throughout last year and this year, as a member of the Consumer Affairs Committee, we had an opportunity to travel this State regarding cellular telephones and the industry itself. I just want the full House to know that early on in those committee hearings we were all very well aware of the fact that Mr. Laughlin's son was employed by the cellular telephone industry. Thank you, Mr. Speaker.

**REMARKS ON VOTE**

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

Mr. FARGO. Thank you, Mr. Speaker.

On HB 1086 I was recorded in the negative. I would like to be recorded in the positive. Thank you.

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

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

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

Mr. PRESSMANN. Mr. Speaker, I move that this House do now adjourn until Monday, October 21, 1985, at 1 p.m., e.d.t., unless sooner recalled by the Speaker. Thank you.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:58 p.m., e.d.t., the House adjourned.