

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JANUARY 27, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 4

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Almighty God, our loving and most gracious Heavenly Father, Thou hast called all men to enter the fellowship of the redeemed and dost will that all mankind may be saved. Grant, we beseech Thee, that the voice of Thy Word may go out to every land and all people, that the gospel may be proclaimed to every creature, and that every nation may give thanks to Thee and serve Thee as humble servants of Thine. In the glory of Thy presence, in the assurance of Thy love, and in the constancy of Thy protection, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal for Wednesday, January 22, 1986, will be postponed until printed. The Chair hears no objection.

COMMUNICATION FROM SPEAKER

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. The clerk will read the following communication.

The following communication was read:

The Honorable Members, House of Representatives
Commonwealth of Pennsylvania

Pursuant to House Rule 1, this is to advise that I have appointed the Honorable Lester K. Fryer as Speaker pro tempore for Monday, January 27, 1986.

K. Leroy Irvis
Speaker

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HB No. 1014.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

January 23, 1986

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

I have the honor to inform you that I have this day approved and signed House Bill 1014, Printer's No. 2728, entitled "AN ACT PROVIDING FOR THE CAPITAL BUDGET FOR THE FISCAL YEAR 1985-1986."

Dick Thornburgh
Governor

HOUSE BILLS INTRODUCED AND REFERRED

No. 2013 By Representatives NOYE, TRELLO, E. Z. TAYLOR, SALOOM, TELEK, LANGTRY, FARGO, GANNON, CIMINI, BOWSER, MACKOWSKI, GEIST, ROBBINS, DISTLER, MORRIS, PHILLIPS, CIVERA, STABACK, HALUSKA, MICOZZIE, JOHNSON, COY, STEVENS and CARLSON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for limitations on recovery of overpayments.

Referred to Committee on STATE GOVERNMENT, January 27, 1986.

No. 2014 By Representatives NOYE, TIGUE, A. C. FOSTER, JR., COY, SHOWERS, LANGTRY, GLADECK, FARGO, FOX, TELEK, SIRIANNI, DeLUCA, GANNON, PETRARCA, CIMINI, E. Z. TAYLOR, FISCHER, ARTY, BOWSER, BELFANTI, MAYERNIK, MERRY, TRELLO, KASUNIC, HERMAN, DORR, SALOOM, MACKOWSKI, GEIST, BARLEY, ROBBINS, DISTLER, BRANDT, MORRIS, PHILLIPS, CIVERA, McVERRY,

STABACK, BELARDI, HALUSKA,
WOGAN, MICOZZIE, JOHNSON,
JACKSON, STEVENS and CARLSON

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," further providing for certain sidewalks.

Referred to Committee on TRANSPORTATION,
January 27, 1986.

No. 2015 By Representatives NOYE, MORRIS,
BROUJOS, B. SMITH, GEIST, COY,
HERMAN, LANGTRY, GLADECK,
FARGO, FOX, TELEK, SIRIANNI,
DeLUCA, ANGSTADT, GANNON,
PETRARCA, CIMINI, E. Z. TAYLOR,
FISCHER, ARTY, BELFANTI, MERRY,
TRELLO, G. M. SNYDER, KASUNIC,
DORR, SALOOM, MACKOWSKI,
BARLEY, DISTLER, CHADWICK,
BRANDT, PHILLIPS, CIVERA,
McVERRY, STABACK, SHOWERS,
BELARDI, HALUSKA, TIGUE,
MICOZZIE, JACKSON, JOHNSON,
STEVENS and CARLSON

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Department of Transportation to repair damage to private lands occasioned by changes in storm water drainage in relation to highway projects.

Referred to Committee on TRANSPORTATION,
January 27, 1986.

No. 2016 By Representatives NOYE, MORRIS,
BROUJOS, B. SMITH, GEIST, COY,
HERMAN, LANGTRY, GLADECK,
FARGO, TELEK, SIRIANNI, PETRARCA,
CIMINI, E. Z. TAYLOR, FISCHER,
ARTY, BELFANTI, TRELLO, DORR,
SALOOM, MACKOWSKI, BARLEY,
DISTLER, CHADWICK, BRANDT,
PHILLIPS, McVERRY, STABACK,
SHOWERS, BELARDI, HALUSKA,
TIGUE, MICOZZIE, JOHNSON,
JACKSON, STEVENS and CARLSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for an exception to sovereign immunity in relation to damage to private lands.

Referred to Committee on JUDICIARY, January 27,
1986.

No. 2017 By Representatives CORNELL, BUNT,
FOX, JOHNSON and CIVERA

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," authorizing taxation for the purpose of collecting and disposing garbage and other refuse materials.

Referred to Committee on LOCAL GOVERNMENT,
January 27, 1986.

No. 2018 By Representatives CORNELL, BUNT,
FOX, JOHNSON and CIVERA

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," authorizing taxation for the purpose of collecting and disposing of garbage and other refuse materials.

Referred to Committee on LOCAL GOVERNMENT,
January 27, 1986.

No. 2019 By Representatives CORNELL, BUNT,
FOX, JOHNSON and CIVERA

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," authorizing taxation for the purpose of collecting and disposing garbage and other refuse materials.

Referred to Committee on LOCAL GOVERNMENT,
January 27, 1986.

No. 2020 By Representatives LASHINGER and
REBER

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), known as the "Race Horse Industry Reform Act," further providing for allocation of racing days, for the power of commissions to impose fines and penalties, for the place and manner of conducting pari-mutuel wagering, for the retention of percentages for pari-mutuel pools and taxation, for the Pennsylvania Sire Stakes Fund and for simulcasting; and providing for limitations on intrastate simulcasting and day and night racing.

Referred to Committee on AGRICULTURE AND
RURAL AFFAIRS, January 27, 1986.

No. 2021 By Representatives COLAFELLA, TRELLO,
DEAL, BELFANTI, GREENWOOD,
BUNT, JOHNSON, MARKOSEK, DALEY,
DOMBROWSKI, NOYE, PHILLIPS,
DeLUCA, FARGO, GANNON, KASUNIC,
HERMAN, BIRMELIN, LESCOVITZ,
MRKONIC, LUCYK, MAYERNIK,
PRATT, PRESSMANN, HERSHEY,
CALTAGIRONE, LESCOVITZ and
FISCHER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," reducing the rate of taxation imposed on personal income and on corporate net income.

Referred to Committee on FINANCE, January 27, 1986.

No. 2022 By Representatives JAROLIN, STABACK,
HASAY, JOHNSON, WAMBACH,
DUFFY, VAN HORNE, TRELLO,
HERMAN, OLASZ, DEAL, BLAUM,
PRESTON, GEIST, MAYERNIK, CIVERA,
BELFANTI, ARTY, GREENWOOD,
KOSINSKI, TIGUE, E. Z. TAYLOR,
SIRIANNI, KASUNIC, BOWSER,
PRESSMANN, BELARDI, TRUMAN,

STEIGHNER, CAWLEY, RUDY,
MICOZZIE and FOX

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duplicate drivers' licenses.

Referred to Committee on TRANSPORTATION, January 27, 1986.

No. 2023 By Representatives D. R. WRIGHT, DOMBROWSKI, LIVENGOOD, BOWLEY, VAN HORNE, TRELLO, SWEET, McCALL, SHOWERS, HALUSKA, PETRONE, OLASZ, BATTISTO, LETTERMAN, DAWIDA, L. E. SMITH, HERSHEY, A. C. FOSTER, JR., SCHULER, FARGO and BLACK

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), known as the "Amusement Ride Inspection Act," further providing for the minimum amount of insurance.

Referred to Committee on INSURANCE, January 27, 1986.

No. 2024 By Representatives SALOOM, OLASZ, BELARDI, PETRARCA, JAROLIN, TIGUE, CARN, BLAUM, FEE, CAWLEY, LANGTRY, PERZEL, PUNT, MANMILLER and HUTCHINSON

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," providing for liquor licensee casualty insurance risk apportionment.

Referred to Committee on LIQUOR CONTROL, January 27, 1986.

No. 2025 By Representatives COY, GALLAGHER, BURNS, COWELL, KOSINSKI, LESCOVITZ, FEE, FISCHER, COLAFELLA, MILLER, LIVENGOOD, DOMBROWSKI, DALEY, DeWEESE, O'DONNELL, WASS, HERSHEY, STAIRS, BATTISTO, COLE, McCALL and FOX

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for special early retirement.

Referred to Committee on EDUCATION, January 27, 1986.

No. 2026 By Representatives LASHINGER, HAGARTY, CARLSON, JOHNSON, AFFLERBACH, FOX, MRKONIC, CHADWICK, PUNT, GODSHALL, NAHILL, HERMAN, DISTLER, E. Z. TAYLOR, LANGTRY, COLAFELLA, J. TAYLOR, D. W. SNYDER, FISCHER, GREENWOOD, PETRONE, BUNT, SHOWERS, TRELLO, FATTAH, MAYERNIK, ITKIN, HARPER, BELFANTI and MAIALE

An Act reenacting and amending the act of October 7, 1976 (P. L. 1090, No. 218), known as the "Protection From Abuse Act," further defining certain terms; and further providing for venue, for transfers of orders, for commencement of proceeding's, for hearings, for relief and for contempt.

Referred to Committee on JUDICIARY, January 27, 1986.

No. 2027 By Representatives PETRARCA, J. L. WRIGHT, MRKONIC, LUCYK, RAYMOND, DISTLER, BOOK, JOHNSON, FATTAH, F. E. TAYLOR, J. TAYLOR, CAWLEY, WOGAN, SEVENTY, KENNEY, PERZEL, FISCHER, MICOZZIE, GLADECK, SALOOM, VAN HORNE, TRELLO, NAHILL, PRESTON, ARTY, KOSINSKI, ANGSTADT, CALTAGIRONE, DALEY, HALUSKA, OLASZ, MORRIS, NOYE, GEIST and MOWERY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for tax exemptions of certain disabled veterans.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, January 27, 1986.

No. 2028 By Representatives PETRARCA, OLASZ, BELARDI, HOWLETT, GODSHALL, JOHNSON, VAN HORNE, BATTISTO, TRELLO, E. Z. TAYLOR, GEIST and SALOOM

An Act repealing the act of October 4, 1978 (P. L. 876, No. 169), known as the "Pennsylvania Crime Commission Act".

Referred to Committee on JUDICIARY, January 27, 1986.

No. 2029 By Representatives SIRIANNI, HALUSKA, JAROLIN, OLASZ, FLICK, JOHNSON, HASAY, McCLATCHY, BARLEY, VROON, SCHULER, BOOK, BOWSER, CARLSON, GRUPPO, HERMAN, HERSHEY, SEMMEL, BUNT, NOYE, BURD, MERRY, CIMINI and E. Z. TAYLOR

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for deductions from monthly assistance payments for payments to landlords for rent in certain cases.

Referred to Committee on HEALTH AND WELFARE, January 27, 1986.

No. 2030 By Representatives MAYERNIK, CARN, SEVENTY and PETRONE

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," further providing for the Health Care Policy Board.

Referred to Committee on HEALTH AND WELFARE, January 27, 1986.

No. 2031 By Representatives LETTERMAN, LEVDANSKY, HUTCHINSON, PETRONE, BELFANTI and DOMBROWSKI

An Act requiring retail gasoline dealers to post gasoline additive information; and imposing penalties.

Referred to Committee on BUSINESS AND COMMERCE, January 27, 1986.

No. 2032 By Representatives LETTERMAN, LIVENGOOD and BELFANTI

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," further providing for testing for certain diseases.

Referred to Committee on HEALTH AND WELFARE, January 27, 1986.

No. 2033 By Representatives LETTERMAN, BELFANTI and DOMBROWSKI

An Act providing for the clear disclosure of prices for grocery items; imposing duties on the Bureau of Consumer Protection; and providing for civil penalties.

Referred to Committee on CONSUMER AFFAIRS, January 27, 1986.

No. 2034 By Representatives DAVIES, GALLAGHER, BURNS, COWELL, ANGSTADT, FISCHER, MILLER, FOX, GREENWOOD, MANMILLER, STAIRS, COLAFELLA, LESCOVITZ, LIVENGOOD, BATTISTO, CALTAGIRONE, LASHINGER, GEIST, WASS, SEMMEL and FATTAH

An Act making an additional appropriation to the Department of Public Welfare for early intervention services operated by intermediate units.

Referred to Committee on APPROPRIATIONS, January 27, 1986.

No. 2035 By Representatives CARN, MANDERINO, PIEVSKY, IRVIS, MICHLOVIC, VEON, STEWART, KUKOVICH, OLIVER, KOSINSKI, ACOSTA, TRUMAN, ROEBUCK, DOMBROWSKI, FEE, STUBAN, SALOOM, COWELL, GALLAGHER, DeLUCA, CAPPABIANCA, BALDWIN, SHOWERS, PRESTON, COHEN, FATTAH, LINTON, WIGGINS, JOSEPHS, BARBER, DEAL, GRUITZA, COLAFELLA, PISTELLA, RUDY, ITKIN, WASS, FOX, COY, RAYMOND, BUNT, R. C. WRIGHT, DURHAM, PRESSMANN and AFFLERBACH

An Act providing for an employment and training opportunities program for public assistance recipients; providing for the powers and duties of the Department of Public Welfare in administering the program; and making repeals.

Referred to Committee on APPROPRIATIONS, January 27, 1986.

No. 2036 By Representatives PISTELLA, MANDERINO, PIEVSKY, IRVIS, MICHLOVIC, VEON, CARN, STEWART, KUKOVICH, OLIVER, KOSINSKI, ACOSTA, TRUMAN, ROEBUCK, DOMBROWSKI, FEE, STUBAN, SALOOM, COWELL, GALLAGHER, DeLUCA, CAPPABIANCA, BALDWIN, SHOWERS, PRESTON, COHEN, FATTAH, LINTON, WIGGINS, JOSEPHS, BARBER, DEAL, GRUITZA, COLAFELLA, ITKIN, FOX, WASS, COY, RAYMOND, BUNT, R. C. WRIGHT, DURHAM, PRESSMANN and AFFLERBACH

An Act promoting the hiring of welfare recipients for entry-level positions in State government; providing for the establishment of a public service training program and a State-related employment training fund for welfare recipients; providing for grants to State contractors and providers of services; and making appropriations.

Referred to Committee on APPROPRIATIONS, January 27, 1986.

No. 2037 By Representatives KOSINSKI, MANDERINO, PIEVSKY, IRVIS, MICHLOVIC, VEON, CARN, STEWART, KUKOVICH, OLIVER, ACOSTA, TRUMAN, ROEBUCK, DOMBROWSKI, FEE, STUBAN, SALOOM, COWELL, GALLAGHER, COY, DeLUCA, CAPPABIANCA, BALDWIN, SHOWERS, PRESTON, COHEN, FATTAH, LINTON, WIGGINS, JOSEPHS, BARBER, DEAL, GRUITZA, COLAFELLA, PISTELLA, RUDY, ITKIN, WASS, FOX, RAYMOND, BUNT, R. C. WRIGHT, DURHAM, PRESSMANN and AFFLERBACH

An Act providing for the administration and use of funds available to the Commonwealth through the Federal Job Training Partnership Act.

Referred to Committee on APPROPRIATIONS, January 27, 1986.

No. 2038 By Representatives ACOSTA, MANDERINO, PIEVSKY, IRVIS, STEWART, KUKOVICH, ITKIN, MICHLOVIC, VEON, CARN, OLIVER, KOSINSKI, TRUMAN, ROEBUCK, DOMBROWSKI, FEE, STUBAN, SALOOM, COWELL, GALLAGHER,

DeLUCA, PISTELLA, RUDY,
COLAFELLA, GRUITZA,
CAPPABIANCA, BALDWIN, SHOWERS,
PRESTON, COHEN, FATTAH, LINTON,
WIGGINS, JOSEPHS, BARBER, DEAL,
FOX, WASS, RAYMOND, BUNT,
R. C. WRIGHT, COY, DURHAM,
PRESSMANN and AFFLERBACH

An Act expanding the available adult basic education programs and the duties of the Department of Education; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2039 By Representatives MICHLOVIC,
MANDERINO, PIEVSKY, IRVIS, CARN,
VEON, STEWART, KUKOVICH, OLIVER,
KOSINSKI, ACOSTA, TRUMAN,
ROEBUCK, DOMBROWSKI, FEE,
STUBAN, SALOOM, COWELL,
GALLAGHER, DeLUCA,
CAPPABIANCA, BALDWIN, SHOWERS,
PRESTON, COHEN, FATTAH, LINTON,
WIGGINS, JOSEPHS, BARBER, DEAL,
GRUITZA, COLAFELLA, PISTELLA,
RUDY, ITKIN, FOX, WASS, RAYMOND,
BUNT, R. C. WRIGHT, COY, DURHAM,
PRESSMANN and AFFLERBACH

An Act providing for a grant program for innovative job training projects; establishing requirements and criteria for such projects; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2040 By Representatives FATTAH,
MANDERINO, PIEVSKY, MICHLOVIC,
IRVIS, VEON, KUKOVICH, STEWART,
FEE, DOMBROWSKI, OLIVER,
KOSINSKI, ACOSTA, TRUMAN,
ROEBUCK, STUBAN, SALOOM,
COWELL, GALLAGHER,
CAPPABIANCA, BALDWIN, SHOWERS,
PRESTON, COHEN, LINTON, WIGGINS,
JOSEPHS, BARBER, DEAL, GRUITZA,
FOX, ITKIN, WASS, RAYMOND, BUNT,
R. C. WRIGHT, COY, DURHAM,
PRESSMANN, AFFLERBACH and
DeLUCA

An Act authorizing the Department of Labor and Industry to make grants for projects which provide employment opportunities for certain individuals; and making appropriations.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2041 By Representatives LEVDANSKY,
MANDERINO, PIEVSKY, IRVIS, FEE,
DOMBROWSKI, CARN, MICHLOVIC,

VEON, STEWART, KUKOVICH, OLIVER,
KOSINSKI, ACOSTA, TRUMAN,
ROEBUCK, STUBAN, SALOOM,
COWELL, GALLAGHER, DeLUCA,
CAPPABIANCA, BALDWIN, SHOWERS,
PRESTON, COHEN, FATTAH, LINTON,
WIGGINS, JOSEPHS, BARBER, DEAL,
GRUITZA, COLAFELLA, PISTELLA,
RUDY, COY, DURHAM, PRESSMANN
and AFFLERBACH

An Act providing for temporary programs to provide dislocated workers with vocational training, job search assistance and other supportive services, and for the use of certain State and Federal funds for such purposes; creating the Pennsylvania Economic Crisis Intervention Task Force; authorizing the payment of tuition costs for occupational training; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2042 By Representatives PRESTON,
MANDERINO, PIEVSKY, MICHLOVIC,
IRVIS, VEON, STEWART, KUKOVICH,
CARN, OLIVER, KOSINSKI, ACOSTA,
TRUMAN, ROEBUCK, DOMBROWSKI,
FEE, STUBAN, SALOOM, COWELL,
GALLAGHER, DeLUCA,
CAPPABIANCA, BALDWIN, SHOWERS,
COHEN, FATTAH, LINTON, WIGGINS,
JOSEPHS, BARBER, DEAL, GRUITZA,
COLAFELLA, PISTELLA, RUDY, ITKIN,
WASS, FOX, COY, RAYMOND, BUNT,
R. C. WRIGHT, DURHAM, PRESSMANN
and AFFLERBACH

An Act promoting the development of programs to prevent students from dropping out of school and to assist persons who have dropped out; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2043 By Representatives KOSINSKI,
MANDERINO, PIEVSKY, IRVIS,
MICHLOVIC, VEON, CARN, STEWART,
KUKOVICH, OLIVER, ACOSTA,
TRUMAN, ROEBUCK, DOMBROWSKI,
FEE, STUBAN, SALOOM, COWELL,
GALLAGHER, DeLUCA,
CAPPABIANCA, BALDWIN, SHOWERS,
RUDY, PRESTON, COHEN, FATTAH,
LINTON, WIGGINS, JOSEPHS, BARBER,
DEAL, GRUITZA, COLAFELLA,
PISTELLA, COY, FOX, ITKIN, WASS,
DURHAM, PRESSMANN and
AFFLERBACH

An Act establishing the Pennsylvania Job Training Council and providing for its membership, powers and duties; providing priorities and guidelines for Statewide and other job training plans and programs and for coordination of such programs; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2044 By Representatives VEON, MANDERINO,
PIEVSKY, IRVIS, STEWART,
KUKOVICH, MICHLOVIC, CARN,
OLIVER, KOSINSKI, ACOSTA, TRUMAN,
ROEBUCK, DOMBROWSKI, FEE,
STUBAN, SALOOM, COWELL,
GALLAGHER, DeLUCA,
CAPPABIANCA, BALDWIN, SHOWERS,
PRESTON, COHEN, FATTAH, LINTON,
WIGGINS, JOSEPHS, BARBER, DEAL,
GRUITZA, COLAFELLA, PISTELLA,
RUDY, ITKIN, WASS, FOX, COY,
DURHAM, PRESSMANN and
AFFLERBACH

An Act providing that certain funds received under the Federal Job Training Partnership Act shall be used to provide support services related to job training; providing for eligibility for such services; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
January 27, 1986.

No. 2045 By Representatives FOX, NAHILL,
CORNELL, SAURMAN, REBER,
LASHINGER, GLADECK, GODSHALL,
HAGARTY, McClATCHY and BUNT

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," clarifying the definition of "tangible personal property"; and providing a specific exclusion from tax for the sale or use of electricity for newly constructed, separately metered dwelling units.

Referred to Committee on FINANCE, January 27, 1986.

No. 2046 By Representatives COHEN, BURNS,
PISTELLA, HARPER, R. C. WRIGHT,
EVANS, TRUMAN, ROEBUCK, FOX,
DeLUCA, LEVDANSKY, FREEMAN,
McHALE, WAMBACH, AFFLERBACH,
PRESSMANN, STEWART, DeWEESE,
HOWLETT, KASUNIC, J. TAYLOR,
CAWLEY, BELARDI, SERAFINI,
JAROLIN, KOSINSKI, LAUGHLIN,
LINTON and MICHLOVIC

An Act providing primary health care for low-income purchasers; establishing standards; imposing requirements upon the Department of Health; providing for fees; and establishing community health care centers.

Referred to Committee on HEALTH AND WELFARE,
January 27, 1986.

No. 2047 By Representatives A. C. FOSTER, JR.,
TRELLO, BOWSER, BELARDI,
JOHNSON, CIVERA, B. SMITH,
CARLSON, KASUNIC, DORR, BUNT,
CIMINI, E. Z. TAYLOR, OLASZ,
G. M. SNYDER, HOWLETT, HERMAN
and RICHARDSON

An Act authorizing county commissioners to require persons in facilities under their control to undergo a mandatory testing program for AIDS.

Referred to Committee on HEALTH AND WELFARE,
January 27, 1986.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 226 By Representatives LETTERMAN,
LEVDANSKY, PETRONE, LIVENGOOD
and HERMAN

Directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to undertake an extensive study of the policies of the Department of Environmental Resources relating to the assessment, collection and utilization of boat docking and mooring fees and the return of various fees collected to the park which generated the fees.

Referred to Committee on RULES, January 27, 1986.

No. 227 By Representatives CAWLEY and BELARDI

Directing the State Government Committee to investigate the adequacy of laws relating to disclosure of the use of public funds by nonprofit corporations.

Referred to Committee on RULES, January 27, 1986.

SENATE BILL FOR CONCURRENCE

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

SB 1192, PN 1691

Referred to Committee on CONSERVATION,
January 27, 1986.

SENATE MESSAGE

JOINT SESSION

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, January 22, 1986

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday, February 4, 1986 at eleven o'clock A.M. in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Dick Thornburgh; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort His Excellency, the Governor of the Commonwealth, to the Hall of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?
 Resolution was concurred in.
 Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

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

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, I ask leave of absence for the gentleman from Philadelphia, Mr. MAIALE, for the week; the gentleman from Bucks, Mr. CORDISCO, for today; and the gentleman from Allegheny, Mr. IRVIS, for the week - today because he is snowbound and Tuesday and Wednesday because of a court appearance as a witness. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Without objection, leaves of absence are granted. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Lycoming, Mr. CIMINI, for the week, and the gentleman from McKean, Mr. MACKOWSKI, for the week.

The SPEAKER pro tempore. Without objection, leaves of absence are granted. The Chair hears no objection.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dininni | Lashingner | Rieger |
| Afflerbach | Distler | Laughlin | Robbins |
| Angstadt | Dombrowski | Lescovitz | Roebuck |
| Argall | Donatucci | Letterman | Rudy |
| Arty | Dorr | Levdansky | Ryan |
| Baldwin | Duffy | Linton | Rybak |
| Barber | Durham | Livengood | Saloom |
| Barley | Evans | Lloyd | Saurman |
| Battisto | Fargo | Lucyk | Scheetz |
| Belardi | Fattah | McCall | Schuler |
| Belfanti | Fee | McClatchy | Semmel |
| Birmelin | Flick | McHale | Serafini |
| Black | Foster, Jr., A. | McVerry | Seventy |
| Blaum | Fox | Manderino | Showers |
| Book | Freeman | Manmiller | Sirianni |
| Bortner | Freind | Markosek | Smith, B. |
| Bowley | Fryer | Mayernik | Smith, L. E. |
| Bowser | Gallagher | Merry | Snyder, D. W. |
| Boyes | Gallen | Michlovic | Snyder, G. M. |
| Brandt | Gamble | Micozzie | Staback |
| Broujos | Gannon | Miller | Stairs |
| Bunt | Geist | Moehlmann | Steighner |
| Burd | George | Morris | Stevens |
| Burns | Gladeck | Mowery | Stewart |
| Bush | Godshall | Mrkonic | Stuban |
| Cappabianca | Greenwood | Murphy | Sweet |
| Carlson | Gruitza | Nahill | Swift |
| Carn | Gruppo | Noye | Taylor, E. Z. |
| Cawley | Hagarty | O'Brien | Taylor, F. E. |
| Cessar | Haluska | O'Donnell | Taylor, J. |
| Chadwick | 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 |
| Cornell | Hutchinson | Pievsky | Wambach |
| Coslett | Itkin | Pistella | Wass |
| Cowell | Jackson | Pitts | Weston |
| Coy | Jarolin | Pott | Wiggins |
| Deluca | Johnson | Pressmann | Wilson |
| DeVerter | Josephs | Preston | Wogan |
| DeWeese | Kasunic | Punt | Wozniak |
| Daley | Kennedy | Raymond | Wright, D. R. |
| Davies | Kenney | Reber | Wright, J. L. |
| Dawida | Kosinski | Reinard | Wright, R. C. |
| Deal | Kukovich | Richardson | Yandrisevits |
| Dietz | Langtry | | |

ADDITIONS—1

Caltagirone

NOT VOTING—1

Fischer

EXCUSED—5

| | | |
|----------|-----------|---------|
| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

REPORT OF JOINT STATE GOVERNMENT COMMISSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Rybak.

Mr. RYBAK. Mr. Speaker, I am pleased to present the report on the proposed Insurance Code prepared by the Task Force on Insurance Laws of Joint State Government, together with a transmittal letter.

The SPEAKER pro tempore. The gentleman will file the report with the clerk. The Chair thanks the gentleman.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 151, PN 2739 (Amended)

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," establishing alternative education programs for the education of disruptive students.

EDUCATION.

HB 1551, PN 1941

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for the cost of tuition and maintenance for socially and emotionally disturbed persons.

EDUCATION.

HB 1693, PN 2740 (Amended)

By Rep. GALLAGHER

An Act designating the Western Pennsylvania School for the Deaf, Allegheny County, the Pennsylvania School for the Deaf,

Philadelphia County, and the Scranton State School for the Deaf, Lackawanna County, as regional resource centers for hearing impairment.

EDUCATION.

HB 1696, PN 2741 (Amended)

By Rep. GALLAGHER

An Act establishing the Pennsylvania Writing Project, designed to improve the writing skills of teachers and students of this Commonwealth; and making an appropriation.

EDUCATION.

HB 1698, PN 2742 (Amended)

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," changing provisions relating to school terms and sessions.

EDUCATION.

HB 1841, PN 2743 (Amended)

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for background checks of prospective employees.

EDUCATION.

BILLS REMOVED FROM TABLE

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

Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 844;
HB 1395;
HB 1626;
HB 1790;
HB 1855;
HB 1970;
HB 2002; and
SB 770.

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

WELCOME

The SPEAKER pro tempore. The Chair notes, seated to the left of the Speaker's rostrum, Mr. Kim Chul Woo, who is president of a Korean importing company. He is in the United States for a business trip and is the guest of the gentleman from Cumberland, Representative John H. Broujos. The Chair is pleased to recognize the gentleman.

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The gentleman from Berks, Mr. Caltagirone, is added to the master roll.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 847, PN 2713**, entitled:

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 protection of water supplies.

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

BILL RECOMMITTED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 847 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1954, PN 2629**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," providing for the disposal of asbestos as municipal and residual waste.

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

BILL RECOMMITTED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1954 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 51, PN 55**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing an exclusion from sales and use taxes for child passenger restraints.

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

BILL RECOMMITTED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 51 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 700, PN 798**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," further providing for the use of funds.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 700 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 905, PN 2714**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an exclusion from the Pennsylvania personal income tax of earnings expended for child care.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 905 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1349, PN 1609**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the exclusion of certain medical devices from the sales and use tax.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1349 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1508, PN 1898**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an increase in the discount rate for collecting tax.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1508 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1673, PN 2715**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," exempting vegetable and fruit seeds and plants from sales tax.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1673 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1797, PN 2716**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for sales and use tax exclusions for certain nonprofit organizations.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1797 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 124, PN 138**, entitled:

An Act creating the Pennsylvania Veterans' Memorial Commission; prescribing duties; establishing a fund; and making a general repeal.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 124 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1437, PN 1766**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating a Department of Veterans' Affairs and defining its functions, powers and duties; transferring certain agencies to such department; and repealing inconsistent acts.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1437 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1474, PN 1821**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the payment of gratuities to children of certain veterans.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1474 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1969, PN 2662**, entitled:

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled, as amended, "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic, have suffered the loss of two or more limbs as a result of military service or have a one hundred per cent permanent disability; imposing duties on the State Veterans' Commission; and prohibiting the sale of certain real estate for taxes after grant of an exemption," extending the real property tax exemption to the unmarried surviving spouse of a deceased qualifying veteran.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1969 be recommitted to the Appropriations Committee for a fiscal note.

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

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome Mr. and Mrs. Robert Missmer, president of the Miss Pocono Pageant Committee; also, Mr. and Mrs. Merlyn Jenkins, who are the parents of Carla Jenkins, Miss Pocono. They are the guests of Representative McCall, Representative Lucyk, Representative Baldwin, and Representative Argall.

MISS POCONO PRESENTED

The SPEAKER pro tempore. The Chair somewhat reluctantly turns the Chair over to the gentleman, Representative McCall, who has requested the honor of introducing the beauty queen. The Chair calls upon Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker and members of the House, it is with great pleasure that I present to you Miss Carla Jenkins, who is the 1985-86 pageant winner for the Miss Pocono contest. Carla will be representing the Pocono area from June 12 to June 14 for the crown of Miss Pennsylvania. She has been picked from girls from Carbon, Monroe, Columbia, Schuylkill, and Luzerne Counties. As you can see, she is a very attractive young lady who possesses a lot of talents, which go with singing, dancing, she is an actress and a model.

So at this time I would like to present Carla with a citation from the House of Representatives recognizing her for her attributes, which reads as follows:

WHEREAS, Carla Marie Jenkins, the daughter of Merlyn and Mary Lou Jenkins of Pottsville, was selected the winner of the 1985-86 Miss Pocono Scholarship Pageant; and

WHEREAS, Miss Jenkins is a singer, dancer, actress and model whose extensive experience includes the lead role in the Philadelphia Performing Arts School's production of "The Sound of Music"; member of Fred Waring's 1984 Blendors; the Lancaster Dance Company and Jubilate Choir; vocalist and assistant arranger for a collection of Welsh music and popular music and soloist and featured performer for the Welsh Society and St. David's Society. She has also participated in a European Concert tour and performed the Bach Mass in B Minor with the Camerata Singers of Lehigh Valley.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to Carla Marie Jenkins on being crowned Miss Pocono; wishes her continued success and recognition in her future endeavors....

Carla.

Miss JENKINS. Thank you and good afternoon.

Mr. Speaker, members of the House of Representatives, reverend clergy, and my family and friends: I am deeply honored by your tribute and your support. By honoring me you also honor many other women competing for the State and local scholarship pageants. I thank you for that.

One of my favorite pieces of philosophy—nervousness coming through here, too—is a somewhat unusual definition of the term "luck." Luck is when preparation meets opportu-

nity. I have been preparing many years to communicate through my music, and that is only one-half the ingredient necessary for luck. The second ingredient is the opportunity, which you have provided to me as the members of the House of Representatives, and I thank you.

On this wonderful day I consider myself very lucky to receive your tribute and also to perform for you. Thank you.

Mr. McCALL. At this time Carla is going to perform a couple of songs for the benefit of the members of the House.

(A musical program was presented.)

The SPEAKER pro tempore. Carla, or should I say Miss Pocono, I am sure that I speak for every member of the House when we thank you for sharing your talents with us today. We wish you well in all of your future endeavors. Thank you again for coming today.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 693, PN 1680**, entitled:

An Act regulating the right to practice acupuncture; requiring the registration of acupuncturists; and providing a penalty.

On the question,

Will the House agree to the bill on third consideration?

Ms. JOSEPHS offered the following amendment No. A0159:

Amend Sec. 3, page 2, line 19, by inserting after "acupuncture."

If the board requires successful completion of a written, oral or practical examination in order to qualify for registration under this act, the examination shall be prepared and administered by a qualified and approved professional testing organization in the manner required for written examinations by section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The amendment which I am offering is very simple and I believe agreed to and wanted by the—

Mr. GALLEN. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. I think they have a wrong number up on the board, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. I will take care of it personally.

The Chair again recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Thank you, Mr. Gallen, for getting the number up right.

This is a very simple amendment. I believe it is agreed to. I believe it is wanted by all the people who are concerned.

This bill is a bill which will allow acupuncturists to be licensed. This amendment says that if a test is used as part of the requirement for licensure, then that test shall be made and administered by a third party - a professional testing service. It is consistent with all of the modern testing service bills that we have been passing recently, and it saves the State and the people in the State the trouble of making up a test which they are not really qualified to do.

So I hope that I have everybody's agreement on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the lady is correct. I have discussed this amendment with the staff of Senator Stauffer, who is the prime sponsor of the bill, and have been advised that Senator Stauffer agrees to this amendment.

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

Mr. DAVIES. Interrogation to either the maker of the amendment or the most recent addressee to the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Lloyd, indicates he will be available for interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, will this test, if it is so required, be required by those who are currently administering acupuncture, be it a physician or in the dental profession as well, or just how will they be affected by the provisions of this amendment?

Mr. LLOYD. Mr. Speaker, under the bill at the present time dentists and podiatrists are exempted. Under an amendment to be offered later, osteopaths and veterinarians would be exempted. The bill would apply to people licensed by the Medical Board and to people who are not licensed professionals but who are registered with the Medical Board. And it is not mandatory that exams be given; the amendment simply says that if exams are given, the exams must be given by third-party testing.

Mr. DAVIES. And, Mr. Speaker, further, would that then say that from that period on, if the test is developed and required, anyone from that date on, regardless of where they would be, would be required to take that test?

Mr. LLOYD. If all the amendments which are being proposed are adopted, this testing requirement will not apply to dentists, podiatrists, veterinarians, and osteopaths, and in all likelihood the Medical Board will not require any additional testing for medical doctors. The test, if it is required by the Medical Board, would be required for people who are not otherwise licensed health care professionals but who want to become acupuncturists, and they would be the only people in all likelihood who would be required to be tested.

Mr. DAVIES. And one last inquiry: That would include what we call the physicians' assistants as well from the adoption, that day forward?

Mr. LLOYD. If physicians' assistants are going to provide acupuncture services, they would be required to be registered as acupuncturists with the State Medical Board, the board with which they are licensed. If the board decides that it wants to test them, the board would have the latitude to do that; the board would not be required, however, to do that.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Kukovich | Richardson |
| Afflerbach | Dininni | Langtry | Rieger |
| Angstadt | Distler | Lashinger | Robbins |
| Argall | Dombrowski | Laughlin | Roebuck |
| Arty | Donatucci | Lescovitz | Rudy |
| Baldwin | Dorr | Letterman | Ryan |
| Barber | Duffy | Levdansky | Rybak |
| Barley | Durham | Linton | Saloom |
| Battisto | Evans | Livengood | Saurman |
| Belardi | Fargo | Lloyd | Scheetz |
| Belfanti | Fattah | Lucyk | Schuler |
| Birmelin | Fee | McCall | Semmel |
| Black | Flick | McClatchy | Serafini |
| Blaum | Foster, Jr., A. | McHale | Seventy |
| Book | Fox | McVerry | 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 |
| Burns | George | Moehlmann | Stevens |
| Bush | Gladeck | Morris | Stewart |
| Caltagirone | Godshall | Mowery | Stuban |
| Cappabianca | Greenwood | Mrkonic | Sweet |
| Carlson | Gruitza | Murphy | Swift |
| Carn | Gruppo | Nahill | Taylor, E. Z. |
| Cawley | Hagarty | Noye | Taylor, F. E. |
| Cessar | Haluska | O'Donnell | Taylor, J. |
| Chadwick | 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 |
| Cornell | Hutchinson | Pievsky | Wambach |
| Coslett | Itkin | Pistella | Wass |
| Cowell | Jackson | Pitts | Weston |
| Coy | Jarolin | Pott | Wiggins |
| Deluca | Johnson | Pressmann | Wilson |
| DeVerter | Josephs | Preston | Wozniak |
| DeWeese | Kasunic | Punt | Wright, D. R. |
| Daley | Kennedy | Raymond | Wright, J. L. |
| Davies | Kenney | Reber | Wright, R. C. |
| Dawida | Kosinski | Reinard | Yandrisevits |
| Deal | | | |

NAYS—0

NOT VOTING—3

Fischer O'Brien Wogan

EXCUSED—5

Cimini Mackowski Irvis,
Cordisco Maiale Speaker

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

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

Mr. LLOYD offered the following amendments No. A0231:

Amend Sec. 2, page 2, lines 2 and 3, by striking out "Medical Education and Licensure" and inserting
Medicine

Amend Sec. 2, page 2, line 4, by striking out "Medical Education and Licensure" and inserting
Medicine

Amend Sec. 3, page 2, line 9, by striking out "physician" and inserting
medical doctor

Amend Sec. 3, page 2, line 10, by striking out "physician" and inserting
medical doctor

Amend Sec. 3, page 2, line 16, by striking out "physicians" and inserting
medical doctors

Amend Sec. 3, page 2, line 23, by striking out "physician" and inserting
medical doctor

Amend Sec. 3, page 2, line 24, by striking out "physician" and inserting
medical doctor

Amend Sec. 3, page 2, line 25, by striking out "physician" and inserting
medical doctor

Amend Sec. 3, page 2, line 27, by striking out "physician" where it appears the first time and inserting
medical doctor

Amend Sec. 3, page 2, line 27, by striking out "physician" where it appears the second time and inserting
medical doctor

Amend Sec. 3, page 2, line 29, by striking out "physician" and inserting
medical doctor

Amend Sec 3, page 3, line 14, by striking out "and" and inserting a comma

Amend Sec. 3, page 3, line 14, by inserting after "podiatrists", osteopaths and veterinarians

Amend Sec. 3, page 3, line 16, by striking out "or" and inserting a comma

Amend Sec. 3, page 3, line 17, by striking out "a"

Amend Sec. 3, page 3, line 18, by inserting after "podiatry", an osteopath performing acupuncture in connection with the practice of osteopathic medicine, or a veterinarian performing acupuncture on animals in connection with the practice of veterinary medicine. The State Board of Osteopathic Medicine with regard to osteopathic physicians, the State Board of Dentistry with regard to dentists, the State Board of Podiatry with regard to podiatrists, and the State Board of Veterinary Medical Examiners with regard to veterinarians shall assure that licensees of that board who perform acupuncture have what that board determines to be the proper education or demonstrated experience in the performance of acupuncture

Amend Sec. 7, page 4, line 17, by striking out all of said line and inserting

- (a) Section 3(b) of this act shall take effect immediately.
- (b) The remainder of this act shall take effect in six months.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, as I indicated in response to interrogation, what this amendment does is to make clear that those licensed professionals who are currently allowed to use acupuncture would be able to continue to do that without additional oversight by the State Medical Board. Specifically, the bill already exempts dentists and podiatrists. This amendment would add to that list osteopaths and veterinarians.

The amendment also contains language requested by the administration which would say that the Board of Osteopathic Medicine, the Veterinary Board, the Podiatry Board, and the Dental Board have to make sure, not necessarily through testing, that their members who are performing acupuncture have either the experience or the training to do that.

In addition, the amendment would make a number of technical changes and corrections in the bill. And finally, with regard to the effective date, it would make the obligation of the State Medical Board to begin regulations effective immediately but would defer the requirement that people be registered for 6 months.

Once again, this has been discussed with Senator Stauffer's office, and he has indicated that he is in agreement with these amendments. I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Langtry | Rieger |
| Afflerbach | Dininni | Lashingner | Robbins |
| Angstadt | Distler | Laughlin | Roebuck |
| Argall | Dombrowski | Lescovitz | Rudy |
| Arty | Donatucci | Letterman | Ryan |
| Baldwin | Dorr | Levdansky | Rybak |
| Barber | Duffy | Linton | Saloom |
| Barley | Durham | Livengood | Saurman |
| Battisto | Evans | Lloyd | Scheetz |
| Belardi | Fargo | Lucyk | Schuler |
| Belfanti | Fattah | McCall | Semmel |
| Birmelin | Fee | McClatchy | Serafini |
| Black | Flick | McHale | Seventy |
| Blaum | Foster, Jr., A. | McVerry | Showers |
| Book | Fox | Manderino | Sirianni |
| Bortner | Freeman | Manmiller | Smith, B. |
| Bowley | Freind | Markosek | Smith, L. E. |
| Bowser | Fryer | Mayernik | Snyder, D. W. |
| Boyes | Gallagher | Merry | Snyder, G. M. |
| Brandt | Gallen | Michlovic | Staback |
| Broujos | Gamble | Micozzie | Stairs |
| Bunt | Gannon | Miller | Steighner |
| Burd | Geist | Moehlmann | Stevens |
| Burns | George | Morris | Stewart |
| Bush | Gladeck | Mowery | Stuban |
| Caltagirone | Godshall | Mrkonc | Sweet |
| Cappabianca | Greenwood | Murphy | Swift |
| Carlson | Gruitza | Nahill | Taylor, E. Z. |
| Carn | Gruppo | Noye | Taylor, F. E. |
| Cawley | Hagarty | O'Brien | Taylor, J. |
| Cessar | Haluska | O'Donnell | Telek |
| Chadwick | 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 |
| Cornell | Hutchinson | Pievsky | Wass |
| Coslett | Itkin | Pistella | Weston |
| Cowell | Jackson | Pitts | Wiggins |
| Coy | Jarolin | Pott | Wilson |
| Deluca | Johnson | Pressmann | Wogan |
| DeVerter | Josephs | Preston | Wozniak |
| DeWeese | Kasunic | Punt | Wright, D. R. |
| Daley | Kennedy | Raymond | Wright, J. L. |
| Davies | Kenney | Reber | Wright, R. C. |
| Dawida | Kosinski | Reinard | Yandrisevits |
| Deal | Kukovich | Richardson | |

NAYS—0

NOT VOTING—1

Fischer

EXCUSED—5

| | | |
|----------|-----------|---------|
| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. HUTCHINSON. Mr. Speaker, is there anybody here who could answer some questions for me on this bill?

The SPEAKER pro tempore. I believe Mr. Lloyd would be the person. Mr. Lloyd, would you agree to a period of interrogation? The gentleman agrees.

The gentleman, Mr. Hutchinson, is in order and may proceed.

Mr. HUTCHINSON. I have had acupuncture twice by two different doctors. Does this mean that it was illegal before? One was a psych and one was a regular doctor.

Mr. LLOYD. Under existing law there is an Attorney General's opinion which says that medical doctors, osteopaths, veterinarians, podiatrists, and dentists are allowed to give acupuncture and nobody else is allowed to do that. That is an Attorney General's opinion back in the early 1970's. There is no statute law on it one way or the other.

Mr. HUTCHINSON. I believe in it, so, I mean, I just wondered why it was not before, but the opinion was that certain doctors are allowed to give it.

Mr. LLOYD. Well, I think the basis for the Attorney General's opinion was that there was no legal authority to let anybody else give it and without some kind of guidelines and standards it ought not be extended to other people. The purpose of this bill is to let acupuncturists who are not other-

wise licensed as a health care professional, if they can show they have the proper training and education, to get licensed and to give acupuncture.

Mr. HUTCHINSON. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—195

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Langtry | Rieger |
| Afflerbach | Dininni | Lashingier | Robbins |
| Angstadt | Distler | Laughlin | Roebuck |
| Argall | Dombrowski | Lescovitz | Rudy |
| Arty | Donatucci | Letterman | Ryan |
| Baldwin | Dorr | Levdansky | Rybak |
| Barber | Duffy | Linton | Saloom |
| Barley | Durham | Livengood | Saurman |
| Battisto | Evans | Lloyd | Scheetz |
| Belardi | Fargo | Lucyk | Schuler |
| Belfanti | Fattah | McCall | Semmel |
| Birmelin | Fee | McClatchy | Serafini |
| Black | Flick | McHale | Seventy |
| Blaum | Foster, Jr., A. | McVerry | Showers |
| Book | Fox | Manderino | Sirianni |
| Bortner | Freeman | Manmiller | Smith, B. |
| Bowley | Freind | Markosek | Smith, L. E. |
| Bowser | Fryer | Mayernik | Snyder, D. W. |
| Boyes | Gallagher | Merry | Snyder, G. M. |
| Brandt | Gallen | Michlovic | Staback |
| Broujos | Gamble | Micozzie | Stairs |
| Bunt | Gannon | Miller | Steighner |
| Burd | Geist | Moehlmann | Stevens |
| Burns | George | Morris | Stewart |
| Bush | Gladeck | Mowery | Suban |
| Caltagirone | Godshall | Mrkonic | Sweet |
| Cappabianca | Greenwood | Murphy | Swift |
| Carlson | Gruitza | Nahill | Taylor, E. Z. |
| Carn | Gruppo | Noye | Taylor, F. E. |
| Cawley | Hagarty | O'Brien | Taylor, J. |
| Cessar | Haluska | O'Donnell | Telek |
| Chadwick | 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 |
| Cornell | Hutchinson | Pievsky | Wass |
| Coslett | Itkin | Pistella | Weston |
| Cowell | Jackson | Pitts | Wiggins |
| Coy | Jarolin | Pott | Wilson |
| Deluca | Johnson | Pressmann | Wogan |
| DeVerter | Josephs | Preston | Wozniak |
| DeWeese | Kasunic | Punt | Wright, D. R. |
| Daley | Kennedy | Raymond | Wright, J. L. |
| Davies | Kenney | Reber | Wright, R. C. |
| Dawida | Kosinski | Reinard | Yandrisevits |
| Deal | Kukovich | Richardson | |

NAYS—0

NOT VOTING—1

Fischer

EXCUSED—5

| | | |
|----------|-----------|---------|
| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

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

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

* * *

The House proceeded to third consideration of **HB 520, PN 579**, entitled:

An Act amending the act of April 27, 1927 (P. L. 450, No. 291), referred to as the "State Fire Marshal Law," further providing for the distribution and storage of kerosene.

On the question,

Will the House agree to the bill on third consideration?

Mr. NAHILL offered the following amendment No. A0200:

Amend Sec. 2, page 2, line 4, by striking out "immediately" and inserting

120 days from the date of final enactment

On the question,

Will the House agree to the amendment?

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, this is a fairly simple amendment. We had had several requests from both caucuses to extend the time, the effective date, from immediately to 120 days, and that is what this amendment does.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

| | | | |
|-----------|------------|------------|---------------|
| Carn | Gruppo | Noye | Taylor, F. E. |
| Cawley | Hagarty | O'Brien | Taylor, J. |
| Cessar | Haluska | O'Donnell | Telek |
| Chadwick | Harper | Olasz | Tiguc |
| 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 |
| Cornell | Hutchinson | Pievsky | Wass |
| Coslett | Itkin | Pistella | Weston |
| Cowell | Jackson | Pitts | Wiggins |
| Coy | Jarolin | Pott | Wilson |
| Deluca | Johnson | Pressmann | Wogan |
| DeVerter | Josephs | Preston | Wozniak |
| DeWeese | Kasunic | Punt | Wright, D. R. |
| Daley | Kennedy | Raymond | Wright, J. L. |
| Davies | Kenney | Reber | Wright, R. C. |
| Dawida | Kosinski | Reinard | Yandrisevits |
| Deal | Kukovich | Richardson | |

NAYS—0

NOT VOTING—1

Fischer

EXCUSED—5

| | | |
|----------|-----------|---------|
| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. DININNI. I would like to interrogate the sponsor of this bill.

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

Mr. DININNI. Mr. Speaker, what do you mean by the wording here "dispensers of kerosene shall be equipped with an intake nozzle or valve which is smaller than any nozzle or valve used for the delivery of any..."?

Mr. NAHILL. What we are trying to do, Mr. Speaker, basically, is to change the opening on a gasoline underground tank from a kerosene underground tank. We want a different size intake and also the nozzle so that the two cannot be mixed. We had a very serious incident in my district where a gasoline truck came in and filled a kerosene underground tank with gasoline and it was sold to almost 200 people. So we are trying to preclude, as we have with leaded and unleaded gas, we are trying to preclude the intermixing of the nozzles and the intake valves.

Mr. DININNI. Well, I agree with what you are trying to do, but the wording I do not think is correct. I do not know of such a thing as an intake nozzle.

Mr. NAHILL. I cannot tell you except that I do know that experts drew this part up, people who know quite a bit about it, and so I guess I have to take their word for it, Mr. Speaker.

Mr. DININNI. I have no objections to the bill or his intent, but I still say the wording is incorrect. There is no such thing as an intake nozzle. There is an intake cap which they pour the gasoline or kerosene into, and the nozzle is only to dispense.

I think you should hold the bill over until you clarify that language, unless you think you could get the other body to clean up the language.

Mr. NAHILL. I have no objection, certainly, to looking into the usage of that word, and if it is incorrect or misleading, I certainly have no objections to cleaning it up. I would like to get it moving if I can, and so I would be happy to work with the other body and take care of it.

The SPEAKER pro tempore. Mr. Nahill, is the agreement to vote the bill now or hold it?

Mr. NAHILL. Now.

The SPEAKER pro tempore. To vote it?

Mr. NAHILL. No, Mr. Speaker. It is to vote the bill. Is that what you said, vote?

The SPEAKER pro tempore. Yes.

Mr. NAHILL. Okay.

The SPEAKER pro tempore. Very good.

On the question recurring,

Shall the bill pass finally?

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

YEAS—193

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

| | | | |
|------------|------------|------------|---------------|
| Civera | Hayes | Perzel | Trello |
| Clark | Herman | Petrarca | Truman |
| Clymer | Hershey | Petrone | Van Horne |
| Cohen | Honaman | Phillips | Veon |
| Colafrella | Hutchinson | Piccola | Vroon |
| Cole | Itkin | Pievsky | Wambach |
| Cornell | Jackson | Pistella | Wass |
| Coslett | Jarolin | Pitts | Weston |
| Cowell | Johnson | Pott | 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 | Wright, R. C. |
| Dawida | Langtry | Richardson | Yandrisevits |
| Deal | | | |

NAYS—1

Dombrowski

NOT VOTING—2

Fischer Howlett

EXCUSED—5

Cimini Mackowski Irvis,
Cordisco Maiale Speaker

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

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1073, PN 2650**, 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 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration of vehicles, for the suspension of registration, for the depositing of waste from vehicles upon highways, property and waters, for the nonexclusion of insurance benefits for insureds who are under the influence at the time of an accident and the disposition of certain fines and bail forfeitures; and further providing for speed timing devices.

On the question,

Will the House concur in Senate amendments?

RULES SUSPENDED

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

Mr. WILSON. Thank you, Mr. Speaker.

HB 1073, I think, as most of the members know, was amended in the Senate, and there has been great concern about some of the amendments and the language in the amendments. In order to cure the problem with these amendments, I would move that the rules of the House be suspended temporarily so that we could offer amendments to HB 1073 in the House.

The SPEAKER pro tempore. The gentleman, Mr. Wilson, has moved that the rules of the House be suspended temporarily for HB 1073, PN 2650.

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

The SPEAKER pro tempore. Those in favor of the motion to suspend will vote "aye"; those opposed, "no."

PARLIAMENTARY INQUIRY

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

Mr. PICCOLA. Mr. Speaker, is this motion debatable?
The SPEAKER pro tempore. It is not debatable.

Did the gentleman have another question? He does have a "no" vote, which he is well aware of.

Mr. PICCOLA. Mr. Speaker, I am going to reask the parliamentary inquiry and ask for a supporting authority on your answer. What rule of the House or other rule makes this motion nondebatable?

The SPEAKER pro tempore. Stand by; we will have it in a moment.

The Chair is referring to Mason's Manual of Legislative Procedure and turns to page 93 of said manual, and under "Sec. 82" the heading is "What Motions Are Not Debatable," and under (g) it lists "Suspension of the rules."

Mr. PICCOLA. Thank you, Mr. Speaker.
In that case, I would ask for a "no" vote on this motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Wilson, has moved to suspend the rules for the purpose of adding an amendment to HB 1073. The vote is now on the suspension of the rules.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, a parliamentary inquiry.

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

Mr. DAVIES. Mr. Speaker, in the event that we would suspend the rules and the amendment would be adopted, what is the procedure then when this bill is in the position that it is currently in?

The SPEAKER pro tempore. The procedure is, if the House would move to suspend and if that were successful and if the House were successful in amending the bill, the bill would then go to the Senate for their consideration and hopefully concurrence.

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

Mr. TRELLO. Mr. Speaker, I support the motion to suspend the rules.

If the amendments that the Senate passed would allow the—

The SPEAKER pro tempore. Sorry. The gentleman knows full well that it is not debatable.

Mr. TRELLO. An awful lot of money will be lost by local elected communities if this—

The SPEAKER pro tempore. He is off.

Mr. TRELLO. Thank you.

The SPEAKER pro tempore. Over and out.

On the suspension of the rules, those in favor of suspending the rules will vote "aye"; those who are opposed to suspending the rules will vote "no."

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

The following roll call was recorded:

YEAS—142

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | DeWeese | Kennedy | Preston |
| Angstadt | Davies | Kenney | Raymond |
| Argall | Deal | Kosinski | Reber |
| Arty | Dietz | Laughlin | Reinard |
| Barber | Distler | Lescovitz | Richardson |
| Barley | Dombrowski | Letterman | Rieger |
| Battisto | Donatucci | Levdansky | Roebuck |
| Belardi | Duffy | Linton | Rudy |
| Black | Durham | Livengood | Ryan |
| Blaum | Evans | McCall | Rybak |
| Book | Fargo | McHale | Saloom |
| Bowley | Fattah | McVerry | Scheetz |
| Bowser | Fee | Manderino | Schuler |
| Boyes | Flick | Markosek | Serafini |
| Brandt | Fox | Mayernik | Seventy |
| Broujos | Freeman | Michlovic | Sirianni |
| Bunt | Fryer | Micozzie | Stairs |
| Burd | Gallagher | Miller | Steighner |
| Burns | Gallen | Morris | Stevens |
| Callagirone | Gamble | Mowery | Stewart |
| Cappabianca | Gannon | Mrkonjac | Swift |
| Carn | Geist | Murphy | Taylor, E. Z. |
| Cawley | George | Nahill | Taylor, J. |
| Cessar | Gladeck | Noye | Tigue |
| Civera | Godshall | O'Brien | Trello |
| Clark | Greenwood | O'Donnell | Truman |
| Clymer | Gruppo | Olasz | Veon |
| Cohen | Hagarty | Oliver | Weston |
| Colafella | Harper | Perzel | Wiggins |
| Cole | Hasay | Petrarca | Wilson |
| Cornell | Hayes | Petrone | Wogan |
| Coslett | Hershey | Pievsky | Wozniak |
| Cowell | Honaman | Pistella | Wright, D. R. |
| Coy | Jarolin | Pitts | Wright, J. L. |
| Deluca | Johnson | Pott | Wright, R. C. |
| DeVerter | Josephs | | |

NAYS—51

| | | | |
|-----------------|------------|-----------|---------------|
| Afflerbach | Freind | McClatchy | Smith, L. E. |
| Baldwin | Gruitza | Manmiller | Snyder, D. W. |
| Belfanti | Haluska | Merry | Snyder, G. M. |
| Birmelin | Herman | Moehimann | Staback |
| Bortner | Hutchinson | Phillips | Stuban |
| Bush | Itkin | Piccola | Taylor, F. E. |
| Carlson | Jackson | Pressmann | Telek |
| Chadwick | Kasunic | Punt | Van Horne |
| Daley | Kukovich | Robbins | Vroon |
| Dawida | Langtry | Saurman | Wambach |
| Dininni | Lashingier | Semmel | Wass |
| Dorr | Lloyd | Showers | Yandrisevits |
| Foster, Jr., A. | Lucyk | Smith, B. | |

NOT VOTING—3

Fischer Howlett Sweet
 EXCUSED—5

Cimini Mackowski Irvis,
 Cordisco Maiale Speaker

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.

On the question recurring,
 Will the House concur in Senate amendments?

Mr. WILSON offered the following amendments No. A0166:

Amend Title, page 1, line 3, by striking out "suspension of registration" and inserting
 licensing of drivers

Amend Bill, page 1, lines 11 through 15; page 2, lines 1 through 30; page 3, lines 1 through 15, by striking out all of said lines on said pages and inserting

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

§ 1317. Acknowledgment of littering provisions.

On every vehicle registration card, the following statement shall be printed immediately above or below the signature of the applicant:

I hereby acknowledge this day that I have received notice of the provisions of section 3709 of the Vehicle Code.

Also printed on the registration card shall be the following:

Section 3709 provides for a fine of up to \$300 for dropping, throwing or depositing, upon any highway or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth, from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of section 3709, I may be subject to a fine of up to \$300 upon conviction, including any violation resulting from the conduct of any other persons operating, in possession of or present within this vehicle with my permission, if I do not with reasonable certainty identify the driver of the vehicle at the time the violation occurred.

§ 1520. Acknowledgment of littering provisions.

On every application for a learner's permit or driver's license, the following statement shall be printed immediately above or below the signature of the applicant:

I hereby acknowledge this day that I have received notice of the provisions of section 3709 of the Vehicle Code.

Also printed on the card shall be the following:

Section 3709 provides for a fine of up to \$300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth, from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of section 3709, I may be subject to a fine of up to \$300 upon conviction, including any violation resulting from the conduct of any other persons present within any vehicle of which I am the driver.

Amend Sec. 3, page 6, line 10, by striking out "3" and inserting

2

Amend Sec. 4, page 7, line 24, by striking out "4" and inserting

3

Amend Sec. 5, page 9, line 30, by striking out "5" and inserting

4

Amend Sec. 6, page 10, line 6, by striking out "6" and inserting

5

Amend Sec. 6, page 10, line 6, by striking out "3" and inserting

2

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

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

Mr. WILSON. Thank you, Mr. Speaker.

This amendment is at the request of the Department of Transportation. The original bill calls for acknowledgment of the section of the law that we are amending. In order not to clutter up the front of the application for the vehicle registration and/or your license, we are printing one sentence on the front by way of this amendment and referring to the balance on the back. There is no change in the body of the language whatsoever except where it will be placed on the application. I would move the adoption of the amendment, A0166.

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

The following roll call was recorded:

YEAS—187

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Deal | Langtry | Robbins |
| Afflerbach | Dietz | Lashingier | Roebuck |
| Angstadt | Dininni | Lescovitz | Rudy |
| Argall | Distler | Letterman | Ryan |
| Arty | Dombrowski | Levdansky | Rybak |
| Baldwin | Donatucci | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Scheetz |
| Battisto | Evans | Lucyk | Schuler |
| Belardi | Fattah | McCall | Semmel |
| Belfanti | Fee | McClatchy | Serafini |
| Birmelin | Flick | McHale | Showers |
| Black | Foster, Jr., A. | McVerry | Sirianni |
| Blaum | Fox | Manderino | Smith, B. |
| Book | Freeman | Manmiller | Smith, L. E. |
| Bortner | Freind | Markosek | Snyder, D. W. |
| Bowley | Fryer | Mayernik | Snyder, G. M. |
| Bowser | Gallagher | Merry | Staback |
| Boyes | Gallen | Michlovic | Stairs |
| Brandt | Gamble | Micozzie | Steighner |
| Bunt | Gannon | Miller | Stevens |
| Burd | Geist | Morris | Stewart |
| Burns | George | Mowery | Stuban |
| Bush | Gladeck | Mrkonic | Sweet |
| Caltagirone | Godshall | Murphy | Swift |
| Cappabianca | Greenwood | Nahill | Taylor, E. Z. |
| Carlson | Gruitza | Noye | Taylor, F. E. |
| Carn | Gruppo | O'Brien | Taylor, J. |
| Cawley | Hagarty | O'Donnell | Telek |
| Cessar | Haluska | Oliver | Tigue |
| Chadwick | Harper | Perzel | Trelo |
| Civera | Hasay | Petrarca | Truman |
| Clark | Hayes | Petrone | Van Horne |

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|------------|------------|------------|---------------|
| Clymer | Herman | Phillips | Veon |
| Cohen | Hershey | Piccola | Vroon |
| Colafrella | Honaman | Pievsky | Wambach |
| Cole | Hutchinson | Pistella | Wass |
| Cornell | Itkin | Pitts | Weston |
| Coslett | Jackson | Pott | Wiggins |
| Cowell | Jarolin | Pressmann | Wilson |
| Coy | Johnson | Preston | Wogan |
| Deluca | Josephs | Punt | Wozniak |
| DeVerter | Kasunic | Raymond | Wright, D. R. |
| DeWeese | Kennedy | Reber | Wright, J. L. |
| Daley | Kenney | Reinard | Wright, R. C. |
| Davies | Kosinski | Richardson | Yandrisevits |
| Dawida | Kukovich | Rieger | |

NAYS—7

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|---------|----------|-----------|---------|
| Broujos | Fargo | Moehlmann | Seventy |
| Dorr | Laughlin | Olasz | |

NOT VOTING—2

| | |
|---------|---------|
| Fischer | Howlett |
|---------|---------|

EXCUSED—5

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| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

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

On the question,

Will the House concur in Senate amendments as amended?

Mr. WILSON offered the following amendments No. A0167:

Amend Title, page 1, line 3, by striking out "suspension of registration" and inserting
licensing of drivers

Amend Sec. 3, page 6, line 10, by inserting after "AMENDED"

and the section is amended by adding a subsection

Amend Sec. 3 (Sec. 3368), page 6, line 30, by striking out "CENSORS" and inserting
sensors

Amend Sec. 3 (Sec. 3368), page 7, line 4, by inserting after "OFFICER."

These devices may be used by municipal police only along segments of a street or road where the posted speed limit has been certified by the department to meet the criteria for establishing a speed limit in accordance with an engineering and traffic study conducted within the preceding five years, pursuant to regulations promulgated by the department.

Amend Sec. 3 (Sec. 3368), page 7, lines 5 through 8, by striking out all of said lines and inserting

(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than ten miles per hour in excess of the legal speed limit, unless the two points between which the average speed of a vehicle is measured and calculated are separated by a distance of not less than 100 feet. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (3) within a school zone.

Amend Sec. 3 (Sec. 3368), page 7, line 16, by inserting after "MADE."

The certification and calibration of electronic devices under subsection (c)(3) shall also include the certification and calibration of

all equipment, timing strips and other devices which are actually used with the particular electronic device being certified and calibrated.

Amend Sec. 6, page 10, line 7, by striking out "(C) AND (D)"

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Thank you, Mr. Speaker.

If I could have the House's attention for a minute. I think the members are aware that the court has ruled that ESP (excessive speed preventer) as a method of detecting speeding has been ruled illegal according to our law. The Senate, in this HB 1073, said it will be legal except that it shall be legal in a mileage of 6 over the limit.

In talking to different members, there is extreme concern about, one, the certification of the equipment. If we use radar today, it has to be certified every 60 days. Under this proposal, there would be no certification of the equipment. There is concern of using the ESP and VASCAR (visual average speed computer and recorder) for fining mills and things of that nature.

By and large, this amendment that I offer is somewhat of a consensus among those members who are concerned. It simply says that the devices that shall be used for VASCAR and ESP shall be certified—as is radar today—every 60 days. They may use the devices on those roadways that are certified by the Department of Transportation to be within the speed limit set under the standards set by the department. That is standard throughout. All roads have been grandfathered under what they call the 85th percentile of usage or limit today used.

The remainder of the bill says that if they are testing at a limit of 55 miles per hour, 6 over—which is standard for radar—would be the norm. Anything under that they would have to be testing at the 10th mile over, or 11 over the limit—at 25, over would have to be 35—except in a school zone or if the sensors are more than 100 feet apart. I do not know if you are aware that in ESP they are only 6 feet apart and they would be testing in a 25 or 35 zone, and under the law they could get you for that 6 feet of travel going 31 miles an hour.

By and large, I have tested with most of my police departments over the weekend. These are the types of standards they have no problem with. They would use them to great use in enforcing the limit but not penalizing people unmercifully.

I would offer this amendment and ask for its adoption. Thank you.

AMENDMENTS DIVIDED

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I would like to suggest that this amendment be divided.

The SPEAKER pro tempore. Where does the gentleman propose the division take place?

Mr. PICCOLA. The first division would occur on page 1, after "and inserting sensors," and then a portion of the amendment would go down to and including the words "regulations promulgated by the department" - that portion to be divided out of the amendment.

The SPEAKER pro tempore. It would appear that the amendment can be so divided.

Mr. PICCOLA. Thank you, Mr. Speaker.

Then I would request that that portion of the amendment divided out that I had suggested be voted on second and that the first part of the amendment, the remaining portion, be voted on first, if the Chair is in agreement.

The SPEAKER pro tempore. Does the gentleman from Bucks, Mr. Wilson, have any—

Mr. WILSON. On the division, Mr. Speaker?

The SPEAKER pro tempore. Yes.

Mr. WILSON. I have no problem with the division. Dividing the question and voting it separately is fine with me.

The SPEAKER pro tempore. Will the gentleman, Mr. Piccola, explain what his division is doing to the amendment?

Mr. PICCOLA. Mr. Speaker, I have no objection to that portion of the amendment which would generally be on page 1, starting at "Amend Sec. 3 (Sec. 3368), page 7, lines 5 through 8, by striking out all of said lines and inserting" and then the new language, subsection (4). That section would permit an increase in the speed limit at which a citation could be issued essentially by local police to 10 miles over the speed limit as opposed to the 6 miles over the speed limit which is currently in the bill. I have no objection to that portion of the amendment.

I have no objection either to the portion of the amendment contained on the second page of the amendment which speaks to certification and calibration. That kind of language is already in the law and is already required. It is further clarification of that language.

My objection is in the portion of the amendment which I have asked to be divided out, and I would speak to that when that portion of the amendment comes for a vote.

The SPEAKER pro tempore. Does the gentleman, Mr. Wilson, have any comments?

Mr. WILSON. No, Mr. Speaker. I would just ask that both questions be voted separately and debated separately.

The SPEAKER pro tempore. The Chair will state the matter before us. What the House will be voting on is in regard to the amendment A0167. They would be voting on the beginning of the amendment starting with "Amend Title," and go down to "Amend Sec. 3," and then proceed to "Amend Sec. 3 (Sec. 3368), page 7, lines 5 through 8, by striking out..." and all that remains on that page and going over to the second page to the end of the amendment, which is "Amend Sec. 6."

Do the members understand the question as it appears before them? Have I stated it properly, Mr. Piccola?

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

Mr. WAMBACH. Mr. Speaker, just a clarification. Are we voting on the section that Representative Piccola wants divided out first, or are we voting on the rest of the amendment?

The SPEAKER pro tempore. We are not voting on the section that the gentleman, Mr. Piccola, wants out. We are voting on what I just stated.

Mr. WAMBACH. All right. So if we look at amendment A0167, we are not voting on "Amend Sec. 3 (Sec. 3368), page 7, line 4, by inserting after 'OFFICER'" and then that next insertion.

The SPEAKER pro tempore. The gentleman is correct, as I stated 5 minutes ago.

Mr. WAMBACH. Everything else in the amendment is being voted on right now as Wilson No. 1.

The SPEAKER pro tempore. That is correct, sir.

Mr. WAMBACH. Thank you.

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

Mr. REINARD. Thank you, Mr. Speaker.

Another point of clarification. The section that Representative Wambach just read then would be voted on as a second division after the first is voted on. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. REINARD. Thank you, Mr. Speaker.

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

Mr. WILSON. Just a matter of a point on this. I would urge the concurrence in that section of this amendment that we are going to vote on now, please.

The SPEAKER pro tempore. You are urging a "yes" vote.

Does the gentleman from Dauphin, Mr. Piccola, have any comments?

Mr. PICCOLA. Only that I, too, am urging a "yes" vote.

The SPEAKER pro tempore. Very good.

On the question,

Will the House agree to part I of the amendments?

The following roll call was recorded:

YEAS—192

| | | | |
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| Acosta | Dietz | Langtry | Rieger |
| Afflerbach | Dininni | Lashinger | Robbins |
| Angstadt | Distler | Laughlin | Roebuck |
| Argall | Dombrowski | Lescovitz | Rudy |
| Arty | Donatucci | Letterman | Ryan |
| Baldwin | Dorr | Levdansky | Rybak |
| Barber | Duffy | Linton | Saloom |
| Barley | Durham | Livengood | Saurman |
| Battisto | Evans | Lloyd | Scheetz |
| Belardi | Fargo | Lucyk | Schuler |
| Belfanti | Fattah | McCall | Semmel |
| Birmelin | Fee | McClatchy | Serafini |
| Black | Flick | McVerry | Seventy |
| Blaum | Foster, Jr., A. | Manderino | Showers |
| Book | Fox | Manmiller | Sirianni |
| Bortner | Freind | Markosek | Smith, B. |
| Bowley | Fryer | Mayernik | Smith, L. E. |
| Bowser | Gallagher | Merry | Snyder, D. W. |
| Boyes | Gallen | Michlovic | Snyder, G. M. |
| Brandt | Gamble | Micozzie | Staback |
| Bunt | Gannon | Miller | Stairs |
| Burd | Geist | Moehlmann | Steighner |
| Burns | George | Morris | Stevens |

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| Bush | Gladeck | Mowery | Stewart |
| Caltagirone | Godshall | Mrkonich | Stuban |
| Cappabianca | Greenwood | Murphy | Sweet |
| Carlson | Gruitza | Nahill | Swift |
| Carn | Gruppo | Noye | Taylor, E. Z. |
| Cawley | Hagarty | O'Brien | Taylor, F. E. |
| Cessar | Haluska | O'Donnell | Taylor, J. |
| Chadwick | 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 |
| Cornell | Hutchinson | Pievsky | Wambach |
| Coslett | Itkin | Pistella | Wass |
| Cowell | Jackson | Pitts | Weston |
| Coy | Jarolin | Pott | Wiggins |
| Deluca | Johnson | Pressmann | Wilson |
| DeVerter | Josephs | Preston | Wogan |
| DeWeese | Kasunic | Punt | Wozniak |
| Daley | Kennedy | Raymond | Wright, D. R. |
| Davies | Kenney | Reber | Wright, J. L. |
| Dawida | Kosinski | Reinard | Wright, R. C. |
| Deal | Kukovich | Richardson | Yandrisevits |

NAYS—3

Broujos Freeman McHale
NOT VOTING—1

Fischer
EXCUSED—5

Cimini Mackowski Irvis,
Cordisco Maiale Speaker

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

The SPEAKER pro tempore. The Chair now turns to the second part of the division. What you would be voting on now is "Amend Sec. 3 (Sec. 3368), page 7, line 4, by inserting after 'OFFICER.' These devices may be used by municipal police only along segments of a street or road where the posted speed limit has been certified by the department to meet the criteria for establishing a speed limit in accordance with an engineering and traffic study conducted within the preceding five years, pursuant to regulations promulgated by the department."

Are there any questions in regard to this portion?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This portion of the amendment I do oppose, and I oppose it because I believe that what this amendment would require is that on any portion of local road, the local municipal police department would be prohibited from enforcing the speed limit with the use of electronic speed timing devices unless they went to the Department of Transportation and had it certified according to whatever these criteria are. I am not sure what they are, and perhaps some of the cosponsors of the amendment will explain that, but it would require, if you had a local road, perhaps in a school zone or an area where there is pedestrian traffic in which there is a particular problem and the police want to go in there and enforce the speed limit with the speed timing device, they would be prohibited from doing so unless they went to PennDOT and got this certification.

Now, I do not particularly want to hamstring local government in that fashion. I think it is up to local government in these particular instances to determine what the speed limit should be, to certify their own roads, and there is a major question in my mind as to whether the Department of Transportation has the manpower to go out and to certify every road, every local road, in the Commonwealth, which is in essence what they are required to do if local police are to be able to enforce the speed limit on those roads.

I think you are hamstringing local government with this amendment, and I would urge that it be defeated.

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

Mr. WILSON. Mr. Speaker, I believe the gentleman is perhaps laboring under a misapprehension and maybe we can clear this up at this point, and I would ask the Transportation Committee chairman perhaps to answer some questions after I am done making comment.

As I understand the current law in Pennsylvania in title 75, the Vehicle Code, in setting a speed limit in a local municipality or anyplace in the Commonwealth, there is a standard known as the 85th percentile, and those who are traveling the road by an actual test or certification who are traveling at a set speed, 85 percent of the traffic that is at that speed or less, that is the maximum the speed limit can be set. Now, currently, as I understand it, any roadway, any municipal street that has a limit on it prior to the enactment of this law is grandfathered in. So those limits under those ordinances locally would stand, contrary to what the gentleman, Mr. Piccola, says. Any other limit set in the future would have to meet the 85th percentile certification by the department in order to set a speed limit at something that they want to set it. In other words, what we are talking about is the arbitrary setting of a speed limit based on emotion and not fact and not statistics.

I wonder if I could interrogate the chairman of the Transportation Committee, who is right behind me, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman, Mr. Hutchinson, stand for a period of interrogation?

Mr. WILSON. He said "yes."

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman from Bucks, Mr. Wilson, is in order and may proceed.

Mr. WILSON. Thank you, Mr. Speaker.

I believe the chairman, Mr. Hutchinson, heard the statement that I just made. I wonder if he could correct me or agree with what I said about the testing and certification of speed limits on roadways as being set at the 85th percentile. Anything in existence at the date we passed that act, which was several years ago, would be grandfathered in and any limit that is set would bear with it an ordinance. Contrary to the gentleman, Mr. Piccola, they could use these devices to enforce the limit.

Mr. HUTCHINSON. You are right; correct.

Mr. WILSON. Thank you, Mr. Speaker. That is all, Mr. Speaker.

If I may continue to make a statement, sir. That is all the questions I had, but I just want to continue the statement, if I could, Mr. Speaker.

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

Mr. WILSON. I can understand the gentleman, Mr. Piccola's concern that we would pass something here that would preclude any kind of enforcement of local roadways, but I do not think that is what we are doing. We are simply saying that the certification has to be there; either it has to be grandfathered in, or if it is a new roadway, it has to meet those standards set nationwide of the 85th percentile.

I think the amendment is reasonable, it is rational, and it will not upset any local government's enforcement of law. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Mr. Speaker, I am sorry. I could not clearly hear everything in the way of the explanation that you just provided. I am asking you to elaborate on it a bit.

The requirement in your amendment that the speed limit be established in accordance with an engineering and traffic study conducted within the preceding 5 years, do I interpret that to correctly mean that if the speed trap or this instrument is going to be used in any particular area or on any particular road, there must be a traffic study and an engineering study completed within the past 5 years? You talked about something being grandfathered earlier, but that particular language calling for the engineering and traffic study within the past 5 years seems to work at odds with the grandfather theory.

Mr. WILSON. I would hesitate to be absolute, but I was under the understanding that what was grandfathered in under the previous act would stay. Anything in the future—and this is, I believe, current law, according to the chairman of the committee—would have to be certified as to the limit set on it. I do not really see much of this, but new streets, for example, in a new subdivision, if it were to be a 25 zone or any zoning done by the municipality, would have to be certified under the standards pursuant to regulations promulgated by the department. That is the way I understood it to operate. Whether this does it exactly or not, I would not be absolute.

Mr. COWELL. Mr. Speaker, as I read it, I would interpret the language that has actually been put on the sheet of paper, other than your intent, to mean that if the VASCAR is to be used anywhere, there must have been a traffic and engineering study completed within the past 5 years. If you can point to any language anywhere in there that would speak to grandfathering, I will accept that, but I cannot find it anywhere, Mr. Speaker.

Mr. WILSON. I was speaking to the current law that we have in title 75 that refers to setting limits of speed by municipalities on their own by ordinance. When we established this several years ago, we said that whatever you have is fine; it is grandfathered in. Anything in the future has to meet the engineering standards of the 85th percentile. This is what I thought we were attempting to do here, and that is what we wanted to do. We did not want to throw out what is there currently and say you could not use it, but anything you did in the future with new roads and so forth would have to meet the—

Mr. COWELL. Mr. Speaker, may I be recognized to make remarks, please?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, despite the expressed intent of the maker of this amendment to grandfather in to the provisions of this act lots of roads throughout the Commonwealth, if you have listened to his explanation, even he is not certain that those roads actually in fact would be grandfathered in.

My fear is that as we read this amendment, what we would effectively be doing is telling municipal officials and telling police officials all over this Commonwealth that if they are going to use VASCAR on any of their roads, they are going to have to get into rather expensive engineering and traffic studies and go through a whole certification process. I simply do not believe that they are adequately grandfathered in, as was the expressed intent of the maker of the amendment.

Since we only can work with the language that is actually on the sheet of paper before us, I would suggest that is not adequate protection. It would be counterproductive; really it would be gutting this original legislation to adopt this amendment at this time.

For that reason, I would suggest that we defeat part II of the Wilson amendment. Thank you, Mr. Speaker.

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, possibly I can help clarify some of the confusion that maybe Representative Cowell and others are having with this particular section of the amendment, since this particular section of the amendment is my language.

The general purpose or the reason of having this section in the bill is to give the motorists who are driving the road an updated picture that that posted speed limit is one that is not inadequately posted or grossly low or inaccurate but what the actual speed limit should be. The majority of these circumstances are not on State highways but on local municipal roadways which we are allowing under the testing of this device now. The protection that is being put in here simply states that if a local municipal police department wishes to use these items which we are now putting into statute, they must only use them on roads, whether they be State or local, that have been tested by the department to meet the 85th percentile of the traveling speed. PennDOT now will do this and does

this on every and any occasion where a local municipality requests a speed limit posting, either a reduction or an increase. PennDOT will come out; they will monitor the road; they will take the speed and the number of cars over a certain period of time, come up with the average, and then when they receive this average, will then be able to say, yes, the posting change is required that you request and is okay because it falls within the 85th percentile, or, no, the posting is not because the majority of the cars are traveling at a speed either higher or lower than what you wish to post.

The importance here is in recognizing that most municipalities, many of them, are under pressure to reduce speed limits, especially on local municipal roads, to a speed much lower than what the average motorist travels but because residents nearby wish to use it as a control of speed. This merely puts in a protection to say that if these devices are going to be used on State or municipal roads, that the department recognizes that the speed that is being posted on that highway is adequate and accurate. It is a very important provision of the bill in order to make sure that we are using machines to test the speeds at speeds that are really the correct speeds for that particular roadway.

I ask for a positive vote for this section of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I think Representative Cowell was very perceptive in his arguments and what he perceives as a problem with the grandfathering of roads that are already posted above the limits acceptable in a certain municipality.

I think there is another problem here, and that is that this particular language indicates that this is going to have to be done every 5 years. Unless I am reading this wrong, it looks to me like every 5 years you are going to have to have this new posting and new study done, and even if that were not the case, you are still going to have all the roads that were studied 5 years ago or more than 5 years ago having to be surveyed again.

So for this and for other reasons, I am asking my fellow members of the House if you would please vote against this portion of the amendment. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I rise to speak in favor of the amendment. I do not even like to see this bill go as far as it is going with what Mr. Wilson is putting in. I would rather see them not have anything at all. I think we are really making a bad mistake, and I believe that this is probably the best that we can get.

So I would ask everybody to at least vote for this part of the amendment. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, I would like to interrogate, I guess, Mr. Wilson, if I could, or Mr. Reinard, either one, and give you a supposition of what I think this does.

The SPEAKER pro tempore. Will the gentleman, Mr. Wilson, submit to interrogation? The gentleman indicates he will, and the gentleman, Mr. McClatchy, is in order and may proceed.

Mr. McCLATCHY. Mr. Speaker, if I have in my district a local community, and let us suppose that local community right now has a speed limit posted at 35 miles an hour, the 85th percentile, it is my understanding of this amendment we passed so far that we cannot fine that person or hold them legally responsible unless they have gone over 10 miles above that speed limit. So let us say that they would have to be speeding through that area at 46 miles an hour, which as far as I understand, is pretty fast. Suppose in that local community you have had a number of accidents; you have had children hurt, and you have a very emotional uproar, and they come to that local municipality and they say, hey, look, we want that speed limit dropped from 35 miles an hour to 25 or 20 or whatever have you. Under this amendment as it is drawn now, the local municipality will not be allowed to use the VASCAR radar to enforce that lower speed limit. Is that correct?

Mr. WILSON. I am sorry, Mr. Speaker. If I understand your question, according to the amendment that we have adopted so far, the current limits set by a local municipality, whatever they are, 55 or under, could be enforced in either of several ways. They could use ESP and VASCAR, if this became law, at 6 over the limit at a 55 enforcement area or 10 over the limit or the 11th mile over the limit at anything less than 55 except in a school zone. That is the way it is now without the section that we are talking about here on certification of the 85th percentile. They could, however, they could, however, use 6 over the limit if the testing distance exceeds 100 feet. From point to point transversed by the car, it would have to exceed 100 feet, which is reasonable, to assess a fine when you are talking going 36 in a 25 zone.

Mr. McCLATCHY. Thank you.

I do not think you really answered my question. Mr. Reinard is waving his hand. Maybe he can do a little better job.

Mr. REINARD. The example you stated is accurate. If a municipality, for instance—

The SPEAKER pro tempore. Has the gentleman, Mr. McClatchy, concluded his interrogation with Mr. Wilson?

Mr. McCLATCHY. I think Mr. Reinard would like to further answer my question.

The SPEAKER pro tempore. Very good.

The Chair recognizes the gentleman from Bucks, Mr. Reinard. The gentleman is in order and may proceed.

Mr. REINARD. The example you gave is correct. If a municipality posts a road that is below the 85th percentile, then the municipality cannot use the newly licensed ESP devices we are putting into law today. They are still allowed to post their own roads any way they wish, although it may not be in the best interest of the motorists. However, if they want to grossly lower the speed limit to a speed that is not accurate to what PennDOT specifies, then the ESP machines cannot be used. Otherwise, if they meet the test of 85 or the reposting of

their roads to meet the 85, then they can use this new statute that we are putting into law. The grandfathering situation really does not come into play unless you want to use the ESP machines. Then it comes into play only in the fact that you have to make sure the road you are testing meets the 85th percentile.

Mr. McCLATCHY. Mr. Speaker, I would like to make a comment.

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

Mr. McCLATCHY. Mr. Speaker, I have no quarrel with what the amendment is trying to do. The only thing is that it does present some very controversial situations. In my district I have had numerous occasions of local municipalities having speeders go through them at the limit or maybe slightly above the limit, and now those communities come to us as legislators, they come to local supervisors, councilmen, and say, hey, let us correct this by—if you want to interpret it—lowering the speed limit to a ridiculous level and then giving our children a chance walking along or crossing a street. It does not have to be a school zone. It could be near a library; it could be near numerous things. I am just saying this has happened to me, and what you are letting yourself open to is a lot of criticism that the local police now will not be able to lower that speed limit and use this device to correct those speeders.

I think it is fraught with some problems. I think some sensitivity on our part should be exercised. I am going to vote against the amendment, Mr. Speaker. Thank you.

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

Mr. DAVIES. I pass, Mr. Speaker. Mine is a point of order. I will ask that point of order after the debate.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes for the second time the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would just like to reiterate the hypothetical that Mr. McClatchy has given to the House. It is precisely the point that I was trying to get at in my opening remarks.

You are going to have citizen groups in your area that will come to local government to try to have speed limits reduced on local roads, and local government, if this amendment becomes law, is going to say, well, we can reduce those limits but we cannot enforce the law once we do it. They are going to say, well, why not? Because your legislator voted against allowing us to use electronic speed devices on that lower speed limit. That, Mr. Speaker, is the reason why we are hamstringing local government by passing this amendment to a degree that I do not think we should be hamstringing them.

I urge that the amendment be defeated. Thank you.

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

Mr. FLICK. Thank you, Mr. Speaker.

I will not take my colleagues' time and reiterate all the reasons why we should not support this amendment, but I

would like to call to the members' attention an experience that happened just last week. The principal of the middle school where my children attend and I have been speaking for several weeks about the ESP, VASCAR, radar, and local police enforcement, and he has been an advocate in his community to try to have better enforcement of local speed limits and better enforcement to keep our highways safe, particularly in residential communities. I should call to the members' attention that every residential community is not a winding little road ending up in a cul-de-sac. Some of them are straightaways with very straight, very good surfaces that many people can jump up and exceed the speed limit by 10, 15, 20 miles an hour. Well, as it would happen, as I was telling him I was working to try to restore local law enforcement efforts to control the speed limit, it happened that Thursday night his young son, 8 years old, was hit in front of his house. Now, he was not hurt seriously, but he was hit. The individual who hit that young boy was a woman with three children in her car. She was going a minimum of 15 miles an hour over the speed limit.

Now, I think we have to equip our local government, our local police forces with the tools necessary to keep our streets safe. If we allow this amendment to go into this bill, we are just taking local control out of the hands of the local police departments and saying we here in Harrisburg know what is best and you will have to go through our Transportation Department in order to make an adjustment to your speed limits. I think that is utterly ridiculous.

I urge my colleagues to defeat this amendment and pass this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I would like to agree with my colleague from Bellefonte, Mr. Letterman, and others on this amendment, especially Representative Reinard.

In the prudent interest of those people who drive in areas where they do not know local government and local government likes to use one of these things as a revolving toll booth, I would urge that the Reinard amendment be adopted. It is a good amendment, and it is a good amendment in the fact that people do seek the safe speed. It does not prohibit local government from posting speeds in any way; it does not prohibit the policeman from stopping people; it only prohibits the use of these devices in a manner that we all know is not prudent.

I urge an affirmative vote, and I agree with the total description that Representative Reinard has already given.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, just two points. One I think has been pretty well enunciated up to this point, and that is that local government needs to have and local police need to have this control. If we put the responsibility of the safety of our children and our pedestrians into their hands, they need to have the control; they need to have that flexibility.

The second problem that we have, if we adopt the first part of this amendment which we are considering now, has also been alluded to but needs to be reemphasized, and that is the job that then would be put on the shoulders of the Department of Transportation. The previous speaker mentioned the fact that they are doing it now, but they are doing it in response to specific situations in their communities which develop and evolve out of the normal course of operation. But if this amendment goes through, then there will be a large amount of additional work put on the hands of the Department of Transportation and they are not equipped to do that. So it will delay, if not make impossible, the adequate control of traffic speeds in those areas.

I would urge a "no" vote on this part of the amendment. Thank you.

The SPEAKER pro tempore. Does the gentleman from Bucks, Mr. Wilson, care to be recognized for the second time?

Mr. WILSON. Yes, and for the last time.

The SPEAKER pro tempore. That is correct.

Mr. WILSON. Mr. Speaker, what we are doing here is we are going to pass or defeat this amendment by the same emotion that we listen to back home on setting speed limits.

I have to go back to the text of this whole thing, and it says that where the posted speed limit has been certified by the department, it is okay, and somewhere in the near future within 5 years, if it has not currently been certified, it shall be certified. I have a copy of those limits and those regulations as promulgated by the Department of Transportation. Yes, it uses the 85th percentile as a norm. It says any roadway that has 85 percent at that limit or less, that limit would be okay, except, except with accident analysis, sight distance, corner distance, stopping sight distance, speed data, spot speed, safe running speed, safe speed on curves, and all those aspects that have to be put into this same formula. It is not just simply the 85th percentile; it is all these other things, and I suggest to you that what we are saying here today is everything that is out there is basically certified; anything that is not is really illegal anyhow. They should not be getting their liquid fuels taxes if they are not certifying that highway and they are collecting the money. Within 5 years it should be certified.

I think that is what we are talking about. I think that what the gentleman, Mr. Reinard, wants to propose in this amendment is a safe proposal; it is not a panic proposal. It is nothing that anybody is going to get out of joint with. They can enforce the law everywhere they want to without the emotion of that simple meeting, a Monday night supervisors meeting that says, hey, you have to do something; call your legislator. Vote "yes."

The SPEAKER pro tempore. The Chair recognizes for the second time the gentleman, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is my opinion that radar of any kind in the State of Pennsylvania is the most overused and misused piece of equipment that we could have ever given the State Police, and I tell you right now that if you think it is misused and overused right now, you wait until these local babies get ahold

of it and they will pay every bill that they ever came up with. You will not have to worry about raising taxes in any community because they will raise them for you. They will pay for everything that they have a little desire to do, just like the State Police. You talk to the local police and they cannot wait to get their hands on this. The State Police would like to get rid of it because they say that the commissioner of the police is sending them out and making them use this irrationally and way too much. I just say, be careful, because when you start to give local police that are not trained—some of them you have to fill out the tickets for when they stop you—you better find out what you are doing.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reinard, for the second time on the question.

Mr. REINARD. Thank you, Mr. Speaker.

Not to belabor the point but just as a final summary, we all know that no law is any good unless it is enforced. The reason why we are talking about the ESP machines today is so we can give local municipal police departments the ability, the true ability to enforce a speed limit. The problem that comes in is we want to give them the ability to enforce an adequately posted speed limit, not a speed limit that reflects the wishes of maybe one or two in the community and that is posted grossly below what the average motorist on that road feels is a safe traveling speed.

The issue of safe traveling speed is the whole theory, engineering theory, a documented engineering theory that the Department of Transportation takes when they post roads. The idea behind the 85th percentile simply says that if the majority, being 85 percent of the motorists, travel at a speed which they consider safe and the other factors that Representative Wilson talked about are not in play, then that represents a safe speed. If, for the benefit of the local community, we want to give them a way to enforce speed limits, which we do, but we also then allow them to maintain using these types of devices on the road which may be posted 15 to 20 miles below what all of us would normally travel on that roadway, we are going to be giving 85 percent of the people tickets. PennDOT recognizes that that is not realistic. PennDOT wishes to go after the 15 percent who violate posted speed limits, not everyone else.

The importance of this legislation and this particular part of the amendment is simply to give everybody, all the municipalities, the police, the residents, the traveling motorists, the ability to recognize what the actual speed limit should be. Violate it and you will be penalized. But do not penalize everyone because the speed limit is posted incorrectly from the start.

I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes for the second and final time the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

While I can identify with some of the problems that Mr. Reinard and Mr. Wilson are trying to address, this amendment is flawed. In essence, it is flawed in two respects.

Number one, it states that every road has to have been surveyed or a special traffic study have been conducted in the last 5 years. Many of our major roads have been surveyed many, many years ago. They would have to be resurveyed. That is the first flaw. We are looking at a tremendous overload of work.

The second flaw is that it will have to be resurveyed every 5 years. Every road that is now posted with a certain speed limit will have to be checked on and rechecked on over and over every 5 years. We are creating a monumental bureaucratic task for PennDOT.

I respectfully would request that these gentlemen withdraw this amendment. If they are not so willing to do, we will vote it down. But I think their objectives can be met in some other legislation and some other terms that would be better than what they have in front of us. I would ask them to withdraw it. If not, I would ask for a negative vote.

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

The following roll call was recorded:

YEAS—35

| | | | |
|-----------|-----------|----------|---------------|
| Bowser | Godshall | Olasz | Serafini |
| Burns | Josephs | Oliver | Snyder, D. W. |
| Carn | Letterman | Petrarca | Stevens |
| Clark | Linton | Pievsy | Truman |
| Donatucci | Livengood | Pott | Weston |
| Fryer | McCall | Preston | Wozniak |
| Gallen | McVerry | Reber | Wright, J. L. |
| Geist | Manderino | Reinard | Yandrisevits |
| Gladeck | Mrkonic | Rieger | |

NAYS—158

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | DeWeese | Kasunic | Robbins |
| Afflerbach | Daley | Kennedy | Roebuck |
| Angstadt | Davies | Kenney | Rudy |
| Argall | Dawida | Kosinski | Ryan |
| Arty | Deal | Kukovich | Rybak |
| Baldwin | Dietz | Langtry | Saloom |
| Barber | Dininni | Lashingier | Saurman |
| Barley | Distler | Laughlin | Scheetz |
| Battisto | Dombrowski | Lescovitz | Schuler |
| Belardi | Dorr | Levdansky | Semmel |
| Belfanti | Duffy | Lloyd | Seventy |
| Birmelin | Durham | Lucyk | Showers |
| Black | Evans | McClatchy | Sirianni |
| Blaum | Fargo | McHale | Smith, B. |
| Book | Fattah | Manmiller | Smith, L. E. |
| Bortner | Fee | Markosek | Snyder, G. M. |
| Bowley | Flick | Mayernik | Staback |
| Boyes | Foster, Jr., A. | Merry | Stairs |
| Brandt | Fox | Michlovic | Steighner |
| Broujos | Freeman | Micozzie | Stewart |
| Bunt | Freind | Miller | Stuban |
| Burd | Gallagher | Moehlmann | Sweet |
| Bush | Gamble | Morris | Swift |
| Caltagirone | Gannon | Mowery | Taylor, E. Z. |
| Cappabianca | George | Murphy | Taylor, F. E. |
| Carlson | Greenwood | Nahill | Taylor, J. |
| Cawley | Gruitza | Noye | Telek |
| Cessar | Gruppo | O'Brien | Tigue |
| Chadwick | Hagarty | O'Donnell | Trello |
| Civera | Haluska | Perzel | Van Horne |
| Clymer | Harper | Petrone | Veon |
| Cohen | Hasay | Phillips | Vroon |
| Colafella | Hayes | Piccola | Wambach |
| Cole | Herman | Pistella | Wass |
| Cornell | Hershey | Pitts | Wiggins |

| | | | |
|----------|---------|------------|---------------|
| Coslett | Honaman | Pressmann | Wilson |
| Cowell | Itkin | Punt | Wogan |
| Coy | Jackson | Raymond | Wright, D. R. |
| Deluca | Jarolin | Richardson | Wright, R. C. |
| DeVerter | Johnson | | |

NOT VOTING—3

| | | |
|---------|---------|------------|
| Fischer | Howlett | Hutchinson |
|---------|---------|------------|

EXCUSED—5

| | | |
|----------|-----------|---------|
| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

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

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER pro tempore. Moved by the gentleman from Bucks, Mr. Wilson, that the House concur in the amendments inserted by the Senate as amended by the House.

The Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I am sure this bill will pass unanimously now, but I just want to make a few comments for those of our members who perhaps are somewhat not aware of some of the problems that we are talking about.

Just recently the State Supreme Court ruled that the conviction of a man for speeding was illegal because of the use of a speed timing device known as ESP. I just want to point out to the members that the language that you have inserted today in HB 1073 will simply allow them to continue using ESP and to prevent the instrument VASCAR from being declared unconstitutional which has been going on for 5 to 7 years already in the Commonwealth and I think with a great degree of accuracy, despite some of the abuses by a small percentage of those who use it.

So I would again ask for your vote for this bill. Thank you.

REMARKS ON VOTES

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

Mr. SEVENTY. Thank you, Mr. Speaker.

Is this the right time to change a vote on an amendment?

On amendment 0166 to HB 1073, I accidentally voted in the negative. I would like to be registered in the affirmative.

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

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

Mr. OLASZ. Mr. Speaker, on amendment A166 to HB 1073, apparently my switch malfunctioned. I wish to be recorded in the affirmative.

The SPEAKER pro tempore. Another malfunction.

The Chair thanks the gentleman. The remarks will be spread upon the record.

The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. On the second part of Wilson amendment A0167 to HB 1073, I was recorded in the negative. I would like to correct the record and be voted in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman. The remarks will be spread upon the record.

CONSIDERATION OF HB 1073 CONTINUED

On the question recurring,

Will the House concur in Senate amendments as amended?

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

YEAS—169

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Kukovich | Reinard |
| Afflerbach | Dininni | Langtry | Robbins |
| Angstadt | Distler | Lashingier | Rudy |
| Argall | Dorr | Laughlin | Ryan |
| Arty | Duffy | Lescovitz | Rybak |
| Baldwin | Durham | Levdansky | Saloom |
| Barley | Fargo | Livengood | Saurman |
| Battisto | Fee | Lloyd | Scheetz |
| Belardi | Flick | Lucy | Schuler |
| Belfanti | Foster, Jr., A. | McCall | Semmel |
| Birmelin | Fox | McClatchy | Serafini |
| Black | Freeman | McHale | Showers |
| Blaum | Freind | McVerry | Sirianni |
| Book | Fryer | Manmiller | Smith, B. |
| Bortner | Gallagher | Markosek | Smith, L. E. |
| Bowley | Gamble | Mayernik | Snyder, D. W. |
| Boyes | Gannon | Merry | Snyder, G. M. |
| Brandt | Geist | Michlovic | Staback |
| Broujos | George | Micozzie | Stairs |
| Bunt | Gladeck | Miller | Steighner |
| Burd | Godshall | Moehlmann | Stevens |
| Burns | Greenwood | Morris | Stewart |
| Bush | Gruitza | Mowery | Stuban |
| Caltagirone | Gruppo | Mrkonic | Sweet |
| Cappabianca | Hagarty | Murphy | Swift |
| Carlson | Haluska | Nahill | Taylor, E. Z. |
| Cawley | Harper | Noye | Taylor, F. E. |
| Cessar | Hasay | O'Brien | Taylor, J. |
| Chadwick | Hayes | O'Donnell | Telek |
| Civera | Herman | Perzel | Tigue |
| Clymer | Hershey | Petrarca | Trello |
| Colafella | Honaman | Petrone | Van Horne |
| Cole | Howlett | Phillips | Veon |
| Cornell | Hutchinson | Piccola | Vroon |
| Coslett | Itkin | Pistella | Wambach |
| Cowell | Jackson | Pitts | Wass |
| Coy | Jarolin | Pott | Weston |
| Deluca | Johnson | Pressmann | Wilson |
| DeVerter | Kasunic | Preston | Wogan |
| DeWeese | Kennedy | Punt | Wright, D. R. |
| Daley | Kenney | Raymond | Wright, J. L. |
| Davies | Kosinski | Reber | Wright, R. C. |
| Dawida | | | |

NAYS—24

| | | | |
|------------|-----------|------------|--------------|
| Bowser | Donatucci | Linton | Rieger |
| Carn | Evans | Manderino | Seventy |
| Clark | Fattah | Olasz | Truman |
| Cohen | Gallen | Oliver | Wiggins |
| Deal | Josephs | Pievsky | Wozniak |
| Dombrowski | Letterman | Richardson | Yandrisevits |

NOT VOTING—3

| | | |
|--------|---------|---------|
| Barber | Fischer | Roebuck |
|--------|---------|---------|

EXCUSED—5

| | | |
|----------|-----------|---------|
| Cimini | Mackowski | Irvis, |
| Cordisco | Maiale | Speaker |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.

Ordered, That the clerk inform the Senate accordingly.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair wishes to announce a meeting of the Local Government Committee tomorrow, Tuesday, January 28, at 10:30 in the majority caucus room. The bill under consideration will be HB 2012.

FINANCE COMMITTEE MEETING

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

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately in the back of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. HUTCHINSON

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

Mr. HUTCHINSON. This morning on this last bill it was amended in the House. It should have either been voted on nonconcurrency or concurrence, but we opened it up to put amendments in. I think we either should get rid of that rule or anytime anybody has amendments that we all would vote for them to put amendments into Senate amendments. They are allowed to do it; we have to do something else, and sometimes one person can do it. So we either get rid of it or vote for anybody who wants to amend a Senate bill. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. SALOOM. Mr. Speaker, there will be a committee meeting of the House Liquor Control Committee at 9:30 a.m. in room 401 on Tuesday, January 28. Thank you, Mr. Speaker.

POINT OF ORDER

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

Mr. DAVIES. Mr. Speaker, a point of order.

Earlier in the afternoon the air quality in the atmosphere of the chamber seemed to have been compromised to some degree, even in the area of the Speaker's rostrum. May I have some kind of assurances that rule 9(a) has been diligently enforced under your control?

The SPEAKER pro tempore. The Chair thanks the gentleman for his diligent search into the proceedings of the House. The Chair is deeply indebted to the gentleman.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, a Democratic caucus as usual beginning at 3:15.

The SPEAKER pro tempore. Democratic caucus at 3:15.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republicans, likewise, will caucus at 3:15. At 3:15 for a Republican caucus.

The SPEAKER pro tempore. Republican caucus at 3:15.

RULES COMMITTEE MEETING

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

Mr. MANDERINO. Mr. Speaker, there will be a meeting of the Committee on Rules immediately upon the declaration of the adjournment or recess.

The SPEAKER pro tempore. A meeting of the Committee on Rules immediately following the close of the session.

STATEMENT BY MR. KENNEDY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

Last Friday I circulated a message to every member in this House relative to my calling for a suspension of the rules on a House resolution today. Out of courtesy to this House, out of courtesy to our majority leader and the minority whip, I am urging at least the fellows and ladies in our caucus to please come so that we can discuss the substance of the resolution which I have previously addressed. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. ITKIN. Mr. Speaker, I just want to advise all the members on this side of the aisle that we will be discussing the Kennedy resolution, and it does have a significant impact on all of us, so please attend caucus promptly.

The SPEAKER pro tempore. The House will return to session tomorrow at 11 o'clock. The desk will be kept open to await the work of the various committees.

RECESS

The SPEAKER pro tempore. The House will return to session at the call of the Chair to await the committee reports.

AFTER RECESS

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 191, PN 2495 By Rep. MANDERINO

Memorializing Congress to adopt legislation to correct the disparity and inequity of Social Security payments created by the notch year formula.

RULES.

HR 225, PN 2735 By Rep. MANDERINO

Proclaiming the week of February 2 through 8, 1986, as "State Gifted Student Awareness Week."

RULES.

SR 42, PN 974 (Concurrent)

By Rep. MANDERINO

A Concurrent Resolution reaffirming public policy and urging municipalities to review their zoning ordinance regarding group living arrangements for certain citizens.

RULES.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tioga, Mr. Carlson.

Mr. CARLSON. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 28, 1986, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:23 p.m., e.s.t., the House adjourned.