

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 6, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 64

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

As the gorgeous leaves of autumn lend their beautiful hues with the picturesque majesty in all of the world about us, we stand in awe of the magnitude of Thy protective and bountiful care. We know that Thou art always by our side and dost lend Thy power and might to those accomplishments which Thou wouldst have us attain.

As Thou dost guide us in Thy way, we humbly pray that Thou present us with the challenge to launch out into the depth of our society for greater achievements in Thy name. And as we receive from Thee Thy providential care, we beseech Thee to enable us to show forth Thy will and Thy way in our lives. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Speaker, when he was not the Speaker and was just a young boy, was in the Boy Scouts, and today the Speaker is going to relinquish the microphone for the Pledge of Allegiance to two extraordinary young men. They are the sons of Representative Belfanti. One is just 15, and he is already an Eagle Scout; the other is 13, with 24 badges, and he is nearly a Life Scout; he is a Star Scout. I am going to ask Bobby and Eric to step up here and lead us in the Pledge of Allegiance. Would you come over?

(The Pledge of Allegiance was enunciated by members.)

The SPEAKER. You have met the two young men, the sons of Representative Belfanti. There is one piece of information which is extraordinary. Representative Belfanti's father was an Eagle Scout; Representative Belfanti was an Eagle Scout; he now has a son, the third in the line, an Eagle Scout, and I told them they ought to research it because I suspect that that probably is a record. Congratulations to the entire family, and thank you, boys, for being here.

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Wednesday, October 1, 1986, will be postponed until that Journal is in print, without objection, and the Chair does not hear objection.

JOURNAL APPROVED

The SPEAKER. The Chair is informed that the Journal for Tuesday, June 24, 1986, is in print, and unless there be objection, that Journal will be printed as approved. The Chair hears no objection.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 1421, PN 2478**.

Ordered, That the clerk present the same to the House requesting concurrence.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 2038, PN 3995**; and **HB 2072, PN 4019**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVES OF ABSENCE

The SPEAKER. On leaves of absence, the gentleman from Fayette, Mr. F. TAYLOR, requests that he be placed on leave of absence for the remainder of this week.

The Chair recognizes the gentleman from Lawrence, Mr. Fee. Are there any other requests, Mr. Fee?

Mr. FEE. Mr. Speaker, I do not see any at this time.

The SPEAKER. If there are any, bring it to the attention of the Chair, and the Chair will return to leaves.

The Chair recognizes the minority whip, on leaves of absence.

Mr. HAYES. I request a leave for the gentleman from Bucks, Mr. REINARD, for the day, and the lady from Susquehanna, Miss SIRIANNI, for the week.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2814 By Representatives FLICK, WOZNIAK, VROON, CLARK, L. E. SMITH, FOX, BRANDT, PITTS, CESSAR, SCHEETZ and FARGO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for matters affecting governmental units.

Referred to Committee on JUDICIARY, October 6, 1986.

No. 2821 By Representative HERMAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for allocation of certain assessments.

Referred to Committee on CONSUMER AFFAIRS, October 6, 1986.

No. 2822 By Representative HERMAN

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," exempting the issuance of new liquor licenses to certain units of nationally organized religious organizations from the quota restrictions.

Referred to Committee on LIQUOR CONTROL, October 6, 1986.

No. 2823 By Representative HERMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain etchings on side and rear windows.

Referred to Committee on TRANSPORTATION, October 6, 1986.

No. 2824 By Representative HERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the reporting of road-killed deer.

Referred to Committee on GAME AND FISHERIES, October 6, 1986.

No. 2825 By Representatives HAYES, MORRIS, SIRIANNI, HERMAN and RUDY

An Act making an appropriation to the Department of Agriculture for agricultural research and extension services at The Pennsylvania State University.

Referred to Committee on APPROPRIATIONS, October 6, 1986.

No. 2826 By Representatives SERAFINI, CAWLEY, STEVENS and BELARDI

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," providing for the right of senior citizens to have pets in certain leases.

Referred to Committee on BUSINESS AND COMMERCE, October 6, 1986.

No. 2827 By Representatives DAVIES, GALLAGHER, FISCHER, COWELL, BATTISTO, BURNS and COLAFELLA

An Act amending the act of May 5, 1933 (P. L. 289, No. 105), known as the "Nonprofit Corporation Law," providing for regulations relating to the incorporation of educational institutions desiring to confer degrees; and making editorial changes.

Referred to Committee on EDUCATION, October 6, 1986.

No. 2828 By Representatives DAVIES, IRVIS, GALLEN, FRYER, FOSTER, MANMILLER, JACKSON, SCHEETZ, FREIND, B. SMITH, BOOK, BARLEY, FLICK, ROBBINS, OLASZ, TRELLO, HAYES, CESSAR, JOHNSON, WASS, CHADWICK, BOWSER, CALTAGIRONE, BATTISTO and GEIST

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), known as the "Regulatory Review Act," prohibiting absentee voting by commission members.

Referred to Committee on STATE GOVERNMENT, October 6, 1986.

No. 2829 By Representative PHILLIPS

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the Borough of Shamokin Dam two parcels of land in the Borough of Shamokin Dam, Snyder County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 6, 1986.

No. 2830 By Representatives HUTCHINSON, KUKOVICH, PETRARCA, SALOOM, VAN HORNE and MARKOSEK

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the compensation of tax collectors in first class townships.

Referred to Committee on FINANCE, October 6, 1986.

No. 2831 By Representatives VEON, SWEET, DAWIDA, YANDRISEVITS, RYBAK, GODSHALL, HALUSKA, KOSINSKI, COHEN, HERMAN, O'DONNELL, PRESSMANN, D. R. WRIGHT, RAYMOND, KUKOVICH, TIGUE, STABACK, FOX, BALDWIN, LEVDANSKY, WOGAN, FREEMAN, OLASZ, KENNEY, MORRIS, JOSEPHS, NAHILL, McVERRY, FLICK and PETRARCA

An Act creating the Commonwealth Baccalaureate Education System Trust; prescribing the powers and duties of the trust and of its board of directors; providing for advance tuition payment contracts; establishing the Advance Tuition Payment Fund and providing for its administration; and providing remedies.

Referred to Committee on EDUCATION, October 6, 1986.

No. 2832 By Representative MOEHLMANN

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for assessments for fire protection services.

Referred to Committee on LOCAL GOVERNMENT, October 6, 1986.

No. 2833 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, BLACK, FOX and DAVIES

An Act amending the act of July 31, 1968 (P. L. 738, No. 233), known as "The Pennsylvania Fair Plan Act," broadening the purposes of the act; providing for liability insurance coverage; and further providing for inspections by the Inspection Bureau for distribution of risks, uninsurable risks and privileged communications.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2834 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, HERMAN and SCHULER

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," further defining "exchange."

Referred to Committee on INSURANCE, October 6, 1986.

No. 2835 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, SCHULER, BLACK, FOX and DAVIES

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "Commonwealth party" and "local agency"; further providing for limitations on acts which impose liability; and providing limits on the recovery of certain types of damages.

Referred to Committee on JUDICIARY, October 6, 1986.

No. 2836 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, HERMAN, BLACK, FOX and DAVIES

An Act providing for the establishment and operation of an intergovernmental insurance plan; imposing additional powers and duties on the Bureau of Risk and Insurance Management; transferring the bureau to the Office of Administration; and making an appropriation.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2837 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, SCHULER, BLACK, FOX and DAVIES

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), known as "The Casualty and Surety Rate Regulatory Act," requiring insurers to submit premium data to the Insurance Commissioner to determine if premiums are within the established rates.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2838 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, BLACK, FOX and DAVIES

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to the periodic payment of judgments in certain actions.

Referred to Committee on JUDICIARY, October 6, 1986.

No. 2839 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, BLACK, FOX and DAVIES

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," authorizing municipalities to form municipal reciprocal insurers.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2840 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, SCHULER and FOX

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," adding provisions relating to civil actions against licensees.

Referred to Committee on LIQUOR CONTROL, October 6, 1986.

No. 2841 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, BLACK and FOX

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the making of fraudulent insurance claims; and imposing penalties.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2842 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY, BLACK, FOX and DAVIES

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), known as "The Casualty and Surety Rate Regulatory Act," providing a flexible rating system for certain risks.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2843 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY and BLACK

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to negligence actions and product liability actions.

Referred to Committee on JUDICIARY, October 6, 1986.

No. 2844 By Representatives DeVERTER, GODSHALL, VROON, FLICK, BOWSER, JOHNSON, FARGO, MERRY and FOX

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," prohibiting the making, issuing, publishing or using certain unapproved rates.

Referred to Committee on INSURANCE, October 6, 1986.

No. 2845 By Representatives DAVIES, HAYES, BURNS, STAIRS, FISCHER, ANGSTADT, SEMMEL, GRUPPO, CALTAGIRONE, BATTISTO, LESCOVITZ, COY, COWELL, GALLAGHER and BOWSER

An Act making an additional appropriation to the Department of Education for special education.

Referred to Committee on APPROPRIATIONS, October 6, 1986.

No. 2846 By Representatives B. SMITH, TRELLO, WILSON, TELEK, SEVENTY, GODSHALL, FOSTER, McCLATCHY, CORNELL, MAYERNIK, MARKOSEK, VAN HORNE, BROUJOS, PETRONE, G. SNYDER, DORR and BORTNER

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," further providing for the filing of claims by executors or administrators.

Referred to Committee on FINANCE, October 6, 1986.

No. 2847 By Representative DeVERTER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to limit, by general law, the amount that may be recovered for noneconomic damages.

Referred to Committee on JUDICIARY, October 6, 1986.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 349
(Concurrent) By Representative HAYES

Urging the Governor to establish a Commission on Education in Agriculture to study existing programs and policies concerning education in agriculture.

Referred to Committee on RULES, October 6, 1986.

No. 350 By Representatives SAURMAN, KUKOVICH, SERAFINI, MICOZZIE, RAYMOND, STABACK, CARLSON, GREENWOOD, NAHILL and FOX

Memorializing the Congress of the United States to ban the sale or transfer of animals by pounds or shelters for use in medical or veterinary research, testing and teaching or for any other use except for the sale or transfer to individuals for pets, and not resale.

Referred to Committee on RULES, October 6, 1986.

No. 351 By Representatives COLAFELLA, SALOOM, LESCOVITZ, VEON, SWEET, DAWIDA, LAUGHLIN, OLASZ, PICCOLA, POTT and NOYE

Directing the Liquor Control Committee to review the business practices of discount beer distributors in Pennsylvania.

Referred to Committee on RULES, October 6, 1986.

SENATE BILLS FOR CONCURRENCE

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

SB 307, PN 2448

Referred to Committee on JUDICIARY, October 6, 1986.

SB 1651, PN 2468

Referred to Committee on INSURANCE, October 6, 1986.

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. 1337.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

October 3, 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 1337, Printer's No. 3802, entitled, "AN ACT amending the act of April 9, 1929 (P.L. 177, No. 175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain

departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' establishing a system of information for the Pennsylvania State Police regarding crimes resulting from intergroup tensions."

Dick Thornburgh
Governor

WELCOME

The SPEAKER. The month of October has been officially designated as Housing Month. We have as our guests, introduced to us by the entire Berks and Lehigh County delegations, to the left of the Speaker, the president of the Pennsylvania Builders Association, Robert Basile, and the vice president of the Industrialized Housing Manufacturers Association, Joseph Cimakosky. Welcome to the hall of the House, gentlemen.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

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

Cowell	Jackson	Pistella	Wozniak
Coy	Jarolin	Pitts	Wright, D. R.
Deluca	Johnson	Pott	Wright, J. L.
DeVerter	Josephs	Pressmann	Wright, R. C.
DeWeese	Kasunic	Preston	Yandrisevits
Daley	Kennedy	Punt	
Davies	Kenney	Raymond	Irvis,
Dawida	Kosinski	Reber	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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FILMING PERMISSION

The SPEAKER. The Chair gives permission for "The People's Business" to film on the floor of the House at this time.

STATEMENT BY MR. JOHNSON

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

Mr. JOHNSON. Thank you, Mr. Speaker.

I would just like to call to the attention of the Speaker and the House of Representatives that today is the 450th anniversary of the martyrdom of William Tyndale.

For those of you who might not know his crime, his crime was that he translated the New Testament into the English language and published 3,000 copies of that English New Testament. For that crime he was sentenced to death. His dying prayer, the last audible prayer that he made, was "Lord, open the King of England's eyes." That seemed like a very unlikely prayer. But, you know, a few years later that prayer was miraculously answered, and we have today the Bible that was dedicated to the most high and mighty prince, James, by the grace of God, King of Great Britain.

Now, I think it is interesting to us who are leaders here to recognize that people through the ages have given their all for their principles. While we sometimes disagree among ourselves, let us hold to our principles, like William Tyndale did, and see that they will survive, and we can accomplish great things if we stand true to what we believe. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. Representative Markosek has, as a guest to the left of the Speaker, Mr. Bruce Corna from Murrysville. Welcome to the hall of the House, sir.

And to the left of the Chair, Mr. Bob Braund of Butler County, the guest of both Representative Burd and Dave Mayernik. Welcome to the hall of the House.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 2656, PN 4016; and HB 2734, PN 4017.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 377, PN 421**, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," permitting health care facilities to board an animal in certain cases.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments No. A4656:

Amend Title, page 1, lines 1 through 10, by striking out all of said lines and inserting

Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, and State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," providing for the licensing and regulation of personal care facilities; establishing the Personal Care Facility Advisory Council and providing for its powers and duties; further providing for regulations of the department; permitting health care facilities to board an animal in certain cases; and further providing for enforcement and penalties.

Amend Bill, page 1, lines 13 through 21; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting

Section 1. The definition of "health care facility" in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, amended July 12, 1980 (P.L.655, No.136), is amended and the section is amended by adding a definition to read:

Section 103. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Health care facility." A general or special hospital including tuberculosis and psychiatric hospitals, rehabilitation facilities, skilled nursing facilities, personal care facility, kidney disease treatment centers including free-standing hemodialysis units, intermediate care facilities and ambulatory surgical facilities, both profit and nonprofit and including those operated by an agency of State or local government, but shall not include an office used exclusively for their private or group practice by physicians or dentists, nor a program which renders treatment or care for drug or alcohol abuse or dependence, unless located within, by or through a health care facility, a facility providing treatment solely on the basis of prayer or spiritual means in accordance with the tenets of any church or religious denomination, nor a facility conducted by a religious organization for the purpose of providing health care services exclusively to clergymen or other persons

in a religious profession who are members of the religious denominations conducting the facility.

This definition shall exclude all health care facilities as hereinabove defined that do not accept, directly or indirectly, any Federal or State Governmental funds for capitalization, depreciation, interest, research or reimbursement, unless the health care facility is a personal care facility or the Secretary of Health, Education and Welfare, pursuant to Federal Public Law 93-641, section 1523(a)(4)(B), concludes that this exclusionary provision is unsatisfactory to the Departments of Health, Education and Welfare.

"Personal care facility." Any premises in which food and shelter are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who do not require continuous nursing care but do require personal care services, including assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration and including assistance with tasks of daily living, obtaining medical and other health care or social services.

Section 2. Section 201 of the act is amended by adding a paragraph to read:

Section 201. Powers and duties of the department.

The Department of Health shall have the power and its duties shall be:

(18) To license and regulate personal care facilities.

Section 3. The act is amended by adding a section to read:
Section 203. Personal Care Facility Advisory Council.

(a) There is hereby established an advisory council to be known as the Personal Care Facility Advisory Council.

(b) The council shall be composed of the following members:

(1) The Secretaries of Health, Public Welfare and Aging, or designees thereof.

(2) Three owners or operators of personal care facilities, one of which shall be the owner or operator of a personal care facility with a capacity of less than 30 persons, appointed by the Governor.

(3) One member of the public to represent residents of personal care facilities, appointed by the Governor.

(4) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader.

(5) Two members of the Senate, one appointed by the President Pro Tempore of the Senate, one appointed by the Minority Leader.

(c) (1) The terms of the members appointed by the Governor shall be four years with the initial appointees to serve for two years and four years respectively as designated by the Governor.

(2) The Secretary of Health shall serve concurrent with the term of office.

(3) Members of the General Assembly shall serve a term concurrent with their elected positions.

(d) Members shall be eligible for reappointment. Any vacancy shall be filled by the appointing power for the unexpired term of office.

(e) All members of the council shall only be entitled to reasonable expenses incurred in the performance of their duties as fixed by the Executive Board.

(f) The Secretary of Health shall serve as the chairperson. The council shall meet at least quarterly and at such other times as the chairperson deems necessary.

(g) Five members of the council shall constitute a quorum for conducting the business of the council.

(h) The council shall consult with the department and make recommendations on regulations, licensure and any other responsibilities of the department relating to personal care facilities.

Section 4. Section 302 of the act is amended to read:

Section 302. Health Care Policy Board; powers and duties.

The Health Care Policy Board shall have the powers and duties to:

(1) Study and review all the requirements of this act and all State and Federal laws pertinent thereto.

(2) Review rules and regulations prepared by the department pursuant to this act as an advisory board and consult with the department as to such rules and regulations. This paragraph shall not apply to the regulations of the department relating to personal care facilities.

(3) Consider recommendations of the council relating to certification of need and to report periodically on its activities to the secretary and the SHCC.

Section 5. Section 601(a) of the act, amended July 12, 1980 (P.L.655, No.136), is amended to read:

Section 601. Promulgation of rules and regulations.

(a) All rules and regulations under this act shall be prepared by the department and submitted for review by the policy board or the Personal Care Facility Advisory Council and the department shall consult with the policy board before proposed regulations are published.

Section 6. The act is amended by adding a section to read:

Section 713. Personal care facilities.

No certificate of need shall be required for personal care facilities. The operation of a personal care facility shall not exempt any other health care facility from the provisions of this section.

Section 7. The definitions of "health care facility" and "intermediate care facility" in section 802.1 of the act, added July 12, 1980 (P.L.655, No.136), are amended and the section is amended by adding definitions to read:

Section 802.1. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given them in this section:

"Health care facility." A general, tuberculosis, chronic disease or other type of hospital, a skilled nursing facility, a home health care agency, a personal care facility, an intermediate care facility, an ambulatory surgical facility, birth center regardless of whether such health care facility is operated for profit, nonprofit or by an agency of the Commonwealth or local government. The term health care facility shall not include an office used primarily for the private practice of medicine, osteopathy, optometry, chiropractic, podiatry or dentistry, nor a program which renders treatment or care for drug or alcohol abuse or dependence unless located within a health facility, nor a facility providing treatment solely on the basis of prayer or spiritual means. A mental retardation facility is not a health care facility except to the extent that it provides skilled nursing care. The term health care facility shall not apply to a facility which is conducted by a religious organization for the purpose of providing health care services exclusively to clergymen or other persons in a religious profession who are members of a religious denomination.

"Intermediate care facility." An institution which provides on a regular basis health-related care and services to resident individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require health-related care and services above the level of [room and board] personal care facilities. Intermediate care facilities exclusively for the mentally retarded commonly called ICF/MR shall not be considered intermediate care facilities for the purpose of

this act and shall be licensed by the Department of Public Welfare.

"Personal care facility." Any premises in which food and shelter are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who do not require continuous nursing care but do require personal care services, including assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration assistance with tasks of daily living, obtaining medical or other health care or social services. The department for the purpose of determining whether on a premises is a personal care facility, shall have the authority to determine if a person requires personal care services.

"Personal care facility administrator." Any individual who is charged with the general administration of a personal care facility, whether or not such individual has an ownership interest in such facility and whether or not his functions and duties are shared with one or more individuals.

Section 8. Section 803 of the act, added July 12, 1980 (P.L.655, No.136), is amended to read:

Section 803. Powers of the Department of Health.

The Department of Health shall have the power and its duty shall be:

(1) to promulgate, after consultation with the policy board or the personal care facility advisory council, the rules and regulations necessary to carry out the purposes and provisions of this chapter; and

(2) to assure that the provisions of this chapter and all rules and regulations promulgated under this chapter are enforced.

Section 9. Section 806 of the act is amended by adding subsections to read:

Section 806. Licensure.

(d.1) Personal care facility regulations.—In developing rules and regulations for licensure of personal care facilities, the department shall take into consideration the recommendations of the personal care facility advisory council and shall establish standards for the mental mobility of residents and for determining whether a premises is a personal care facility.

(d.2) Appointment of administrators.—After January 1, 1989, require that all personal care facilities identify and appoint a personal care facility administrator that meets the qualification provided in section 806.2.

Section 10. The act is amended by adding a section to read:

Section 806.2. Personal care facility administrator.

(a) Qualifications.—A personal care facility administrator shall:

(1) Be at least 21 years of age, have a high school diploma or a General Educational Development Diploma and be of good moral character. Provided that an administrator of a licensed personal care facility on the effective date of this act shall be exempt from the provision that requires administrator to have a high school diploma or General Educational Development Diploma.

(2) Have knowledge, education and training in:

(i) Fire Prevention and emergency planning.

(ii) First aid, administration or medications, medical terminology and personal hygiene.

(iii) Nutrition.

(iv) Recreation.

(v) Mental illness and gerontology.

(vi) Community resources and social services.

(vii) Staff supervision and training.

(b) Standards of the department.—By January 1988, the department shall develop such standards for knowledge, education or training to meet the standards of this section.

(c) Education and training.—If not otherwise available, the department shall schedule and offer at cost, training and educational programs for a person to meet the knowledge, educational and training requirements established by this act.

Section 11. Sections 808(a), 816 and 817 of the act, added July 12, 1980 (P.L. 655, No. 136), are amended to read:
Section 808. Issuance of license.

(a) Standards.—The department shall issue a license to a health care provider when it is satisfied that the following standards have been met:

(1) that the health care provider is a responsible person and for personal care facilities the administrator meets the knowledge, education and training requirements established in section 806.2;

(2) that the place to be used as a health care facility is adequately constructed, equipped, maintained and operated to safely and efficiently render the services offered;

(3) that the health care facility provides safe and efficient services which are adequate for the care, treatment and comfort of the patients or residents of such facility;

(4) that there is substantial compliance with the rules and regulations adopted by the department pursuant to this act; and

(5) that a certificate of need has been issued if one is necessary.

Section 816. Actions against unlicensed health care providers.

(a) Actions in equity.—Whenever a license is required by this chapter to maintain or operate a health care facility, the department may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting any person from establishing, conducting or operating any unlicensed health care facility.

(b) Permanent injunction.—Should a person who is refused a license or the renewal of a license to operate or conduct a health care facility, or whose license to operate or conduct a health care facility is suspended or revoked, fail to appeal, or should such appeal be decided finally favorable to the department, then the court shall issue a permanent injunction upon proof that the person is operating or conducting a health care facility without a license as required by this chapter.

(c) Relocation of residents of personal care facilities.—

(1) Unless otherwise ordered by the court pursuant to section 818, whenever the department seeks an injunction or other process restraining or prohibiting any person from operating a personal care facility, the department shall, in cooperation with local authorities, relocate residents from a personal care facility.

(2) The department shall offer relocation assistance to residents relocated under this section. Except in an emergency, a resident shall be involved in planning his transfer to another placement and shall have the right to choose among the available alternative placements. The department may make temporary placement until final placement can be arranged. Residents shall be provided with an opportunity to visit alternative placement before relocation or following temporary emergency relocation. Residents shall choose their final placement and shall be given assistance in transferring to such place.

Section 817. Actions against violations of law, rules and regulations.

(a) Actions brought by department.—Whenever any person, regardless of whether such person is a licensee, has violated any of the provisions of this chapter or the regulations issued pursuant thereto, the department may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting such person from engaging in such activity.

(b) Civil penalty.—Any person, regardless of whether such person is a licensee, who has committed a violation of any of the provisions of this chapter or of any rule or regulation issued pursuant thereto, including failure to correct a serious licensure violation (as defined by regulation) within the time specified in a deficiency citation, may be assessed a civil penalty by an order of the department of up to \$100 for each day that such violation continues.

(c) Penalties for personal care facilities operating without a license.—In addition to any other penalties, any personal care facility who is found to be operating without a license shall be assessed a penalty of \$500.

Section 12. The act is amended by adding sections to read:

Section 821. Regulations and licenses relating to personal care facilities.

(a) Continuation of rules and regulations.—Existing rules and regulations applicable to personal care facilities not clearly inconsistent with the provisions of this chapter, shall remain in effect until replaced, revised or amended. In developing regulations, the department shall give priority to developing minimum standards for personal care facilities.

(b) Expiration of licenses.—All personal care facilities licensed, approved or certified by the Department of Public Welfare on July 1, 1987, shall be licensed for the period remaining on the license, certification or approval. At the expiration of the existing license certification or approval, the health care facility shall be subject to licensure pursuant to this chapter.

Section 822. Pet therapy programs.

Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, and subject to the approval of the secretary, every health care facility may, at the discretion of the health care provider, board domesticated pets in the facility where the boarding would, in the determination of the secretary and the health care provider, tend to promote the general well-being of the residents of the facility. The secretary shall adopt rules and regulations necessary to implement the provisions of this act.

Section 13. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 14. This act shall take effect July 1, 1987.

On the question,

Will the House agree to the amendments?

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

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

Since the beginning of the deinstitutionalization process, boarding homes have been taking on an entirely new and much more needy population. This, in turn, has created problems for that population and for those who are providing for them. In neighborhoods such as in my district, an enormous number of homes have come to that problem ill equipped and not at all regulated.

The amendment that is before you would change the current law that applies to boarding homes in two important regards and several less important regards. The two important notions that are dealt with in this amendment are that it closes a loophole in the definition of what constitutes a personal care boarding home by including within that definition all who serve a population that requires personal care, which means help in the day-to-day details of living.

The second important change that this amendment makes is that it relocates the regulatory body from the Welfare Depart-

ment to the Health Department and brings boarding homes within the Health Care Facilities Act by defining a personal care boarding home as a health care facility. The rationale for that is that a rigorous regulatory scheme is clearly needed since one does not exist at the moment, and rather than create an entirely new bureaucracy with an entirely new set of law, the most effective way to handle the problem is merely to import this class of provider into the Health Care Facilities Act and bring them within an established regulatory scheme in the Health Department.

For those reasons I urge you to vote "yes" on the amendment. Thank you.

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

Mr. LAUGHLIN. Mr. Speaker, Representative O'Donnell's amendment is certainly appropriate. After 3 or 4 years of working with the mental health people who have had control of the personal care boarding home facilities in western Pennsylvania, I have come to the decision that I share Representative O'Donnell's position, and that is that they are ill equipped to take care of the needs of these people. They have worked over the years with people who are mentally handicapped; they have worked with people out of the institutions, and that is to their credit. But, Mr. Speaker, the people who are in personal care boarding homes do not need that kind of oversight and do not need that kind of care that they speak to. Over the years they have penalized many of the residents of these homes and forced them to move out, when moving out of a personal care home can be a very traumatic circumstance to the elderly.

Mr. Speaker, I believe that this legislation, this amendment, is most appropriate, and I would ask an affirmative vote. Thank you.

The SPEAKER. Mr. Dorr, I understand this is a joint amendment. Is that correct? The Chair apologizes; it read it wrong. This is an amendment offered by both the gentleman, Mr. O'Donnell, and the gentleman, Mr. Dorr.

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

The following roll call was recorded:

YEAS—198

Acosta	Deal	Kukovich	Richardson
Afflerbach	Dietz	Langtry	Rieger
Angstadt	Dininni	Lashinger	Robbins
Argall	Distler	Laughlin	Roebuck
Arty	Dombrowski	Lescovitz	Rudy
Baldwin	Donatucci	Letterman	Ryan
Barber	Dorr	Levdansky	Rybak
Barley	Duffy	Linton	Saloom
Battisto	Durham	Livengood	Saurman
Belardi	Evans	Lloyd	Scheetz
Belfanti	Fargo	Lucyk	Schuler
Birmelin	Fattah	McCall	Semmel
Black	Fee	McClatchy	Serafini
Blaum	Fischer	McHale	Seventy
Book	Flick	McVerry	Showers
Bortner	Foster	Mackowski	Smith, B.
Bowley	Fox	Maiale	Smith, L. E.
Bowser	Freeman	Manderino	Snyder, D. W.
Boyes	Freind	Manmiller	Snyder, G.
Brandt	Fryer	Markosek	Staback

Broujos	Gallagher	Mayernik	Stairs
Bunt	Gallen	Merry	Steighner
Burd	Gamble	Michlovic	Stevens
Burns	Gannon	Micozzie	Stewart
Bush	Geist	Miller	Stuban
Caltagirone	George	Moehlmann	Sweet
Cappabianca	Gladeck	Morris	Swift
Carlson	Godshall	Mowery	Taylor, E. Z.
Carn	Greenwood	Mrkonic	Taylor, J.
Cawley	Gruitza	Murphy	Telek
Cessar	Gruppo	Nahill	Tigue
Chadwick	Hagarty	Noye	Trello
Cimini	Haluska	O'Brien	Truman
Civera	Harper	O'Donnell	Van Horne
Clark	Hasay	Olasz	Veon
Clymer	Hayes	Oliver	Vroon
Cohen	Herman	Perzel	Wambach
Colafella	Hershey	Petrarca	Wass
Cole	Honaman	Petrone	Weston
Cordisco	Howlett	Phillips	Wiggins
Cornell	Hutchinson	Piccola	Wilson
Coslett	Itkin	Pievsky	Wogan
Cowell	Jackson	Pistella	Wozniak
Coy	Jarolin	Pitts	Wright, D. R.
Deluca	Johnson	Pott	Wright, J. L.
DeVertter	Josephs	Pressmann	Wright, R. C.
DeWeese	Kasunic	Preston	Yandrisevits
Daley	Kennedy	Punt	
Davies	Kenney	Raymond	Irvis,
Dawida	Kosinski	Reber	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Reinard Sirianni Taylor, F.

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

On the question,

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

Mr. O'DONNELL offered the following amendments No. A4502:

Amend Title, page 1, line 10, by removing the period after "cases" and inserting
; and making an appropriation.

Amend Bill, page 2, line 5, by striking out all of said line and inserting

Section 2. The sum of \$3,500,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Public Welfare for the fiscal year 1986-1987 for increases in the State supplemental assistance for qualified individuals residing in licensed personal care facilities.

Section 3. This act shall take effect as follows:

- (1) Section 2 of this act shall take effect January 1, 1987.
- (2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

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

Many of the residents of boarding homes are recipients of SSI (supplemental security income), and in the State of Penn-

sylvania there is a supplement that goes to people who are SSI who are residents of boarding homes. It was my view, after having worked with both the advocates and with the providers, that if we are going to impose a more rigorous regulatory scheme, it would be necessary for us to provide the money that would, in effect, pay for that. The estimates of all the parties involved is that that would cost an additional \$3 1/2 million, which would go to the residents of the home and would invariably go from those residents to the providers in the form of increased rent.

I would like to call to the attention of the members that this is a \$3.5-million appropriation that I think is very needed, but I do not want to be faced with reconsiderations of the vote later, so I want to call that to the attention of the members. Thank you.

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

Mr. RYAN. Mr. Speaker, a comment only.

We have seen none of these amendments until moments ago when they were circulated. We have not had an opportunity to caucus on them. They are appealing as described by the gentleman, Mr. O'Donnell. They may or may not require fiscal notes. There may or may not be objections from the various departments. They appear to be far reaching.

I caution the membership to listen carefully to the explanation of the gentleman, Mr. O'Donnell, because, frankly, I cannot give an explanation on amendments that I have never seen before, and if any of our members feel that we should caucus on some of these, I feel certain that arrangements can be made to do this.

Perhaps, Mr. Speaker, the gentleman, Mr. O'Donnell, could advise us as to how many more of these amendments he intends to offer today after this one.

The SPEAKER. The Chair recognizes the majority whip.

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

I have no more amendments, and the only reason we did not apply for a fiscal note on this one is because we have stated on the front page that it is an appropriation for \$3 1/2 million. It cannot be any more or less than that.

Mr. RYAN. I agree with that, Mr. Speaker. I was not suggesting for a moment that you needed a fiscal note with the appropriation spelled out. Thank you, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the O'Donnell amendment to add \$3 1/2 million to the budget. This is a very difficult amendment to oppose, but I will try to explain my reasons for opposing.

Presently the State of Pennsylvania supplements every recipient of SSI with a \$32 payment. That is not a very large payment, but there are a large number of SSI recipients in the Commonwealth. But if you happen to live in a personal care boarding home and you are an SSI recipient, we already give an additional payment to that SSI recipient, over and above the \$32, of \$114.

Now, it troubles me that we ever began giving SSI recipients who happen to live in personal care boarding homes more money than we give the ordinary SSI recipient. They all need personal care, because what we are talking about in personal care is food, clothing, shelter, and every SSI recipient needs that. Whether it is being provided in his home with his family or whether it is being provided in a personal care boarding home, it still must be provided.

But in any event, somehow found in our law, and I probably voted for it when it occurred, we are adding \$114 a month to every SSI recipient who happens to reside in a personal care boarding home. Those recipients are a small percentage of the SSI recipients in the Commonwealth. We could not afford in our present budget circumstances to pay for giving every one of the SSI recipients the same kind of an increase without spending well in excess of \$50 million or \$75 million. This \$3 1/2 million takes care of a very small portion, and what you are doing is raising those particular recipients about 10 times what the ordinary SSI recipient receives. My understanding is that they will be getting some 300-plus dollars from the Commonwealth when the ordinary SSI recipient continues to get \$32. I think this is something that takes a lot more study; I think it is something that takes a lot more equity to those recipients who happen to be taken care of by their families or in their own homes.

I cannot go along with this vote to increase that appropriation by \$3 1/2 million. This item was discussed as part of the budget process, at least by the conferees, and was rejected because it did not have total agreement at that time, Mr. Speaker. I still think more work has to be done. I expect not to prevail in this vote, but I think I must at least register my negative vote with the explanation that I have put on record. Thank you, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, could I interrogate the majority leader, please?

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

Mr. GALLEN. Mr. Speaker, do you think that there may be a constitutional problem with this amendment in that it appears we may be establishing a special class?

Mr. MANDERINO. The special class has already been established. Presently, SSI recipients from the State funds are receiving \$32 as a supplement from the State of Pennsylvania, unless you are in a personal care boarding home, and if you are in a personal care boarding home and you are an SSI recipient, you get not only the \$32 but an additional \$114. This particular legislation is going to add to the \$114 but not to the \$32 and put it up to some other number, and I am guessing; I think it is almost \$300, but I cannot get anyone to give me a better figure than that, so I will stick with that.

Mr. GALLEN. Thank you, Mr. Speaker. That is all the interrogation.

Mr. Speaker, I agree with the majority leader. I think this amendment was thrust at us today, and with the minority

leader, as far as that goes, I am going to oppose it. Thank you, Mr. Speaker.

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

Mr. RYAN. Mr. Speaker, probably for the only time today I will agree with the majority leader. If his figures are accurate and this is an increase from \$114 to \$300 without taking into consideration the other SSI recipients, I think we are making an error.

I agree with the gentleman, Mr. Manderino, that this is a matter that was discussed at the time the budget was considered, and it was rejected at that time for the reasons he gave plus other reasons dealing with, I hate to use the expression "opening the door" but I cannot think of a better one. That was not the reason or the way it was stated at the time, but the obligation, will it necessarily follow that we will have to spend money to equalize the other SSI recipients? It seems to me morally we would have to do that. What the cost of that would be, I just do not know.

I think all in all this has been sprung on us too quickly today. It may very well be that given some time where we had hard numbers - how much is it going up, from \$114 to the \$300 that Mr. Manderino is saying? The boarding homes get the entire raise; the recipient remains with the \$25 a month, as I understand it. I am not trying to urge a caucus position; I am simply stating my own position that we have not had enough time to look at it, that it was discussed at the time of the budget, and I think the facts and the numbers that have been made available are insufficient for us to make a good judgment on it.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House two gentlemen who have to leave the floor fairly quickly now. They are both from the Scotland School for Veterans' Children. Col. Francis Calverase, who is the superintendent, and Jerry Stewart are here. They are here as the guests of Representative Jeff Coy. Welcome to the hall of the House, gentlemen. Welcome.

CONSIDERATION OF SB 377 CONTINUED

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

Mr. DORR. Mr. Speaker, first of all with regard to the amendment being sprung on the members, my recollection is that it was circulated last week, it was discussed in our caucus at least, and anybody who has been paying attention to what is flying across our desks on the floor and in the caucus would have been aware of it.

The supplement has been discussed for approximately a year in a lengthy series of hearings across the Commonwealth, along with the other issues which were in effect dealt with by the earlier amendment offered by Mr. O'Donnell and myself. The supplement of \$3 1/2 million additional to what is now in the budget represents approximately one-half of what most

people indicated in those hearings was absolutely essential, and we think it is a fairly conservative approach to this problem.

One of the difficulties in dealing with this matter is that you have an industry here which is absolutely necessary to the continuum of long-term care in this Commonwealth. Most people who are watching the demographics know very well that the aging of Pennsylvania is increasing at a much more rapid pace than many of our sister States, and we must be very careful to preserve that continuum of long-term care in this Commonwealth in the various ways that we treat the people who have problems in dealing for themselves.

For a long time, Mr. Speaker, it has been the policy of the Commonwealth to supplement persons who have special needs, such as those who are in personal care homes, over and above those people who stay at home, because the ones who stay at home, obviously, have family members and others who, it is deemed appropriate, take care of the needs of those people who are able to stay there, whereas it falls upon the rest of us to care for those needs of people who do not have that help. Therefore, Mr. Speaker, we are not changing the policy of the Commonwealth with this particular amendment; we are simply adding funding to an existing policy.

We are looking for the figures, Mr. Speaker, but my recollection is there is approximately \$70 million in the budget on this item, and an addition of \$3 1/2 million to that \$70 million clearly would not mean a threefold increase per person in the supplemental appropriation available to the personal care homes. We will try to verify that figure as the debate is apparently going on, but my personal recollection is that it does not represent that kind of an increase.

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

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Dorr, attempts to minimize the effect of the amendment by saying that the figure that has been discussed for a long time is a \$7-million figure and we are talking about a \$3 1/2-million figure. He is correct, but he is talking about a \$3 1/2-million figure for only half the year. It is an annual \$7-million figure. There is no question in my mind that the SSI recipients who are in personal care boarding homes are a very small percentage, probably less than 15 percent, of all SSI recipients in the Commonwealth.

Now, personal care boarding homes provide no special treatment, no special care, and that is why they differ from any nursing homes. They simply provide food and shelter for the individuals in the home. That must be provided for every SSI recipient. And the \$70-million figure that Mr. Dorr alludes to may well be the figure, but remember, it covers 10 times the number of people that we are covering by this amendment, who only receive \$32.

Mr. Speaker, I do not enjoy opposing this amendment, because I know that there are reasons that the SSI supplement of the State of Pennsylvania ought to be given a hard look. But it ought to be given a hard look for every SSI recipient, not just those who happen to be in personal care boarding

homes, because the persons who will receive this raise will not be the individual recipients of SSI but the managers, directors, and owners of the personal care boarding homes. I continue to oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley, on the amendment.

Mr. BOWLEY. Thank you, Mr. Speaker.

Will the author of this amendment stand for a brief period of interrogation?

The SPEAKER. The gentleman, Mr. O'Donnell?

The gentleman indicates he will stand for interrogation. When he gets to the microphone, you may proceed, Mr. Bowley.

Mr. BOWLEY. Thank you.

Mr. Speaker, on your previous amendment, which we adopted, the remainder of this act would take effect on July 1, 1987. If we adopted your amendment before us now, it says, "The remainder of this act shall take effect in 60 days." Which would be the case if we adopt this amendment that is before us now?

Mr. O'DONNELL. If you are asking me what the amendment says, I can tell you. If it is a parliamentary inquiry, it escapes me a little.

It is written in such a way that the regulatory amendment take place—

The SPEAKER. Just a moment, Mr. O'Donnell.

Try it now, Mr. O'Donnell.

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

Money in January, regulations in July.

Mr. BOWLEY. Thank you.

That is all of the interrogation. May I make a comment, Mr. Speaker?

The SPEAKER. The gentleman has the floor. He is in order, and he may proceed.

Mr. BOWLEY. Mr. Speaker, I would be opposed to this amendment. It seems that we are putting more restrictive and harder regulations on the people who run these homes but they are not taking effect until July 1 of 1987. However, we are starting the money in increased SSI payments to the recipients on January 1 of 1987. I think we are putting the cart before the horse. We should make the regulations, make these people comply with the regulations, and then increase the payments to the SSI recipients. Therefore, I ask for a negative vote on the amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall, on the amendment.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the O'Donnell-Dorr amendment. I would just like to add to the comments made by the gentlemen, Mr. O'Donnell and Mr. Dorr, in that currently in the Commonwealth of Pennsylvania we have many unlicensed personal care facilities in this State and that this appropriation of \$3.5 million would add a monetary incentive to have these personal care boarding homes licensed.

I would urge an affirmative vote on the amendment.

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

The following roll call was recorded:

YEAS—145

Acosta	Fargo	Lescovitz	Robbins
Afflerbach	Fattah	Levdansky	Roebuck
Angstadt	Fee	Linton	Rudy
Argall	Fischer	Livengood	Rybak
Arty	Flick	Lloyd	Saloom
Baldwin	Foster	Lucyk	Saurman
Barber	Fox	McCall	Schuler
Barley	Freeman	McClatchy	Semmel
Belardi	Gallagher	McHale	Serafini
Belfanti	Gamble	McVerry	Showers
Black	Gannon	Mackowski	Smith, B.
Blaum	Geist	Manmiller	Snyder, D. W.
Bortner	George	Markosek	Snyder, G.
Boyes	Gladeck	Mayernik	Staback
Brandt	Godshall	Michlovic	Steighner
Broujos	Gruitza	Micozzie	Stevens
Bunt	Gruppo	Miller	Stewart
Burd	Hagarty	Mowery	Stuban
Carn	Haluska	Mrkonic	Sweet
Cawley	Hasay	Murphy	Swift
Civera	Hayes	Nahill	Taylor, E. Z.
Clark	Herman	O'Brien	Taylor, J.
Cohen	Hershey	O'Donnell	Telek
Colafella	Honaman	Olasz	Tigue
Cole	Itkin	Perzel	Trello
Coslett	Jackson	Petrarca	Van Horne
Cowell	Jarolin	Petrone	Veon
Deluca	Johnson	Phillips	Wambach
Davies	Josephs	Piccola	Wass
Dawida	Kasunic	Pievsky	Weston
Deal	Kenney	Pistella	Wiggins
Dietz	Kosinski	Pott	Wogan
Dininni	Kukovich	Pressmann	Wozniak
Distler	Langtry	Preston	Wright, D. R.
Dorr	Lashinger	Raymond	Wright, R. C.
Duffy	Laughlin	Reber	Yandrisevits
Evans			

NAYS—49

Battisto	Clymer	Greenwood	Ryan
Birmelin	Cordisco	Harper	Scheetz
Book	Cornell	Kennedy	Seventy
Bowley	Coy	Letterman	Smith, L. E.
Bowser	DeVerter	Manderino	Stairs
Burns	DeWeese	Merry	Truman
Bush	Daley	Moehlmann	Vroon
Caltagirone	Dombrowski	Morris	Wilson
Cappabianca	Donatucci	Noye	Wright, J. L.
Carlson	Durham	Oliver	
Cessar	Freind	Pitts	Iris,
Chadwick	Fryer	Punt	Speaker
Cimini	Gallen	Rieger	

NOT VOTING—4

Howlett	Hutchinson	Maiale	Richardson
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EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. LLOYD offered the following amendments No. A4083:

Amend Title, page 1, line 9, by inserting after "penalties," further providing for the reporting of incidents of professional misconduct;

Amend Title, page 1, line 10, by removing the period after "cases" and inserting

; and making editorial changes.

Amend Sec. 1, page 1, line 13, by striking out "The" and inserting

Section 806.1 of the

Amend Sec. 1, page 1, lines 14 and 15, by striking out "is amended by adding a" in line 14 and all of line 15 and inserting added July 10, 1985 (P.L.191, No.48), is amended to read:
Section 806.1. Reporting incidents of professional misconduct.

(a) Reports required.—Health care facilities and hospitals, licensed under this act, shall make a report or cause a report to be made to the State Board of [Medical Education and Licensure or] Medicine, the State Board of Osteopathic [Examiners,] Medicine, the State Board of Dentistry, the State Board of Podiatry, the State Board of Pharmacy, the State Board of Nursing, the State Board of Physical Therapy, the State Board of Occupational Therapy Education and Licensure, the State Board of Optometry, the State Board of Examiners of Nursing Home Administrators, the State Board of Chiropractic Examiners, the State Board of Psychology or the State Board of Examiners in Speech-Language and Hearing, whichever is applicable, within 60 days of the occurrence of any of the following:

(1) The termination or curtailment of the employment, association or professional privileges of [a] any of the following persons with a health care facility or hospital where there exists reasonable cause to believe malpractice or misconduct has occurred.

(i) A physician, licensed under the provisions of the act of July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974," the act of December 20, 1985 (P.L. , No.112), known as the "Medical Practice Act of 1985 or the act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act," whichever the case may be, with a health care facility or hospital where there exists reasonable cause to believe malpractice or misconduct has occurred].

(ii) A dentist, licensed under the provisions of the act of May 1, 1933 (P.L.216, No.76), known as "The Dental Law."

(iii) A podiatrist, licensed under the provisions of the act of March 2, 1956 (1955 P.L.1206, No.375), known as the "Podiatry Act of 1956."

(iv) A pharmacist, licensed under the provisions of the act of September 27, 1961 (P.L.1700, No.699), known as the "Pharmacy Act."

(v) A registered nurse, licensed under the provisions of the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

(vi) A practical nurse, licensed under the provisions of the act of March 2, 1956 (1955 P.L.1211, No.376), known as the "Practical Nurse Law."

(vii) A physical therapist, licensed under the provisions of the act of October 10, 1975 (P.L.383, No.110), known as the "Physical Therapy Practice Act."

(viii) An occupational therapist, licensed under the provisions of the act of June 15, 1982 (P.L.502, No.140), known as the "Occupational Therapy Practice Act."

(ix) An optometrist, licensed under the provisions of the act of June 6, 1980 (P.L.197, No.57), known as the "Optometric Practice and Licensure Act."

(x) A nursing home administrator, licensed under the provisions of the act of June 22, 1970 (P.L.378, No.122), known as the "Nursing Home Administrators License Act."

(xi) A chiropractor, licensed under the provisions of the act of August 10, 1951 (P.L.1182, No.264), known as the "Chiropractic Registration Act of 1951."

(xii) A psychologist, licensed under the provisions of the act of March 23, 1972 (P.L.136, No.52), referred to as the Psychologists License Act.

(xiii) A speech pathologist, an audiologist or a teacher of the hearing impaired, licensed under the provisions of the act of December 21, 1984 (P.L.1253, No.238), known as the "Speech-Language and Hearing Licensure Act."

(2) The resignation or withdrawal of association or of privileges with a facility or hospital to avoid the imposition of disciplinary measures.

(3) The receipt of written information which establishes that any [physician] person licensed under the acts referred to in paragraph (1) who has a right to practice or who has applied to practice at the health care facility or hospital has been convicted of a felony.

(b) Contents.—Reports made pursuant to this section shall be made in writing to the [State Board of Medical Education and Licensure or the State Board of Osteopathic Examiners, whichever is appropriate, with respect to any physician as] appropriate board with respect to any person licensed under acts referred to in subsection (a). Written reports shall include the following information: name, address, profession and license number of the person involved, a description of the action taken by the facility or hospital, including the reason therefor and date thereof, or the nature of the action or conduct which led to the resignation or withdrawal and the date thereof, any conviction of a felony of which the facility or hospital has received the written information required by subsection (a)(3) and such other information as the Department of State may require.

(c) Confidentiality.—

(1) Any report or information furnished to the boards in question, in accordance with the provisions of this section, shall be deemed a confidential communication and shall not be subject to inspection or disclosure, in any manner, except upon formal written request by a duly authorized public agency or pursuant to a judicial subpoena issued in a pending action or proceeding.

(2) Any person, facility or corporation which makes a report pursuant to this section in good faith and without malice shall have immunity from any liability, civil or criminal, for having made such a report. For the purpose of any proceeding, civil or criminal, the good faith of any person required to make a report shall be presumed.

Section 2. The act is amended by adding a section to read:

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

3

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I think there were three amendments circulated. The only one which is being offered is the one which I am offering in conjunction with Representative Miller and Representative Langtry, and what this does is to expand upon a law which we passed earlier in this session.

We said earlier in this session that hospitals had to report to the State licensing boards when they terminated the employment or the privileges of physicians. We also said that they had to report to the licensing board any information they had in writing indicating that a physician had been convicted of a felony. What this amendment would do is to extend that same reporting requirement to cover all of the other licensed health care professionals.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—4

Cordisco	Howlett	Maiale	Wright, J. L.
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EXCUSED—3

Reinard Sirianni Taylor, F.

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

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

NAYS—0

NOT VOTING—3

Cordisco

Howlett

Maiale

EXCUSED—3

Reinard

Sirianni

Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **SB 383, PN 2277**, on third consideration postponed, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for the licensing of clubs and certain other licensees to conduct games of chance, for the licensing of persons to manufacture and distribute games of chance, for suspensions and revocations of licenses and for fees and disposition of revenues; requiring records; providing for local referendum on gambling by electorate; prescribing penalties; further providing for licenses for certain performing arts facilities; adding special provisions for hotel liquor licenses; and providing special provisions for expansion of hotel liquor license facilities.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 383 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 383 be lifted from the table and placed on the active calendar.

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

BILL ON FINAL PASSAGE

Agreeable to order,
The House proceeded to the consideration on final passage of **HB 851, PN 3400**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," requiring a course in certain social studies to be taught in public schools.

On the question recurring,
Shall the bill pass finally?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 851 be placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 851 be lifted from the tabled calendar and placed on the active calendar.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1276, PN 2196**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for persons with impaired hearing; further providing for certain visual signals on Pennsylvania Public Utility Commission vehicles, for the operation of trailers and combinations, for penalties for exceeding maximum weights and for the weighing of vehicles.

On the question,
Will the House agree to the bill on third consideration?
Mr. DAVIES offered the following amendments No. A4557:

Amend Sec. 1 (Sec. 1346), page 1, line 12, by striking out "1346" and inserting

1347

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 3363 of Title 75 is amended to read:
§ 3363. Alteration of maximum limits.

(a) General rule.—The department or local authorities on highways under their respective jurisdictions, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section.

(b) Interstate highways.—Pursuant to Federal law, the maximum speed limit on interstate highways shall be 65 miles per hour. The department may reduce the maximum speed limit to 55 miles per hour in areas of hazardous traffic conditions or heavy traffic conditions.

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

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Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

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

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

The SPEAKER. What is the gentleman's inquiry?

Mr. DAVIES. Mr. Speaker, in the language of the bill, pursuant to Federal law, for the first time in history I understand that before a conference committee is called in Congress, there may be conditions set forth on that conference committee. If the Federal law would then include parameters for the States, such as 65 percent of the States having seatbelt laws or radar detectors being declared illegal, would the language of this bill then embrace such conditions in the Federal law?

The SPEAKER. It is impossible for the Chair to answer that question, Mr. Davies, without having the Federal law before the Chair. However, the Chair can generalize. Where the Federal Government has preempted the field, nothing that a State can do will change that Federal law. But until the Chair was to see the actual language of the Federal law, it would not be wise for the Chair to speculate whether or not the Federal law would preempt the State's position.

AMENDMENTS WITHDRAWN

Mr. DAVIES. All right then, Mr. Speaker. Under those two conditions and with that advice on both the seatbelt containment issue and also the matter of the radar detectors, I will withdraw the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Davies amendment is withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BUNT offered the following amendments No. A2967:

Amend Title, page 1, line 3, by inserting after "hearing" and for subrogation for workers' compensation benefits in actions arising out of motor vehicle maintenance or use

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 1720 of Title 75 is amended to read:

§ 1720. Subrogation.

In actions arising out of the maintenance or use of a motor vehicle, there shall be no right of subrogation or reimbursement from a claimant's tort recovery with respect to [workers' compensation benefits,] benefits available under section 1711 (relating to required benefits), 1712 (relating to availability of benefits) or 1715 (relating to availability of adequate limits) or benefits in lieu thereof paid or payable under section 1719 (relating to coordination of benefits).

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

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2967, perhaps maybe it would be better if I gave an explanation. When a car and a truck are involved in an accident, workmen's compensation is a primary and there is no subrogation as to liability. Thus, if the truck is at fault, the workmen's compensation pays injury to the truck driver, and the trucking company's public liability pays the other motorist, unless, of course, the other motorist is under workmen's comp, like a traveling salesman. If the car motorist is at fault, the trucker's workmen's compensation must still pay for injury to the truck driver, but the workmen's compensation insurer cannot collect from the public liability insurer of the car owner at the time.

Now, there are some plans currently available to employers with enough premium and enough good experience that enable the employer to receive discounts and refunds. With the new law that we passed last year, the Financial Responsibility Law, you no longer have the option of whether you wish to purchase loss-of-income insurance. We must purchase that now. So now under the present system, we have a duplicity, if you will, and this hopes to rectify that duplicity. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Mr. Speaker, will the gentleman consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Bunt, indicates he will stand for interrogation. You have the floor. You are in order, and you may proceed.

Mr. GRUITZA. Thank you, Mr. Speaker.

Is it your contention under this amendment, sir, that if, say, a truck driver is killed in an accident caused by another motorist and the truck driver is covered by workmen's compensation and then that truck driver's estate sues the other motorist for wrongful death, is it your contention that under the present system the workmen's comp carrier is not being allowed to subrogate that claim?

Mr. BUNT. Presently they are not.

Mr. GRUITZA. Do you have any authority for that, Mr. Speaker?

Mr. BUNT. My authority comes from checking with legal counsel on that matter.

Mr. GRUITZA. If I may comment, Mr. Speaker.

The SPEAKER. The gentleman has the floor, and he may proceed.

Mr. GRUITZA. Mr. Speaker, having been directly involved in a situation very similar to this, I can tell you that I think there is a serious legal question that has been raised here that may not be valid. I think that there are cases like this that have been ruled across the Commonwealth, and our workmen's compensation referees have been ruling just the opposite of what has been presented here. We have cases that have been ruled by our courts and by our referees that are, in fact, allowing the workmen's compensation carriers to collect from the third-party insurance carriers. So I think that I have some real serious questions about this amendment, and I think that it is based on an incorrect assumption of the law. I can cite the specific cases if I had the opportunity to provide that research, but I do not believe that that is exactly what is taking place in our courts in Pennsylvania, and I have some concern about this amendment.

GERMANENESS QUESTIONED

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

Mr. COHEN. Mr. Speaker, Mr. Gruitza has raised very valid questions. It is not clear as to what this amendment actually does. It is not at all clear that the law is as Mr. Bunt says it is.

Workers' compensation is a very complicated issue. The parts of the workers' compensation law are all very intricately related. Title 75, which this amends, is also very complicated. I would strongly be very leery of passing this amendment. I also feel that this is a very bad way to start dealing with workers' compensation questions, by amending the Motor Vehicle Code.

I would urge, therefore, that we not vote for this amendment. I would also question the germaneness of this amendment to this bill, and I would move that the House would declare that this amendment is not germane to this bill.

The SPEAKER. The question of germaneness is, of course, a decision for the floor of the House.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. Those who believe this amendment to be germane will vote "aye"; those who—

Mr. BUNT. Is it debatable, Mr. Speaker?

The SPEAKER. What is your question, Mr. Bunt? What was your question? The Chair could not hear you.

Mr. BUNT. Whether the issue is debatable - germaneness.

The SPEAKER. The issue of germaneness is debatable. If the gentleman wishes to be recognized for that purpose, the gentleman may be. Is that your request?

Mr. BUNT. That is correct.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Bunt, to argue the question of germaneness of his amendment.

Mr. BUNT. Yes, Mr. Speaker.

Most of the objections to the amendment have been more speculative than not, not based on fact. The issue as to germaneness, when I drew up the legislation, it was as an amendment to title 75. I drew it up and it was written as HB 2008, which was referred to the Transportation Committee by the Speaker. So on the issue of what particular section of title 75 it does address, I would urge the members to take a look at that particular section, and it is germane.

The SPEAKER. On the question of germaneness, those who believe it to be germane will vote "aye"; those who believe it is not germane will vote "no." Mr. Cohen suggests that it is not germane; Mr. Bunt suggests that it is.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—111

Afflerbach	Davies	Kukovich	Robbins
Angstadt	Dietz	Langtry	Ryan
Argall	Dininni	Lashingner	Saloom
Arty	Distler	Lescovitz	Saurman
Barley	Dorr	Lloyd	Scheetz
Birmelin	Fargo	McCall	Schuler
Black	Fischer	McClatchy	Semmel
Blaum	Flick	McVerry	Serafini
Book	Fox	Mackowski	Smith, B.
Bowley	Freind	Manmiller	Smith, L. E.
Bowser	Gallen	Merry	Snyder, D. W.
Boyes	Gannon	Micozzie	Snyder, G.
Brandt	Geist	Miller	Stairs
Bunt	George	Moehlmann	Stevens
Burd	Gladeck	Mowery	Sweet
Bush	Godshall	Nahill	Swift
Carlson	Greenwood	Noye	Taylor, E. Z.
Cawley	Gruppo	O'Brien	Taylor, J.
Cessar	Hagarty	Perzel	Tigue
Chadwick	Hayes	Petrarca	Trello
Cimini	Herman	Phillips	Vroon
Civera	Hershey	Piccola	Wass
Clark	Honaman	Pistella	Weston
Clymer	Hutchinson	Pitts	Wilson
Cornell	Jackson	Pott	Wogan
Coslett	Johnson	Punt	Wright, J. L.
Coy	Kennedy	Raymond	Wright, R. C.
DeVerter	Kenney	Reber	

NAYS—85

Acosta	Dombrowski	Letterman	Roebuck
Baldwin	Donatucci	Levdansky	Rudy
Barber	Duffy	Linton	Rybak
Battisto	Durham	Livengood	Seventy
Belardi	Evans	Lucyk	Showers
Belfanti	Fattah	McHale	Staback
Bortner	Fee	Manderino	Steighner
Broujos	Freeman	Markosek	Stewart
Burns	Fryer	Mayernik	Stuban
Caltagirone	Gallagher	Michlovic	Telek
Cappabianca	Gamble	Morris	Truman

Carn	Gruitza	Mrkonic	Van Horne
Cohen	Haluska	Murphy	Veon
Colafella	Harper	O'Donnell	Wambach
Cole	Hasay	Olasz	Wiggins
Cordisco	Howlett	Oliver	Wozniak
Cowell	Itkin	Petrone	Wright, D. R.
Deluca	Jarolin	Pievsky	Yandrisevits
DeWeese	Josephs	Pressmann	
Daley	Kasunic	Preston	Irvis,
Dawida	Kosinski	Richardson	Speaker
Deal	Laughlin	Rieger	

NOT VOTING—2

Foster Maiale

EXCUSED—3

Reinard Sirianni Taylor, F.

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

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time on the question of the amendment.

Mr. COHEN. Thank you.

Mr. Speaker, will Mr. Bunt submit to interrogation?

The SPEAKER. Mr. Bunt indicates he will submit to further interrogation. You may proceed, Mr. Cohen.

Mr. COHEN. Mr. Speaker, this amendment says that "In actions arising out of the maintenance or use of a motor vehicle, there shall be no right of subrogation or reimbursement from a claimant's tort recovery with respect to [workers' compensation benefits,] benefits available under section 1711...1712...or 1715...or...1719...."

Would the gentleman give us some information as to how many times each year there is subrogation from a claimant's tort recovery?

Mr. BUNT. I am not familiar with that; no, I am not.

Mr. COHEN. The gentleman does not. Can the gentleman give us an approximate idea as to how many times each year? If the gentleman does not have an exact number, does the gentleman have a partial estimate, rough estimate?

Mr. BUNT. No. If you could enlighten me, I would be happy to see that.

Mr. COHEN. Would the gentleman explain what benefits are available under section 1711?

Mr. BUNT. I can read you out of chapter 17 the benefits that are listed under 1711.

Mr. COHEN. Please do that.

Mr. BUNT. "An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall include coverage providing a medical benefit in the amount of \$10,000, an income loss benefit up to a monthly maximum of \$1,000 up to a maximum benefit of \$5,000 and a funeral benefit in the amount of \$1,500...."

Now, the purpose of my adding the amendment and drawing the amendment to the attention of the General Assembly is by also mentioning the Financial Responsibility Law that we passed in this General Assembly which provides for those same benefits. In arguing for my amendment, I brought up the duplicity of the current law, one that is provided for under chapter 1711 and one that we provided for mandatorily under the new Financial Responsibility Law.

Mr. COHEN. Okay. Would the gentleman indicate how much money is paid out each year, approximately, in benefits under section 1711?

Mr. BUNT. I have no idea, Mr. Speaker.

Mr. COHEN. Would the gentleman like to read section 1712?

POINT OF ORDER

Mr. VROON. Mr. Speaker?

The SPEAKER. Why does the gentleman from Chester, Mr. Vroon, rise?

Mr. VROON. Point of order.

It seems to be a case where we are departing from a bona fide interrogation at this point, and I do not think any questions are being raised that the author of the question does not know the answer to. He has the information, too, that he wants him to read. I do not think we are really interrogating at this point.

Mr. COHEN. Mr. Speaker, would the gentleman like to describe section 1712, since Mr. Vroon objects to the gentleman reading section 1712?

Mr. BUNT. If you could explain to me—

The SPEAKER. Just a moment, Mr. Bunt.

If the material is available to the questioner, then it is not correct for the questioner to ask the question on the floor. If the questioner already knows the answer to the material, it is not correct interrogation. If you are in ignorance of this, then of course you may proceed. But if the material is equally available to you as well as the person being interrogated, you should not interrogate on that basis.

Mr. COHEN. Mr. Speaker, I confess to not knowing the answers to these questions. I wish I had omniscience and did know the answers to these questions.

The SPEAKER. Let it be said for the record that this Chair would not expect omniscience on the floor of this House.

Mr. BUNT. Mr. Speaker, if it was a question, I could probably answer it.

The SPEAKER. Would you state the question again, Mr. Cohen?

Mr. COHEN. Yes.

Would the gentleman describe section 1712?

Mr. BUNT. Mr. Speaker, I believe the—

Mr. GLADECK. Excuse me.

The SPEAKER. Why does the gentleman from Montgomery, Mr. Gladeck, rise?

Mr. GLADECK. Mr. Speaker, it is kind of confusing to those of us who are trying to follow his train of questioning.

Section 1712 is not mentioned in the amendment, and I think if he really wants to know the answer, perhaps we could have a page come up and take it back down to him and he could read it himself.

The SPEAKER. Well, 1712 is mentioned in the amendment.

Mr. COHEN. Mr. Speaker, a problem I have with—

The SPEAKER. Do you see why the Chair said he would not expect omniscience on the floor of the House?

Mr. BUNT. Mr. Speaker, I will have a page make a copy and send it down to the speaker—

The SPEAKER. Fine.

Mr. BUNT. —so that he can—

The SPEAKER. Do you wish to continue the interrogation, Mr. Cohen?

Mr. COHEN. Mr. Speaker, would the gentleman indicate how many times a year, approximately, there are cases under 1712 or what the dollar amount is?

Mr. BUNT. Mr. Speaker, I do not know the answer to that question. All I know is that there is duplicity in the law after this House passed the Financial Responsibility Law. The duplicity occurs twice mandatorily. I think what we are doing is overburdening not only our motoring public and the people who buy insurance but also our businesses as well. We are not talking about taking away benefits; we are talking about taking away the duplicity in those benefits.

Mr. COHEN. Under section 1715, is the gentleman aware of how often benefits are recovered under section 1715 and what the approximate dollar amount is?

Mr. BUNT. Mr. Speaker, other than my explanation of the amendment, I do not know if I can reasonably clarify it any more to your benefit other than to make a statement: do you understand what double-dipping is?

Mr. COHEN. Mr. Speaker, I understand what double-dipping is. I also understand that people often have difficulty getting reimbursed for certain expenses that are in the course of an accident. It is up to insurance companies to decide whether expenses are legitimate. What you describe as double-dipping is often seen by claimants as a means of getting needed money to make up expenses. I am trying to ask you questions to elicit your knowledge on the effects of your amendment on real people in Pennsylvania who get into accidents every year. If there is going to be a certain amount of human suffering as a result of this amendment, what we are trying to accomplish here is to get a precise delineation as to what human suffering there will be as a result of this amendment and how this amendment will affect real people who are involved in real automobile accidents in Pennsylvania.

The SPEAKER. Has the gentleman completed his interrogation?

Mr. COHEN. Mr. Speaker, we would ask the gentleman the same question on section 1719. Does the gentleman have any idea as to how many people recover under section 1719 and what the dollar effect is?

Mr. BUNT. That is just as hard as understanding just how many dollars were expendable under the old double-dipping policy in the past.

Mr. COHEN. The gentleman has been unable to answer any questions about the subparts of this amendment, and we have gone through each and every one of them. Does the gentleman have any rough idea as to what the total effect of this amendment is?

Mr. BUNT. Mr. Speaker, the only thing that this amendment makes mention of is the portion with respect to the workers' compensation benefits as it relates. Insofar as any other issue that the speaker has brought up, that is really not germane as well.

Mr. Speaker, I share the concern of Mr. Cohen. My concern is more of being attuned to what the issue is, and it is as simple as eliminating double-dipping. It is not to eliminate any benefits that are now currently available. If by any other reason or any other statement I could state the legislative intent, that would be it.

The SPEAKER. Mr. Cohen, do you wish to speak to the amendment now?

Mr. COHEN. Yes. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, we can call cutting people's workers' compensation benefits anything we want. We can give it any name we want. The fact is that what Mr. Bunt is proposing is to cut workers' compensation benefits. Mr. Bunt says that this is an anti-double-dipping amendment, but dual benefits are often paid for dual insurance policies, and Mr. Bunt says that this does not affect dual insurance policies. If somebody gets two auto accident policies, this amendment does not affect it. This only affects what Mr. Bunt describes as double-dipping where workers' compensation policies are covered. That seems to me discriminatory.

It also seems to me that Mr. Bunt is not familiar with the effects of this on people in Pennsylvania. He has no idea how much of this alleged double-dipping actually occurs. His amendment itemizes various sections of the Vehicle Code under which what he describes as double-dipping is supposed to be banned, but Mr. Bunt does not know what the costs are to insurance companies under any of these sections, or indeed he does not know what the costs are to insurance companies under all these sections combined.

There are a number of very legitimate public policy issues here. There are a lot of questions that deserve very serious answers, and we deserve more answers to questions than to be told repeatedly by the prime sponsor of an amendment that he does not know the answers. When anybody proposes changes in the law of this Commonwealth, they ought to be able to tell the House of Representatives what they are doing. They ought to be able to tell the members of the House of Representatives, beyond mere generalities, why there is an evil in public policy and why that evil ought to be changed and how this amendment or any other amendment changes that evil. Mr. Bunt has not at all met the burden of describing why there is a problem. He has not been able at all in any detail to describe the problem. Mr. Bunt started reading sections of the Vehicle Code because Mr. Bunt could not describe the sections of the Vehicle Code.

I would strongly urge that all members of this House who care about knowing what they are voting on, who do not want to be besieged with angry constituents complaining that their benefits have been cut as a result of some action which they did not fully understand, I would urge all members of the House to vote against this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cambria, Mr. Stewart, for the first time.

Mr. STEWART. Thank you, Mr. Speaker.

Mr. Speaker, I have been listening to the debate for about 20 minutes now, and I am not sure what the amendment does or does not do. Some of what I have heard indicates that it might be a good amendment; some of what I have heard indicates that it might be a horrible amendment. What is clear is that we are trying, through the amendment process to a Vehicle Code bill, to reach into the insurance law and the workers' comp law, and I do not think amending a Vehicle Code bill which provides for license plates for those with hearing impairments is the vehicle. I do not think this is the time.

I would respectfully request that the gentleman withdraw his amendment so that we can consider it more deeply, and if not, I urge all the members to vote in the negative. Thank you, Mr. Speaker.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Mercer, Mr. Gruitza, on the amendment.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, what I think we ought to be doing here today is just the opposite of what the drafter of the amendment is attempting to do. What this amendment wants to do, it wants to say to an entire industry out there, the trucking industry, that we are going to make you pay top dollar rates for workmen's compensation coverage, but then when you are involved in an accident that is not your fault, we are not going to let you recover those workmen's compensation benefits, at least to the extent that you are able to recover your damages from a third party. So if you are successful in a lawsuit against the third party who has caused you damage, we are not going to let you recover workmen's compensation damages here.

Well, if that is the case, then I seriously wonder why, in that period of time when the courts have been ruling this way anyhow, why the insurance industry, why the workmen's compensation carriers, were not reducing rates for those companies in this State that were paying heavy workmen's compensation coverage rates for their drivers.

What we are basically doing here is allowing them to get away from half of the cases where one of those insured drivers is paying premiums. The industry is saying, we want to collect all those big workmen's compensation premiums but we do not want to have to pay back on them if you are able to successfully sue a third party. In either situation, Mr. Speaker, the consumers of Pennsylvania, the businessmen who are paying these rates, are paying the premiums. But the industry is saying, we want you to pay the premiums but we do not want to pay on any of the claims. Now, I would say in a case like this, if they are going to be paying the premiums, then

they ought to be paying the claims. And if they are not going to be paying the claims, then they ought to be reducing those premiums by an amount equal to the reduction that they are getting out of on the claims.

Essentially what we are saying is, we are going to collect all these workmen's compensation premiums from our employers out there, and particularly in this field where much of the litigation, where much of the action occurs as a result of accidents out on the roads - in the trucking industry and the delivery system, people who are driving cars and vehicles for their employers - where much of the action that takes place takes place as a result of a third party's negligence.

I do not think it is fair. I think it is very much anticonsumer. I could support such a thing if we were putting something into this amendment that was at the same time providing for reductions in workmen's compensation premiums, something that is very desperately sought after by our business interests across the State.

So I would urge a negative vote on this amendment. If another amendment is produced that provides for reductions in workmen's compensation premiums that are equivalent to the reductions in the payments that are going to be made because of the subrogation here, then I would support that. But this is clearly a gift for the insurance industry at the expense of business and at the expense of injured parties in Pennsylvania. I urge a negative vote.

The SPEAKER. The Chair recognizes the minority leader on the amendment.

Mr. RYAN. Mr. Speaker, I would like to interrogate someone on this amendment, because I am frankly confused now. I do not know whether Mr. Bunt will stand for interrogation or not.

Mr. BUNT. I will.

The SPEAKER. Mr. Bunt indicates he will so stand. You may proceed, Mr. Ryan.

Mr. RYAN. And I would appreciate it if the gentleman, Mr. Gruitza, would listen to my remarks.

My understanding of the usual tort case today is that if I am injured in an accident and Mr. Gruitza is driving the other car—we are not under working conditions; we are just in an automobile accident—and I end up in the hospital, Blue Cross and Blue Shield pay my bills and ordinarily are subrogated to recover, from any recovery I get, the amount that they have paid out. Is that right, Mr. Speaker?

Mr. GRUITZA. I believe that that would be the case, Mr. Speaker, but what we are talking about here are workmen's compensation benefits.

Mr. RYAN. I understand that. I am just trying to draw an analogy. I am trying to understand it, frankly.

Now we have a situation where I am in my employment driving a truck and someone else is in their employment driving a truck, and we have an accident, and I am injured, and I recover from my company's workmen's comp carrier the sum set forth under the policy for the injuries I have received. Can you tell me in today's law, can my workmen's comp carrier recover from you, the wrongdoing defendant,

through me, the amount they have advanced to cover my injuries?

Mr. GRUITZA. Mr. Speaker, my understanding is that they can do that. Now, there may be some ambiguity in the statutory law, but my understanding under case law is that they are currently doing that.

I believe that there is a Supreme Court decision that has allowed them to do that even retroactively for cases that took place some time back.

Mr. RYAN. I am looking at the amendment now, the Bunt amendment, Mr. Speaker, and there is bracketed out of this amendment the words "workers' compensation benefits." Now, that is bracketed out of a sentence that says, "...there shall be no right of subrogation or reimbursement from a claimant's tort recovery with respect to [workers' compensation benefits,]..." which to me sounds like the existing law prohibits the workmen's comp carrier from subrogation, getting back from the wrongdoer's company through me, through my recovery, what they have advanced for me while I was injured or disabled as a result of this accident at work. Do you agree with that?

Mr. GRUITZA. Yes.

Mr. RYAN. So today, because of the specific language of this statute, a workmen's comp carrier cannot recover back what it has advanced against the wrongdoer the way Blue Cross and Blue Shield can.

Mr. GRUITZA. Under that section of the statute, I think that that is what it says, Mr. Speaker, except that I have been involved with cases where in fact just the opposite results have taken place. I do not have the cite of the Supreme Court decision. However, there was a Supreme Court decision that in essence allowed for that subrogation, and I received an opinion from a workmen's comp referee just about 6 or 7 months ago that confirmed that decision.

Mr. RYAN. If that were the case, what you are saying, if that were in fact the case, why would there be a need for this language of Mr. Bunt's?

Mr. GRUITZA. There would not be; there really would not be. That was my initial remark, that there really would not be, but as a followup to that, I am saying that if there is, if there is in fact a need for that language, our position ought to be otherwise, because it is just not the right thing to be doing.

Mr. RYAN. Well, as I listen to you, it sounds like your position is, right now the workmen's comp carrier can recover under some court case that we have heard about—

Mr. GRUITZA. That is correct.

Mr. RYAN. —and that is good.

Mr. GRUITZA. No, it is not good.

Mr. RYAN. Oh. It is not good.

Mr. GRUITZA. It is not good.

Mr. RYAN. What do you gain towards your position of this not being good by defeating this amendment? Should you not really be—

Mr. GRUITZA. Well, I do not know that we gain a lot. I think that what we ought to be doing is defeating this amendment, and maybe somebody ought to be offering an amend-

ment here to do just the opposite and clarify this in the best interests of Pennsylvania's working men and women and businessmen, these businessmen who are paying these high workmen's comp claims thinking that their truck drivers out there are getting something when really they have an illusory contract here, because in half the cases they are involved in, they are going to have a right to sue the third party. That is what I am saying. Basically, what I am saying is that, Mr. Speaker.

I think that we ought to be doing just the opposite of what we are intending to do with this amendment. I have many truckers who are located in my district, several large trucking firms, and I think they agree with me. They feel that, hey, we are paying these big workmen's comp premiums for our boys out there, and then when they are involved in a serious injury caused by a third party, what is happening is these claims are being subrogated as they have been in the past. Maybe right now, under some of the changes we have made, maybe there is a gap here; I am really not sure. But the bottom line here is that we ought to be doing just the opposite. We ought to be saying that if you are going to subrogate these, then you ought to give that industry a break on the workmen's comp payments they are making, and the industry has not been doing that. They have basically an illusory contract with the trucking industry in Pennsylvania.

Mr. RYAN. Well, I would quarrel with the words "illusory contract." But would it be fair to say that your position is, an injured workman should be permitted a double dip; that is, he should be permitted to recover under the workmen's comp policy, and he should be permitted to recover from the wrongdoer for those same payments, if you will, without being required to rebate that money back through the insurance carrier that paid in the first instance. Is that really simplifying your position?

Mr. GRUITZA. Yes. I think that that is a true assessment. I think that in this situation you have companies, businesses, paying two and three sets of premiums. They are carrying health insurance on their drivers; they are carrying workmen's compensation coverage on their drivers; and then we have the vehicle insurance, the liability insurance that they are carrying. It seems to me, if we are paying two and three sets of premiums out there to this industry, that we ought to be allowing recoveries for those injuries that arise out of the scope of that employment and as a result of the negligence of third parties. That is why we have these benefits; that is why we are paying these premiums, and I am suggesting that if they are collecting premiums, they ought to be paying benefits.

Mr. RYAN. Mr. Speaker, can you advise me as to whether or not today a workmen's comp carrier is entitled to recover through his insured what he has advanced from a wrongdoing defendant who has lost and has paid the claim?

Mr. BUNT. To the best of my knowledge, he cannot.

Mr. RYAN. Would it be fair then to say that both you and Mr. Gruitza take different positions as to what the law is today?

Mr. BUNT. We do.

Mr. RYAN. Thank you.

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

The SPEAKER. Do you wish to debate the amendment for the second time?

Mr. BUNT. Just to make a statement elaborating on some of the points that were brought up by Representatives Stewart, Gruitza, and Cohen.

The SPEAKER. Just a moment, Mr. Bunt. In that case we are going to recognize the gentleman from Berks, Mr. Gallen, who has not spoken for the first time on it.

Mr. GALLEN. Mr. Speaker, I would like to interrogate Mr. Gruitza.

The SPEAKER. Mr. Gruitza, will you stand for interrogation by Mr. Gallen?

Mr. GRUITZA. Yes, sir.

The SPEAKER. You may proceed, Mr. Gallen.

Mr. GALLEN. My question is simple. On what do you think insurance rates, whether they be Blue Cross, Blue Shield, workers' compensation, or automobile insurance, on what do you think those rates are based?

Mr. GRUITZA. On risk.

Mr. GALLEN. Pardon?

Mr. GRUITZA. On risk.

Mr. GALLEN. On experience and the amount they pay out. Is that not correct?

Mr. GRUITZA. I would say that is correct.

Mr. GALLEN. Thank you.

That is the end of the interrogation, Mr. Speaker.

Mr. Speaker, there seems to be some misconception, I think, by a lot of members of the House with regard to what insurance is and what insurance rates are based on.

If somebody is collecting from two or three different policies, then the rates of each of those policies is going to increase or at least is not going to stabilize. So the question here is, are we in favor of double-dipping; ergo, we favor insurance rates going up? I think that is a simple question.

If Mr. Bunt's amendment does what he purports it to do, then I think it is a good thing, because I think people will be fully reimbursed for their injuries, one, and two, rates will seek a lower level. Thank you, Mr. Speaker.

The SPEAKER. Now the Chair recognizes the gentleman from Montgomery, Mr. Bunt, for the second and last time on your amendment.

Mr. BUNT. Again, Mr. Speaker, the previous speakers, Messrs. Stewart, Gruitza, and Cohen, threw up a red flag, and had their argument been correct, I would have been just as concerned about that red flag as they are. That is not the case, Mr. Speaker.

The case is that this amendment does not touch workmen's compensation benefits or their right to them. It only provides the recovery of cost by a workmen's compensation insurer that rightfully should be recovered from other payments. Workmen's compensation is an exclusive remedy within its jurisdiction - recovery of the amount that is expended only.

For that reason, Mr. Speaker, I urge the passage of the amendment. There is no loss as to benefits. There is some recovery at least and some savings to those who pay insurance costs.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart, for the second time on the amendment.

Mr. STEWART. Thank you, Mr. Speaker.

The last speaker is incorrect. I did not throw up a red flag; I threw up a yellow flag, because I think there are some good things in what you are saying and so does Representative Gruitza. But if we are going to reduce benefits in any way, whether they are double benefits, triple benefits, quadruple benefits, let us look at reducing premium. That is what we are saying. Your amendment does not reduce premium.

I urge a "no" vote.

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

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment. There is a good reason why the law has provided over these many years that there is not subrogation in the area of workmen's compensation. We operate in our motor vehicle fault system, tort system, on recovery following a duty that has been breached which causes damage, and the damages that are ordinarily awarded are awarded by juries and you must prove those damages. You have to convince a jury that your damage is worth a certain specific figure, and juries return verdicts that encompass a number of things - from medical bills to therapy, to lost wages, to pain and suffering - and there is one figure that encompasses all of those things.

Workmen's compensation, on the other hand, is a specific recovery for a specific loss. You may lose a finger, and it is worth so much money, and you may lose the whole hand, and it is worth so much money and no more; it does not make any difference whether you have suffered endlessly. If you lose an eye, it is worth so much money, even though there is no pain and suffering in the loss of that eye, and it is worth the same amount of money whether there was endless pain and suffering with the loss of that eye.

We have decided that public policy demands that workers ought to be able to recover quickly. They ought not to have to prove against their employer who was at fault, if there was fault. Whether the worker was at fault, whether the employer was at fault, we have said they are going to recover if the accident happened in the workplace, but they are going to be limited in the recovery that they are going to receive; they are just going to get a specific recovery.

Now, how do you subrogate a company that pays an award by a jury which covers pain and suffering and medical bills and hospital bills and all the things that go into a provable damage verdict in a tort action? How do you subrogate that person through the workmen's compensation benefit that is specific? It is impossible, and that impossibility—I am simplifying the whole thing, of course—but that impossibility is what has led to our always not allowing the recovery by subro-

gation between carrier, and it is for the protection of the worker.

Mr. Speaker, this provision that was put in our law when we just recently refashioned a compensation system for automobile accidents was an agreement between all the parties involved - the workers, the chamber of commerce, the insurance companies, the trial lawyers - and they knew why the provision was being put in there. It ought to remain there. We ought not to without any study, without any hearings, without any work on the matter, upset what we have done and is working rather well.

I ask for a negative vote on the amendment, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Gallen, for the second time.

Mr. GALLEN. Mr. Speaker, I hate, after having agreed with the majority leader on a previous question, to have to disagree with him on this one. The fact of the matter is that subrogation is allowed in workers' compensation cases, when there is a case of faulty equipment. The only place that subrogation is now disallowed is in automobile cases. It is definitely allowed in other workers' compensation cases, and I just wanted to bring that to the attention of the House. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—71

Barley	Deluca	Hershey	Pistella
Birmelin	DeVerter	Honaman	Pitts
Black	Dietz	Jackson	Pott
Book	Dininni	Johnson	Raymond
Bowser	Distler	Kasunic	Robbins
Brandt	Dorr	Kennedy	Saurman
Bunt	Fargo	Kenney	Scheetz
Burd	Flick	Langtry	Schuler
Bush	Foster	Linton	Serafini
Carlson	Fox	McClatchy	Seventy
Carn	Freind	Mackowski	Smith, B.
Cessar	Gallen	Manmiller	Smith, L. E.
Chadwick	Geist	Merry	Stairs
Cimini	Gladeck	Mowery	Stevens
Civera	Godshall	Nahill	Swift
Clark	Greenwood	Noye	Vroon
Clymer	Hayes	Phillips	Wright, R. C.
Cornell	Herman	Piccola	

NAYS—125

Acosta	Duffy	Lucyk	Saloom
Afflerbach	Durham	McCall	Semmel
Angstadt	Evans	McHale	Showers
Argall	Fattah	McVerry	Snyder, D. W.
Arty	Fee	Manderino	Snyder, G.
Baldwin	Fischer	Markosek	Staback
Barber	Freeman	Mayernik	Steighner
Battisto	Fryer	Michlovic	Stewart
Belardi	Gallagher	Micozzie	Stuban
Belfanti	Gamble	Miller	Sweet
Blaum	Gannon	Moehlmann	Taylor, E. Z.
Bortner	George	Morris	Taylor, J.
Bowley	Gruitza	Mrkonic	Telek
Boyes	Gruppo	Murphy	Tigue
Broujos	Hagarty	O'Brien	Trello
Burns	Haluska	O'Donnell	Truman
Caltagirone	Harper	Olasz	Van Horne
Cappabianca	Hasay	Oliver	Veon

Cawley	Howlett	Perzel	Wambach
Cohen	Hutchinson	Petrarca	Wass
Colafella	Itkin	Petrone	Weston
Cole	Jarolin	Pievsky	Wiggins
Coslett	Josephs	Pressmann	Wilson
Cowell	Kosinski	Preston	Wogan
Coy	Kukovich	Punt	Wozniak
DeWeese	Lashinger	Reber	Wright, D. R.
Daley	Laughlin	Richardson	Wright, J. L.
Davies	Lescovitz	Rieger	Yandrisevits
Dawida	Letterman	Roebuck	
Deal	Levdansky	Rudy	Irvis,
Dombrowski	Livengood	Ryan	Speaker
Donatucci	Lloyd	Rybak	

NOT VOTING—2

Cordisco Maiale

EXCUSED—3

Reinard Sirianni Taylor, F.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BATTISTO offered the following amendments No. A4556:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for use of school bus plates;

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

Section 1. Section 1343 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1343. Use of school bus plates.

(a) General rule.—A motor vehicle bearing school bus registration plates shall be used exclusively for the transportation of children and [no more than five chaperons] their chaperons to or from public, private, parochial or Sunday school or in connection with any public, private, parochial or Sunday school-related activity. Each school district shall adopt regulations regarding the number of chaperons to accompany students in connection with these activities. Except when transporting children to and from public, private, parochial or Sunday school or public, private, parochial or Sunday school-related activities, the words "school bus" on the front and rear of the vehicle shall be concealed and the red and amber visual signals shall not be operable.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of the Pennsylvania Consolidated Statutes"

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

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would give school districts more flexibility in assigning chaperones to schoolbuses on school-related activities.

Presently, section 1343 limits the number of chaperones to five per bus. Now, that limitation has placed quite a burden on school districts. For example, if you are transporting 60 second-grade students, if you divide 5 into 60, that is only 1 per every 12 students, and elementary teachers will tell you that that is not nearly enough, not to say anything about handicapped students. For handicapped students, teachers would like to have at least one for every two handicapped students. Therefore, what districts have had to do, and it has been very inconvenient and costly, they have had to follow schoolbuses with cars or vans full of chaperones to abide by this section of the law. It seems to be a ridiculous limitation.

What I have done through this amendment is to insure that schoolbuses be used exclusively for the transportation of children, but what I have done then is added a section to allow school districts to draw up their own regulations with respect to how many chaperones they have assigned to a bus, based upon an activity or the kinds of students. For example, they would want to have more chaperones for handicapped, more for elementary students than for secondary.

I ask for an affirmative vote on this very practical amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—3

Barber	Cordisco	Maiale
		EXCUSED—3
Reinard	Sirianni	Taylor, F.

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

On the question,

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

Mr. FOX offered the following amendments No. A3605:

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

Amend Title, page 1, line 7, by removing the period after "vehicles" and inserting

; and requiring emergency telephones along the Pennsylvania Turnpike and its extensions.

Amend Bill, page 4, by inserting between lines 19 and 20

Section 5. Title 75 is amended by adding a section to read:

§ 6115. Emergency telephones along Pennsylvania Turnpike.

The Pennsylvania Turnpike Commission shall provide for the installation and maintenance of an emergency telephone along every two miles on both sides of the highway along a selected fifty-mile stretch of the Pennsylvania Turnpike, the section to be chosen by the commission. These emergency telephones shall be kept in operation for one year on a test basis, after which the commission shall report to the General Assembly its findings as to the use of the equipment and the cost of maintaining it. This report shall be the basis for a final decision as to whether emergency telephones should be installed and maintained along the entire Pennsylvania Turnpike and its extensions.

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

This amendment would in fact create an emergency telephone system for a 50-mile stretch of the turnpike. It is scaled down from the original proposal. They have worked on this, the legislators listed, with the AAA (American Automobile

Association), and they have recommended this as a good means of testing such a phone system as has been in place on the Atlantic City Expressway and has been very successful.

I ask for a "yes" vote. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—5

Barber	Howlett	Hutchinson	Maiale
Cordisco			

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. LLOYD offered the following amendments No. A3914:

Amend Title, page 1, line 6, by striking out "and" and inserting a comma

Amend Title, page 1, line 7, by removing the period after "vehicles" and inserting and for an axle tax.

Amend Bill, page 4, by inserting between lines 19 and 20

Section 5. Title 75 is amended by adding a section to read:

§ 9911. Replacement vehicles.

If a person acquires a vehicle to replace one on which the tax imposed under section 9902 (relating to imposition of axle tax) has been paid, a credit shall be allowed toward the tax due on the acquired vehicle, based on the amount of tax paid on the replaced vehicle and the months remaining in the replaced vehicle's tax year.

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the same amendment which the House passed unanimously last week. It will allow people who buy new trucks to, in effect, get credit for what axle tax was paid on the old truck for the year which has not yet expired.

I ask for the same positive vote we had last week.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—4

Barber	Cordisco	Dombrowski	Maiale
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EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. DORR offered the following amendments No. A4590:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for the designation and operation of antique, classic and collector motor vehicles; establishing the Pennsylvania Classic Car Board;

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

Section 1. The definitions of "antique motor vehicle" and "classic motor vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 102. Definitions.

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

"Antique motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications and appearance.

"Classic Car Board." The Pennsylvania Classic Car Board established under section 6115 (relating to Pennsylvania Classic Car Board).

"Classic motor vehicle." [A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and, because of discontinued production and limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.] A motor vehicle, but not a reproduction thereof, which was manufactured more than ten years prior to the current

year and has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance, and which, because of limited availability, is determined by the Classic Car Board to be a model or make of significant value to car enthusiasts or exhibitors.

"Collector motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with the manufacturer specifications and appearance.

Section 2. Section 1340(b) of Title 75 is amended to read:

§ 1340. Antique and classic plates.

(b) Use of plates.—It is unlawful for any person to operate a vehicle with antique or classic registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses. Occasional transportation shall mean no more than two days a week.

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

3

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 1, page 1, line 11, by striking out "a section" and inserting

sections

Amend Bill, page 2, by inserting between lines 4 and 5

§ 1347. Collector plate.

Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is a collector motor vehicle, accompanied by the appropriate fee, the department may issue a special collector plate for the vehicle, which shall have the same force and effect as a regular registration plate.

§ 1933. Collector motor vehicles.

The fee for issuance of a collector motor vehicle plate shall be \$20 which shall be in addition to the annual registration fee appropriate for the vehicle type. The issuance fee shall be charged for each collector vehicle registration plate issued or replaced.

Section 4. Section 4303(e) of Title 75 is amended to read:

§ 4303. General lighting requirements.

(e) Equipment exempted by regulation.—Antique and classic motor vehicles, animal-drawn vehicles, implements of husbandry and special mobile equipment, if operated exclusively between the hours of sunrise and sunset and not during periods of reduced visibility or insufficient illumination, may be exempted from certain lighting equipment requirements of this part by regulations of the department.

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

5

Amend Bill, page 2, by inserting between lines 13 and 14

Section 6. Section 4703(b) of Title 75 is amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

(b) Exceptions.—Subsection (a) does not apply to:

(1) Special mobile equipment.

(2) Implements of husbandry.

(3) Motor vehicles being towed.

(4) Motor vehicles being operated or trailers being towed by an official inspection station owner or employee for the purpose of inspection.

(5) Trailers having a registered gross weight of 3,000 pounds or less.

(6) Motorized pedalcycles.

(7) Vehicles being repossessed by a financier or collector-repossessor through the use of miscellaneous motor vehicle business registration plates.

(8) New vehicles while they are in the process of manufacture, including testing, and not in transit from the manufacturer to a purchaser or dealer.

(9) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(10) Antique and classic vehicles.

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

7

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

8

Amend Bill, page 4, by inserting between lines 19 and 20 Section 9. Title 75 is amended by adding a section to read:
§ 6115. Pennsylvania Classic Car Board.

(a) Establishment.—There is hereby established within the Department of Transportation a special committee to be known as the Pennsylvania Classic Car Board whose duty shall be to establish, revise and keep current a list of automobiles which shall be classic cars under the provisions of this title.

(b) Membership.—The Classic Car Board shall consist of the Secretary of Transportation, ten residents of Pennsylvania appointed by the Governor to serve on the board, and the chairman and minority chairman of the House of Representatives and Senate Committees on Transportation. The ten residents should have some familiarity with classic cars, collector cars or antique cars. The terms of the initial appointees to the board shall be two years for four members, three years for three members and four years for the remaining three members as designated by the Governor. Thereafter, all appointees shall serve for a term of four years. Any vacancy on the board shall be filled by the Governor for the unexpired term. Members shall be eligible for reappointment at the end of any term.

(c) Meetings and expenses.—The Classic Car Board shall meet at least twice every year in Harrisburg. Members shall not be entitled to any compensation but shall be reimbursed for all reasonable expenses and travel incurred in the performance of their duties.

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

10

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, many of the members may have experienced the same kind of difficulty I have on numerous occasions regarding the licensing of classic, antique, and collector motor vehicles. This amendment changes the present law, adopting in large part, but not entirely, the Pennsylvania Department of Transportation regulations in this regard.

At least one of the major changes that I make from the regulations is that in order to determine what is a classic car, we establish by this amendment a Classic Car Board. We anticipate the appointment of experts in this subject, such as, for example, the leadership of classic car clubs. You might antici-

pate that the president of the Pennsylvania Corvette Car Club would be a member of this board, for example. That board would then establish a list of the classic cars in Pennsylvania in order to determine who is entitled to use the particular license that is involved and receive the benefits therefrom.

I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I would like to interrogate the maker of that amendment.

The SPEAKER. Mr. Dorr will stand for interrogation. You are in order, and you may proceed, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, presently, according to PennDOT regulations, a person cannot obtain a classic car plate if that line is still in production. For example, take an Impala or a car like that. I have a constituent who has, I think, a 1969 or so that is supposed to be sort of a classic. It is a rather unique car. However, he cannot obtain classic plates because that is still in production. What effect would your amendment have on this present regulation?

Mr. DORR. That is the exact problem that I am trying to solve, Mr. Speaker. My example is a 1964 Thunderbird automobile that is a hardtop convertible. There are very few of these left in the world. They are clearly, in most people's minds, a classic automobile, but because the Thunderbird is still made, you cannot get a classic car plate.

Mr. BATTISTO. That concludes my interrogation. May I make a short statement, Mr. Speaker?

The SPEAKER. The gentleman is in order, and he may proceed with his statement.

Mr. BATTISTO. Mr. Speaker, I think this is a very good and practical amendment. I think there are many cars out there that are still in production but really by nature are rather classic in appearance and are regarded as classics; however, under present regulations they cannot be licensed.

I urge a positive vote. Thank you.

The SPEAKER. On the amendment, does the gentleman from Somerset, Mr. Lloyd, wish to speak?

Mr. LLOYD. Yes, Mr. Speaker.

The SPEAKER. All right. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the amendment.

Mr. LLOYD. I would like to interrogate Mr. Dorr.

The SPEAKER. Mr. Dorr, will you stand for interrogation by Mr. Lloyd? The gentleman, Mr. Dorr, will stand for interrogation. You may proceed, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, what I want to understand is what a collector motor vehicle would be under the amendment. At the present time we have antiques and we have classics. This amendment creates a third category - collector motor vehicle. Who gets that, as opposed to a classic or an antique?

Mr. DORR. Mr. Speaker, the collector motor vehicle is defined in the amendment as "A motor vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance

with the manufacturer specifications and appearance." One presumes that it would also, by reason of there being particular categories for classic and antique, one presumes that a collector would, however, not qualify for classic or antique plates.

Mr. LLOYD. Well, it appears, as you read that, that the real distinction has to do with whether it is limited availability. In other words, it appears that a classic motor vehicle, as the amendment defines it, is one in which there was a limited production, but a collector motor vehicle is one in which there apparently was not a limited production. Is that correct?

Mr. DORR. I think, Mr. Speaker, that is correct. However, I would not want to limit classic cars to those that had particularly limited production necessarily.

Mr. LLOYD. Well, but it seems that what we have done now is to create a category for all those people who come in who have wanted to get classic plates who have not been allowed. We are not going to give them a classic plate, but we are going to give them a collector plate. Is that correct?

Mr. DORR. No. Mr. Speaker, that is not correct. The reason is this: The Classic Car Board would establish a new list of cars that would in fact qualify for classic car status. My judgment is that that board would establish on that list many of the cars that now seek classic car plates; not all of them necessarily, and therefore we need perhaps to add the term "collector" as well as "classic." But in my judgment, the board would establish a list which would contain many of the cars for which people do not qualify today for classic plates, such as, perhaps, the one Mr. Battisto mentioned and the one I mentioned in my example.

Mr. LLOYD. Okay. Well, if the classic plate is opened up, even if that happens, there still is going to be a new category for which the standard to get in is much weaker than the standard to get either a classic or an antique plate.

Mr. DORR. That is true, Mr. Speaker, and that particular category, as the gentleman will note, carries the regular fee.

Mr. LLOYD. Now, the question I guess I have is whether the gentleman has any idea what that is going to cost.

Mr. DORR. Mr. Speaker, my judgment is it will not cost anything, because the collector plate charges a regular registration fee.

Mr. LLOYD. It charges the regular fee. So all it is, you pay the same amount, you have to get it renewed, but the only advantage is, you get a plate.

Mr. DORR. That is correct.

Mr. LLOYD. My final question is, as I read the amendment, it appears that we are going to restrict the use of an antique or classic plate to 2 days a week. What do I do if I have two shows in 1 week and I have to stay overnight, and I have to run 4 days in a week?

Mr. DORR. Mr. Speaker, I think the limitation carries the following language: "Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses." The occasional transportation category carries a 2-day-per-week definition; however, the parades and so forth are added to that, in my judgment.

Mr. LLOYD. But that is in addition to all of the exhibits and the parades and so forth.

Mr. DORR. That is correct.

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

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

Mr. WASS. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. Mr. Dorr indicates he will stand for further interrogation. You may proceed, sir.

Mr. WASS. Mr. Speaker, what impact does your amendment have on the cars that are now classics?

Mr. DORR. Mr. Speaker, in my opinion, the only impact is this: Under present regulations of the department, if an individual attempts to transfer a car which carries a classic plate but does not meet the definition of "classic plate" under the department's regulations, he will not be able to transfer that classic plate, and the individual who purchases his car will not be able to drive with the classic car plate. The department apparently carried in its regulations a much looser interpretation of the law in past years and issued more classic plates than they now believe qualify for classic car status, so they are retracting, in effect, classic car plates that are out there upon transfer.

My amendment will allow many of those, not all of those, perhaps, but many of those, to be transferred, because many of those cars, as I indicated before, that do not technically qualify under the present regulations of the department will in fact qualify, in my opinion, when the Classic Car Board meets and establishes its list.

Mr. WASS. Mr. Speaker, if I may continue. If I have a classic car now that has been evaluated and approved to be a classic, will this amendment impact on my car as it is today - same title, same car, same classic plate?

Mr. DORR. It will not negatively impact on that at all; no.

Mr. WASS. Thank you very much.

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

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

I would like to interrogate the maker of the amendment, please.

The SPEAKER. Mr. Dorr indicates he will stand for further interrogation. You may proceed, sir.

Mr. D. W. SNYDER. Mr. Speaker, I am generally in favor of the proposed amendment; however, I have a question concerning the broadening of the definition of the use of the plates on page 2. Would it be my understanding that if this is enacted, a person with a classic car would be able to drive his car, for example, 2 days a week to work or to be able to use it every weekend of the year?

Mr. DORR. I am sorry. I did not catch the last part of the question.

Mr. D. W. SNYDER. The last part was—

The SPEAKER. Just a moment, Mr. Snyder. You do not have to yell over this background noise.

The gentleman, Mr. Snyder, has a right to interrogate and the gentleman, Mr. Dorr, has a right to hear.

Repeat the question, please, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, the question is, under the new definition applied for "Use of plates," would it be possible for a person to decide to drive the classic car back and forth to work 2 days a week or, in the alternative, would be able to, under this amendment, drive that classic car theoretically every weekend of the year, for 2 days? Is that correct?

Mr. DORR. Yes. If you are speaking in the alternative, that is correct.

Mr. D. W. SNYDER. Mr. Speaker, further in your amendment then you exempt classic vehicles from automobile inspection requirements. What is the reason for exempting them from inspection if they are able to basically utilize the car 2 days a week for unlimited mileage and use?

Mr. DORR. Mr. Speaker, the reason for that is that many of these cars simply will not meet present inspection standards. I think it would be generally accepted that they are operated usually in a much safer manner, much more defensive driving manner, much more carefully than the average automobile because the owner has significant investment in restoration in most cases. So while it might not meet current illumination standards, for example, or current exhaust standards—it could not possibly meet them if it is going to qualify in the classic sense of being accurately restored—it will be a safely operated automobile.

Mr. D. W. SNYDER. Mr. Speaker, by definition though, under the inspection requirements, if the car is restored to its original condition from when it was manufactured, where would the difficulty come in from getting that car inspected versus another person who has a car from that same year who has not put the restoration money into it as you alluded to? I do not see the difference in the inspection requirements, say between a 1966 restored classic car and a 1966 car of the same make that is not classified as a classic.

Mr. DORR. Well, Mr. Speaker, I think that the reason for the exemption, as I indicated, is that those who are interested in qualifying the automobile as a classic car will tend to be those who have put significant money into restoration, will be driving defensively, and will not be operating more than 2 days a week. That is the only distinction I can justify on the matter, and I think it is a justifiable distinction because of the technical problems that one is going to have. If you take an automobile like you mentioned, as an example, and conform it to existing standards so as to get it inspected, in all likelihood it will not qualify under classic standards because it would not be an authentic reproduction.

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

Mr. D. W. SNYDER. Mr. Speaker, is this amendment divisible?

The SPEAKER. Where would the gentleman suggest the dividing line be drawn?

Mr. D. W. SNYDER. Mr. Speaker, on page 3, beginning with "Section 6,..." down to where it says, item No. (10), "Antique and classic vehicles."

The SPEAKER. We will have to check carefully, because there are certain exceptions in the section you wish to elide, and we have to make sure they do not affect the verity of the other sections named.

Mr. D. W. SNYDER. Mr. Speaker, perhaps I should have started with the line above where it says, "Amend Bill, page 2, by inserting between lines 13 and 14...."

The SPEAKER. In a cursory review of it, it does appear to the Speaker that the amendment can be divided at the point the gentleman suggests. Does the gentleman wish to have it so divided?

Mr. D. W. SNYDER. Yes, Mr. Speaker.

The SPEAKER. Beginning on page 3 with the words "Amend Bill, page 2, by inserting between lines 13 and 14,..." and ending with the words "(10) Antique and classic vehicles," that language has been separated from the rest of the amendment by division.

Does the gentleman, Mr. Dorr, wish to have that language dealt with separately first or with the remaining language? The gentleman, Mr. Dorr, has indicated that only the remaining language be dealt with immediately.

Everyone please pay attention. What we are about to vote on now is the language on page 1, page 2, and on page 3 the language would begin, "Amend Sec. 3, page 2, line 14, by striking out '3' and inserting 7," and go down through page 4 entirely. That language and only that language at the present time is being considered.

On the question,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—189

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

Carn	Godshall	Mrkonic	Telek
Cawley	Greenwood	Murphy	Tigue
Cessar	Gruitza	Nahill	Trello
Chadwick	Gruppo	Noye	Truman
Cimini	Hagarty	O'Brien	Van Horne
Civera	Haluska	O'Donnell	Veon
Clark	Harper	Olasz	Vroon
Clymer	Hayes	Oliver	Wambach
Cohen	Herman	Perzel	Wass
Colafella	Hershey	Petrarca	Weston
Cole	Honaman	Petrone	Wilson
Cornell	Howlett	Phillips	Wogan
Coslett	Itkin	Piccola	Wozniak
Cowell	Jackson	Pievsky	Wright, D. R.
Coy	Jarolin	Pitts	Wright, J. L.
Deluca	Johnson	Pott	Wright, R. C.
DeVerter	Josephs	Pressmann	Yandrisevits
DeWeese	Kasunic	Preston	
Daley	Kennedy	Punt	Irvis,
Davies	Kenney	Raymond	Speaker
Dawida	Kosinski	Reber	

NAYS—3

Hasay Hutchinson Moehlmann
NOT VOTING—6

Barber Pistella Roebuck Wiggins
Cordisco Richardson

EXCUSED—3

Reinard Sirianni Taylor, F.

The question was determined in the affirmative, and part 1 of the amendments was agreed to.

The SPEAKER. Now, does the gentleman, Mr. Dorr, wish to offer the second amendment? The second amendment is now as follows: On page 3, "Amend Bill, page 2, by inserting between lines 13 and 14, Section 6. Section 4703(b),..." and ending with the words "(10) Antique and classic vehicles." That language is now before the House.

On the question,
Will the House agree to part 2 of the amendments?

The following roll call was recorded:

YEAS—193

Acosta	Dietz	Kukovich	Richardson
Afflerbach	Dininni	Langtry	Rieger
Angstadt	Distler	Lashingier	Robbins
Argall	Dombrowski	Laughlin	Roebuck
Arty	Donatucci	Lescovitz	Rudy
Baldwin	Dorr	Letterman	Ryan
Barley	Duffy	Levdansky	Rybak
Battisto	Durham	Linton	Saloom
Belardi	Evans	Livengood	Saurman
Belfanti	Fargo	Lloyd	Scheetz
Birmelin	Fattah	Lucy	Schuler
Black	Fee	McCall	Semmel
Blaum	Fischer	McClatchy	Serafini
Book	Flick	McHale	Seventy
Bortner	Foster	McVerry	Showers
Bowley	Fox	Mackowski	Smith, B.
Bowser	Freeman	Maiale	Smith, L. E.
Boyes	Freind	Manderino	Snyder, G.
Brandt	Fryer	Manmiller	Staback
Broujos	Gallagher	Markosek	Stairs
Bunt	Gallen	Mayernik	Steighner
Burd	Gamble	Merry	Stevens
Burns	Gannon	Michlovic	Stewart
Bush	Geist	Micozzie	Stuban
Caltagirone	George	Miller	Sweet
Cappabianca	Gladeck	Morris	Swift

Carlson	Godshall	Mowery	Taylor, E. Z.
Carn	Greenwood	Mrkonic	Taylor, J.
Cawley	Gruitza	Murphy	Telek
Cessar	Gruppo	Nahill	Tigue
Chadwick	Hagarty	Noye	Trello
Cimini	Haluska	O'Brien	Truman
Civera	Harper	O'Donnell	Van Horne
Clark	Hasay	Olasz	Veon
Clymer	Hayes	Oliver	Vroon
Cohen	Herman	Perzel	Wambach
Colafella	Hershey	Petrarca	Wass
Cole	Honaman	Petrone	Weston
Cornell	Howlett	Phillips	Wilson
Coslett	Hutchinson	Piccola	Wogan
Cowell	Itkin	Pievsky	Wozniak
Coy	Jackson	Pistella	Wright, D. R.
Deluca	Jarolin	Pitts	Wright, J. L.
DeVerter	Johnson	Pott	Wright, R. C.
DeWeese	Josephs	Pressmann	Yandrisevits
Daley	Kasunic	Preston	
Davies	Kennedy	Punt	Irvis,
Dawida	Kenney	Raymond	Speaker
Deal	Kosinski	Reber	

NAYS—2

Moehlmann Snyder, D. W.
NOT VOTING—3

Barber Cordisco Wiggins
EXCUSED—3

Reinard Sirianni Taylor, F.

The question was determined in the affirmative, and part 2 of the amendments was agreed to.

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

Mr. AFFLERBACH offered the following amendments No. A3385:

Amend Title, page 1, line 2, by inserting after "Statutes," making it unlawful to leave an unattended child in a vehicle;

Amend Sec. 1, page 1, line 11, by striking out "a section" and inserting sections

Amend Sec. 1, page 2, by inserting between lines 4 and 5 § 3701.1. Leaving an unattended child in motor vehicle.

(a) General rule.—A person driving or in charge of a motor vehicle shall not permit a child under five years of age to remain unattended in the vehicle.

(b) Penalty.—A person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.

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

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

Mr. AFFLERBACH. Mr. Speaker, in our continuing efforts to safeguard our small children from being kidnapped and snatched, we have discovered that there is no penalty for leaving a small child unattended in a motor vehicle. This particular situation was brought to my attention by a district magistrate in Lehigh County who had observed, on numerous occasions, either the parents or guardians of a small child

leaving that child unattended in a vehicle for periods of time in excess of 25 and 30 minutes. I then took it upon myself to also begin to physically observe whether or not this was a frequent occurrence, and I can say, much to my dismay, I have discovered that it is all too frequent an occurrence.

Therefore, this amendment would amend the Vehicle Code by providing a summary offense for anyone who leaves, unattended, a child in a vehicle who is under the age of 5 years. It provides for a fine of not more than \$100. The idea is that we would like to educate the parents or guardians rather than penalize them, but we want to make sure that the fine is sufficiently stiff so that they pay attention.

I would ask support for this amendment.

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

Mr. LLOYD. Mr. Speaker, I rise to oppose the amendment.

I understand what the gentleman is talking about with regard to people who get out of the car for a substantial period of time and leave their young child there without any supervision, and there are all kinds of potential dangers. However, what this amendment would do is, if one of your constituents with a child in the front seat pulls over to get out to get a newspaper, he is in violation of the law.

It does not say 25 minutes; there is no time period in here. Without regard to what the gentleman may have said about 25 minutes, there is absolutely no exemption for somebody who pulls over to the curb and gets out to do something, or someone who is getting ready to leave your house, one of your children taking one of your grandchildren home, and the grandchild is sitting in the front seat of the car and the parent is standing outside talking to you; that parent is in violation of the law.

It seems to me that this is not something we ought to be doing. We ought to defeat this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—16

Afflerbach	Freeman	Pressmann	Stewart
Battisto	Haluska	Saloom	Sweet
Blaum	McHale	Serafini	Tigue
Caltagirone	Miller	Stevens	Wozniak

NAYS—176

Acosta	Dininni	Langtry	Reber
Angstadt	Distler	Lashingier	Richardson
Argall	Dombrowski	Laughlin	Rieger
Baldwin	Donatucci	Lescovitz	Robbins
Barber	Dorr	Letterman	Roebuck
Barley	Duffy	Levdansky	Rudy
Belardi	Durham	Linton	Ryan
Belfanti	Evans	Livengood	Rybak
Birmelin	Fargo	Lloyd	Saurman
Black	Fattah	Lucyk	Scheetz
Book	Fee	McCall	Schuler
Bortner	Fischer	McClatchy	Semmel
Bowley	Flick	McVerry	Seventy
Bowser	Foster	Mackowski	Showers
Boyes	Fox	Manderino	Smith, B.
Brandt	Fryer	Manmiller	Smith, L. E.

Broujos	Gallagher	Markosek	Snyder, D. W.
Bunt	Gallen	Mayernik	Snyder, G.
Burd	Gamble	Merry	Staback
Burns	Gannon	Michlovic	Stairs
Bush	Geist	Micozzie	Steighner
Cappabianca	George	Moehlmann	Stuban
Carlson	Gladeck	Morris	Swift
Carn	Godshall	Mowery	Taylor, E. Z.
Cawley	Greenwood	Mrkonic	Taylor, J.
Cessar	Gruitza	Murphy	Telek
Chadwick	Gruppo	Nahill	Trello
Cimini	Hagarty	Noye	Truman
Civera	Harper	O'Brien	Van Horne
Clark	Hasay	O'Donnell	Veon
Clymer	Hayes	Olasz	Vroon
Cohen	Herman	Oliver	Wambach
Colafiglia	Hershey	Perzel	Wass
Cole	Honaman	Petrarca	Weston
Cornell	Hutchinson	Petrone	Wiggins
Cowell	Itkin	Phillips	Wilson
Coy	Jackson	Piccola	Wogan
Deluca	Jarolin	Pievsky	Wright, D. R.
DeVerter	Johnson	Pistella	Wright, J. L.
DeWeese	Josephs	Pitts	Wright, R. C.
Daley	Kasunic	Pott	Yandrisevits
Davies	Kennedy	Preston	
Dawida	Kenney	Punt	Irvis,
Deal	Kosinski	Raymond	Speaker
Dietz	Kukovich		

NOT VOTING—6

Arty	Coslett	Howlett	Maiale
Cordisco	Freind		

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. GALLEN offered the following amendments No. A2921:

Amend Title, page 1, line 3, by inserting after "hearing;" further providing for a processing fee in lieu of a registration fee for certain vehicles;

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 1901(c) of Title 75 is amended by adding a paragraph to read:

§ 1901. Exemption of entities and vehicles from fees.

(c) Processing fee in lieu of registration fee.—No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

(20) Goodwill Industries.

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

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. GALLEN. Mr. Speaker, this is a simple amendment which allows Goodwill Industries, who at one time were allowed the processing fee in lieu of the registration fee, to again be able to enjoy the lower fee instead of paying the full registration fee.

I ask for adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

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

NAYS—4

Lloyd	Manderino	Preston	Tigue
NOT VOTING—8			
Barber	Howlett	Richardson	Sweet
Cordisco	Lucyk	Roebuck	Wiggins
EXCUSED—3			
Reinard	Sirianni	Taylor, F.	

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

On the question recurring,

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

Mr. FRYER offered the following amendments No. A4586:

Amend Title, page 1, line 3, by inserting after "hearing;" further providing for a processing fee in lieu of a registration fee for certain vehicles;

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 1901(c)(1) of Title 75 is amended to read: § 1901. Exemption of entities and vehicles from fees.

(c) Processing fee in lieu of registration fee.—No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

(1) Hospital, including, but not limited to, The Lutheran Home at Topton, Pennsylvania.

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

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. FRYER. Mr. Speaker, this amendment involves the Lutheran Home at Topton, which is a nonprofit organization and which has both a hospital infirmary and also a youth center. They also seek to have the processing fee in lieu of the registration fee, which they have had for many, many years and which was denied by PennDOT recently.

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

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

Acosta	Dietz	Kosinski	Rieger
Afflerbach	Dininni	Kukovich	Robbins
Angstadt	Distler	Langtry	Roebuck
Argall	Dombrowski	Lashinger	Rudy
Arty	Donatucci	Laughlin	Ryan

Baldwin	Dorr	Lescovitz	Rybak
Barley	Duffy	Letterman	Saloom
Battisto	Durham	Levdansky	Saurman
Belardi	Evans	Livengood	Scheetz
Birmelin	Fargo	Lucyk	Schuler
Black	Fee	McCall	Semmel
Blaum	Fischer	McClatchy	Serafini
Book	Flick	McHale	Seventy
Bortner	Foster	McVerry	Showers
Bowley	Fox	Mackowski	Smith, B.
Bowser	Freeman	Manderino	Smith, L. E.
Boyes	Freind	Manmiller	Snyder, D. W.
Brandt	Fryer	Markosek	Snyder, G.
Broujos	Gallagher	Mayernik	Staback
Bunt	Gallen	Merry	Stairs
Burd	Gamble	Micozzie	Steighner
Burns	Gannon	Miller	Stevens
Bush	Geist	Moehlmann	Stewart
Caltagirone	George	Morris	Stuban
Cappabianca	Gladeck	Mowery	Sweet
Carlson	Godshall	Mrkonic	Swift
Carn	Greenwood	Murphy	Taylor, E. Z.
Cessar	Gruitza	Nahill	Taylor, J.
Chadwick	Gruppo	Noye	Telek
Cimini	Hagarty	O'Brien	Trello
Civera	Haluska	O'Donnell	Truman
Clark	Harper	Olasz	Veon
Clymer	Hasay	Oliver	Vroon
Cohen	Hayes	Perzel	Wambach
Colafella	Herman	Petrarca	Wass
Cole	Hershey	Petrone	Weston
Cornell	Honaman	Phillips	Wilson
Coslett	Hutchinson	Piccola	Wogan
Cowell	Itkin	Pievsky	Wozniak
Coy	Jackson	Pistella	Wright, D. R.
DeLuca	Jarolin	Pitts	Wright, J. L.
DeVerter	Johnson	Pott	Wright, R. C.
Daley	Josephs	Pressmann	Yandrisevits
Davies	Kasunic	Punt	
Dawida	Kennedy	Raymond	Irvis,
Deal	Kenney	Reber	Speaker

NAYS—7

Belfanti	Linton	Michlovic	Tigue
Cawley	Lloyd	Preston	

NOT VOTING—9

Barber	Fattah	Maiale	Van Horne
Cordisco	Howlett	Richardson	Wiggins
DeWeese			

EXCUSED—3

Reinard	Sirianni	Taylor, F.	
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. DeLUCA offered the following amendments No. A4245:

Amend Title, page 1, line 2, by inserting after "Statutes," changing the methods of determining noise violations;

Amend Sec. 1 (Sec. 1346), page 1, line 12, by striking out "1346" and inserting

1347

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 4523(a) of Title 75 is amended to read: § 4523. Exhaust systems, mufflers and noise control.

(a) Compliance with established sound levels.—Every motor vehicle [operated on a highway] shall be constructed, equipped, maintained and operated so as not to exceed the sound level for the vehicle as prescribed in regulations promulgated by the department. The test procedures and instrumentation to be utilized shall also be established by regulation. Violations of this section may be proven by the testimony of two police officers who were on the scene and who testify that the noise was, in their opinion, excessive and there was a violation of subsection (c) or (d). Violations may also be proven by means or methods prescribed by the department to enforce this section.

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

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does, it pertains to off-the-road vehicles and adds another aspect to noise levels. There are a lot of people in the communities, in my community and throughout the State, having problems with off-the-road vehicles because of the noise level exceeding. This will add another aspect, giving two police officers the opportunity, in their view, that if it is exceeding the noise level, they will be able to cite the offender.

I ask for an affirmative vote. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, I have a brief question for the sponsor of the amendment, please.

The SPEAKER. The gentleman, Mr. DeLuca, indicates he will stand for interrogation. You may proceed, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, is it your intent then that every motor vehicle—and I see "operated on a highway" is bracketed out—even on private property, would be affected by this amendment?

Mr. DeLUCA. Yes, Mr. Speaker.

Mr. DeVERTER. Well, with that response, Mr. Speaker, I will be voting in the negative. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—113

Acosta	Donatucci	Kenney	Pistella
Angstadt	Dorr	Kosinski	Preston
Argall	Duffy	Lashinger	Raymond
Baldwin	Durham	Laughlin	Rieger
Battisto	Evans	Lescovitz	Rybak
Belardi	Fattah	Letterman	Saloom

Belfanti	Fee	Linton	Serafini
Birmelin	Fischer	Livengood	Seventy
Blaum	Foster	Lucyk	Smith, B.
Bortner	Fox	McCall	Snyder, G.
Broujos	Freeman	McClatchy	Stairs
Burns	Freind	McHale	Steighner
Caltagirone	Fryer	Manderino	Stevens
Carn	Gallagher	Markosek	Stewart
Cawley	Gamble	Mayernik	Stuban
Cessar	Gannon	Michlovic	Sweet
Cimini	Geist	Micozzie	Taylor, E. Z.
Civera	George	Miller	Taylor, J.
Clark	Gladeck	Morris	Trello
Cohen	Greenwood	Mrkonic	Truman
Colafella	Gruitza	Murphy	Van Horne
Cole	Hasay	Nahill	Veon
Cowell	Herman	O'Brien	Wogan
Deluca	Hutchinson	O'Donnell	Wozniak
Daley	Itkin	Olasz	Yandrisevits
Davies	Jarolin	Oliver	
Dawida	Johnson	Petrarca	Irvis,
Deal	Josephs	Phillips	Speaker
Dombrowski	Kasunic	Pievsky	

NAYS—70

Afflerbach	Coy	Langtry	Rudy
Arty	DeVerter	Lloyd	Ryan
Barley	Dietz	McVerry	Saurman
Black	Dininni	Mackowski	Scheetz
Book	Distler	Manmiller	Schuler
Bowley	Fargo	Merry	Semmel
Bowser	Flick	Moehlmann	Snyder, D. W.
Boyes	Gallen	Mowery	Swift
Brandt	Godshall	Noye	Telek
Bunt	Gruppo	Perzel	Tigue
Burd	Hagarty	Piccola	Vroon
Bush	Haluska	Pitts	Wambach
Cappabianca	Hayes	Pott	Wass
Carlson	Hershey	Pressmann	Weston
Chadwick	Honaman	Punt	Wilson
Clymer	Jackson	Reber	Wright, D. R.
Cornell	Kennedy	Robbins	Wright, J. L.
Coslett	Kukovich		

NOT VOTING—15

Barber	Howlett	Richardson	Staback
Cordisico	Levdanskyy	Roebuck	Wiggins
DeWeese	Maiale	Showers	Wright, R. C.
Harper	Petrone	Smith, L. E.	

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A3267:

Amend Title, page 1, line 3, by inserting after "providing" for homicide by vehicle while driving under the influence,

Amend Sec. 1 (Sec. 1346), page 1, line 12, by striking out "1346" and inserting 1347

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 3735(a) of Title 75 is amended to read: § 3735. Homicide by vehicle while driving under influence.

(a) Offense defined.—Any person who unintentionally causes the death of another person as the direct result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3731 is guilty of a felony of the third degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. The sentencing court may order that the defendant serve the sentence in a county prison.

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

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out all of said line and inserting

Section 6. This act shall take effect as follows:

(1) Section 2 (section 3735) shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the other day, on another bill, I had begun to introduce an amendment and was ill advised that the amendment was not necessary, that the power already existed for the judiciary to make this discretionary choice. It has to do with the penalty under a conviction for vehicular homicide while under the influence.

Our current law is a mandatory 3-year sentence, which carries with it then a potential 6-year sentence, and under the existing rules, that sentence then must be served in the State penitentiary. So this amendment would allow the discretion to the judge to determine whether to sentence in the State penitentiary or in fact in the county institution, and I would ask for the support of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER. Mr. Saurman indicates he will stand for interrogation. You may proceed, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Last week we ran a similar amendment, and I have the same question again. If it is the discretion of the judge to place an individual in a county prison for a State-mandated criminal action, such as the killing of a person by a drunk driver, who pays for the incarceration?

The SPEAKER. Did the gentleman, Mr. Saurman, hear the question?

Mr. SAURMAN. I did not, Mr. Speaker. I am sorry.

The SPEAKER. The question was, who will pay for the incarceration if the person is incarcerated in a county jail rather than in a penitentiary?

Mr. SAURMAN. Thank you, Mr. Speaker.

Two answers to that question: One is that, first of all, a portion of the fine does go back to cover the costs; secondly, the judge in each of the counties that would be handling this is familiar with the financial situation of that county and, therefore, if it would prove a hardship on the county, would have the option of putting it in the State.

Mr. WOZNIAK. Mr. Speaker, may I speak on the amendment?

The SPEAKER. The gentleman is in order. He has the floor, and he may proceed.

Mr. WOZNIAK. Thank you.

I urge opposition to this amendment. Once again, I think due to the mandating of us here in Harrisburg, mandating various mandatory sentencing and giving the judge the discretion to keep an individual in a county or send him to a State penitentiary, I do not think it is fair to the taxpayers in the individual counties to have to foot the bill. I have no problem with the concept of keeping somebody in the county, and if the State would be willing to foot that bill for keeping the individual there, I would agree to it, but at this moment I think you are causing a financial burden on the county that should not be their responsibility.

I urge a "no" vote for this amendment. Thank you, Mr. Speaker.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I join with the gentleman, Mr. Wozniak, in urging a negative vote on this amendment. I do so for several reasons.

A number of years ago this General Assembly made a policy decision to get tough with drunken drivers, and we particularly wanted to get tough with those who would kill innocent people on the highways, and that is specifically what this amendment is directed at - those who commit homicide by vehicle. We are not talking about the individual who might get caught for drunken driving or who was involved in an accident while driving under the influence. We are talking about someone who, while driving under the influence, killed somebody.

Now, why does this amendment deviate from that former policy? First of all, Mr. Speaker, the obvious lessening of the severity of the sentence by having it served in the county prison and not the State penitentiary, I think that is an obvious decrease in the severity of the sentence. But more importantly, an individual who serves a sentence in a county prison can be paroled by the judge at any time during the term of that sentence; that is, he could serve 1 day, he could serve 2 days, or he could serve the whole minimum sentence of 3 years, and the judge, if he retains jurisdiction in the county prison, can parole that individual at any time. If he serves that sentence in the State penitentiary, however, he must serve at

least his minimum sentence, and that is the 3-year minimum which we enacted in this General Assembly.

For those two reasons, Mr. Speaker, I believe we should defeat this amendment and not deviate from our former policy of cracking down on drunken drivers who kill someone on our highways. I urge defeat of the amendment. Thank you, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I can hardly believe what my distinguished colleague, a member of the bar, has just stated to this body. I think we are talking about a situation here that Representative Saurman has presented to us because it makes sound, rational sense.

Now, unfortunately, if none of you have ever had the misfortune—and it is a misfortune—to have had to represent someone who is like probably 99.9 percent of all your constituents, you cannot appreciate what this amendment really runs to. If you are going to listen to hysterical-type commentary, then I guess we just might as well not talk about what Representative Saurman is talking about. But what we really have here is a situation that will give back some form of discretion that is absolutely needed to a judge in a sentencing situation, but it will not take away one iota the mandatory aspects of the bill as originally adopted, as originally authored by Representative Saurman, and as now is being presented to this body to put some sane, rational sense into a very, very serious but yet tragic situation for everyone involved.

What we are talking about is that situation which could very, very easily be each and every member of this body who ever attends a fundraising function where there is alcohol served and you have one too many drinks that puts you over the legal intoxicated limit, and you all know what that is. You all know how close you have come on a few occasions to getting to that. If in fact that misfortune befalls you, as it has many otherwise reputable constituents, citizens of the Commonwealth, you want to be in a position to at least let a judge - when finances in that county could dictate that particular discretion being plugged into the sentencing process; when the background of the individual defendant warrants as much particular consideration as could be given to the place that person is going to inhabit, if you will, for a mandatory 3-year period - to allow that kind of discretion, but without taking away the mandatory 3-year aspects, to place that individual where he can serve a sentence not of cruel and unusual punishment, which in many instances is part and parcel to a sentence in a State institution. I think Representative Saurman, of all people in this General Assembly, would not bring to this floor an amendment that is going to weaken something that every member of this body has tried to enhance over the past few years.

I would vehemently argue that we should consider Representative Saurman's amendment and adopt that amendment today. If there is a sound fiscal reason why it should not be done, the discretion exists for the various counties to direct

their courts to be cognizant of that problem. There is no way—there is no way, I have to emphasize—that the 3-year mandatory can be skirted by a particular county common pleas judge, and I think there is basic justification for it.

I would ask you to search your mind, search your soul, and as Representative DeVerter just yelled out, your heart, something that some people do not often do, and consider the amendment Representative Saurman has proposed. Thank you.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise in support of the Saurman amendment. I think Representative Reber made the case very well.

Two things to consider. Number one, in no way would this option of simply allowing a county judge to send a convicted defendant to a county facility rather than a State facility reduce the disincentive to consume alcohol. No one is going to make a decision that, well, it is okay if I continue to drink tonight and get in my car because after all, if I kill someone, it may be that I will be sentenced to a county facility rather than a State facility. So that is not an argument that we should pay any attention to.

You have to imagine two very different types of defendants. I think that if we imagine the more normal DUI (driving under the influence), homicide-by-vehicle offender, we imagine maybe a young man in his twenties or early thirties who has had a long series of DUI offenses and finally goes out and kills someone. I think in most of those cases judges are going to continue, in part for fiscal reasons, to send that defendant to a State facility. But the other kind of defendant, the defendant whom we do not think of in our mind's eye when we envision these offenders, is a case such as the one that happened in Bucks County, and that is where you had a 67-year-old man who was driving home with his wife, he had had one too many, he had an automobile accident, and his wife was killed in that accident. Our county judge was forced to send this elderly man to a State correctional facility for the minimum 3 years.

No one is questioning the minimum 3 years; we are simply saying that there are some instances where it makes more sense to send someone to a county facility rather than a State facility. I think we ought to support this amendment, and I agree with Representative Reber that we should not get caught up in hysterical arguments.

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

Mr. PICCOLA. Thank you, Mr. Speaker. I will attempt to be unhysterical during these comments.

To answer the gentleman, Mr. Reber, who indicated that the judges of the Commonwealth will abide by the legislative mandate in this amendment and not permit anyone to be paroled before the end of their 3-year minimum sentence, I say that Mr. Reber is being hysterical. We have a former judge in Northumberland County who, under the current law, which supposedly mandates a 3-year sentence—a judge who,

incidentally, was defeated for retention—who suspended the mandatory 3-year minimum for a homicide-by-vehicle conviction.

I say, Mr. Speaker, that this amendment will open all types of loopholes in the mandatory 3-year minimum sentence, including potential plea bargaining and all sorts of other things - early parole, work release. I think it will just totally undermine the 3-year mandatory minimum for homicide by vehicle that we tried to impose on the drunken drivers of this Commonwealth to try to deter that offense.

I think it is important, Mr. Speaker, to remember that we are not talking about a first or second offender for a minor accident or someone who was just picked up because they were weaving; we are talking about somebody who killed somebody, and there has to be a deterrent to keep people from doing that. I say the 3-year minimum has to remain the way it is in order to have an effective deterrent, and I urge the amendment be defeated.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak, for the second time.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Once again, I would like to caution all of the members of this House. If we are willing to mandate laws for sentencing guidelines, then the State better be willing to pick up the tab.

Conceptually I can understand what Representative Saurman is attempting to do. However, my county certainly cannot afford it and I am sure many other counties in Pennsylvania cannot afford it. We want to talk about a little justice here - if we wish to mandate sentencing guidelines, then we had better be willing to foot the bill.

I would oppose this amendment, because it is going to cost our counties at this moment expenditures that they simply do not have. Even if it is a once-in-a-lifetime effort, it still costs approximately \$20,000, \$25,000 a year to keep a person in prison. I think that is a heck of a lot of money to put on the burden of an individual county for a mandated sentence, and I would appreciate if you would understand that and give me a vote against the amendment. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Lehigh, Mr. Pressmann, wish to be recognized on the amendment?

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. I served for 3 years as a county commissioner. When I was a commissioner, I was sick of the State mandating things and then not paying for them, and I am still sick of it.

In our counties, if you pay attention to what is going on in the counties, the county jails are overflowing. We do not need more people being put in county jails.

The gentleman says that if the county cannot afford it, the judge could still send them to the State prison. The county cannot make that decision; only the judge can make the decision where that person goes to jail. If the county says that the jail is too full; we do not have any room for them, it is tough. If the judge says he goes to that jail, that is where he goes, if the judge has that discretion and power. The judge does not worry about how many people are in those jail cells. Well, in

Lehigh County we are overloaded. We do not have any more room for these people.

This legislature, a number of years ago, made a decision, and what that decision was was mandatory sentencing. We wanted people to do State time because we wanted to impress upon people the seriousness of driving drunk and the seriousness of killing somebody while you were drunk.

I ask the ladies and gentlemen of the Assembly, please, to vote "no" on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the amendment for the second time.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am pleased, really, with the concern that this House has for drunk driving. I was when we passed the original legislation. I just would like to clarify a couple of points and perhaps have us consider the statement that was made by the last gentleman particularly.

I would like to know if there is somewhere in our law books that says, who can pay for the prison or who can pay for the sentence, and then we will decide what should happen to the individual. I do not consider that justice for one moment. I think there ought to be a penalty, and that penalty ought to be enforced, and we should provide the proper facilities to see that the penalties are enforced.

Secondly, I think that Representative Piccola would have us believe that someone who drives drunk can distinguish between driving drunk and killing somebody. Mr. Speaker, I insist that anyone who drives drunk, the accident occurs when he does not kill somebody. I believe in and would have accepted a 3-year mandatory sentence for anyone who drives over the .10 level, but I say that there is no way for someone who gets behind the wheel at .10 to distinguish between whether or not they are going to kill someone, and so someone who for the first time drives at .10 or who for the 17th time drives at .2 is equally as capable of committing vehicular homicide while under the influence.

Now, we have said because of the passion that is involved with the death that is involved that we want 3 years, and I agree that all right. But what we want to do is to stop people from driving while under the influence, because we know that it could be that that will result in death. I am convinced that our law enforcement people and our judiciary are not bringing vehicular homicide charges because they do not want to put someone in the State penitentiary, and perhaps because they know that work release will not be available and perhaps because they then know that that family is going to have to come to the State for financial assistance or may well. So if economics are a concern to you, then maybe you should look at that.

What I am saying is that under the circumstances, a 3-year sentence, mandatory, not subject to parole, not subject to early release as one would have us believe, a 3-year sentence is a severe sentence, and if it is going to be a deterrent, it should work as it is. I would ask your serious consideration of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—54

Afflerbach	Dietz	Itkin	Punt
Black	Dorr	Kukovich	Raymond
Book	Durham	McHale	Reber
Boyes	Flick	McVerry	Ryan
Brandt	Fox	Manderino	Rybak
Bunt	Freind	Merry	Saurman
Burns	Fryer	Micozzie	Serafini
Bush	Gallagher	Miller	Staback
Cawley	Geist	Nahill	Stevens
Cessar	Greenwood	Petrarca	Telek
Civera	Hagarty	Phillips	Vroon
Clark	Hayes	Pievsky	Wright, J. L.
Clymer	Hershey	Pitts	Wright, R. C.
Cornell	Honaman		

NAYS—134

Acosta	Distler	Lescovitz	Saloom
Angstadt	Dombrowski	Letterman	Scheetz
Argall	Donatucci	Levdansky	Schuler
Arty	Duffy	Livengood	Semmel
Baldwin	Evans	Lloyd	Seventy
Barley	Fargo	Lucyk	Showers
Battisto	Fee	McCall	Smith, B.
Belardi	Fischer	McClatchy	Smith, L. E.
Belfanti	Foster	Mackowski	Snyder, D. W.
Birmelin	Freeman	Manmiller	Snyder, G.
Blaum	Gallen	Markosek	Stairs
Bortner	Gamble	Mayernik	Steghner
Bowley	Gannon	Michlovic	Stewart
Bowser	George	Moehlmann	Stuban
Burd	Gladeck	Morris	Sweet
Caltagirone	Godshall	Mowery	Swift
Cappabianca	Gruitza	Mrkoncic	Taylor, E. Z.
Carlson	Gruppo	Murphy	Taylor, J.
Carn	Haluska	Noye	Tigue
Chadwick	Harper	O'Brien	Trello
Cimini	Hasay	O'Donnell	Truman
Cohen	Herman	Olasz	Van Horne
Colafella	Hutchinson	Oliver	Veon
Cole	Jackson	Perzel	Wambach
Coslett	Jarolin	Petrone	Wass
Cowell	Johnson	Piccola	Weston
Coy	Josephs	Pistella	Wilson
Deluca	Kasunic	Pott	Wogan
DeVerter	Kennedy	Pressmann	Wozniak
DeWeese	Kenney	Preston	Wright, D. R.
Daley	Kosinski	Rieger	Yandrisevits
Davies	Langtry	Robbins	
Dawida	Lashingier	Roebuck	Irvis,
Dininni	Laughlin	Rudy	Speaker

NOT VOTING—10

Barber	Deal	Linton	Richardson
Broujos	Fattah	Maiale	Wiggins
Cordisco	Howlett		

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

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

The SPEAKER. Does the gentleman, Mr. Saurman, have a second amendment?

Mr. SAURMAN. Mr. Speaker, I would like to hold that amendment. Representative O'Brien has an amendment, and I would like to see how that one is received.

The SPEAKER. Very well.

Mr. SAURMAN. Thank you.

On the question recurring,

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

Mr. FLICK offered the following amendments No. A4598:

Amend Title, page 1, line 5, by inserting after "VEHICLES," for certain veterans,

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

Section 1. Section 1342 of Title 75 of the Pennsylvania Consolidated Statutes, amended May 9, 1986 (P.L.158, No.51), is amended to read:

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.—On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to handicapped plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words, "disabled veteran," in at least ten-point bold type, inscribed in red at the bottom of the plate, and shall include the international symbol for handicapped access. Only one special registration plate shall be issued to a veteran under this section. It may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

(b) Severely disabled veteran placard.—On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. Such placard shall be prominently displayed on the right front dash of the vehicle when it is in use for the transportation of such severely disabled veteran.

(c) Disabled veteran plates.—On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be issued to a veteran under this section. It may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

(d) Prisoner of war plate.—On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. The special registration plate may be used only on one passenger vehicle or

one other vehicle with a registered gross weight of not more than 9,000 pounds.

(e) Documentation of eligibility.—The department may require current holders of disabled veteran registration plates and placards to provide documentation of their eligibility under this section where current documentation is not sufficient.

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Bill, page 2, by inserting between lines 4 and 5 Section 3. Section 1901(b) of Title 75 is amended to read:
§ 1901. Exemption of entities and vehicles from fees.

(b) Title and registration fees.—No fee shall be charged for titling or registration of any of the following:

(1) Buses registered by urban mass transportation systems.

(2) Vehicles registered by volunteer fire, rescue and ambulance associations.

(3) Vehicles registered by foreign nationals with the rank of vice consul or higher assigned to a consulate in this Commonwealth provided that citizens of the United States are granted reciprocal exemptions.

(4) Vehicles of totally disabled veterans whose disability is certified by the service unit of the armed forces in which the veterans served or by the United States Veterans' Administration as service-connected.

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

4

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

5

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

6

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. FLICK. Thank you, Mr. Speaker.

Some time ago I tried to help a disabled veteran get a disabled veteran's plate through our Department of Transportation. I ran into a problem that while he had a disability, he was receiving his disability payments through his branch of service, which was, namely, the Air Force. He was not listed by the Veterans' Administration. His file was not in the Veterans' Administration, and it was solely in the branch of service in which he served. Our Department of Transportation would not issue a disabled veteran's license plate, and I offer this amendment to correct that technicality to provide our disabled veterans with the opportunity to get swift, expedient service from the Department of Transportation. I urge your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—5

Cordisco	Maiale	Richardson	Wiggins
Howlett			

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. FLICK offered the following amendments No. A4595:

Amend Title, page 1, line 5, by inserting after "VEHICLES," for securing loads on vehicles,

Amend Sec. 1 (Sec. 1346), page 1, line 12, by striking out "1346" and inserting

1347

Amend Bill, page 2, by inserting between lines 13 and 14 Section 3. Section 4903(a) of Title 75 is amended to read:

§ 4903. Securing loads in vehicles.

(a) General rule.—No vehicle loaded with rock, gravel, stone or other substance shall be driven or moved on any highway if the height of the load extends over six inches above the tops of the walls of the vehicle unless the load is covered by a tarpaulin or other covering or unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping.

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 20, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. FLICK. Thank you, Mr. Speaker.

I am sure many of you have followed a truck - dump truck, namely - on the roads and had cinders and gravel flying up against your windshield. This is an amendment that would require that they be covered by a tarpaulin if the load exceeds 6 inches above the top. I urge your approval of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd, on the amendment.

Mr. BURD. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Flick, would submit to interrogation?

The SPEAKER. Mr. Flick indicates he will stand for interrogation. You may proceed, Mr. Burd.

Mr. BURD. Mr. Speaker, as I read your amendment, you are saying no vehicle loaded with rock, gravel, stone, or other substance shall be driven or moved on any highway if the load is 6 inches above the bed of the truck. Could the gentleman tell me if this would also apply to—well, apples are in season right now—how about the orchard farmer who is taking his apples to market and stacks the apples on the truck, which is normally a flatbedded truck? Would that apply to that type of a load?

Mr. FLICK. Well, we say, number one, Mr. Speaker, unless the load is covered, and in answer to your question, I would not suspect that it would cover produce, because that would not be a substance. But it would cover such as sand.

Again, I think that many of our trucks— I have two quarries in my area, and they are loading up these trucks and they are going down our highways and their load is blowing out until they get to the point where they arrive and they

dump their sand, they dump their gravel, they dump their limestone. And I think that it is appropriate that these trucks be covered with a tarpaulin so that they do not scatter their load all over the highways in our neighborhoods.

Mr. BURD. I am having a little problem with your explanation of "substance," Mr. Speaker. I was coming to Harrisburg yesterday on the turnpike. I saw two huge loads of hay coming down the turnpike, and of course, they are stacked clear up above the cab shield. Would those loads come under your language and terminology of having to put a tarpaulin over that?

Mr. FLICK. I would not intend for that to come under my definition of "substance." I think we have to allow the department to use its regulatory powers to determine what is and what is not, you know, the intent. You know, what substances are annoyances, are dangerous, and are such that need to be regulated. If you wish to prepare an amendment— You know, we have been debating a lot of funny issues today. I am willing to discuss with you, if you want to delineate the items, I will withdraw the amendment.

Mr. BURD. Are you withdrawing the amendment?

Mr. FLICK. You know, if you wish to delineate items, I will be happy to.

Mr. BURD. Well, Mr. Speaker, I was standing here to have your amendment defeated, but let me go to my final argument, if I may.

Under the existing law, subsection 4903: "General rule.— No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping." I believe that language to be adequate. If your amendment, Mr. Speaker, was allowed to be written into law, and you say that that load has to be 6 inches above the bed of the truck before it has to be tarped, out west we have truckers hauling what we call fly ash. This stuff will run like water or flour, and your amendment would exonerate that truck from having to tarp that load, as long as he stayed underneath the top of the truck. I think you are defeating what you are trying to do. I really do.

Mr. FLICK. Well, thank you, Mr. Speaker. It was the Department of Transportation that prepared the amendment.

Mr. BURD. Well, that makes a lot more sense and explains a lot of things to me.

Are you withdrawing your amendment, sir?

Mr. FLICK. Let us see how it does.

Mr. BURD. All right.

Mr. FLICK. I will put it to the members.

The SPEAKER. On the amendment, let us see how it does.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—25

Afflerbach	Freeman	McClatchy	Rybak
Belardi	Gladeck	McHale	Saurman
Cawley	Greenwood	Miller	Stewart
Dorr	Itkin	Pitts	Vroon
Fischer	Kosinski	Reber	Wozniak

Flick	Langtry	Ryan	Yandrisevits
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NAYS—164

Acosta	Davies	Lashinger	Rieger
Angstadt	Dawida	Laughlin	Robbins
Argall	Deal	Lescovitz	Roebuck
Arty	Dietz	Letterman	Rudy
Baldwin	Dininni	Levdansky	Saloom
Barber	Distler	Linton	Scheetz
Barley	Dombrowski	Livengood	Schuler
Battisto	Donatucci	Lloyd	Semmel
Belfanti	Duffy	Lucyk	Serafini
Birmelin	Durham	McCall	Seventy
Black	Evans	McVerry	Showers
Blaum	Fargo	Mackowski	Smith, B.
Book	Fattah	Manderino	Smith, L. E.
Bortner	Fee	Manmiller	Snyder, D. W.
Bowley	Foster	Markosek	Snyder, G.
Bowser	Freind	Mayernik	Staback
Boyes	Fryer	Mery	Stairs
Brandt	Gallagher	Michlovic	Steighner
Broujos	Gallen	Micozzie	Stevens
Bunt	Gamble	Moehlmann	Stuban
Burd	Gannon	Morris	Sweet
Bush	Geist	Mowery	Swift
Caltagirone	George	Mrkonic	Taylor, E. Z.
Cappabianca	Godshall	Murphy	Taylor, J.
Carlson	Gruitza	Nahill	Telek
Carn	Gruppo	Noye	Tigue
Cessar	Hagarty	O'Brien	Trello
Chadwick	Haluska	O'Donnell	Truman
Cimini	Hasay	Olasz	Van Horne
Civera	Hayes	Oliver	Veon
Clark	Herman	Perzel	Wambach
Clymer	Hershey	Petrarca	Wass
Cohen	Honaman	Petrone	Weston
Colafella	Hutchinson	Phillips	Wiggins
Cole	Jackson	Piccola	Wilson
Cornell	Jarolin	Pievsky	Wogan
Coslett	Johnson	Pistella	Wright, D. R.
Cowell	Josephs	Pott	Wright, J. L.
Coy	Kasunic	Preston	
Deluca	Kennedy	Punt	Irvis,
DeVerter	Kenney	Raymond	Speaker
Daley	Kukovich		

NOT VOTING—9

Burns	Harper	Maiale	Richardson
Cordisco	Howlett	Pressmann	Wright, R. C.
DeWeese			

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. VEON offered the following amendments No. A4618:

Amend Title, page 1, line 5, by inserting after "VEHICLES," for emission inspection expenditures,

Amend Sec. 1 (Sec. 1346), page 1, line 12, by striking out "1346" and inserting

1347

Amend Bill, page 2, by inserting between lines 13 and 14 Section 3. Section 4706(h) of Title 75 is amended to read:

§ 4706. Prohibition on expenditures for emission inspection program.

(h) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Dependent.” A natural person who derives more than one-half of his total support during the entire taxable year from another individual. Any individual who shall be a dependent shall not be eligible to claim the credit authorized by subsection (f).

“Qualified person or persons.” A natural person or persons who is an unmarried individual or surviving spouse who is not a dependent of another individual with income as defined in section 301 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the prior calendar year not exceeding [\$9,000] \$15,000; or who are a husband and wife filing the personal income tax return separately or jointly with a combined income as defined in section 301 of the Tax Reform Code of 1971, for the prior calendar year not exceeding [\$9,000] \$15,000.

Amend Sec. 3, page 2, line 14, by striking out “3” and inserting

4

Amend Sec. 4, page 2, line 26, by striking out “4” and inserting

5

Amend Sec. 5, page 4, line 20, by striking out “5” and inserting

6

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Beaver, Mr. Veon.

Mr. VEON. Mr. Speaker, this amendment is designed to address the problem that many constituents have, at least in my district and I believe in several other districts, who have been unfairly burdened by the emission inspection program. This amendment, very simply, raises the income level under PennDOT’s emission credit program from \$9,000 to \$15,000, bringing it in line with, for example, the senior citizens rebate program, processing reduction program, we have for PennDOT. It brings it in line with that, and I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—189

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

Bunt	Gallen	Micozzie	Stuban
Burd	Gamble	Miller	Sweet
Burns	Gannon	Moehlmann	Swift
Bush	Geist	Morris	Taylor, E. Z.
Caltagirone	George	Mowery	Taylor, J.
Cappabianca	Gladeck	Mrkoncic	Telek
Carlson	Godshall	Murphy	Tigue
Carn	Greenwood	Nahill	Trello
Cawley	Gruitza	Noye	Truman
Cessar	Gruppo	O’Brien	Van Horne
Chadwick	Hagarty	O’Donnell	Veon
Cimini	Haluska	Olasz	Vroon
Civera	Hasay	Oliver	Wambach
Clark	Hayes	Perzel	Wass
Clymer	Herman	Petrarca	Weston
Cohen	Hershey	Petrone	Wiggins
Colafella	Honaman	Phillips	Wilson
Cole	Hutchinson	Piccola	Wogan
Cornell	Itkin	Pievsky	Wozniak
Coslett	Jackson	Pistella	Wright, D. R.
Cowell	Jarolin	Pitts	Wright, J. L.
Coy	Johnson	Pott	Wright, R. C.
Deluca	Josephs	Preston	Yandrisevits
DeVerter	Kasunic	Punt	
Daley	Kenney	Raymond	Irvis,
Davies	Kosinski	Reber	Speaker
Dawida	Kukovich	Rieger	

NAYS—1

Kennedy

NOT VOTING—8

Cordisco	Harper	Maiale	Richardson
DeWeese	Howlett	Pressmann	Roebuck

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Pressmann. Why do you rise?

Mr. PRESSMANN. Mr. Speaker, my switch is broken. I thought I had failed on the last amendment to vote, but my switch again failed to function. There is something wrong with it.

The SPEAKER. Will you check and see if the gentleman, Mr. Pressmann, was recorded on the last vote?

Mr. PRESSMANN. Mr. Speaker, on those two amendments, A4595 and A4618, I would like to be recorded in the positive.

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

CONSIDERATION OF SB 1276 CONTINUED

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

Mr. O’BRIEN offered the following amendments No. A3710:

Amend Title, page 1, line 6, by striking out “and” and inserting a comma

Amend Title, page 1, line 7, by removing the period after “vehicles” and inserting

and for the penalty for leaving the scene of an accident involving a death or serious bodily injury.

Amend Bill, page 2, by inserting between lines 4 and 5

Section 2. Section 3742 of Title 75 is amended to read:

§ 3742. Accidents involving death or personal injury.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) [Penalty.—Any] Penalties.—

(1) Except as otherwise provided in this section, any person violating this section [is guilty of] commits a misdemeanor of the third degree.

(2) If the victim suffers serious bodily injury or death, any person violating subsection (a) commits a misdemeanor of the first degree.

(3) If the violation of subsection (a) materially contributes to any serious bodily injury suffered by the victim, any person violating subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 and to imprisonment for not less than 90 days nor more than five years.

(4) If the violation of subsection (a) materially contributes to the death of the victim, any person violating subsection (a) commits a felony of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$15,000 and to imprisonment for not less than one year nor more than seven years.

(c) Authority of sentencing court.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (b)(3) or (4) or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Definitions.—As used in this section the term “serious bodily injury” means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Amend Sec. 2, page 2, line 5, by striking out “2” and inserting

3

Amend Sec. 3, page 2, line 14, by striking out “3” and inserting

4

Amend Sec. 4, page 2, line 26, by striking out “4” and inserting

5

Amend Sec. 5, page 4, line 20, by striking out “5” and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O’Brien, on the amendment.

Mr. O’BRIEN. Mr. Speaker, this amendment provides for stiffer penalties for leaving the scene of an accident involving

death or serious bodily injury. The purpose of this amendment is not to punish the accident but to get tough with the hit-and-run drivers who leave mangled bodies along the roadside rather than secure the required medical attention.

Presently there is one penalty regardless of the seriousness of the offense. This amendment would establish four sets of penalties for hit-and-run drivers, based on the extent of the victim’s injuries.

The penalties are as follows: The first category would provide for a hit-and-run with minor injuries. The penalty would be up to 1 year in jail and a maximum fine of \$2,500. The second category would be death or serious bodily injury where leaving the scene of the accident would not have caused the serious bodily injury or death. The penalty for that offense would be up to 5 years in prison and a maximum fine of \$10,000. The third category would be where the driver’s failure to stop results in the victim not receiving immediate medical attention, and that would provide for a first-degree misdemeanor with a mandatory 90 days in prison and a maximum sentence of 5 years and a maximum fine of \$10,000. The fourth category would be where if the failure to stop materially contributes to the death of the victim, the charge would be a third-degree felony, minimum of 1 year in prison, maximum 7 years, and a maximum fine of \$15,000.

Mr. Speaker, I am sure that we all know of a horror story involving a hit-and-run driver. This piece of legislation was brought to my attention back in June because a mother had lost her son, who was 16 years old, who was walking along a roadside and was struck from behind by a hit-and-run driver. When the hit-and-run driver was brought to justice, it was because the mother investigated, interviewed witnesses, and brought enough evidence to the local district attorney for that prosecution. The driver, when he was brought before the judge, said that he had left the scene of the accident to go across the street to call for an ambulance, but the reason he did not return was because there was too much traffic to get back to the other side of the roadway. The judge in that case said that that was a very feeble excuse, and I agree with that. The driver in that case had 13 prior drunk driving offenses.

I think what we are addressing here is we have created a scenario where a drunk driver can leave the scene of the accident, come back 12 hours later when he is sober, because there is virtually no punishment right now for leaving the scene of the accident. I think what we have to do, Mr. Speaker, today is tell that hit-and-run driver that there are going to be stiff penalties. I would ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. May I ask the speaker a brief question, please?

The SPEAKER. You wish to interrogate Mr. O’Brien?

Mr. GLADECK. Yes, Mr. Speaker.

The SPEAKER. Mr. O’Brien says he will stand for interrogation. You may proceed.

Mr. GLADECK. Thank you, sir.

Mr. Speaker, could you tell me what would happen if I was in an accident and I myself was injured and felt that it was to my best interest to go straight to a hospital, even though I knew that there could have been somebody else in the other vehicle that could have required my assistance but had I stopped, then I myself may have sustained a problem physically? Had I gone on to a hospital, would I be liable then to go to jail because of that, because I decided to save myself?

Mr. O'BRIEN. Mr. Speaker, I think that the way this amendment is drafted, it would leave the discretion with the judge. What we are talking about here is a situation where the driver who leaves the scene of the accident materially contributes to the serious bodily injury or the death of a victim. We are talking about serious bodily injury or death. Presumably, I would think if you were able to drive yourself to a hospital, you were not that seriously injured.

Mr. GLADECK. Well, that may or may not be, but I think that there could be some instance where you hit a car— And I am not defending the individual; I am just trying to create a hypothetical that if someone was injured, personally I would think that there is no place in this amendment that I can see, looking at section (c), where it says that there is no authority in any court to impose a lesser sentence than provided for in this amendment. I do not think there is any latitude that a judge has to impose a lesser sentence than what you described. That is the purpose for my question. I mean, if you were injured yourself, I think that that is a valid excuse for leaving the scene of an accident, going straight to the hospital, so long as you follow through and report the accident to authorities. I am just curious as to how your amendment would affect that.

Mr. O'BRIEN. Mr. Speaker, if you were injured and had to go to the hospital for immediate medical attention, you would not be covered here because you required medical attention. You would have to be taken to a hospital. You would not be the offender. You would not be in offense.

Mr. GLADECK. All right. Thank you.

Mr. O'BRIEN. You would not be in violation.

Mr. GLADECK. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Will the gentleman, Mr. O'Brien, consent to interrogation?

The SPEAKER. Mr. O'Brien indicates he will stand for interrogation. You may proceed, Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, do you place any additional duties in your amendment upon the person who might leave the scene of the accident if he stays, except to stay there?

Mr. O'BRIEN. Could you clarify that, Mr. Speaker? I did not quite understand it.

Mr. MANDERINO. I am having difficulty understanding how one simply staying at the scene of the accident, without the duty to call for an ambulance, without the duty to call for medical attention, can contribute to someone's injuries.

Mr. O'BRIEN. Mr. Speaker, I will answer that by a story that was reported in one of the local papers in Philadelphia, and it involved a constituent in my legislative district.

Mr. MANDERINO. I heard the story, if it is the one that you just related a few minutes ago.

Mr. O'BRIEN. No.

Mr. MANDERINO. Oh, this is a different story?

Mr. O'BRIEN. This is a different story.

Mr. MANDERINO. All right. I will listen.

Mr. O'BRIEN. Well, Mr. Speaker, what we are talking about here is a person who purposely leaves the scene of the accident. There was a situation where a gentleman was driving along westbound on a highway, crossed eastbound traffic, and struck a gentleman who was standing on the corner waiting for a bus. He proceeded then along that roadway approximately a quarter of a mile, driving up and down embankments, through bushes, trying to shake the body, because that man who was standing on the corner waiting for the bus, a portion of his clothing had attached to a bumper. That is the gentleman we are trying to prosecute or we are trying to get at in this amendment.

Mr. MANDERINO. You have not answered my question, and I do not suppose I am going to get anywhere by asking it in a different manner. Let me just make my comments on the amendment.

I think you are mixing apples with oranges. I can understand how the gentleman would like to see someone whose presence at the scene of the accident could have contributed to early medical attention or earlier medical attention, but the statute that he amends is a statute that simply goes to the identification of someone who has been involved in an accident, whether or not that person was at fault in the accident. And we are not adding any additional burdens; we are not saying you must not leave the scene of the accident and you must call an ambulance, you must get medical attention.

Let us take the story that Mr. O'Brien related where a pedestrian was hit by an automobile. If the man had pulled his car over to where the accident occurred, parked it on the side of the road and did not move from the automobile, how would that have contributed to early medical attention for the victim whom he is talking about? Unless you are placing additional duties, simply stopping at the scene of the accident, it would seem to me, is not going to help the situation. I understand what the gentleman is attempting to do, but without requiring a call for medical attention when someone has been injured, I fail to see how this is going to help.

I see the gentleman with a law book in his hand. Have you found something in the law book that might help?

Mr. O'BRIEN. Well, Mr. Speaker, it does refer to section 3744, the duty to give information and render aid.

Mr. MANDERINO. What is the duty?

Mr. O'BRIEN. "The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request exhibit his driver's license and proof of insurance to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property

damaged in the accident and shall give the information and upon request exhibit the license and proof of insurance to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if requested by the injured person.”

Mr. MANDERINO. All right. Is that the section that we are amending here?

Mr. O'BRIEN. This is section 3744. It is referenced right in the amendment, Mr. Speaker, and it is also referenced in existing law.

Mr. MANDERINO. All right. So with the duty to render aid in 3744 and what you are doing in 3742, the combination of those two does then, in your opinion, render the mere not leaving the scene of the accident as a measure of assistance by the compliance with 3744 to any victim who may have been injured.

Mr. O'BRIEN. Mr. Speaker, under existing law, you are required to stop—

Mr. MANDERINO. To render aid.

Mr. O'BRIEN. Pardon me?

Mr. MANDERINO. To stop and render aid.

Mr. O'BRIEN. That is correct. And that continues under this amendment.

Mr. MANDERINO. Perhaps my confusion is that it might make more sense to amend 3744 with these kinds of provisions, but maybe it does not. I understand what the gentleman is doing, and I will offer no resistance to the amendment, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

During most of the previous speaker's discussion, I was somewhat desirous of concurring with the majority leader in his opinion. Unfortunately, I am going to deviate from the decision that he embarked upon and simply concur in part with some of the dictum and discussion that he spoke about and leave that to the judgment of the members.

But, Mr. Speaker, I think the thing that is most troublesome—and it was something totally not touched upon, as I see it, in the debate—is the fact that we have an amendment that attempts to distinguish in part between simply a personal injury, which, as I read it, would be the third-degree misdemeanor that current law carries, and creating a new classification of serious bodily injury that if that takes place, there is then a first-degree misdemeanor conviction that would attach to that or a penalty that would attach.

By way of interrogation, if you would, Mr. Speaker, I am wondering if the gentleman would stand for slight interrogation to clarify this point.

The SPEAKER. Mr. O'Brien indicates he will so stand. You may proceed, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I am troubled by just what would be the line drawn that would be an injury that would be a first-degree misdemeanor as opposed to a lesser injury that would allow it to be a third-degree misdemeanor. Where is the line drawn? Who draws that line, and just what are the particular elements of each one?

Mr. O'BRIEN. It is the same line that is drawn to distinguish between simple assault and aggravated assault in the Crimes Code.

Mr. REBER. Well, just how is that done, because frankly, Mr. Speaker, I was not here when we passed that particular language, and I have always had some trouble as well with just what are the particular elements of each of those particular types of injury.

Mr. O'BRIEN. Mr. Speaker, it is defined in the amendment, and the penalties correlate with the Pennsylvania Crimes Code.

Mr. REBER. Mr. Speaker, let me state it a different way. Maybe you are not quite understanding what I am saying.

What we have here is a statute that has no bearing upon whether the person who is being ultimately criminally prosecuted was responsible or not for the injury being inflicted in the first place. Now, once that individual leaves the scene or otherwise does not provide the necessary statutory notification or assistance, he becomes in violation of a statute. Once he is found in violation of that statute, there is a penalty that is going to attach. It is that particular penalty that attaches that is based upon whether it is simply a personal injury of, I assume, de minimis nature or a serious bodily injury. My concern is, how do we differentiate that? Who makes that determination, and what is that determination based upon by, I assume, the sentencing judge, if you will?

Mr. Speaker, I would hazard a side question that if we cannot make that determination, we should not be going off on expeditions such as this in providing grading where there is no distinction of the elements for purposes of establishing the grading of the penalty.

Mr. O'BRIEN. Mr. Speaker, that is part of the prosecutor's responsibility to prove that it is serious bodily injury as opposed to a minor bump or bruise.

Mr. REBER. So I guess what we are talking about is the minor-bump-or-bruise test that is to be used that gets you a third-degree misdemeanor, and if it is anything more than a minor bump or bruise, it is a serious bodily injury that allows a first-degree misdemeanor to be invoked by the court.

I am not trying to be difficult on this, but I think it is, again, something that we should consider. I think, again, it is something that, frankly, should travel its way through the respective committees that handle these types of things, and these are the kinds of subtle but yet very important distinctions that may not seem to impact too much today but in fact are very troublesome to prosecuting attorneys and judges and other individuals who are caught up in the sentencing procedure.

Mr. O'BRIEN. Mr. Speaker, the serious bodily injury that we are addressing in this amendment is the same serious bodily injury that is determined to be aggravated assault in the Pennsylvania Crimes Code every day.

To answer your second question, there was a bill reported out by the House Transportation Committee that is exactly like this amendment. There is an amendment that was inserted into SB 1635 that was passed by the entire Senate just last week. So it has received attention by the House committee, and it has received attention by the full Senate.

Mr. REBER. Okay. Thank you, Mr. Speaker.

I have no further interrogation. One short statement, if I could.

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

Mr. REBER. Mr. Speaker, my problem with this particular type of amendment to this particular statute is you are amending a statute that is criminally stigmatizing an individual who, frankly, may in fact not have been at fault in the first instance for any injury whatsoever, regardless of the grading of the severity of the injury, and that particular individual, for a myriad of reasons— And I am not justifying the person doing what he does in failing to render appropriate statutorily mandated assistance; I am only saying that it seems somewhat ambiguous the way the language in the statute is written in comparison to the way that it ultimately is going to transcend to the individual who might be charged. And it is for that reason that I would caution this body in embarking upon such a grading in a statute such as this. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Reber, clarifies to a large extent what I was aiming at and had difficulty with.

It is possible, under the manner in which Mr. O'Brien is tackling the problem, for one to stop at the scene of an accident and therefore comply with that part of the statute, as you have amended it, so that he is not guilty of any violation of failure to stop and the penalties that you have now imposed by this amendment and may violate 3744, failure to render assistance, which really causes someone to die or someone's injuries to be much more serious, and that is simply a summary offense, and that is what it will remain even after your amendment. What I am saying to you is, you ought to be attaching what you want to do to 3744 or to a marriage between 3744 and 3742, because you can still comply with what you are asking the people to comply with - stop at the scene of an accident - and if you stop, you are not responsible for all these things. But 3744, another section, says if you fail to render assistance, you are guilty of a violation, but the only penalty there is a summary offense.

Now, that is not what you want, and I do not think you can get what you want without either marrying section 3742 and 3744 or imposing the penalties to the failure to render assistance. That is where I was going when I first asked the question, are you imposing any additional duties than to stop at the scene of the accident before these penalties entail, and you obviously are not.

Mr. Speaker, I think that your amendment is flawed. I see where you are going. I do not think there is much quarrel with where you are trying to go, if it were properly drafted, but I really think it is seriously flawed, and as Mr. Reber says, this is the difficulty in attacking by the amendment process serious changes in our Motor Vehicle Code that are going to make substantial differences in penalties.

I would ask for a negative vote, unless the gentleman is willing to withdraw and redraft.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, the purpose of this amendment, I think, is very clear. Under existing law, 3742 and 3744 are married. We are not changing that under this amendment. What we are addressing is the person who purposely leaves the scene of the accident, and we are providing stiffer penalties for that offense.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. May I interrogate the sponsor of the amendment?

The SPEAKER. Mr. Manderino, do you wish to reply to the statement first?

Mr. MANDERINO. Mr. Speaker, no. I wanted to ask Mr. O'Brien a question, if I could. Do you mind, Mr. Stewart?

Mr. Speaker, if I did not leave the scene of an accident, would I comply with what you have amended, the section that you have amended? If I did not leave the scene of an accident that I was in, I did not leave the scene, would I have complied with section 3742?

Mr. O'BRIEN. Mr. Speaker, you would have to also comply with the provisions under section 3744—

Mr. MANDERINO. Why?

Mr. O'BRIEN. —the duty to give information and render aid, which I read earlier.

Mr. MANDERINO. No. That is a different section of the Vehicle Code, and it has its penalties just as 3742 has its penalties. You are changing the penalties for 3742. Is that right? You are changing the penalty for failure to leave the scene. Is that correct?

Mr. O'BRIEN. Give me that part again, Mr. Speaker.

Mr. MANDERINO. You are changing the penalties for the violation of failing to stop at the scene of an accident. Is that correct?

Mr. O'BRIEN. Yes, Mr. Speaker.

Mr. MANDERINO. You are not changing the penalty for failure to render assistance. That penalty remains the same.

Mr. O'BRIEN. Part of the requirements of 3742, Mr. Speaker, states that you have to fulfill the requirements of section 3744.

Mr. MANDERINO. I see what the gentleman is saying, but you can stop at the scene of an accident and not fulfill the requirements of 3744, failure to render assistance.

Mr. O'BRIEN. Mr. Speaker, in the amendment it says, "...in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744...."

Mr. MANDERINO. I see where the gentleman is going. I honestly believe that this could be cleared up, and maybe I am the only one who understands it this way, but I can see one complying with 3742 and causing additional injury or causing the lack of medical attention or more serious consequences of the injuries caused by not fulfilling 3744, yet not receive the penalties that you want them to receive.

I would think that we ought to redraft it, but it is the gentleman's amendment, and he can make that decision.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. Will the gentleman, the sponsor of the amendment, stand for interrogation?

The SPEAKER. Mr. O'Brien indicates he will so stand. You may proceed, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Speaker.

Mr. Speaker, I am going to ask my question, since we were talking about stories earlier, in the form of a story.

What would happen, under this amendment if it became law, if an ambulance with a patient on board rounds a turn—30 seconds before, there had been an accident around that turn—becomes involved in that accident, leaves a paramedic at the scene and continues on to the hospital with the patient that is on board?

Mr. O'BRIEN. Mr. Speaker, I do not think that that would be an offense under this, because what we are getting to is providing medical attention for those who require it.

Mr. STEWART. Mr. Speaker, what if I told you that is a true story, and the injured party claimed that the driver of the ambulance—and that is the way the statute reads—left the scene of the accident. He did not render aid, he did not give information, and he did in fact under the statute leave the scene of the accident. Now, the judge in that case said, well, you are crazy. But what you are saying is, the ambulance driver is going to get hit with a mandatory sentence. Is that not what your amendment does?

Mr. O'BRIEN. No; that is not my intention.

The intention of this amendment is to get the driver, the hit-and-run driver, rather than leave the scene of the accident, to remain there and provide medical attention. Clearly in this case he is already taking someone to a hospital. That is the desired result of the intended amendment. I cannot see, although that is for a prosecutor and a judge to decide, but I personally cannot see that scenario taking place under this amendment.

Mr. STEWART. Mr. Speaker, on the amendment.

The SPEAKER. The gentleman may proceed.

Mr. STEWART. Mr. Speaker, that is an incident that actually happened, and there was a question as to what the definition of "driver" was. The driver did not stay on the scene of the accident. They left the paramedic, and the driver continued with, I believe, a heart patient on to the hospital. The driver did not render aid, and again, as Mr. Reber said, the ambulance had nothing to do with the accident whatsoever; they came upon it rushing another patient to the hospital.

Now, if we can bring up three or four stories already here on the floor, I am sure there are more out there, and this amendment does not allow for those eventualities. Again, as Mr. Manderino said, I agree with your intent, but I think the amendment does not address some eventualities that have happened and may happen, and we are going to put a lot of innocent people—in this case a driver of an ambulance, who was actually trying to help somebody—in a very precarious situation, and I do not think that is what this General Assembly wants to do.

I would urge opposition to the amendment until one is produced that would take care of those eventualities. Thank you, Mr. Speaker.

Mr. O'BRIEN. Mr. Speaker, what we are talking about here is reasonable assistance, and I think that given the circumstances, the reasonableness of those circumstances would be decided by the judge in the case. I do not believe that that would be a problem under this amendment.

Mr. STEWART. Well, as Mr. Manderino said, very quickly, that is a different section.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin, on the amendment.

Mr. BALDWIN. Thank you, Mr. Speaker.

I do not think the situation raised by Mr. Stewart would really be a problem, because the statute does not require that the driver himself render the aid. It just says to provide reasonable assistance, and if that could be provided by another paramedic, that would not be a problem. What is a problem is that when this General Assembly enacted the 3-year mandatory sentence, those people who were out there drinking and driving read that law as well, and the result is that when they are involved in an accident, if they injure someone and they are drinking and they are able to leave the scene, frequently they leave the scene, leave that injured person out there on the highway, and then come in and report it the next day after they have had a chance to sober up.

Now, there was one particular case that happened in Schuylkill County where a nurse was going home after a late-night shift when her car broke down, and she was out in a deserted area, so she tried to walk for help. When she was walking along the road trying to get help, she was struck by a driver and injured. We do not know how seriously she was injured at that point, because the driver continued to go home and left her out there. She was lying on the road and was run over by two more vehicles after that who did not see her on the road, and she was dead by the time she was found. We do not know if the first driver had stopped whether she would have survived or not. But unless we have some kind of legislation like this to make it a severe penalty for leaving the scene, it will always be in the drunk driver's interest, if he can leave the scene, to go home, sober up, and turn himself in the next day, and that defeats the whole purpose of the original statute.

I strongly support this legislation and this amendment. I urge the members to vote for it.

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

The following roll call was recorded:

YEAS—131

Angstadt	Distler	Lloyd	Rudy
Argall	Dombrowski	Lucyk	Ryan
Arty	Donatucci	McCall	Saloom
Baldwin	Dorr	McClatchy	Saurman
Barley	Duffy	McHale	Scheetz
Battisto	Fargo	Mackowski	Schuler
Belardi	Fee	Manderino	Semmel
Belfanti	Fischer	Manmiller	Serafini
Birmelin	Foster	Markosek	Showers
Black	Fox	Mayernik	Smith, B.
Book	Freeman	Merry	Snyder, D. W.
Bortner	Freind	Michlovic	Snyder, G.
Bowley	Fryer	Miller	Staback
Bowser	Gallagher	Morris	Stairs
Brandt	Geist	Mowery	Steighner
Bunt	George	Murphy	Stevens
Burd	Greenwood	Nahill	Stuban
Burns	Gruppo	Noye	Sweet
Bush	Hagarty	O'Brien	Swift
Caltagirone	Hayes	O'Donnell	Taylor, E. Z.
Cessar	Herman	Perzel	Taylor, J.
Cimini	Hershey	Petrarca	Telek
Clymer	Honaman	Phillips	Van Horne
Cohen	Itkin	Piccola	Veon
Cornell	Jackson	Pievsky	Vroon
Cowell	Jarolin	Pistella	Wambach
Coy	Johnson	Pitts	Wass
Deluca	Kasunic	Pott	Weston
Daley	Kenney	Preston	Wilson
Davies	Kosinski	Punt	Wogan
Dawida	Langtry	Raymond	Wright, D. R.
Dietz	Laughlin	Rieger	Wright, J. L.
Dininni	Levdansky	Robbins	

NAYS—51

Acosta	DeWeese	Kennedy	Reber
Afflerbach	Deal	Kukovich	Rybak
Barber	Durham	Lashingier	Seventy
Blaum	Evans	Lescovitz	Stewart
Boyes	Fattah	Letterman	Tigue
Cappabianca	Gannon	Linton	Trello
Carlson	Gladeck	Livengood	Truman
Carn	Godshall	McVerry	Wiggins
Cawley	Gruitza	Micozzie	Wozniak
Chadwick	Haluska	Olasz	Yandrisevits
Civera	Harper	Oliver	
Clark	Hasay	Petrone	Irvis,
Colafella	Josephs	Pressmann	Speaker
Coslett			

NOT VOTING—16

Broujos	Flick	Hutchinson	Richardson
Cole	Gallen	Maiale	Roebuck
Cordisco	Gamble	Moehlmann	Smith, L. E.
DeVerter	Howlett	Mrkonic	Wright, R. C.

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—0

NOT VOTING—7

Cordisco	Hutchinson	Reber	Wright, R. C.
Howlett	Maiale	Roebuck	

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini. Why are you at the microphone?

Mr. SERAFINI. I would like to change a vote, Mr. Speaker.

The SPEAKER. You may proceed.

Mr. SERAFINI. Mr. Speaker, on amendment A2967 to SB 1276, I would like to be recorded in the affirmative. Thank you.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of HB 1552, PN 3641, entitled:

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

On the question recurring, Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 1552 was agreed to on third consideration as amended. The Chair hears no objection.

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

AMENDMENT A3431 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, who files this reconsideration motion: Moved by the gentleman, Mr. Cowell, that the vote by which amendment 3431 to HB 1552 was passed on the 24th day of June be reconsidered.

The question is on that motion and not on the substance.

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

The following roll call was recorded:

YEAS—193

Table with 4 columns of names: Acosta, Deal, Kukovich, Richardson, Afflerbach, Dietz, Langtry, Rieger, Angstadt, Diminni, Lashinger, Robbins, Argall, Distler, Laughlin, Rudy, Arty, Dombrowski, Lescovitz, Ryan, Baldwin, Donatucci, Letterman, Rybak, Barber, Dorr, Levdansky, Saloom, Barley, Duffy, Linton, Saurman, Battisto, Durham, Livengood, Scheetz, Belardi, Evans, Lloyd, Schuler, Belfanti, Fargo, Lucyk, Semmel

Table with 4 columns of names: Birmelin, Fattah, McCall, Serafini, Black, Fee, McClatchy, Seventy, Blaum, Fischer, McHale, Showers, Book, Flick, McVerry, Smith, B., Bortner, Foster, Mackowski, Smith, L. E., Bowley, Fox, Manderino, Snyder, D. W., Bowser, Freeman, Manmiller, Snyder, G., Boyes, Freind, Markosek, Staback, Brandt, Fryer, Mayernik, Stairs, Broujos, Gallagher, Merry, Steighner, Bunt, Gallen, Michlovic, Stevens, Burd, Gamble, Micozzie, Stewart, Burns, Gannon, Miller, Stuban, Bush, Geist, Moehlmann, Sweet, Caltagirone, George, Morris, Swift, Cappabianca, Gladeck, Mowery, Taylor, J., Carlson, Godshall, Mrkonic, Telek, Carn, Greenwood, Murphy, Tighe, Cawley, Gruitza, Nahill, Trello, Cessar, Gruppo, Noye, Truman, Chadwick, Hagarty, O'Brien, Van Horne, Cimini, Haluska, O'Donnell, Veon, Civera, Harper, Olasz, Vroon, Clark, Hasay, Oliver, Wambach, Clymer, Hayes, Perzel, Wass, Cohen, Herman, Petrarca, Weston, Colafella, Hershey, Petrone, Wiggins, Cole, Honaman, Phillips, Wilson, Cornell, Hutchinson, Piccola, Wogan, Coslett, Itkin, Pievsky, Wozniak, Cowell, Jackson, Pistella, Wright, D. R., Coy, Jarolin, Pitts, Wright, J. L., Deluca, Johnson, Pott, Wright, R. C., DeVerter, Josephs, Pressmann, Yandrisevits, DeWeese, Kasunic, Preston, Irvis, Daley, Kennedy, Punt, Speaker, Davies, Kenney, Raymond, Dawida, Kosinski, Reber

NAYS—0

NOT VOTING—5

Table with 4 columns: Cordisco, Maiale, Roebuck, Taylor, E. Z., Howlett

EXCUSED—3

Table with 3 columns: Reinard, Sirianni, Taylor, F.

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

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

The clerk read the following amendments No. A3431:

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

out

Amend Sec. 2, page 2, lines 28 and 29, by striking out "OR BY NONPROFIT AGENCIES"

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

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I will try to be brief. We are late in the afternoon. This is a relatively simple question. What is before us today is an amendment that was initially approved back on June 24. It deals with one small section of the legislation.

Unfortunately, with the approval of this amendment, we undid months, probably years, of delicate negotiations between various parties who have an interest in social worker legislation. It was because of the adoption of this amendment, frankly, that the legislation has gone no farther since June 24.

I am asking that upon reconsideration we defeat the Miller amendment today. The language in the Miller amendment had the effect of striking four words from the bill. That was language which prohibited licensure from being a consideration or a condition of employment by nonprofit agencies, and that is the issue before us today.

I believe that everybody has received, probably earlier today, a letter coauthored by the president of the Pennsylvania AFL-CIO and the cochairperson of the Licensure Committee of the Pennsylvania National Association of Social Workers chapter. Together they have asked the members of this General Assembly to defeat this amendment. I will just briefly read for the benefit of those who have not had occasion to go through today's mail yet. They say:

Dear Representative:

On behalf of the membership of the Pennsylvania AFL-CIO and the Pennsylvania Chapter of the National Association of Social Workers, we respectfully request you to vote with Representative Cowell when he moves to reconsider the amendment to H.B. 1552 which was adopted in June. We oppose this amendment and ask for your support of Representative Cowell on this issue.

H.B. 1552...without the amendment reflects the product of extensive discussions and an agreement between the Union which represents social workers...and the Pennsylvania Chapter of the National Association of Social Workers. This agreement, which is supported by the Pennsylvania AFL-CIO, balances the competing needs to protect consumers from the unregulated, unsupervised private practice of social work, while protecting the thousands of social workers who have performed well in state, county and non-profit agencies from unjustified interference in their careers.

Mr. Speaker, I ask that upon reconsideration we vote to defeat the amendment before us today. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller, on the amendment.

Mr. MILLER. Mr. Speaker, I attempted to use the floor microphone earlier to register a note of objection that the gentleman was not speaking to the amendment but to the work product of a number of groups of people who were working on the bill. However, that is gone, and if I am in order, sir, I would like to speak to the gentleman's objection to the amendment.

The SPEAKER. You may proceed, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

For those of you who recall, the social worker licensing bill was a matter of some specific debate on this House floor, and this old country Dutchman from Lancaster County is scratching his head just a little bit and saying, oy, oy, oy, a four-word change in that bill, and my goodness, we got the

AFL-CIO and my good friend from Allegheny County just jumping through a hoop for the Pennsylvania Social Services Union here.

What did we do that was so terrible? All that we did was say that a not-for-profit agency, a United Way agency in your home community, a child guidance clinic in your home community, Catholic charities in your home community, any not-for-profit agency could do one simple thing, and that is if they had the opportunity to provide a service that they could get reimbursed for from a third-party payer, they could require the hiring of a licensed social worker.

The bill already has a complete blanket exemption that knocks any teeth out of the law for your Pennsylvania Social Services Union employees already. It is in the bill. It is also applied to municipal employee social workers. They are completely exempted. All we asked for was the opportunity for that not-for-profit agency that has to generate dollars, that does not have the ability to tap into this State Treasury as other social services provided by the State do, to have the opportunity to get reimbursed for third-party treatment when they offer counseling services that are reimbursable by the third-party insurance industry. That is it. We do not require that they be a licensed social worker; that option is the option of that not-for-profit agency in your community, and that is the bottom line.

I simply do not see the need at this late hour on this bill to have a pure bill with respect to the Social Services Union's objectives of mediocrity, and that has been their objection, because they have stated politically time and time again that they do not want a bill, and they have jumped on this issue, which has given each of you a chance to serve your local not-for-profits in a positive way, cash-flowwise, to assist their efforts. They have jumped on this one issue as the whipping boy. Well, I am not going to jump through the hoop, and I would ask my colleagues not to as well. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I would just like to quickly respond to what apparently is the premise for this amendment. At the outset I want to emphasize that this is a manufactured issue in the mind of Representative Miller. Nobody else has contacted us to say that there is an issue about the language which he has proposed. Nonprofit agencies have not contacted us and said there is a problem with the language in this bill as it was originally suggested. The issue of third-party reimbursement is an issue that is not relevant to this particular legislation at this time. For us to get into that issue at any time in the future would in fact require changes to other laws, insurance laws, for instance. But no nonprofit organizations with which I am familiar in Allegheny County or elsewhere in this State have expressed a concern. It is a concern being expressed by one particular member of this General Assembly.

I would note that one of the authors of the letter, which has been circulated, is in fact the executive director of one of the

largest nonprofit mental health/mental retardation agencies, a nonprofit agency, in Allegheny County. So I would emphasize that we are not hearing from nonprofits that there is a problem. It is not an issue that is adequately addressed in this legislation with this amendment anyway, if it were a problem.

And again, because there is not a problem, because we are not hearing from folks because it is an issue only with the sponsor of this amendment, I would urge that we defeat it today. Thank you.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. I thank the Chair.

It is not a complicated issue. A "yes" vote will suffice, and by casting that "yes" vote, what you will be doing is allowing any not-for-profit social agency to tap into that third-party reimbursement chain.

And when the gentleman suggests to you that there has been no support for it, take a minute—half of you fellows have House phones—pick up your local agency, ring him up, and say, do you want in a third-party cash stream or do you not, and if you do not, do you want out of it because the Pennsylvania Social Services Union simply wants to kill this bill? He will give you the Miller answer to both, and that is, vote "yes" on the bill; we need the money. Thank you, Mr. Speaker.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I have tried to stay out of this issue. I think we were involved in a number of very delicate negotiations around the social worker licensure bill. For one who previously worked in the health profession in a nonprofit agency through the child guidance clinic and one who has had constant discussions with many around the drafting and also support of this bill, I, too, have not heard from any of the nonprofits who are in fact supporting, urging, or asking for us to support the Miller amendment. It seems to me, as Representative Cowell has said before, that we are in fact jumping the gun, that there is no need at this point to move towards what should be eligible for third-party reimbursement.

In addition, Mr. Speaker, it appears to me that under the current bill, those nonprofits who, through their selection process and need to get reimbursement, choose to hire those who are licensed social workers, could in fact do that without having an exclusionary clause that would require them to in fact advertise to do so.

Mr. Speaker, I think we have gone through a number of negotiations on this bill. We should support the bill as it currently is drafted, and I rise in opposition to the Miller amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—87

Argall	Dininni	Johnson	Punt
Baldwin	Distler	Kennedy	Reber
Barley	Dorr	Kosinski	Robbins
Birmelin	Fargo	Langtry	Ryan
Black	Flick	Lloyd	Saurman
Book	Foster	McClatchy	Scheetz
Bowley	Fox	McVerry	Schuler
Bowser	Freind	Mackowski	Semmel
Boyes	Fryer	Manmiller	Serafini
Brandt	Gallen	Merry	Smith, B.
Bunt	Geist	Micozzie	Smith, L. E.
Burd	Gladeck	Miller	Snyder, D. W.
Bush	Godshall	Moehlmann	Snyder, G.
Carlson	Greenwood	Mowery	Stevens
Cessar	Gruppo	Nahill	Swift
Chadwick	Hasay	Noye	Taylor, E. Z.
Cimini	Hayes	O'Brien	Taylor, J.
Civera	Herman	Perzel	Vroon
Clymer	Hershey	Phillips	Wilson
Cornell	Honaman	Piccola	Wogan
DeVerter	Hutchinson	Pitts	Wright, J. L.
Dietz	Jackson	Pott	

NAYS—105

Acosta	Deal	Levdansky	Rybak
Afflerbach	Dombrowski	Linton	Saloom
Angstadt	Donatucci	Livengood	Seventy
Arty	Duffy	Lucyk	Showers
Barber	Durham	McCall	Staback
Battisto	Evans	McHale	Stairs
Belardi	Fattah	Manderino	Steighner
Belfanti	Fee	Markosek	Stewart
Blaum	Fischer	Mayermik	Stuban
Bortner	Freeman	Michlovic	Sweet
Broujos	Gallagher	Morris	Telek
Burns	Gamble	Mrkonic	Tigue
Caltagirone	Gannon	Murphy	Trello
Cappabianca	George	O'Donnell	Truman
Carn	Gruitza	Olasz	Van Horne
Cawley	Hagarty	Oliver	Veon
Clark	Haluska	Petrarca	Wambach
Cohen	Itkin	Petrone	Wass
Colafella	Jarolin	Pievsky	Wiggins
Cole	Josephs	Pistella	Wozniak
Coslett	Kasunic	Pressmann	Wright, D. R.
Cowell	Kenney	Preston	Wright, R. C.
Coy	Kukovich	Raymond	Yandrisevits
Deluca	Lashinger	Richardson	
Daley	Laughlin	Rieger	Irvis,
Davies	Lescovitz	Roebuck	Speaker
Dawida	Letterman	Rudy	

NOT VOTING—6

Cordisco	Harper	Maiale	Weston
DeWeese	Howlett		

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from York, Mr. Dorr, on final passage.

Mr. DORR. Mr. Speaker, very briefly. I want to point out to the members that we finally have gotten to the issue on this in the discussion that just took place with regard to the amendment. The issue you will recall being raised was in fact a third-party reimbursement issue. That is what this bill is all about; that is what all the licensing bills are all about. I recommend to the members that they think very carefully about insurance premiums and the problems that our constituents are having across the board, whether it is individuals or businesses, whoever it may be who is trying to maintain adequate insurance coverage. When we start licensing more and more people, requiring more and more benefits, et cetera, et cetera, we just raise insurance premiums right down the pike, and we need to think very carefully about this, Mr. Speaker.

I recommend a negative vote on this issue.

On the question recurring,
Shall the bill pass finally?

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

YEAS—167

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

NAYS—27

Argall	Dietz	Gladeck	Robbins
Birmelin	Dorr	Hayes	Ryan
Black	Fargo	Kennedy	Smith, B.
Boyes	Flick	Merry	Snyder, G.
Bunt	Fryer	Mowery	Swift
Chadwick	Gallen	Noye	Vroon
Dawida	Geist	Phillips	

NOT VOTING—4

Cordisco	DeWeese	Harper	Maiale
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EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Rybak. Why do you rise, sir?

Mr. RYBAK. Mr. Speaker, I want to make an announcement.

The House Insurance Committee scheduled for the first break today is continued until tomorrow at the first break in room 401. Thank you.

The SPEAKER. If the others who wish to make announcements will hold off for a few moments, we will give you an opportunity before we leave here.

BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS

The clerk of the Senate, being introduced, returned the following SB 1145, PN 2477, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which the concurrence of the House of Representatives is requested:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," providing for election district amendments and for questions on the ballot.

On the question,

Will the House concur in Senate amendments to House amendments?

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

Mr. MURPHY. Mr. Speaker, the Senate made three changes in SB 1145. The first was they changed the effective date to January of 1987. The second was they changed reference to the city, with the word "city" to "municipality." The third was they changed the method by which individuals would serve on an apportionment commission. They removed the reference to a political chairman and provide that parties submit lists of names to the mayor of a municipality.

The legislative intent of SB 1145 is to allow municipalities chartered under the Home Rule Charter and Optional Plans Law of 1972 that have at-large systems of their governing body and have a mayor-council form of government, with the mayor being elected by the people, it permits them to change the method of electing the governing body by procedures delineated in the act.

Mr. Speaker, I urge concurrence of the law. Thank you.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—188

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

NAYS—5

Clark	Mrkonic	Olasz	Trello
Duffy			

NOT VOTING—5

Acosta	Freind	Maiale	Wass
Cordisco			

EXCUSED—3

Reinard	Sirianni	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader announces a Rules Committee meeting immediately on the cessation of today's session.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Appropriations Committee in the majority caucus room immediately upon the call of the recess.

URBAN AFFAIRS COMMITTEE MEETINGS

The SPEAKER. For Urban Affairs, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to announce a meeting of the House Urban Affairs Committee in the Annex, room 22, immediately upon the call of the recess, and tomorrow morning at 9:30 there will be another Urban Affairs Committee meeting.

The SPEAKER. The Urban Affairs Committee members ought to immediately go to room 22, inasmuch as the desk is going to remain open for a few minutes. We are going to wait for the reports of Messrs. Pievsky and Richardson on their two meetings.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, to make his announcement of his committee.

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately upon the call of the recess at the rear of the House. It is very important that everybody attend.

REMARKS ON VOTES

The SPEAKER. Now we will take the corrections of the record.

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

Mr. RICHARDSON. Mr. Speaker, on HB 1552, PN 3641, my switch was inoperative. I was recorded in the affirmative. I would like the record to reflect that I would have voted in the negative.

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

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

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

On the Lloyd amendment A3914 to SB 1276 I was not recorded. Had I voted, I would have voted in the affirmative.

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

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

Mr. FLICK. Thank you, Mr. Speaker.

On SB 1276, amendment 3710, my vote was not recorded. I would like it to be in the negative.

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

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

Mr. WASS. Mr. Speaker, when the vote on SB 1145 was taken, I was temporarily out of my seat. Had I been in my seat, I would have voted in the affirmative on concurrence in Senate amendments to House amendments.

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

The Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Mr. Speaker, on the O'Brien amendment A3710 to SB 1276, I would like to change my vote to the affirmative.

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

ANNOUNCEMENTS

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

Mr. ITKIN. Mr. Speaker, the Democrats will not caucus today, but we will be caucusing tomorrow morning after we go into session.

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

Mr. NOYE. Thank you, Mr. Speaker.

Likewise, the Republican caucus for today has been postponed. We will caucus immediately, I guess, as soon as we come into session tomorrow at 11 o'clock.

REMARKS ON VOTE

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

Mr. BROUJOS. Mr. Speaker, I would like to be recorded in the affirmative on amendment 3710 to SB 1276.

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

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 353 By Representatives CORNELL, NAHILL,
HAGARTY, FOX and McCLATCHY

Recognizing October 19 through 25, 1986, as "National Business Women's Week."

Referred to Committee on RULES, October 6, 1986.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Reber. Why do you rise?

Mr. REBER. On SB 1276 my switch did not operate. I would like to be recorded in the affirmative. Thank you.

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

The Chair hopes the gentleman is feeling better after the accident. Good.

RECESS

The SPEAKER. The House will stand temporarily in recess awaiting the reports of committees.

AFTER RECESS

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 1899;
HB 2767;
SB 223;
SB 1275; and
SB 1445.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REREPORTED FROM COMMITTEE

SB 1182, PN 2501 (Amended)

By Rep. RICHARDSON

An Act establishing standards and qualifications by which local tax authorities in counties of the first class may make special real property tax relief provisions.

URBAN AFFAIRS.

BILL ON SECOND CONSIDERATION

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

SB 1182, PN 2501.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 1182 be recommitted to the Committee on Appropriations.

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 337, PN 3954 By Rep. MANDERINO
Commemorating the Centennial Anniversary of Grey Towers, the home of Gifford Pinchot.

RULES.

HR 344, PN 3996 By Rep. MANDERINO
Condemning the action of LTV Steel in attempting to discontinue health and life insurance coverage for its retirees; applauding union and Congressional action in restoring benefits; and calling on all corporations to recognize the rights of their retirees.

RULES.

HR 348, PN 4057 (Concurrent)
By Rep. MANDERINO
Commemorating the 40th Anniversary of the Paralyzed Veterans of America.

RULES.

HR 353, PN 4091 By Rep. MANDERINO
Recognizing October 19 through 25, 1986, as "National Business Women's Week."

RULES.

BILLS REREPORTED FROM COMMITTEE

HB 1308, PN 1557 By Rep. PIEVSKY
An Act providing for the preservation of certain historical structures; authorizing the establishment of municipal historic preservation commissions; and imposing powers and duties on the Pennsylvania Historical and Museum Commission.

APPROPRIATIONS.

HB 2277, PN 3154 By Rep. PIEVSKY
An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for the amount of retirement allowances and for interest on contributions.

APPROPRIATIONS.

HB 2594, PN 3650 By Rep. PIEVSKY
An Act amending the act of December 22, 1981 (P. L. 518, No. 144), known as the "High Speed Intercity Rail Passenger Commission Act," further providing for the expiration of the commission.

APPROPRIATIONS.

HB 2762, PN 4090 (Amended) By Rep. PIEVSKY
An Act establishing a Center for Rural Pennsylvania; and making an appropriation allocation.

APPROPRIATIONS.

HB 2763, PN 3964 By Rep. PIEVSKY
An Act allocating certain funds from the Department of Commerce to the State System of Higher Education for rural education partnerships.

APPROPRIATIONS.

HB 2764, PN 3965 By Rep. PIEVSKY
An Act allocating funds appropriated to the Department of Commerce for a Regional Center for Continuing Education of Health Science Practitioners in western Pennsylvania.

APPROPRIATIONS.

HB 2765, PN 3966 By Rep. PIEVSKY
An Act allocating funds appropriated to the Department of Commerce for a Rural Adult Literacy Program.

APPROPRIATIONS.

SB 562, PN 2403 By Rep. PIEVSKY
An Act providing for the establishment and operation of a Statewide system for the prevention and control of rabies; imposing additional powers and duties on the Departments of Agriculture and Health; providing for emergency declarations; fixing penalties for violations; and making an appropriation.

APPROPRIATIONS.

SB 1486, PN 2476 By Rep. PIEVSKY
An Act amending the act of May 21, 1943 (P. L. 349, No. 162), entitled, as amended, "An act requiring political subdivisions to refund certain taxes, license fees, penalties, fines or moneys paid thereto, and providing procedure for obtaining such refunds," requiring interest to be paid on certain overpayments of tax.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

SB 1486, PN 2476; SB 562, PN 2403; HB 2765, PN 3966; HB 2764, PN 3965; HB 2763, PN 3964; HB 2762, PN 4090; HB 2594, PN 3650; HB 2277, PN 3154; and HB 1308, PN 1557.

BILLS AND RESOLUTION PASSED OVER

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

ADJOURNMENT

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

Mr. FOX. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 7, 1986, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:07 p.m., e.d.t., the House adjourned.