

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JULY 5, 1988

SESSION OF 1988

172D OF THE GENERAL ASSEMBLY

No. 49

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:

Merciful God and Father, we are so grateful for all of the love and care Thou hast shown to these United States of America. Through all of our trials and tensions and turbulence, Thou hast guided us safely. Now we humbly pray that these stars and stripes may long continue to wave o'er the land of the free and the home of the brave.

O God, may this government of the people, by the people, and for the people provide justice and liberty for all, and may we as a nation be drawn closer to Thee as well as one another, and may the independence we share ever be a reminder of the sacrifices of those who have gone before us, as well as a challenge for us in the days which lie ahead. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was delivered by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal in regular session for Thursday, June 30, 1988, is not yet in print. Unless the Chair hears objection, and the Chair hears no such at this point, the approval of that Journal will be postponed until the Journal is in fact in print.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2614 By Representatives BLACK, ARGALL, ANGSTADT, CARLSON, FREEMAN, SCHULER, GRUPPO, SEMMEL, BILLOW and PRESSMANN

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," increasing eligibility limits for property tax and rent rebates.

Referred to Committee on FINANCE, July 5, 1988.

No. 2615 By Representatives FREIND, NOYE, CIVERA, NAHILL, FOX, KOSINSKI, BARLEY, MELIO, FEE, PHILLIPS, BOOK, MORRIS, D. W. SNYDER, ARTY, E. Z. TAYLOR, DAVIES, BURNS, BELFANTI, J. L. WRIGHT, MARKOSEK, ARGALL, MRKONIC, McVERRY, DeLUCA, GEIST, MICOZZIE, J. TAYLOR, LASHINGER, RAYMOND, GANNON, DIETTERICK, R. C. WRIGHT, FLICK, TRELLO, PITTS, McHALE, BUNT, ITKIN, FISCHER, DURHAM and VROON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

Referred to Committee on TRANSPORTATION, July 5, 1988.

No. 2616 By Representatives COY, COLE, SHOWERS, BORTNER, YANDRISEVITS, MELIO and PRESSMANN

An Act providing for the management of nutrients to abate nonpoint source pollution from agricultural and nonagricultural activities.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 5, 1988.

No. 2617 By Representatives MAYERNIK, CIVERA, MICOZZIE and SAURMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of registration plates.

Referred to Committee on TRANSPORTATION, July 5, 1988.

No. 2618 By Representatives MAYERNIK, CIVERA and MICOZZIE

An Act requiring all State, school and municipal pension systems to pay certain annuitants an amount at least equal to the Federal poverty level.

Referred to Committee on STATE GOVERNMENT, July 5, 1988.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 313 By Representatives BOWSER, DOMBROWSKI, CHADWICK, CAPPABIANCA, NOYE, GODSHALL, MERRY, ROBBINS, S. H. SMITH, DISTLER, HALUSKA, FARGO, BLACK, JADLOWIEC, BURD, VEON, JOHNSON, DEMPSEY and McVERRY

Directing the Chairman of the House Labor Relations Committee to appoint an ad hoc subcommittee to investigate the closing of itinerant points by the Office of Employment Security of the Department of Labor and Industry.

Referred to Committee on RULES, July 5, 1988.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip. Do you have any requests for leaves?

Mr. HAYES. Thank you, Mr. Speaker.

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

The SPEAKER. Leaves are granted, there being no objection.

We will turn back when Mr. Fee is on the floor.

There are no leaves for the Democratic Party at this point in time. Is that correct?

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2197, PN 2861**, with information that the Senate has passed the same without amendment.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 722, 1308, and 1786.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 30, 1988

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 722, Printer's No. 1513, entitled "AN ACT amending the act of August 21, 1953 (P.L. 1323, No. 373), entitled 'An act concerning notaries public; and amending, revising, consolidating and changing the law relating thereto,' further providing for seals; and making repeals."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 30, 1988

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 1308, Printer's No. 3152, entitled "AN ACT amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the cost of certain journals published for district justices; CODIFYING PROVISIONS RELATING TO THE JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT; PROVIDING FOR DEPOSITS INTO THE ACCOUNT; providing a statute of limitations regarding the institution of lawsuits against professional land surveyors and landscape architects; providing for affidavit of noninvolvement for construction design professionals; further providing for CORPORATE DIRECTORS' LIABILITY AND FOR probation; PROVIDING FOR FORFEITURES, FOR PROPERTY SUBJECT TO FORFEITURE AND FOR THE PROCEDURE WITH RESPECT TO SEIZED PROPERTY; AND MAKING CERTAIN REPEALS."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 30, 1988

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 1786, Printer's No. 3409, 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 officers, and of the several 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,' reestablishing the Industrial Board; providing for its composition, powers and duties; further providing for the powers and duties of the Department of Labor and Industry; providing for a Police, Planning and Evaluation Advisory Committee; making an editorial change; and making repeals."

Robert P. Casey
Governor

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 542 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.

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. The Chair regrets to announce the death of a brother of Carmel Sirianni. Her brother, Carl, died apparently late last week. He will be buried in Greene, New York State, tomorrow morning. Any contributions which you wish to make should be made to the American Cancer Society or to the Greene, New York, Emergency Squad. Condolences, of course, may be sent to Carmel Sirianni at her home address.

And for those who have asked about Steve Seventy, he has been released by the hospital and is staying with his niece at home. He is doing as well as can be expected under the circumstances. If we get any further information, we will release it to you.

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:

SB 1443, PN 2213; SB 1444, PN 2214; SB 1445, PN 2215; SB 1446, PN 2216; SB 1447, PN 2217; SB 1448, PN 2102; SB 1449, PN 2218; SB 1450, PN 2219; SB 1451, PN 2105; SB 1452, PN 2106; SB 1453, PN 2107; SB 1454, PN 2108; SB 1455, PN 2220; SB 1456, PN 2221; SB 1457, PN 2222; SB 1458, PN 2223; SB 1459, PN 2224; SB 1460, PN 2114; SB 1461, PN 2225; SB 1462, PN 2116; SB 1463, PN 2117; SB 1464, PN 2226; SB 1465, PN 2227; SB 1466, PN 2228; SB 1467, PN 2121; SB 1468, PN 2122; SB 1469, PN 2123; SB 1470, PN 2124; SB 1471, PN 2125; SB 1472, PN 2126; SB 1473, PN 2127; SB 1474, PN 2229; SB 1475, PN 2230; SB 1476, PN 2130; SB 1477, PN 2231; SB 1478, PN 2232; SB 1479, PN 2233; SB 1480, PN 2134; SB 1481, PN 2234; SB 1482, PN 2136; and SB 1483, PN 2137.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Acosta	Distler	Kosinski	Punt
Angstadt	Dombrowski	Kukovich	Raymond
Argall	Donatucci	LaGrotta	Reber
Arty	Dorr	Langtry	Reinard
Barley	Duffy	Lashinger	Richardson
Battisto	Durham	Leh	Rieger
Belardi	Evans	Lescovitz	Ritter
Belfanti	Fargo	Letterman	Robbins
Billow	Farmer	Levdanský	Roebuck
Birmelin	Fattah	Linton	Rudy
Black	Fee	Livengood	Ryan
Blaum	Fischer	Lloyd	Rybak
Book	Flick	Lucyk	Saloom
Bortner	Foster	McCall	Saurman
Bowley	Fox	McClatchy	Scheetz
Bowser	Freeman	McHale	Schuler
Boyes	Freind	McVerry	Semmel
Brandt	Gallen	Maiale	Serafini
Broujos	Gamble	Maine	Showers
Bunt	Gannon	Manderino	Smith, B.
Burd	Geist	Manmiller	Smith, S. H.
Burns	George	Markosek	Snyder, D. W.
Bush	Gladeck	Mayernik	Snyder, G.
Caltagirone	Godshall	Melio	Staback
Cappabianca	Gruitza	Merry	Stairs
Carlson	Gruppo	Michlovic	Steighner
Carn	Hagarty	Micozzie	Suban
Cawley	Haluska	Miller	Sweet
Cessar	Harper	Moehlmann	Taylor, E. Z.
Chadwick	Hasay	Morris	Taylor, F.
Civera	Hayden	Mowery	Taylor, J.
Clark	Hayes	Mrkonic	Tigue
Clymer	Herman	Murphy	Trello
Cohen	Hershey	Nahill	Van Horne
Colafella	Hess	Noye	Veon
Cole	Honaman	O'Brien	Vroon
Cornell	Howlett	O'Donnell	Wambach
Corrigan	Hughes	Olasz	Wass
Cowell	Hutchinson	Oliver	Weston
Coy	Itkin	Perzel	Wiggins
DeLuca	Jackson	Petrarca	Wogan
DeVerter	Jadlowiec	Petrone	Wozniak
DeWeese	Jarolin	Phillips	Wright, D. R.
Daley	Johnson	Piccola	Wright, J. L.
Davies	Josephs	Pievsky	Wright, R. C.
Dawida	Kasunic	Pistella	Yandrisevits
Dempsey	Kennedy	Pitts	
Dietterick	Kenney	Pressmann	Irvis,
Dininni	Kitchen	Preston	Speaker

ADDITIONS—0

NOT VOTING—1

Seventy

EXCUSED—2

Heckler

Sirianni

LEAVES ADDED—1

Freeman

LEAVES CANCELED—1

Freeman

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1439, PN 2093, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Acosta	Distler	Kukovich	Raymond
Angstadt	Dombrowski	LaGrotta	Reber
Argall	Donatucci	Langtry	Reinard
Arty	Dorr	Lashinger	Richardson
Barley	Duffy	Leh	Rieger
Battisto	Durham	Lescovitz	Ritter
Belardi	Evans	Letterman	Robbins
Belfanti	Fargo	Levdansky	Roebuck
Billow	Farmer	Linton	Rudy
Birmelin	Fattah	Livengood	Ryan
Black	Fee	Lloyd	Rybak
Blaum	Fischer	Lucy	Saloom
Book	Flick	McCall	Saurman
Bortner	Foster	McClatchy	Scheetz
Bowley	Fox	McHale	Schuler
Bowser	Freeman	McVerry	Semmel
Boyes	Freind	Maiale	Serafini
Brandt	Gallen	Maine	Showers
Broujos	Gamble	Manderino	Smith, B.
Bunt	Gannon	Manmiller	Smith, S. H.
Burd	Geist	Markosek	Snyder, D. W.
Burns	George	Mayernik	Snyder, G.
Bush	Gladeck	Melio	Staback
Caltagirone	Godshall	Merry	Stairs
Cappabianca	Gruitza	Michlovic	Steighner
Carlson	Gruppo	Micozzie	Stuban
Carn	Hagarty	Miller	Sweet
Cawley	Haluska	Mochlmann	Taylor, E. Z.
Cessar	Harper	Morris	Taylor, F.
Chadwick	Hasay	Mowery	Taylor, J.
Civera	Hayden	Mrkonic	Tigue
Clark	Hayes	Murphy	Trello
Clymer	Herman	Nahill	Van Horne
Cohen	Hershey	Noye	Veon
Colafella	Hess	O'Brien	Vroon
Cole	Honaman	O'Donnell	Wambach
Cornell	Howlett	Olasz	Wass
Corrigan	Hughes	Oliver	Weston
Cowell	Hutchinson	Perzel	Wiggins
Coy	Itkin	Petrarca	Wogan
DeLuca	Jackson	Petrone	Wozniak
DeVerter	Jadlowiec	Phillips	Wright, D. R.
DeWeese	Jarolin	Piccola	Wright, J. L.
Daley	Johnson	Pievsky	Wright, R. C.
Davies	Josephs	Pistella	Yandrisevits
Dawida	Kasunic	Pitts	
Dempsey	Kenney	Pressmann	Irvis,
Dieterick	Kitchen	Preston	Speaker
Dininni	Kosinski	Punt	

NAYS—0

NOT VOTING—2

Kennedy Seventy

EXCUSED—2

Heckler Sirianni

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 without amendment.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky. A committee meeting, Mr. Pievsky?

Mr. PIEVSKY. Yes. Is it okay to call a meeting at the rear of the chamber?

The SPEAKER. Surely, surely.

Mr. PIEVSKY. There will be a meeting of the House Appropriations Committee at the rear of the chamber immediately. Thank you, Mr. Speaker.

The SPEAKER. Appropriations Committee meeting at the rear of the hall of the House immediately.

WELCOMES

The SPEAKER. Representative Colafella has some guests in the balcony. Carl and Michelle Manzo are here from Beaver County. Where are they? Wave so we can see you. There they are. Welcome to the hall of the House. Please welcome the guests to the hall of the House.

George Jackson has his wife, Esther, here with their daughter, Beth, and their son-in-law, Bill, and also, most importantly, grandson David. Where are they? In the balcony? Welcome to the hall of the House. There is David. We are delighted to have you here.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1222, PN 2283 (Amended)

By Rep. PIEVSKY

An Act making an appropriation from the State Stores Fund to provide for liquor control enforcement expenses for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

APPROPRIATIONS.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 1222 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.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1387, PN 3568**; and **HB 1432, PN 3600**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Northampton, Mr. FREEMAN, has asked for a leave of absence. Leave is granted.

BILL SIGNED BY SPEAKER

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

HB 2197, PN 2861

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2460, PN 3291**, entitled:

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

On the question,
Will the House agree to the bill on third consideration?
Mrs. HAGARTY offered the following amendments No. A3859:

Amend Sec. 1 (Sec. 6301), page 1, line 16, by striking out "(e)" and inserting

(a.1)

Amend Sec. 1 (Sec. 6301), page 1, by inserting between lines 16 and 17

(a.1) Involving a minor in a drug violation.—A person 21 years of age or older who knowingly engages or attempts to engage a minor under 18 years of age in a violation of section 13(a)(14) and (30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, commits a felony of the first degree.

Amend Sec. 1 (Sec. 6301), page 2, line 16, by striking out the bracket before "Whenever"

Amend Sec. 1 (Sec. 6301), page 2, lines 16 and 17, by striking out "[Except as provided in subsection (e), whenever"

Amend Sec. 1 (Sec. 6301), page 2, lines 22 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 2. Section 6314 of Title 18, added March 25, 1988 (P.L.262, No.31), is amended to read:

§ 6314. Sentencing and penalties for trafficking drugs to minors.

(a) General rule.—A person over 18 years of age who is convicted in any court of this Commonwealth of a violation of section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, shall, if the delivery or possession with intent to deliver of the controlled substance was to a minor, be sentenced to a minimum sentence of at least one year total confinement, notwithstanding any other provision of this title or other statute to the contrary.

(b) Additional penalties.—In addition to the mandatory minimum sentence set forth in subsection (a), and notwithstanding any other provision of this act or other statute to the contrary the person shall be sentenced to an additional mandatory minimum [sentence of at least two years total confinement, notwithstanding any other provision of this title or other statute to the contrary, if the person did any of the following:] term of imprisonment as follows:

(1) Committed the offense with the intent to promote the habitual use of the controlled substance.

(2) Intended to engage the minor in the trafficking, transportation, delivery, manufacturing, sale or conveyance.

(3) Committed the offense within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university.]

(1) If the person is convicted of a violation of section 6301(a.1) (relating to corruption of minors), the person shall be sentenced to an additional ten years total confinement.

(2) If the offense was committed with the intent to promote the habitual use of a controlled substance or was committed within 1,000 feet of real property on which is located a public, private or parochial school or a college or university the person shall be sentenced to at least an additional two years of total confinement.

(c) Proof at sentencing.—The provisions of this section shall not be an element of the crime. Notice of the applicability of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(d) Authority of court in sentencing.—There shall be no authority for a court to impose on a defendant to which this section is applicable a lesser sentence than provided for in subsection (a), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section. Disposition under section 17 or 18 of The Controlled Substance, Drug, Device and Cosmetic Act shall not be available to a defendant to which this section applies.

(e) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(f) Forfeiture.—Assets against which a forfeiture petition has been filed and is pending or against which the Common-

wealth has indicated an intention to file a forfeiture petition shall not be subject to a fine under this section.

(g) Definition.—As used in this section, the term “minor” means an individual under 18 years of age.

Amend Sec. 2, page 3, line 3, by striking out “2” and inserting

3

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

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

Mrs. HAGARTY. Thank you.

Mr. Speaker, this is an agreed-to amendment on the bill that is sponsored before us now by Chaka Fattah. The amendment essentially clarifies and makes consistent with current law the new offense of engaging a minor in a drug violation. Thank you.

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

Mr. FATTAH. This amendment is agreed to, and I would ask the House’s concurrence.

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

The following roll call was recorded:

YEAS—188

Acosta	Distler	Kukovich	Punt
Angstadt	Dombrowski	LaGrotta	Raymond
Argall	Donatucci	Langtry	Reber
Arty	Dorr	Lashingier	Reinard
Barley	Duffy	Leh	Richardson
Battisto	Durham	Lescovitz	Rieger
Belardi	Evans	Letterman	Ritter
Belfanti	Fargo	Levdansky	Robbins
Birmelin	Farmer	Linton	Roebuck
Black	Fattah	Livengood	Rudy
Blaum	Fee	Lloyd	Ryan
Book	Fischer	Lucyk	Rybak
Bortner	Flick	McCall	Saloom
Bowley	Foster	McClatchy	Saurman
Bowser	Fox	McHale	Scheetz
Boyes	Freind	McVerry	Schuler
Brandt	Gallen	Maiale	Semmel
Broujos	Gamble	Maine	Serafini
Bunt	Gannon	Manderino	Showers
Burd	Geist	Manmiller	Smith, B.
Burns	George	Markosek	Smith, S. H.
Bush	Gladeck	Mayernik	Snyder, D. W.
Caltagirone	Godshall	Melio	Snyder, G.
Cappabianca	Gruitza	Merry	Staback
Carlson	Gruppo	Michlovic	Stairs
Carn	Hagarty	Micozzie	Steighner
Cawley	Haluska	Miller	Stuban
Cessar	Harper	Moehlmann	Sweet
Chadwick	Hasay	Morris	Taylor, E. Z.
Civera	Hayden	Mowery	Taylor, F.
Clark	Hayes	Mrkonic	Tigue
Clymer	Herman	Murphy	Trello
Cohen	Hershey	Nahill	Van Horne
Colafella	Hess	Noye	Veon
Cole	Honaman	O’Donnell	Vroon
Cornell	Howlett	Olasz	Wambach
Corrigan	Hughes	Oliver	Wass
Cowell	Hutchinson	Perzel	Weston
Coy	Itkin	Petrarca	Wiggins
DeLuca	Jackson	Petrone	Wozniak
DeVerter	Jadlowiec	Phillips	Wright, D. R.
DeWeese	Jarolin	Piccola	Wright, J. L.

Daley	Johnson	Pievsky	Wright, R. C.
Davies	Josephs	Pistella	Yandrisevits
Dawida	Kasunic	Pitts	
Dempsey	Kennedy	Pressmann	Irvis,
Dietterick	Kitchen	Preston	Speaker
Dininni	Kosinski		

NAYS—0

NOT VOTING—6

Billow	O’Brien	Taylor, J.	Wogan
Kenney	Seventy		

EXCUSED—3

Freeman	Heckler	Sirianni
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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. SAURMAN offered the following amendments No. A3310:

Amend Title, page 1, line 3, by removing the period after “minors” and inserting
and for sale of tobacco.

Amend Bill, page 3, by inserting between lines 2 and 3
Section 2. Section 6305 of Title 18 is amended to read:
§ 6305. Sale of tobacco.

(a) Offense.—A person is guilty of a summary offense if he sells tobacco, in any form, to any minor under the age of [16] 18 years, or by purchase, gift or other means, furnishes tobacco, in any form, to a minor under the age of [16] 18 years.

(b) Penalty.—A person found guilty of violating this section shall pay a fine of at least \$25 for a first offense and at least \$100 for a subsequent offense.

Amend Sec. 2, page 3, line 3, 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 Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will raise the legal age to purchase tobacco products from the current 16 to 18 years of age.

I have talked to members of the tobacco industry and they claim that they in fact are educating or trying to educate away from children, and one of the problems that we have in school because of age 16 is they have difficulty with it. Making it 18 I think will assist them in their enforcement and only make sense in terms of the addicting powers that have been indicated by the U.S. Surgeon General.

I would urge support for this amendment. Thank you, Mr. Speaker.

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

Mr. FATTAH. Mr. Speaker, I would ask the House not to concur with this amendment and to vote negatively.

My bill is geared to dealing with people who employ minors in the trafficking of illegal narcotics, and I would ask that this

type of issue not be raised in this piece of legislation. Thank you.

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

The following roll call was recorded:

YEAS—130

Acosta	Dietterick	LaGrotta	Pressmann
Angstadt	Dininni	Langtry	Punt
Argall	Distler	Lashinger	Raymond
Arty	Dorr	Leh	Reber
Barley	Duffy	Lescovitz	Ritter
Battisto	Durham	Livengood	Robbins
Belfanti	Farmer	Lucyk	Rudy
Birmelin	Fischer	McCall	Ryan
Black	Flick	McClatchy	Rybak
Blaum	Foster	McHale	Saurman
Book	Fox	McVerry	Scheetz
Bortner	Freind	Maine	Schuler
Bowser	Gallen	Manmiller	Semmel
Boyes	Gamble	Markosek	Serafini
Bunt	Gannon	Mayernik	Showers
Burd	Geist	Melio	Smith, B.
Bush	Gladeck	Merry	Smith, S. H.
Caltagirone	Godshall	Michlovic	Snyder, D. W.
Carlson	Gruppo	Micozzie	Snyder, G.
Cessar	Hagarty	Miller	Staback
Chadwick	Hasay	Morris	Stairs
Civera	Hayes	Mowery	Stuban
Clark	Herman	Mrkonic	Sweet
Clymer	Hershey	Murphy	Taylor, E. Z.
Colafigliola	Hess	Nahill	Taylor, F.
Cornell	Honaman	Olasz	Van Horne
Corrigan	Hutchinson	Petrone	Vroon
Cowell	Jackson	Phillips	Wambach
Coy	Jadlowiec	Piccola	Wass
DeLuca	Jarolin	Pievsky	Wright, D. R.
Daley	Johnson	Pistella	Wright, R. C.
Dawida	Kasunic	Pitts	Yandrisevits
Dempsey	Kennedy		

NAYS—53

Bowley	Evans	Kosinski	Rieger
Brandt	Fargo	Kukovich	Roebuck
Broujos	Fattah	Letterman	Saloom
Burns	Fee	Levdansky	Steighner
Cappabianca	George	Linton	Tigue
Carn	Gruitza	Lloyd	Trello
Cawley	Haluska	Maiale	Veon
Cohen	Harper	Manderino	Wiggins
Cole	Hayden	Moehlmann	Wozniak
DeVerter	Howlett	O'Donnell	Wright, J. L.
DeWeese	Hughes	Oliver	
Davies	Itkin	Petrarca	Irvis,
Dombrowski	Josephs	Preston	Speaker
Donatucci	Kitchen	Richardson	

NOT VOTING—11

Belardi	Noye	Reinard	Weston
Billow	O'Brien	Seventy	Wogan
Kenney	Perzel	Taylor, J.	

EXCUSED—3

Freeman	Heckler	Sirianni
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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?

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, I would ask that the House vote in favor of this legislation. We have a significant problem throughout our State and especially in our urban areas where juveniles and minors are being encouraged and employed to traffic illegal narcotics, and I think that this legislation will go a long way in deterring that problem.

I would ask for the members of the House to vote in favor of this. Thank you very much.

The SPEAKER. The Chair recognizes the minority leader on final passage.

Mr. RYAN. Mr. Speaker, I am going to vote in favor of this, but I would like to clear something up, if I might, if the gentleman would consent.

The SPEAKER. Mr. Fattah indicates he will stand for interrogation.

Mr. RYAN. Could this be considered a companion bill to the bill that we just ran a moment ago - HB 2114, was it?

The SPEAKER. SB 1439 is the one we ran.

Mr. RYAN. I am sorry. Is it this bill that has a provision in it for a mandatory 10-year imprisonment for the sale of drugs?

Mr. FATTAH. With the amendment of Representative Hagarty, yes, it now does.

Mr. RYAN. Mr. Speaker, I apologize. My staff person, on whom I should have relied a moment ago and did not, straightened me out.

The SPEAKER. All right.

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—191

Acosta	Distler	Kukovich	Raymond
Angstadt	Dombrowski	LaGrotta	Reber
Argall	Donatucci	Langtry	Reinard
Arty	Dorr	Lashinger	Richardson
Barley	Duffy	Leh	Rieger
Battisto	Durham	Lescovitz	Ritter
Belardi	Evans	Letterman	Robbins
Belfanti	Fargo	Levdansky	Roebuck
Billow	Farmer	Linton	Rudy
Birmelin	Fattah	Livengood	Ryan
Black	Fee	Lloyd	Rybak
Blaum	Fischer	Lucyk	Saloom
Book	Flick	McCall	Saurman
Bortner	Foster	McClatchy	Scheetz
Bowley	Fox	McHale	Schuler
Bowser	Freind	McVerry	Semmel
Boyes	Gallen	Maiale	Serafini
Brandt	Gamble	Maine	Showers
Broujos	Gannon	Manderino	Smith, B.
Bunt	Geist	Manmiller	Smith, S. H.
Burd	George	Markosek	Snyder, D. W.
Burns	Gladeck	Mayernik	Snyder, G.
Bush	Godshall	Melio	Staback

Caltagirone	Gruitza	Merry	Stairs
Cappabianca	Gruppo	Michlovic	Steighner
Carlson	Hagarty	Micozzie	Stuban
Carn	Haluska	Miller	Sweet
Cawley	Harper	Moehlmann	Taylor, E. Z.
Cessar	Hasay	Morris	Taylor, F.
Chadwick	Hayden	Mowery	Taylor, J.
Civera	Hayes	Mrkonic	Tigue
Clark	Herman	Murphy	Trello
Clymer	Hershey	Nahill	Van Horne
Cohen	Hess	Noye	Veon
Colafella	Honaman	O'Brien	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrarca	Wiggins
Coy	Jackson	Petrone	Wogan
DeLuca	Jadlowiec	Phillips	Wozniak
DeVerter	Jarolin	Piccola	Wright, D. R.
DeWeese	Johnson	Pievsky	Wright, J. L.
Daley	Josephs	Pistella	Wright, R. C.
Davies	Kasunic	Pitts	Yandrisevits
Dawida	Kennedy	Pressmann	
Dempsey	Kitchen	Preston	Irvis,
Dietterick	Kosinski	Punt	Speaker
Dininni			

NAYS—0

NOT VOTING—3

Kenney O'Donnell Seventy

EXCUSED—3

Freeman Heckler Sirianni

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.

* * *

The House proceeded to third consideration of **SB 114, PN 2186**, entitled:

An Act amending the act of May 5, 1933 (P. L. 284, No. 104), entitled, as reenacted and amended, "Malt Beverage Tax Law," extending the emergency malt or brewed beverage tax credits; and increasing the maximum credit.

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

Mr. CLARK offered the following amendment No. A4308:

Amend Sec. 1 (Sec. 10.1), page 3, line 11, by inserting after "BEVERAGES"
with headquarters and principal place of business in Pennsylvania and having an annual production of malt and brewed beverages that does not exceed one million (1,000,000) barrels,

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

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

Mr. CLARK. Thank you, Mr. Speaker.

This first amendment simply limits who qualifies for the tax credit authorized under this bill.

Mr. Speaker, remember a few years back we had a relatively spirited debate on final passage of this tax-credit bill that extended it until December 31 of this year. Then Representative Greenwood and I expressed concerns with why we needed this credit. After talking with the Pennsylvania brewers, they advised me that it was only the smaller brewers that in fact were very interested and in need of this credit. So I have drafted an amendment that would limit those people who qualify for the tax credit to those people who have headquarters and principal place of business in Pennsylvania and have an annual production of malt or brewed beverages that does not exceed 1 million barrels. This will include all of the smaller breweries in Pennsylvania but exclude the larger ones that have productions in excess of 3 million barrels a year and really are not in need of a tax credit.

I really question the need for us to provide tax credits for people in the manufacture of malt and brewed beverages when Pennsylvania seems to be fighting the national trend in consumption and production numbers. While the rest of the country is at best having no growth or a loss in consumption and production, Pennsylvania has shown a small growth. So I would question the need for a credit as large as we have authorized, and this amendment will simply bring it down to those people who need it to stay in business.

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

The following roll call was recorded:

YEAS—164

Angstadt	Dietterick	Kenney	Raymond
Argall	Dininni	Kitchen	Reber
Arty	Distler	Kosinski	Reinard
Barley	Dombrowski	Kukovich	Rieger
Battisto	Donatucci	LaGrotta	Robbins
Belardi	Dorr	Langtry	Roebuck
Belfanti	Duffy	Lashinger	Rudy
Billow	Durham	Leh	Ryan
Black	Evans	Letterman	Rybak
Blaum	Fargo	Livengood	Saloom
Book	Farmer	Lloyd	Saurman
Bowley	Fee	Lucyk	Scheetz
Bowser	Fischer	McCall	Schuler
Boyes	Flick	McClatchy	Semmel
Brandt	Foster	McHale	Serafini
Broujos	Fox	McVerry	Showers
Bunt	Freind	Maiale	Smith, B.
Burd	Gallen	Maine	Smith, S. H.
Burns	Geist	Manderino	Snyder, G.
Bush	George	Manmiller	Staback
Caltagirone	Gladeck	Markosek	Stairs
Cappabianca	Godshall	Mayernik	Steighner
Carlson	Gruitza	Melio	Stuban
Carn	Gruppo	Merry	Taylor, E. Z.
Cawley	Hagarty	Micozzie	Taylor, F.
Cessar	Haluska	Miller	Taylor, J.
Chadwick	Harper	Moehlmann	Tigue
Civera	Hayden	Morris	Trello
Clark	Hayes	Mowery	Veon
Clymer	Herman	Nahill	Vroon
Cohen	Hershey	Noye	Wambach
Colafella	Hess	O'Brien	Wass
Cole	Honaman	O'Donnell	Wiggins
Cornell	Howlett	Olasz	Wogan
Corrigan	Hutchinson	Oliver	Wozniak
Cowell	Jackson	Petrone	Wright, D. R.
Coy	Jadlowiec	Phillips	Wright, J. L.

DeLuca	Jarolin	Piccola	Wright, R. C.
DeVerter	Johnson	Pievsky	
Daley	Josephs	Pistella	Irvis,
Davies	Kasunic	Pitts	Speaker
Dempsey	Kennedy		

NAYS—19

Birmelin	Itkin	Mrkonic	Ritter
Bortner	Lescovitz	Murphy	Snyder, D. W.
Dawida	Levdansky	Pressmann	Sweet
Fattah	Linton	Preston	Yandrisevits
Gamble	Michlovic	Richardson	

NOT VOTING—11

Acosta	Hasay	Petrarca	Van Horne
DeWeese	Hughes	Punt	Weston
Gannon	Perzel	Seventy	

EXCUSED—3

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

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

Mr. CLARK offered the following amendments No. A4309:

Amend Sec. 1 (Sec. 10.1), page 3, line 18, by inserting brackets before and after "FROM TIME TO TIME"

Amend Sec. 1 (Sec. 10.1), page 3, line 19, by inserting after "REPORT"

annually

Amend Sec. 1 (Sec. 10.1), page 3, line 26, by inserting after "REPORT."

The taxpayer shall also provide to the secretary the number of employees, total production of malt or brewed beverages and the amount of capital expenditures made by the taxpayer at each location operated by the taxpayer or a parent corporation, subsidiary, joint venture or affiliate. Also, the taxpayer shall notify the secretary of any contract for production held with another manufacturer. The secretary shall file a report annually with the Chief Clerk of the House of Representatives and with the Secretary of the Senate outlining the employment, production, expenditures and tax credits authorized under this act.

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

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

Mr. CLARK. Thank you, Mr. Speaker.

What this amendment is designed to do is require the people getting the tax credit to report to the Secretary of Revenue the data relative to production and employment creation within the Pennsylvania breweries.

When I was trying to put together information for debating this legislation and drafting amendments, I talked with the Department of Revenue and they keep very little data on the breweries and require very little in the way of data be reported. This amendment asks that they keep track of their employment and production capabilities and manufacturing within and outside of Pennsylvania and that the Secretary of Revenue file a report with the House and Senate letting us

know what has been going on in the industry so that we do not have to rely on trade data to develop legislation.

I would appreciate an affirmative vote.

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

The following roll call was recorded:

YEAS—188

Acosta	Dininni	LaGrotta	Raymond
Angstadt	Distler	Langtry	Reber
Argall	Dombrowski	Lashinger	Reinard
Arty	Donatucci	Leh	Rieger
Barley	Duffy	Lescovitz	Ritter
Battisto	Durham	Letterman	Robbins
Belardi	Evans	Levdansky	Roebuck
Belfanti	Fargo	Livengood	Rudy
Bilow	Farmer	Lloyd	Ryan
Birmelin	Fee	Lucyk	Rybak
Black	Fischer	McCall	Saloom
Blaum	Flick	McClatchy	Saurman
Book	Foster	McHale	Scheetz
Bortner	Fox	McVerry	Schuler
Bowley	Freind	Maiale	Semmel
Bowser	Gallen	Maine	Serafini
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, S. H.
Bunt	George	Mayernik	Snyder, D. W.
Burd	Gladeck	Melio	Snyder, G.
Burns	Godshall	Merry	Staback
Bush	Gruitza	Michlovic	Stairs
Caltagirone	Gruppo	Micozzie	Steighner
Cappabianca	Hagarty	Miller	Stuban
Carlson	Haluska	Moehlmann	Sweet
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Tigue
Civiera	Herman	Nahill	Trello
Clark	Hershey	Noye	Van Horne
Clymer	Hess	O'Brien	Veon
Cohen	Honaman	O'Donnell	Vroon
Colafella	Howlett	Olasz	Wambach
Cole	Hutchinson	Oliver	Wass
Cornell	Itkin	Perzel	Weston
Corrigan	Jackson	Petrarca	Wiggins
Cowell	Jadlowiec	Petrone	Wogan
Coy	Jarolin	Phillips	Wozniak
DeLuca	Johnson	Piccola	Wright, D. R.
DeVerter	Josephs	Pievsky	Wright, J. L.
DeWeese	Kasunic	Pistella	Wright, R. C.
Daley	Kennedy	Pitts	Yandrisevits
Davies	Kenney	Pressmann	
Dawida	Kitchen	Preston	Irvis,
Dempsey	Kosinski	Punt	Speaker
Dietterick	Kukovich		

NAYS—4

Dorr	Hughes	Linton	Richardson
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NOT VOTING—2

Fattah	Seventy
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EXCUSED—3

Freeman	Heckler	Sirianni
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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?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark, who sends forth his third amendment, which the clerk will read.

Mr. CLARK. Mr. Speaker, I would like to withdraw that amendment and any additional amendments and go to final passage. Thank you, Mr. Speaker.

The SPEAKER. All right. The Chair thanks the gentleman.

On the question recurring,

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

Mr. SAURMAN offered the following amendment No. A4275:

Amend Bill, page 2, lines 9 through 30; page 3, lines 1 through 30; page 4, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. The act of May 5, 1933 (P.L.284, No.104), known as the Malt Beverage Tax Law, reenacted and amended July 9, 1935 (P.L.628, No.222), is amended by adding a section to read:

Section 10.2. There is hereby imposed an additional tax of seven-tenths of one percent (0.7%) on all malt or brewed beverages sold in Pennsylvania for the purpose of providing funding for qualifying capital expenditures during the emergency period which will expire on December 31, 1993. These funds shall be placed in a special fund in the Treasury Department to be known as the Malt or Brewed Beverage Manufacturers Capital Expenditures Fund.

Section 2. The increase in qualifying capital expenditures provided for in this amendatory act shall apply to taxable periods ending after 1989.

Section 3. Section 10.1 of the act is repealed.

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, alcoholism costs society upwards of \$120 billion nationally a year. It will affect, at least sometime in their lives, between 3 and 10 percent of all Americans. Alcoholism is involved in at least one-fourth of all hospital admissions and plays a major role in the four most common causes of death in males aged 20 to 40 - accidents, homicides, suicides, cirrhosis of the liver. The fallout of these diseases and these accidents is shared by the family, the workplace, and the community as well.

Recently this House passed HB 668 as a result of a recognition of an insidious cancer in our society known as underage drinking. I was appalled when I read the contents of the rewritten SB 114 which would use taxpayers' money to subsidize this industry which creates such havoc in our communities. My amendment transfers the cost of subsidizing this industry from the taxpayer at large to the user. When the industry then is in trouble, it is not the general taxpayer who would be helping them out but the user of that particular industry. There is no way that I could vote to use the general taxpayer's

money to perpetuate an industry which in fact has done so much in a detrimental way to our society.

Mr. Speaker, just a couple more comments. When the original legislation was passed to assist the small brewery—which SB 114 is supposed to do—back in the 1930's, there were then 135 small breweries in the State of Pennsylvania. There are now seven. I submit that the legislation itself has not been successful in accomplishing what it is purported to do. We ought at least not to put this burden on the taxpayer but transfer it, as my amendment would do, to the user.

I would ask for the adoption of this amendment. Thank you.

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

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

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

Mr. MANDERINO. Mr. Speaker, SB 114 in its present form provides a tax credit for some of the smaller breweries in Pennsylvania. As I read your amendment, you completely abolish that tax credit. Is that correct?

Mr. SAURMAN. That is correct.

Mr. MANDERINO. Then what is the purpose of wiping out the tax credit that is being given to small Pennsylvania breweries to try to keep them alive and provide employment within the Commonwealth?

Mr. SAURMAN. Well, my purpose, Mr. Speaker, as I have indicated, is that this is an industry that is detrimental to our society. This tax-credit idea also is not available, for instance, to the milk industry. It is not available to other industries so that they can purchase equipment. I do not see that it is a proper use of taxpayers' money, and my amendment would transfer the cost of that to the people who use this product, and therefore help them to continue to stay in business but put the burden where I think it belongs.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the amendment.

Pennsylvania has few industries employing people in the production of beer, and we are talking about beer. We are not talking about hard liquor; we are not talking about spirits; we are talking about malt beverages.

Mr. Speaker, at one time Pennsylvania had more of these. If I thought that Mr. Saurman's amendment was going to stop beer from being purchased in Pennsylvania or stop the production of beer from coming into Pennsylvania or do anything about the consumption of beer in Pennsylvania, it might have some merit, but all it is going to do is take those few Pennsylvania industries still employing people in the production, manufacture of malt beverages, take them and offer them a disadvantage that in the past we have offered as an advantage because they are in Pennsylvania.

Mr. Speaker, I think that Pennsylvania has lost through shortsighted though perhaps well-intentioned actions more jobs than we can afford to lose, and I would ask for a negative vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I agree with the gentleman, Mr. Manderino.

I remember when this bill was first introduced here in the House. I am not sure, but I believe I was the sponsor of it, as I recall it some 10 years ago, give or take 2, 3 years, and the idea at that time was not to encourage the drinking of malt beverages in the Commonwealth but rather to try and stem the flow of jobs out of this Commonwealth.

I just have a good deal of trouble believing that raising a tax seven-tenths of 1 percent on the beer drinkers is really going to do much to stop people from drinking beer, be it minors or adults, and I do not approve of children drinking or people who are minors drinking, and I have supported almost everything that the gentleman, Mr. Saurman, has done in that regard. But here, it is rather an insignificant amount of money, but it is a signal to these few breweries that are left that we support them because they are a part of our job-producing industry here in Pennsylvania. And I speak only for myself, not as a leader, but rather speaking on behalf of myself as one of the two or three people who sponsored this bill initially some 10 or 15 years ago or whatever it was. Thank you, Mr. Speaker.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. Saurman.

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

Mr. WAMBACH. Mr. Speaker, in reading your amendment A4275, I am trying to find the purpose of the seven-tenths-of-1-percent additional tax. Could you give me that? I see it in words, but I do not quite understand what you mean in the amendment.

Mr. SAURMAN. Yes, sir.

In attempting to determine what kind of a tax would be appropriate, I contacted the Department of Revenue, and it is a complex tax imposed upon various packing sizes - barrels, pints, half pints, and so forth. Rather than try to determine or distinguish how much would go on each individual package, what we did was to take the average revenue produced by the malt beverage and determine what fraction of that would be required to replace the \$200,000 tax credit. That is how we arrived at that figure; that is what it is intended to do, and then it would be distributed accordingly over the tax structure.

Mr. WAMBACH. Mr. Speaker, you are only going to be taxing with the additional tax, however, in-State brewers. Is that correct? Under the qualifying of less than 1 million that was accepted in the Clark amendment.

Mr. SAURMAN. It is my understanding that this would be the total sales in Pennsylvania that this tax would be placed on. However the current tax is imposed, it would include that same tax because of the revenue and because of not creating a difficulty for them.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a statement on the amendment.

The SPEAKER. The gentleman has the floor. He may proceed.

Mr. WAMBACH. Thank you, Mr. Speaker.

I would urge a negative vote on the Saurman amendment, Mr. Speaker. We have been in discussions with the entire industry regarding their role, if you will, in providing the dollars for education, prevention, and treatment regarding alcoholism here in Pennsylvania, including the spirit industry as well as the malt and brewed beverage industry.

Within the bill, within SB 114, I would have rather seen the Saurman amendment expand the qualifying capital-expenditures language to include those kinds of approaches. However, I think it is premature to implement the amendment when our negotiations are going on. We hope to have something before this chamber that will address the whole problem, and I would join at that time in supporting such an amendment, but I would ask my colleagues at this time to oppose the Saurman amendment to SB 114.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Just two comments for the record. First of all, this is beer. It is not spirits; it is not hard liquor, but I can tell you that you can get just as drunk by drinking an appropriate amount of beer as you can otherwise, and our kids have shown that they are quite adept at it. So I think we have to recognize that we cannot distinguish between one beverage or another. This is alcohol.

My other point is that we are sending a conflicting message to our young people and to our citizens when we in fact subsidize an industry that is giving us these kinds of problems - that is, the manufacturers of it - and I just think that somewhere along the line we are going to have to stop telling our kids, do not do this; just because we put money into it does not mean that it is all right.

That is the reason that my amendment is here. I think it is time that we make a statement, and we can do that by voting "yes" on this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—25

Acosta	Geist	Nahill	Stairs
Birmelin	Hagarty	Noye	Vroon
Clymer	Hershey	Petrone	Wass
Fischer	Johnson	Phillips	
Flick	Miller	Pitts	Irvis,
Foster	Mowery	Saurman	Speaker
Fox	Mrkonic	Scheetz	

NAYS—166

Angstadt	Dawida	Kitchen	Preston
Argall	Dempsey	Kosinski	Punt
Arty	Dietterick	Kukovich	Raymond
Barley	Dininni	LaGrotta	Reber

Battisto	Distler	Langtry	Reinard
Belardi	Dombrowski	Lashinger	Richardson
Belfanti	Donatucci	Leh	Rieger
Billow	Dorr	Lescovitz	Ritter
Black	Duffy	Letterman	Robbins
Blaum	Durham	Levdansky	Roebuck
Book	Evans	Linton	Rudy
Bortner	Fargo	Livengood	Ryan
Bowley	Farmer	Lloyd	Rybak
Bowser	Fee	Lucyk	Saloom
Boyes	Freind	McCall	Schuler
Brandt	Gallen	McClatchy	Semmel
Broujos	Gamble	McHale	Serafini
Bunt	Gannon	McVerry	Showers
Burd	George	Maiale	Smith, B.
Burns	Gladeck	Maine	Smith, S. H.
Bush	Godshall	Manderino	Snyder, D. W.
Caltagirone	Gruitza	Manmiller	Snyder, G.
Cappabianca	Gruppo	Markosek	Staback
Carlson	Haluska	Mayermik	Steighner
Carn	Harper	Melio	Stuban
Cawley	Hasay	Merry	Sweet
Cessar	Hayden	Michlovic	Taylor, E. Z.
Chadwick	Hayes	Micozzie	Taylor, F.
Civera	Herman	Moehlmann	Tigue
Clark	Hess	Morris	Trello
Cohen	Honaman	Murphy	Van Horne
Colafella	Howlett	O'Brien	Veon
Cole	Hughes	O'Donnell	Wambach
Cornell	Hutchinson	Olasz	Weston
Corrigan	Itkin	Oliver	Wiggins
Cowell	Jackson	Perzel	Wogan
Coy	Jadlowiec	Petrarca	Wozniak
DeLuca	Jarolin	Piccola	Wright, D. R.
DeVerter	Josephs	Pievsky	Wright, J. L.
DeWeese	Kasunic	Pistella	Wright, R. C.
Daley	Kennedy	Pressmann	Yandrisevits
Davies	Kenney		

NOT VOTING—3

Fattah	Seventy	Taylor, J.
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EXCUSED—3

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

Angstadt	Dombrowski	LaGrotta	Raymond
Argall	Donatucci	Langtry	Reber
Arty	Dorr	Lashinger	Reinard
Barley	Duffy	Leh	Richardson
Battisto	Durham	Lescovitz	Rieger
Belardi	Evans	Letterman	Ritter
Belfanti	Fargo	Levdansky	Robbins
Billow	Farmer	Linton	Roebuck
Black	Fee	Livengood	Rudy
Blaum	Fischer	Lucyk	Ryan
Book	Flick	McCall	Rybak
Bortner	Fox	McClatchy	Saloom
Bowley	Freind	McHale	Scheetz

Bowser	Gallen	McVerry	Schuler
Boyes	Gamble	Maiale	Semmel
Brandt	Gannon	Maine	Serafini
Broujos	Geist	Manderino	Showers
Bunt	George	Manmiller	Smith, B.
Burd	Gladeck	Markosek	Smith, S. H.
Burns	Godshall	Mayermik	Snyder, D. W.
Bush	Gruitza	Melio	Snyder, G.
Caltagirone	Gruppo	Merry	Staback
Cappabianca	Hagarty	Michlovic	Stairs
Carlson	Haluska	Micozzie	Steighner
Carn	Harper	Miller	Stuban
Cawley	Hasay	Moehlmann	Sweet
Cessar	Hayden	Morris	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Herman	Mrkonc	Taylor, J.
Clark	Howlett	Nahill	Trello
Cohen	Hess	Noye	Van Horne
Colafella	Honaman	O'Brien	Veon
Cole	Howlett	O'Donnell	Wambach
Cornell	Hutchinson	Olasz	Wass
Corrigan	Itkin	Oliver	Weston
Cowell	Jackson	Perzel	Wiggins
Coy	Jadlowiec	Petrarca	Wogan
DeLuca	Jarolin	Petrone	Wozniak
DeWeese	Josephs	Phillips	Wright, D. R.
Daley	Kasunic	Piccola	Wright, J. L.
Davies	Kennedy	Pievsky	Wright, R. C.
Dawida	Kenney	Pistella	Yandrisevits
Dempsey	Kitchen	Pressmann	
Dietterick	Kosinski	Preston	Irvis,
Dininni	Kukovich	Punt	Speaker
Distler			

NAYS—12

Acosta	DeVerter	Lloyd	Saurman
Birmelin	Foster	Murphy	Tigue
Clymer	Johnson	Pitts	Vroon

NOT VOTING—3

Fattah	Hughes	Seventy
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EXCUSED—3

Freeman	Heckler	Sirianni
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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.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of a list of lobbyists from the Chief Clerk of the House and from Mark Corrigan, the Secretary of the Senate, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania

July 1, 1988

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from June 1, 1988 through June 30, 1988 inclusive, for the 172nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania
John J. Zubeck, Chief Clerk
House of Representatives

(For list, see Appendix.)

The SPEAKER. Why does the gentleman from Lancaster, Mr. Brandt, rise?

Mr. BRANDT. Mr. Speaker, under lost and found, I found this necktie lying in this row. Anybody may claim it, if they would be willing to pick it up. It looks like it was made in Reading, if anybody would like to pick it up.

The SPEAKER. The Chair noticed that Mr. Burd may be the person who lost it. He is not claiming it that we know of.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Westmoreland, Mr. Kukovich, rise?

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would like to change my vote on HB 2460 and vote in the negative.

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

Why does the gentleman from Warren, Mr. Bowley, rise?

Mr. BOWLEY. To correct the record, Mr. Speaker.

The SPEAKER. You may proceed.

Mr. BOWLEY. Mr. Speaker, on amendment A3310 to HB 2460, I misread the amendment. I would like to be recorded as voting in the affirmative. Thank you.

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

HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. Why does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, at the appropriate time I would like to know if I would be in order to call for a committee meeting.

The SPEAKER. Apparently we are going to be in recess very shortly, but just before we go into recess we will recognize you so you may call for your committee meeting.

Mr. Richardson, if you wish to call your committee meeting now, you may do so, but we will be in recess subject to the call of the Chair. So whenever the Chair comes back, it will take your report.

You may announce your meeting now.

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

Mr. Speaker, I would like to call a meeting of the Health and Welfare Committee in the back of the hall of the House.

The SPEAKER. Are there any other announcements now?

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it is my understanding, talking to the majority leader, that although we are recessing at this time subject to the call of the Chair, it is unlikely, highly unlikely, that we will be called back in today.

The SPEAKER. That is correct. We are doing it for obvious reasons. Those of you who are veterans of this budget battle understand why we continue keeping the Chair open. The majority leader has assured the Chair that it is unlikely that we will be coming back in.

Do you wish to make a statement, Mr. Manderino?

Mr. MANDERINO. Only that the reason we keep the session open is so that in the event that matters begin to become resolved, you may get two readings of a bill tomorrow - one in today's session and one in tomorrow's session.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will go immediately into caucus. We have about a dozen bills to caucus on to prepare us for this week's calendar.

The SPEAKER. Immediate Democratic caucus.

REPUBLICAN CAUCUS

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

Mr. NOYE. An immediate Republican caucus, please.

The SPEAKER. Immediate Republican caucus.

The Chair does not anticipate calling you back into session until 11 o'clock tomorrow morning.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman. Why do you rise, Mr. Freeman?

Mr. FREEMAN. Mr. Speaker, I rise to correct the record.

The SPEAKER. The gentleman may proceed.

Mr. FREEMAN. On HB 2460, the Hagarty amendment A3859, I would like to be recorded in the affirmative. On the Saurman amendment A3310 to HB 2460, I would like to be recorded in the affirmative. On final passage of HB 2460, I would like to be recorded in the affirmative. On the Clark amendment A4308 to SB 114, I would like to be recorded in the affirmative. On the Clark amendment A4309 to SB 114, I would like to be recorded in the affirmative. On the Saurman amendment A4275 to SB 114, I would like to be recorded in the negative. On final passage of SB 114, I would like to be recorded in the affirmative.

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

Let the record show that the gentleman was returned to the regular roll, having been granted a temporary leave of absence until his arrival on the floor in the session of Tuesday, July 5, 1988.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 786, PN 2293 (Amended)

By Rep. RICHARDSON

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing the Department of Public Welfare to the Department of Human Services; establishing the State Board of Human Services; and making related editorial changes.

HEALTH AND WELFARE.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 786 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.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 786 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the sunshine notice at this time, please.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE SESSION TIME HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, No. 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

Wednesday, July 6, 1988 at 11:10 a.m.

John J. Zubeck
Chief Clerk
House of Representatives

July 5, 1988

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the following date:

July 5, 1988

John J. Zubeck
Chief Clerk
House of Representatives

July 5, 1988

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session of Tuesday, July 5, 1988, the Chair recognizes the gentleman from Bedford, Mr. Hess.

Mr. HESS. Mr. Speaker, I move that this House do now adjourn in regular session until Wednesday, July 6, 1988, at 11:10 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 10:59 p.m., e.d.t., the House adjourned.