

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 11, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, we remember the words that we are not what we want to be and are not yet what we ought to be, but we thank You that we are not what we used to be.

We are grateful to You for our growth in Your grace and favor. Help us to remember that they who wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk and not faint.

Dear Father, we know that our labors in this legislature require the very best in us and that often we must patiently wait for You, so then grant that as we wait, we will fervently work to bring Your kingdom here on Earth.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, we will postpone until printed the approval of the Journal dated Tuesday, October 10, 1989. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1983 By Representatives GIGLIOTTI, LAUGHLIN, VEON, PISTELLA, SCHULER, MRKONIC, FOX, KOSINSKI, PESCI, BUNT, KUKOVICH, BILLOW, McCALL, ROBINSON, MICOZZIE, STISH, PRESSMANN, TELEK, E. Z. TAYLOR, PETRARCA, MAINE,

COLAIZZO, LINTON, KAISER, McNALLY, NAHILL, GODSHALL, SERAFINI, MELIO and TANGRETTI

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," increasing fees to provide funding for domestic violence victims.

Referred to Committee on JUDICIARY, October 11, 1989.

No. 1984 By Representatives GIGLIOTTI, COLAIZZO, TANGRETTI, COHEN, KOSINSKI, PRESSMANN, TRELLO, PESCI, STABACK, VEON, MERRY, PISTELLA, PETRARCA, FOX, TIGUE, LAUGHLIN, MELIO, McNALLY, CIVERA, JAMES, VAN HORNE, BILLOW and KAISER

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," requiring the Secretary of Revenue to enter into contracts for the placement of commercial advertisements on lottery tickets.

Referred to Committee on FINANCE, October 11, 1989.

No. 1985 By Representatives TRELLO, VROON, MAYERNIK, GALLEN, BELFANTI, PETRONE, CORNELL, LaGROTTA, BUNT, VAN HORNE, REINARD, YANDRISEVITS, KENNEY, MARKOSEK, B. SMITH, RYBAK, FARGO, PESCI, DORR, HALUSKA, HECKLER, WOZNIAK, BOYES, MAIALE, PERZEL, MORRIS, FARMER, HOWLETT, KOSINSKI, LANGTRY, DONATUCCI, J. L. WRIGHT, ROBINSON, GEIST, PRESSMANN, SEMMEL, McCALL, ANGSTADT, STISH, D. F. CLARK, STABACK, BURD, GIGLIOTTI, DEMPSEY, CALTAGIRONE, STRITTMATTER, COLAIZZO, BIRMELIN, PRESTON, LASHINGER, JADLOWIEC, CLYMER, LEH, CHADWICK, MERRY, MICOZZIE, DIETTERICK, MARSICO, S. H. SMITH, G. SNYDER, STAIRS, JACKSON, NAILOR, SAURMAN, BARLEY, WOGAN, ALLEN, NAHILL, MOWERY, ADOLPH, GAMBLE, HESS, D. W. SNYDER,

O'BRIEN, SERAFINI, GODSHALL,
OLASZ and TANGRETTI

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the mutual thrift institution tax.

Referred to Committee on FINANCE, October 11, 1989.

No. 1986 By Representatives PISTELLA, NAILOR, SAURMAN, PESCI, NOYE, JADLOWIEC, BILLOW, VROON, MRKONIC, BATTISTO, MORRIS, LEVDANSKY, OLASZ, TRELLO, MELIO, BUNT, FAIRCHILD, RAYMOND, MURPHY, ITKIN, D. F. CLARK, J. TAYLOR, SERAFINI, HECKLER, MICHLOVIC, MERRY and McCALL

An Act amending the act of July 27, 1967 (P. L. 186, No. 58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the wilful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery," increasing the limits of liability of parents.

Referred to Committee on JUDICIARY, October 11, 1989.

No. 1987 By Representatives PISTELLA, NOYE, NAHILL, HESS, BILLOW, PESCI, MRKONIC, MORRIS, DeWEESE, KUKOVICH, FOX, TIGUE, FREEMAN, KOSINSKI, PRESTON, CORRIGAN, COLAFELLA, OLASZ, COLAIZZO, GRUPPO, TRELLO, MELIO, J. L. WRIGHT, O'BRIEN, DEMPSEY, BUNT, LASHINGER, JOHNSON, RAYMOND, E. Z. TAYLOR, GODSHALL, ITKIN, LAUGHLIN, MAINE, TANGRETTI, HALUSKA, J. TAYLOR, MICOZZIE, SERAFINI, JAMES and PETRARCA

An Act amending the act of December 13, 1988 (P. L. 1192, No. 147), known as the "Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act," extending the provisions of the act to include survivors of police officers and firefighters.

Referred to Committee on LOCAL GOVERNMENT, October 11, 1989.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 210 By Representatives F. TAYLOR, GALLEN, DONATUCCI, VAN HORNE, OLASZ, MAYERNIK, CAPPABIANCA, COY, HALUSKA, LESCOVITZ, LINTON, LUCYK, MAIALE, PISTELLA, PRESTON, G. SNYDER, SERAFINI, GEIST, BURD, DININNI, DORR, GODSHALL, HAGARTY and J. L. WRIGHT

Recognizing October 1989 as "Credit Union Month" and October 19 as "Credit Union Day" in this Commonwealth.

Referred to Committee on RULES, October 11, 1989.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Speaker acknowledges receipt of additions and deletions to bills sponsored in the House by members. The additions and deletions will be filed with the clerk.

The following list was submitted:

ADDITIONS:

HB 112, James; HB 185, James; HB 226, Kaiser; HB 386, James; HB 591, Broujos; HB 690, James; HB 692, James; HB 693, James; HB 916, Black; HB 964, Linton; HB 1216, Gruppo, Flick; HB 1276, Linton; HB 1279, Linton; HB 1289, Linton; HB 1311, Reber, Hagarty, Saurman, Bunt; HB 1360, Linton; HB 1630, Gigliotti; HB 1850, Kosinski; HB 1877, J. H. Clark; HB 1892, Nailor; HB 1896, Civera, McHale; HB 1897, Godshall; HB 1899, Civera; HB 1900, Angstadt, Marsico; HB 1909, Marsico; HB 1920, Murphy; HB 1924, Olasz; HB 1926, Josephs, Oliver, Michlovic; HB 1933, Lee; HB 1935, Rybak, Scrimenti, Bunt, Farmer, Hess, Kasunic, G. M. Snyder, Moehlmann, Freeman, Tigie, Distler, Fox, Carlson, Herman, Bush, Laughlin, Tangretti, Michlovic, Gigliotti, Billow, Levdansky, Heckler, Staback, Jadlowiec, Maine; HB 1936, Rudy, Merry, Colafella; HB 1937, McHale, Godshall; HB 1939, Olasz; HB 1940, Lee; HB 1941, O'Brien; HB 1944, Hershey, Merry, E. Z. Taylor, Vroon; HB 1947, McHale; HB 1952, Civera, Hershey, Cessar; HB 1958, Civera, Maine; HB 1959, O'Brien; HB 1968, Farmer, Kasunic, Bunt, Maine; HR 189, Olasz; HR 190, Bishop; HR 192, Burd; HR 195, Telek; HR 197, Jackson, James, Blaum, Linton, DeLuca, Farmer, Scrimenti, Rybak, Bunt, Donatucci, Staback, Harper, Saloom; HR 198, Civera, Dempsey, Robbins, Josephs, DeLuca, Hasay, Farmer, Jadlowiec, Kondrich, McCall, Hershey, O'Brien, Tangretti, Linton, Corrigan, Phillips, Herman, Fargo, Lashinger, Clymer; HR 202, Olasz; HR 207, Steighner; HR 208, Farmer, Kasunic.

DELETIONS:

HB 696, Maine, Micozzie, Serafini; HB 941, Piccola; HB 1121, Noye; HB 1216, Kasunic; HB 1630, J. H. Clark; HB 1828, Godshall; HB 1944, J. J. Taylor.

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER. The Speaker announces that he is in receipt of an amended certification from the Auditor General of Pennsylvania regarding this State's fiscal condition and the debt outstanding. The amended certification will be filed with the clerk.

The following communication was submitted:

Commonwealth of Pennsylvania
Office of the Auditor General
Harrisburg, PA 17120-0018

September 29, 1989

The Honorable James J. Manderino
Speaker of the House
139 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Speaker Manderino:

On August 31, 1989, in accordance with the provisions of Article VIII of the Constitution of the Commonwealth of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, I made certification to the Governor and the General Assembly as to the Commonwealth's debt as of August 31, 1989.

A review of this Debt Certification indicated that the net capital debt outstanding as of the end of the preceding fiscal year (i) and as of August 31, 1989 (ii) were overstated. As a result of changes to the debt outstanding, the net debt as of the date of this certificate will also change (iii). In addition, the amount of debt scheduled to be repaid during the remainder of the current fiscal year was understated and had to be corrected (iv).

All figures included in the amended certificate reflect the date as of August 31, 1989.

A revised duplicate original of my certificate is enclosed.

Sincerely,
Barbara Hafer
Auditor General

BH:lmj
Enclosure

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1059**, **PN 1207**, entitled:

An Act prohibiting landfilling of whole waste tires; providing for nuisance abatement; requiring permits for waste tire collectors and processors; encouraging use of recovered rubber and retread tires by State agencies; establishing a waste tire abatement fund; providing for waste tire grants; imposing additional powers and duties on the Department of Environmental Resources; providing penalties; making an appropriation; and making repeals.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1059 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1935**, **PN 2493**, entitled:

An Act prohibiting sewage sludge from sources outside this Commonwealth.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1935 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1892**, **PN 2425**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1892 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 941**, **PN 2510**, entitled:

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

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 941 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 802**, **PN 893**, entitled:

An Act requiring the Department of General Services to place the official portrait of all former Governors and Lieutenant Governors in an appropriate place in the State Capitol.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 802 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 848, PN 966**, entitled:

An Act amending the act of July 18, 1935 (P. L. 1314, No. 411 1/2), entitled, as amended, "An act authorizing the utilization of the Pennsylvania State Police Academy for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation," requiring the Pennsylvania State Police to establish a missing persons unit.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 848 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 930, PN 2506**, entitled:

An Act amending the act of March 4, 1970 (P. L. 128, No. 49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for display of the official POW/MIA flag.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 930 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

On the question,

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

* * *

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

HB 1575, PN 1845.

* * *

The House proceeded to second consideration of **HB 1660, PN 2366**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), known as the "Pennsylvania Prevailing Wage Act," defining "financing"; making amendments to conform with these definitional amendments; specifying duties of certain officers of public bodies; adding criminal and civil remedies; and changing certain time limitations.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1660 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1853, PN 2380**, entitled:

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), known as the "Public Official Compensation Law," further providing for judicial salaries.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1853 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **SB 340, PN 1590**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of taxicabs in first class cities, and for computer recorder message calls.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that SB 340 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 253, PN 281**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," permitting interests in police pension funds to vest after 12 years under certain conditions; providing for the amount of the retirement allowance benefit vested; and adding a definition.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 253 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

* * *

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

HB 1886, PN 2419.

* * *

The House proceeded to second consideration of **HB 388, PN 2509**, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for membership on retirement boards; and authorizing cost-of-living increases.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 388 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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

LEAVES OF ABSENCE

The SPEAKER. Are there leaves of absence from the majority party? The indication is in the negative.

Are there leaves of absence from the Republican Party? The indication is in the negative.

MASTER ROLL CALL

The SPEAKER. Members are to indicate their presence by voting "yea" on the master roll call. Members will proceed to vote on today's master roll.

The following roll call was recorded:

PRESENT—201

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashingier	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
Argall	Evans	Leh	Robinson
Barley	Fairchild	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Rudy
Belardi	Farmer	Levdansky	Ryan
Belfanti	Fee	Linton	Rybak
Billow	Fleagle	Lloyd	Saloom
Birmelin	Flick	Lucyk	Saurman
Bishop	Foster	McCall	Scheetz
Black	Fox	McHale	Schuler
Blaum	Freeman	McNally	Scrimenti
Bortner	Freind	McVerry	Semmel
Bowley	Gallen	Maiale	Serafini
Boyes	Gamble	Maine	Smith, B.
Brandt	Gannon	Markosek	Smith, S. H.
Broujos	Geist	Marsico	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G.
Burd	Gigliotti	Melio	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stish
Caltagirone	Gruitza	Micozzie	Strittmatter
Cappabianca	Gruppo	Miller	Stuban
Carlson	Hagarty	Mochlmann	Tangretti
Carn	Haluska	Morris	Taylor, E. Z.
Cawley	Harper	Mowery	Taylor, F.
Cessar	Hasay	Mrkonic	Taylor, J.
Chadwick	Hayden	Murphy	Telek
Civera	Hayes	Nahill	Thomas
Clark, B. D.	Heckler	Nailor	Tigue
Clark, D. F.	Herman	Noye	Trello
Clark, J. H.	Hershey	O'Brien	Trich
Clymer	Hess	O'Donnell	Van Horne
Cohen	Howlett	Olasz	Veon
Colafella	Hughes	Oliver	Vroon
Colaizzo	Itkin	Perzel	Wambach
Cole	Jackson	Pesci	Wass
Cornell	Jadlowiec	Petrarca	Weston
Corrigan	James	Petrone	Williams
Cowell	Jarolin	Phillips	Wilson
Coy	Johnson	Piccola	Wogan
DeLuca	Josephs	Pievsky	Wozniak
DeWeese	Kaiser	Pistella	Wright, J. L.
Daley	Kasunic	Pitts	Wright, R. C.
Davies	Kenney	Pressmann	Yandrisevits

Dempsey	Kondrich	Preston	
Dietterick	Kosinski	Raymond	Manderino,
Dininni	Kukovich	Reber	Speaker
Distler	LaGrotta	Reinard	

ADDITIONS—2

Staback Wright, D. R.

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Burd

MEMBERS' PRESENCE RECORDED

The SPEAKER. The gentleman from Lackawanna, Mr. Staback, is recognized and asks to be added to the master roll call. He is present in the Assembly hall now.

The Chair indicates that Representative David Wright of Clarion County has asked to be added to the master roll call.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1083, PN 1899**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for instructional programs on steroids.

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—201

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingar	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Saloom
Belfanti	Fee	Linton	Saurman
Billow	Fleagle	Lloyd	Scheetz
Birmelin	Flick	Lucyk	Schuler
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Stuban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.

Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkoncic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Olasz	Vroon
Colafella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Pesci	Wass
Cole	Jackson	Petrarca	Weston
Cornell	Jadlowiec	Petrone	Williams
Corrigan	James	Phillips	Wilson
Cowell	Jarolin	Piccola	Wogan
Coy	Johnson	Pievsky	Wozniak
DeLuca	Josephs	Pistella	Wright, D. R.
DeWeese	Kaiser	Pitts	Wright, J. I.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kenney	Preston	Yandrisevits
Dempsey	Kondrich	Raymond	
Dietterick	Kosinski	Reber	Manderino,
Dininni	Kukovich	Reinard	Speaker
Distler	LaGrotta	Richardson	

NAYS—0

NOT VOTING—2

Oliver

Rybak

EXCUSED—0

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.

STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the Republican leader, Matthew Ryan. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I would like to make a statement with respect to HB 1083 that was just passed.

The SPEAKER. Without objection, the gentleman is in order.

Mr. RYAN. Mr. Speaker, I purposely delayed making a statement on this particular bill because I did not really feel the statement was all that important as to it. However, I think we should really caution ourselves in introducing and bringing to the floor bills such as this.

If you look at the bill, it does not say anything about when we teach these subjects. All of a sudden we are putting something into the law that really we have no expertise on. It seems to me that the Department of Education should make decisions such as what subjects should be taught in the schools and that we should not become involved in putting each one of our pet projects onto the curriculum.

Now, I understand that this is a very topical subject, and it is the type thing that properly should be taught. Maybe, though, it should be taught only to the athletes. Maybe it should be restricted in some way rather than taking up a lot of time. I do not know, but I think it is an educators' call rather than a legislative call.

LEAVE OF ABSENCE

The SPEAKER. For what purpose does the gentleman, Mr. Hayes, rise?

Mr. HAYES. Mr. Speaker, if you would, please, return to requests for leaves of absence?

The SPEAKER. Without objection, we will return to leaves of absence, and the Chair recognizes the Republican whip, Representative Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Butler County, Mr. BURD, for today's session.

The SPEAKER. Without objection, the leave will be granted. The Chair hears no objection.

WELCOME

The SPEAKER. The Chair is happy to welcome to the hall of the House this morning a gentleman who has spent the last 20 years in foreign service with the Peace Corps and the organization CARE. He is Mr. Joseph Wambach, who is the brother of Representative Peter Wambach. He is here with a friend, Mr. Kenold Peck of Haiti, who is really Joseph Wambach's brother-in-law. They are the guests of Representative Pete Wambach of Dauphin County, and they are to the left of the Speaker. Will they please stand.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1276, PN 1469, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional aggravating circumstances in death penalty cases.

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—196

- Acosta Donatucci Laughlin Ritter
Adolph Dorr Lee Robbins
Allen Durham Leh Robinson
Angstadt Evans Lescovitz Roebuck
Argall Fairchild Letterman Rudy
Barley Fargo Levdansky Ryan
Battisto Farmer Lloyd Rybak
Belardi Fee Lucy Saurman
Belfanti Fleagle McCall Scheetz
Billow Flick McHale Schuler
Birmelin Foster McNally Scrimenti
Black Fox McVerry Semmel
Blaum Freind Maiale Serafini
Bortner Gallen Maine Smith, B.
Bowley Gamble Markosek Smith, S. H.
Boyes Gannon Marsico Snyder, D. W.
Brandt Geist Mayernik Snyder, G.

- Broujos George Melio Staback
Bunt Gigliotti Merry Stairs
Burns Gladeck Michlovic Steighner
Bush Godshall Micozzie Stish
Caltagirone Gruitza Miller Strittmatter
Cappabianca Gruppo Moehlmann Stuban
Carlson Hagarty Morris Tangretti
Carn Haluska Mowery Taylor, E. Z.
Cawley Harper Mrkonic Taylor, F.
Cessar Hasay Murphy Taylor, J.
Chadwick Hayden Nahill Telek
Civera Hayes Nailor Thomas
Clark, B. D. Heckler Noye Tigue
Clark, D. F. Herman O'Brien Trello
Clark, J. H. Hershey O'Donnell Trich
Clymer Hess Olasz Van Horne
Cohen Howlett Oliver Veon
Colafiglia Itkin Perzel Vroon
Colaizzo Jackson Pesci Wambach
Cole Jadlowiec Petrarca Wass
Cornell James Petrone Weston
Corrigan Jarolin Phillips Williams
Cowell Johnson Piccola Wilson
Coy Josephs Pievsky Wogan
DeLuca Kaiser Pistella Wozniak
DeWeese Kasunic Pitts Wright, D. R.
Daley Kenney Pressmann Wright, J. L.
Davies Kondrich Preston Wright, R. C.
Dempsey Kosinski Raymond Yandrisevits
Dietterick Kukovich Reber
Dininni LaGrotta Reinard Manderino,
Distler Langtry Rieger Speaker
Dombrowski Lashinger

NAYS—1

Saloom

NOT VOTING—5

Bishop Hughes Linton Richardson
Freeman

EXCUSED—1

Burd

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 HB 1277, PN 1470, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for dealing in proceeds of unlawful activities.

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—200

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaifella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kenney	Pressmann	Wright, R. C.
Dempsey	Kondrich	Preston	Yandrisevits
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—2

Reber Wozniak

EXCUSED—1

Burd

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 **HB 1280, PN 1473**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of drug delivery resulting in death; and providing penalties.

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—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaifella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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 **HB 1281, PN 1474**, entitled:

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

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—201

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigie
Clark, J. H.	Hershey	O'Brien	Trich
Clymer	Hess	O'Donnell	Van Horne
Cohen	Howlett	Olasz	Veon
Colafella	Hughes	Oliver	Vroon
Colaizzo	Itkin	Perzel	Wambach
Cole	Jackson	Pesci	Wass
Cornell	Jadlowiec	Petrarca	Weston
Corrigan	James	Petrone	Williams
Cowell	Jarolin	Phillips	Wilson
Coy	Johnson	Piccola	Wogan
DeLuca	Josephs	Pievsky	Wozniak

DeWeese	Kaiser	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kenney	Pressmann	Wright, R. C.
Dempsey	Kondrich	Preston	Yandrisevits
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reber	Manderino,
Distler	LaGrotta	Reinard	Speaker
Dombrowski	Langtry	Richardson	

NAYS—0

NOT VOTING—1

Trello

EXCUSED—1

Burd

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 **HB 1282, PN 1475**, entitled:

An Act repealing the act of July 3, 1941 (P. L. 263, No. 121), entitled "An act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law."

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—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.

Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaifella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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 **HB 1285, PN 1913**, entitled:

An Act providing for the registration and reporting of certain noncontrolled substances; imposing additional powers and duties on the Secretary of Health; and fixing penalties.

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?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Clark, on final passage.

Mr. J. H. CLARK. Thank you, Mr. Speaker.

Mr. Speaker, I have remarks which I would like to submit for the record, and I would like to just urge unanimous support for this bill by commenting that the future of the illegal drug trade in Pennsylvania stems largely from the growth of clandestine laboratories, which this bill would address.

I respectfully urge unanimous support.

The SPEAKER. The Chair thanks the gentleman.

The remarks may be sent to the clerk for inclusion in the record.

Mr. J. H. CLARK submitted the following remarks for the Legislative Journal:

Mr. Speaker, the war on drugs must take advantage of every weapon in the government's arsenal. Every effort must be made to make it difficult and painful for those persons who manufacture and distribute illegal drugs in Pennsylvania.

One crucial area in this war that has been overlooked is the use of unregulated chemicals used in the manufacture of illegal drugs. Currently, law enforcement officials have no effective way to monitor or control the purchase of chemicals that can be used to make illegal drugs.

I have sponsored HB 1285, PN 1913, the "Noncontrolled Substances Reporting and Registration Act," to address this problem. This legislation requires those who sell, distribute, transfer, or furnish certain chemicals that can be used in the illegal manufacture or sale of controlled substances to maintain detailed records on the sale and transfer of such substances and to register and file updated reports with the Pennsylvania Secretary of Health.

HB 1285 applies to 32 substances that are specifically itemized as "special chemicals" and to any other substances that the Secretary of Health adds to the list if they are judged to be of use in the illegal manufacture or sale of controlled substances.

In addition, manufacturers, wholesalers, retailers, and others would have to record detailed information prior to the sale or transfer about the purchaser of the chemicals that are regulated by the act. The required information includes: address, driver's license, license of the motor vehicle owned or operated by the purchaser, a letter of authorization from the business for which the substance is being distributed, the date, time, location, quantity, and price of the substance and the manner of payment.

Persons who are required to keep these records must make them available to all law enforcement personnel and must file these records quarterly with the Secretary of Health and the Office of the State Attorney General.

Since my purpose is to hamstring those persons who illegally manufacture, sell, or distribute controlled substances, persons who legitimately use the chemicals regulated by the act, such as pharmacists, physicians, dentists, podiatrists, or veterinarians, are excluded from the provisions of the bill. Also exempted from the recordkeeping requirements of HB 1285 are manufacturers and wholesalers who are licensed by the Pennsylvania Department of Health and who furnish the regulated chemicals to the aforementioned health practitioners in the usual course of business. Over-the-counter substances, purchased without a prescription which are lawfully sold, are also exempted from the provisions of the act.

Stiff penalties are to be imposed for persons who violate this law, either by providing false information or by the wrongful use of the reports.

Each new weapon that we can bring to bear in the war on drugs places us one step closer to ultimate victory. HB 1285 is one of these new weapons. It can close an existing escape route that some persons now use to make or distribute illegal drugs. If only one life can be saved, one human being saved from the tragedy of drug abuse, this bill will have served its purpose.

Thank you, Mr. Speaker.

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—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Suban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	
Dombrowski	Langtry	Richardson	Manderino, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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 **HB 1572, PN 1842**, entitled:

An Act amending the act of October 10, 1974 (P. L. 705, No. 235), known as the "Lethal Weapons Training Act," providing for the waiver of training requirements for active police officers under certain conditions.

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

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

The question is, shall the bill pass finally?

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

YEAS—200

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Levdansky	Rudy
Barley	Farmer	Linton	Ryan
Battisto	Fee	Lloyd	Rybak
Belardi	Fleagle	Lucyk	Saloom
Belfanti	Flick	McCall	Saurman
Billow	Foster	McHale	Scheetz
Birmelin	Fox	McNally	Schuler
Bishop	Freeman	McVerry	Scrimenti
Black	Freind	Maiale	Semmel
Blaum	Gallen	Maine	Serafini
Bortner	Gamble	Markosek	Smith, B.
Bowley	Gannon	Marsico	Smith, S. H.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burns	Gladeck	Michlovic	Stairs
Bush	Godshall	Micozzie	Steighner
Caltagirone	Gruitza	Miller	Stish
Cappabianca	Gruppo	Moehlmann	Strittmatter
Carlson	Hagarty	Morris	Suban
Carn	Haluska	Mowery	Tangretti
Cawley	Harper	Mrkonic	Taylor, E. Z.
Cessar	Hasay	Murphy	Taylor, F.
Chadwick	Hayden	Nahill	Taylor, J.
Civera	Hayes	Nailor	Telek
Clark, B. D.	Heckler	Noye	Thomas
Clark, D. F.	Herman	O'Brien	Tigue
Clark, J. H.	Hershey	O'Donnell	Trello
Clymer	Hess	Olasz	Trich
Cohen	Howlett	Oliver	Van Horne
Colafella	Hughes	Perzel	Veon
Colaizzo	Itkin	Pesci	Vroon
Cole	Jackson	Petrarca	Wambach
Cornell	Jadlowiec	Petrone	Wass
Corrigan	James	Phillips	Weston
Cowell	Jarolin	Piccola	Williams
Coy	Johnson	Pievsky	Wilson
DeLuca	Josephs	Pistella	Wogan
DeWeese	Kaiser	Pitts	Wozniak
Daley	Kasunic	Pressmann	Wright, D. R.
Davies	Kenney	Preston	Wright, J. L.
Dempsey	Kondrich	Raymond	Wright, R. C.
Dietterick	Kosinski	Reber	Yandrisevits
Dininni	Kukovich	Reinard	
Distler	LaGrotta	Richardson	Manderino, Speaker
Dombrowski	Langtry	Rieger	
Donatucci	Lashinger		

NAYS—1

Letterman

NOT VOTING—1

Broujos

EXCUSED—1

Burd

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.

VOTE CORRECTION

The SPEAKER. Representative Josephs from Philadelphia is seeking recognition. For what purpose does the lady rise?

Ms. JOSEPHS. To correct the record, Mr. Speaker.

I was recorded in the affirmative on HB 1276. I would like to be recorded in the negative.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

RESOLUTIONS

Mrs. LANGTRY called up HR 154, PN 2129, entitled:

Honoring Eat'n Park on the celebration of its 40th year of doing business in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Leverdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Cappabianca	Gruppo	Moehlmann	Stuban
Carlson	Hagarty	Morris	Tangretti
Carn	Haluska	Mowery	Taylor, E. Z.
Cawley	Harper	Mrkonic	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas
Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hershey	O'Donnell	Trich
Clymer	Hess	Olasz	Van Horne
Cohen	Howlett	Oliver	Veon
Colafella	Hughes	Perzel	Vroon

Colaizzo	Itkin	Pesci	Wambach
Cole	Jackson	Petrarca	Wass
Cornell	Jadlowiec	Petrone	Weston
Corrigan	James	Phillips	Williams
Cowell	Jarolin	Piccola	Wilson
Coy	Johnson	Pievsky	Wogan
DeLuca	Josephs	Pistella	Wozniak
DeWeese	Kaiser	Pitts	Wright, D. R.
Daley	Kasunic	Pressmann	Wright, J. L.
Davies	Kenney	Preston	Wright, R. C.
Dempsey	Kondrich	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—1

Lashinger

NOT VOTING—1

Richardson

EXCUSED—1

Burd

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

* * *

Mrs. TELEK called up HR 182, PN 2565, entitled:

Recognizing the week of October 15 through 21, 1989, as "National Business Women's Week."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Leverdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne

Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

* * *

Mr. CALTAGIRONE called up **HR 198, PN 2470**, entitled:

Recognizing the first week of October 1989 as "Deputy Sheriffs' Week."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashingier	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Smith, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Suban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon

Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

* * *

Mr. SALOOM called up **HR 203, PN 2540**, entitled:

Directing the Liquor Control Committee to undertake and investigation of the malt and brewed beverage distribution industry.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti
Black	Freind	McVerry	Semmel
Blaum	Gallen	Maiale	Serafini
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Suban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon

Colaizzo	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino, Speaker
Dombrowski	Langtry	Richardson	
Donatucci	Lashinger	Rieger	

NAYS—0

NOT VOTING—1

Cole

EXCUSED—1

Burd

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

* * *

Ms. JOSEPHS called up **HR 208, PN 2541**, entitled:

Designating the month of October as "AIDS AWARENESS MONTH."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayermik	Snyder, E. G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon

Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino, Speaker
Dombrowski	Langtry	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

* * *

Mr. BOWLEY called up **HR 211, PN 2570**, entitled:

Designating the week of October 15 through 21, 1989, as Forest Products Week and urging citizens to observe the importance of forest products.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon

Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	Manderino,
Distler	Langtry	Richardson	Speaker
Dombrowski	Lashingier	Rieger	

NAYS—0

NOT VOTING—1

Gallen

EXCUSED—1

Burd

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

The SPEAKER. Page 15 of today's calendar. What is erroneously marked as a concurrent resolution on the calendar is no longer a concurrent resolution. It was amended in the Rules Committee to remove the Senate and is a simple House resolution at this time.

* * *

Mr. LASHINGER called up **HR 38, PN 2542**, entitled:

Directing the House Conservation Committee to investigate the public health effects of exposure to electromagnetic fields.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Leh	Robbins
Allen	Durham	Lescovitz	Robinson
Angstadt	Evans	Letterman	Roebuck
Argall	Fargo	Levdansky	Rudy
Barley	Farmer	Linton	Ryan
Battisto	Fee	Lloyd	Rybak
Belardi	Fleagle	Lucyk	Saloom
Belfanti	Flick	McCall	Saurman
Billow	Foster	McHale	Scheetz
Birmelin	Fox	McNally	Schuler
Bishop	Freeman	McVerry	Scrimenti
Black	Freind	Maiale	Semmel
Blaum	Gallen	Maine	Serafini
Bortner	Gamble	Markosek	Smith, B.
Bowley	Gannon	Marsico	Smith, S. H.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Melio	Snyder, G.
Broujos	Gigliotti	Merry	Staback
Bunt	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Miller	Stish
Caltagirone	Gruppo	Moehlmann	Strittmatter
Cappabianca	Hagarty	Morris	Stuban
Carlson	Haluska	Mowery	Tangretti
Carn	Harper	Mrkonic	Taylor, E. Z.
Cawley	Hasay	Murphy	Taylor, F.
Cessar	Hayden	Nahill	Taylor, J.
Chadwick	Hayes	Nailor	Telek

Civera	Heckler	Noye	Thomas
Clark, B. D.	Herman	O'Brien	Tigue
Clark, D. F.	Hershey	O'Donnell	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Dininni	LaGrotta	Richardson	Manderino,
Distler	Langtry	Rieger	Speaker
Dombrowski	Lashingier		

NAYS—2

Fairchild

Lee

NOT VOTING—0

EXCUSED—1

Burd

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

WELCOMES

The SPEAKER. The Chair is happy to welcome to the hall of the House this morning the teachers and students of the Holy Name School in Forty Fort. They are the guests of Representative Scott Dietterick, and they are in the balcony. Will the House welcome this group.

Also in the gallery are Nicole Vacula and Angela Edmondson, who are seniors at Marian High School. They are the guests of Representative Argall and Representative McCall. Will they be welcomed by the House.

The Speaker is happy to welcome Matt Matthews, who is the director of the Allegheny County League of Municipalities, and Dave Winning, a commissioner in Robinson Township, who are the guests of Representative Trello. They are to the left of the Speaker, or were to the left of the Speaker.

HB 1276 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion filed by Representative Gordon Linton from Philadelphia County and Representative Robert Freeman from Northampton County. The gentlemen move that the vote by which HB 1276, PN 1469, passed on the 11th day of October be reconsidered.

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

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Cappabianca	Gruppo	Moehlmann	Suban
Carlson	Hagarty	Mowery	Tangretti
Carn	Haluska	Mrkonic	Taylor, E. Z.
Cawley	Harper	Murphy	Taylor, F.
Cessar	Hasay	Nahill	Taylor, J.
Chadwick	Hayden	Nailor	Telek
Civera	Hayes	Noye	Thomas
Clark, B. D.	Heckler	O'Brien	Tigue
Clark, D. F.	Herman	O'Donnell	Trello
Clark, J. H.	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Van Horne
Cohen	Howlett	Perzel	Veon
Colaella	Hughes	Pesci	Vroon
Colaizzo	Itkin	Petrarca	Wambach
Cole	Jackson	Petrone	Wass
Cornell	Jadlowiec	Phillips	Weston
Corrigan	James	Piccola	Williams
Cowell	Jarolin	Pievsky	Wilson
Coy	Johnson	Pistella	Wogan
DeLuca	Josephs	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Dininni	LaGrotta	Richardson	Manderino,
Distler	Langtry	Rieger	Speaker
Dombrowski			

NAYS—0

NOT VOTING—3

Kaiser	Levdansky	Morris
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EXCUSED—1

Burd

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—195

Acosta	Donatucci	Laughlin	Rieger
Adolph	Dorr	Lee	Ritter
Allen	Durham	Leh	Robbins
Angstadt	Evans	Lescovitz	Robinson

Argall	Fairchild	Letterman	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Carlson	Gruppo	Moehlmann	Suban
Carn	Hagarty	Morris	Tangretti
Cawley	Haluska	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Tigue
Clark, D. F.	Herman	Noye	Trello
Clark, J. H.	Hershey	O'Brien	Trich
Clymer	Hess	O'Donnell	Van Horne
Cohen	Howlett	Olasz	Veon
Colaella	Hughes	Oliver	Vroon
Colaizzo	Itkin	Perzel	Wambach
Cole	Jackson	Pesci	Wass
Cornell	Jadlowiec	Petrarca	Weston
Corrigan	Jarolin	Petrone	Williams
Cowell	Johnson	Phillips	Wilson
Coy	Kaiser	Piccola	Wogan
DeLuca	Kasunic	Pievsky	Wozniak
DeWeese	Kenney	Pistella	Wright, D. R.
Daley	Kondrich	Pitts	Wright, J. L.
Davies	Kosinski	Pressmann	Wright, R. C.
Dempsey	Kukovich	Preston	Yandrisevits
Dietterick	LaGrotta	Raymond	
Dininni	Langtry	Reber	Manderino,
Distler	Lashinger	Reinard	Speaker
Dombrowski			

NAYS—7

Cappabianca	James	Richardson	Thomas
Harper	Josephs	Saloom	

NOT VOTING—0

EXCUSED—1

Burd

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.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 556, PN 1904**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing for the restriction of motor vehicle operating privileges for violations of the act.

On the question,

Will the House agree to the bill on third consideration?

Mr. BLAUM offered the following amendment No. A2921:

Amend Sec. 1(Sec. 23.1), page 2, lines 1 and 2, by striking out "MAY, IN THE EXERCISE OF ITS DISCRETION," and inserting

shall

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Representative Blaum from Luzerne County is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

In this legislation it calls for the suspension of a driver's license for a drug violation. As originally drafted, the suspension was mandatory in conformity with the wishes of the Attorney General and others. That was changed to make it optional at the discretion of the judge or magistrate. The Blaum-Piccola amendment changes that back, making it a mandatory suspension, and I ask for the affirmative vote of the members of the House.

The SPEAKER. The question is on the Blaum amendment. On that question, Representative Wozniak from Cambria County is recognized.

Mr. WOZNIAK. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. Certainly. The gentleman has consented to interrogation.

Mr. WOZNIAK. Thank you.

Mr. Speaker, may I walk through a scenario. Joe Citizen is 19 years old. He is going to one of the State universities. He is at a fraternity party. It is busted. There is some underage drinking. He gets busted for smoking marijuana. His parents live 150 miles away. He is holding down two part-time jobs, and he has got a PHEAA (Pennsylvania Higher Education Assistance Agency) loan up to his hilt. Would your amendment mandatorily take his driver's license away that he needs to get to and from his two part-time jobs that he has, working his way through college?

Mr. BLAUM. The suspension would be mandatory under our amendment. It is a similar process by which the House passed the underage drinking bill in 1986, making that mandatory for anyone under the age of 21, and we believe that for drug violations, if it is going to be mandatory for underage drinking, a violation of the use of alcohol, then it certainly should be mandatory for the use of harder drugs.

I understand your feeling, but if we are going to make a statement, and I think the suspension of the driver's license, while it will not have much of an impact on hardened drug users and hardened drug criminals, what this legislation was designed to do was to attack the casual user with the suspension of a driver's license.

Mr. WOZNIAK. Mr. Speaker, are we talking any amount of drugs, any amount whatsoever?

Mr. BLAUM. Any violation.

Mr. WOZNIAK. And am I correct in saying that you do not think this will really get to the hardened drug user but it

will get to the casual, part-time user that once in a while goes to a weekend party or something?

Mr. BLAUM. That is what it is designed to do. The very thought that a suspension of a driver's license will curb a hardened drug user from using very, very serious drugs - cocaine, heroin - I think is farfetched, but there are casual users who, hopefully— It is Representative Piccola's, Representative Pressmann's, and my view along with the Attorney General that casual users may be impressed by the suspension, the mandatory suspension, of a driver's license. Again, it is similar to the thinking involved in the underage drinking law, which for possession of any tiny amount of alcohol, for an underage drinker, it would be mandatory that they would have to lose their license. The amendment we are offering here presents a similar view.

Mr. WOZNIAK. Mr. Speaker, do we take the driver's license away for people that commit robbery, for murder, for rape, for any other criminal offense in Pennsylvania?

Mr. BLAUM. No; our amendment does not do that.

Mr. WOZNIAK. Mr. Speaker, I would like to speak on the amendment now.

The SPEAKER. The gentleman is in order and may speak on the amendment.

Mr. WOZNIAK. Mr. Speaker, I know a couple years ago we passed the legislation and it was enacted that anybody underage drinking, using alcohol, even though they are miles away from an automobile and it was not involved in that particular crime, would lose his driver's license. We are now going to do it for drugs. I think we have got almost a hysteria going on here, and it is almost a Joe McCarthy era - wave the drug issue and we can do anything to our young people today.

I just want to urge your opposition to the mandatory suspension of drivers' licenses. I think the local magistrate, the local judge in the county, or indeed their own parents should have that discretion as to what that punishment should be, and the punishment should fit the crime. The maker of the amendment himself admitted that this is going to get to the casual users and not to the hardened drug users, and I think that is what the Pennsylvanians want to get.

I would urge a negative vote on this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, Representative Lee from Wyoming County is recognized.

Mr. LEE. Mr. Speaker, I rise to oppose this amendment as well.

I like the bill as currently drafted, because it gives the judge the discretion to suspend the license if appropriate. I live in a very rural area of the State; I represent a very rural area of the State. I have a lot of young people as well as older people that commute a long way to work, and they might drive from where I live in Tunkhannock to Wilkes-Barre, Scranton, 30 or 40 miles away to work, and what this does is it allows no discretion whatsoever to a judge to take into consideration that this person, who might have a wife and two children, has to commute 50 or 60 miles to work and has no other way to get

to work. What we are saying is, well, you are going to lose your job because you were convicted of this offense. I think we have to look at the total impact this is going to have on our society. What is going to happen to that person when he is no longer able to support that wife, those two children, or it could be a husband, for that matter?

Therefore, I rise to oppose this amendment, and hopefully we will oppose this amendment and then pass the bill.

The SPEAKER. The Chair recognizes, from Philadelphia County, Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. ROEBUCK. Thank you.

Mr. Speaker, could you explain to me what the intent of the amendment is?

Mr. BLAUM. The intent of the amendment, I think, is self-evident. What it does is it makes it mandatory that for a drug violation, the driver's license would be suspended for a period of 90 days for the first offense—mandatory—which was the way it was originally drafted with the support of the Attorney General and Governor Casey. In committee it was changed to be optional, at the discretion of the court, and we do not believe that that should be. We want it back to the mandatory suspension so that there are no ifs, ands, or buts; so that someone who commits a violation of this—again, it will only have an impact on those who are going to be impressed by it, and that is the casual user—hopefully, knowing that this is going to be a mandatory suspension, that they will think twice.

Mr. ROEBUCK. Mr. Speaker, I am still unclear as to what the penalty is. Could you explain to me what happens when your license is suspended and you continue to drive on that suspended license?

Mr. BLAUM. I am sorry; I did not hear the question.

Mr. ROEBUCK. The question was, I am unclear what the penalty is. Could you explain to me what happens when your license is suspended and you continue to drive on the suspended license?

Mr. BLAUM. I would assume whatever the penalties are under the Vehicle Code for driving under a suspended license.

Mr. ROEBUCK. What are those penalties?

Mr. BLAUM. Offhand, I do not know what the penalties are for driving under a suspended license.

Mr. ROEBUCK. Are there any penalties?

Mr. BLAUM. Yes.

Mr. ROEBUCK. Fines? My question comes out of the fact that I know of individuals who drive on suspended licenses, four or five suspensions, with no visible punishment. I am unclear how this amendment does anything to anyone who is denied the right to drive.

Mr. BLAUM. Well, again, we are hoping that this will have an impact, again, on a certain few users who will understand that now they are going to have to sacrifice their freedom, their right to operate a motor vehicle.

Mr. ROEBUCK. But, Mr. Speaker, there is no such visible punishment for those who continue to drive on suspended licenses. They drive, and they continue to drive. Thereby, I question how this does anything.

Mr. BLAUM. People can continue to violate all kinds of laws. If someone loses his license because he runs a few red lights and gets the necessary points and his license is suspended, as long as the keys are in the kitchen and the car is in the driveway, can he go out and violate another law and drive under a suspended license? Yes, he can. There are penalties, however, other penalties, for having done so.

The people that we are hoping are impressed by this legislation will not be the ones to violate yet another law and drive under a suspended license. Certainly, people who are not impressed by this, who are, again, more hardened drug users, are not going to be impressed by the suspension of a driver's license when in fact they probably are facing serious time in prison, and if they are facing serious time in prison for violating more severe drug laws, they are not going to worry about losing their driver's license nor are they going to worry about driving under a suspended license. I grant you that, but will this legislation make some casual users think twice before doing so? We think so; we hope so, and that is why we are offering the amendment.

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

The SPEAKER. The gentleman is in order to speak on the amendment.

Mr. ROEBUCK. Thank you.

Mr. Speaker, I rise to oppose the amendment. I think that from the recent questions and responses, it is very clear to me that although the intent of the amendment is perhaps commendable, I would certainly question the real impact of the amendment. I think experience shows that even with license suspensions, those who want to drive continue to drive, particularly when there is economic incentive, a job that is involved. I do not see that this really does anything. It looks good; it sounds good, but it really does not address a real solution to the problem. It suggests that we are doing something, and we are not doing anything, and I would question how this suspension, when you have people who get suspended four, five, six times, is enforced. Clearly in those cases it means nothing to those individuals who continue to drive despite repeated suspensions, and again, this does not really address or really provide a real solution to a very serious problem. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Piccola from Dauphin County.

Mr. PICCOLA. Thank you, Mr. Speaker.

I have been listening to the debate on this subject, and I was not planning to say anything because I thought the issue was so clear cut that it would not require a great deal of debate, but the opponents of this amendment have, I think, somewhat succeeded in muddying the waters as to what this is attempting to do.

It seems to me that we have a mandatory driver's license suspension for driving under the influence of alcohol; we have a mandatory scheme of a driver's license suspension for violating the underage drinking law in this Commonwealth, and all this amendment is doing is taking a similar-type scheme of mandatory suspension of drivers' licenses for those convicted of drug offenses in this Commonwealth. It is as simple as that.

Now, if you do not think we should be suspending licenses of our motorists for any of those reasons, then perhaps you should vote against this amendment. But if you think we should do it for alcohol, then I do not understand why we should not be doing it for drugs. If we are not doing it for drugs, then we have our priorities screwed up or, even worse, the rhetoric that we all speak of in our so-called war against drugs, we do not really mean it; we are not serious about it.

I do not think and I do not think Mr. Blaum thinks that this amendment is going to solve the drug problem, but it is simply one more, perhaps small but one more, tool in the hands of law enforcement and in the hands of our judicial system to help discourage the use of drugs.

It is a very simple amendment. We are taking the discretion out of the bill and making it mandatory. I urge that we adopt the amendment.

The SPEAKER. On whether the House will agree to the amendment, from Allegheny County, the Chair recognizes Representative McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I rise to oppose this amendment.

While I would agree that, for example, in the case of juveniles, there ought to be a mandatory suspension of a license for a drug offense, I am not sure that it is fair and equitable to have a mandatory suspension of an operator's license for everybody who has a drug-related offense. It seems to me that the effect is that it penalizes those people who rely on their operator's license in order to work more harshly than those who do not need their license to work. We could have two people who are convicted of the same offense - one who has no job at all, does not care to work, who is too lazy to work, and the other person perhaps a truckdriver, who absolutely needs that license in order to make a living. Under the Blaum-Piccola amendment, the truckdriver loses his whole livelihood. For the person who does not have a job, the penalty is marginal, if it is even a penalty at all.

So I think that we have to ask ourselves, would it be fair and equitable to suspend every person's license who is convicted of a drug violation? And if there are some people—and I think there will be—for whom it would be unfair and inequitable to suspend their license, I think that it is up to the judge to make that decision, to have that discretion not to suspend the license. Even though I think that judges also, like us, have an obligation to be tough on drugs, that they ought to have a preferred policy of suspending the license, I think that they should at least be allowed the discretion to realize that there are exceptions to that rule and not to suspend the license when it is appropriate. We do not want to punish and penalize the

working people more harshly than those who are not working. Thank you.

The SPEAKER. On the question of agreeing to the amendment, from Delaware County, the Chair recognizes Representative Robert Wright.

Mr. R. C. WRIGHT. Thank you, Mr. Speaker.

I rise to support the amendment, and it is ironic that I look at the same situation that Representative McNally is discussing and I see the fact that if we make this discretionary with the court, the court is going to tend to be more lenient toward that person who has a job, figuring that they need their license to get back and forth to work. On the other hand, what that means is, the person who is not fortunate enough to have a job or the person who is in between jobs is going to be penalized, and I certainly do not think that what we want to do is to treat people differently because one person is fortunate enough to have a job and the other is not fortunate enough to have a job.

Another concern I have is that in my legislative district, which is mainly the city of Chester, we have a lot of people who come from outside the city to come in and purchase drugs, and they are driving in. They are driving in from Delaware; they are driving in from the State of Maryland; they are driving in from other places in Delaware County. I think it is important that we start doing something to the users. It is true that many of the sellers, at least in my district, do not need a license because the buyers come to them, but I do not think that we ought to be turning our backs on those people who decide that they want to drive to one location to purchase drugs and then drive back home again. I think we need to be equally as tough on them.

With regard to the person who is convicted and has a family and has a job, the only thing I can say is, they had the family and the job before they used the drugs and they knew that, and I think they do those things at their risk.

I support the amendment.

The SPEAKER. From Cumberland County, Representative Broujos is recognized on the amendment.

Mr. BROUJOS. Mr. Speaker, the reason why we have mandatory sentences is the perception by the General Assembly that judges have abdicated their responsibility for responsible sentencing, and because there have been some judges that have been, quote, "soft on crime," unquote, and have not reflected the popular and important sentiment concerning punishment of serious crimes, we have taken it upon ourselves to impose mandatory sentencing, which is an invasion of the judicial function traditionally. Here, we are doing it again, and as Representative Piccola pointed out, the fact that we have other crimes for which we have imposed mandatory sentences, he claims, is the reason that we should have mandatory here, to be consistent. Well, we do not have to be consistent if we are wrong in the first place, and two wrongs do not make a right.

Consequently, we should oppose the amendment and permit it to be in the discretion of these judges. There are judges in hamlets and counties throughout rural Pennsylvania

that are responsible, that impose sentences that are commensurate with the crime and the defendant, and they should have this option to consider all of these factors. It should be left discretionary, and I oppose the amendment.

The SPEAKER. The Chair recognizes, from York County, Representative Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

The gentleman, Mr. McNally, indicated that we should not impose mandatory suspension of licenses because some people might have jobs, and he indicated that one of those that might have such a job would be a truckdriver. Now, I wonder how many members of this General Assembly care to have a truckdriver on drugs, hurtling down the highway with 80,000 pounds behind him, headed towards you. I think a mandatory suspension is indicated in this case, and I strongly support the gentleman's amendment.

The SPEAKER. On the question of agreeing to the amendment, from Philadelphia County, the Chair recognizes Representative Williams.

Mr. WILLIAMS. Mr. Speaker, I am rising to support this amendment.

Some of the points which were quite eloquently stated earlier by Representative Wright with regard to the dual system of justice without that intention is of great concern to me and I am sure to many other members, and as Representative Piccola also stated, for the reasons of continuity, if we are going to make a statement here, we have to make a statement regardless of whether it resolves all the problems in the State of Pennsylvania.

But even more impelling is the last statement that was made. We, for apparent reasons or odd reasons, feel that marijuana use in the State or anyplace, not just the State of Pennsylvania, is the lesser of two evils. In reality, the problem that we face today is the result of that casual use of marijuana in the past. We have recorded history, and as recently as, I guess, yesterday in U.S.A. Today, according to percentages, professionals use marijuana as well as other kinds of drugs, and quite honestly, it was very scary. We have recorded history and recorded incidents of train crashes, questionable incidents of airplane incidents, where those operators of those situations are possibly drug impaired. It is, as I see it, farfetched to believe that that casual drug user on the weekend is not casually using drugs during the weekday when he should be performing to his utmost.

It is tough for me to consider the fact that, yes, it might be discretionary, but the reality is the State of Pennsylvania, we as legislators, play a role in setting a tone, and we cannot allow the casual drug user, who is, quite honestly, the supporter of the majority of drugs in the United States, to continue in the manner that he is continuing.

So I rise in support of the amendment.

The SPEAKER. From Allegheny County, the Chair recognizes, on the amendment, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Blaum amendment. You know, if we are really serious about educating our young

people from kindergarten up to 12th grade, then we should be serious about this amendment. There cannot be a double standard where we are going to let somebody who is going to lose their job or uses the occupation, they are smoking marijuana or using casual drugs, to go before a magistrate and the magistrate lets him off. In the same token we are going to have them going back there to our young children saying, well, it is our right; if it pertains to your job, you are going to be able to smoke or use a controlled substance. We have to send a message into the schools, and this is one way of doing it.

Mr. Speaker, the economic loss because of casual use in this Commonwealth is \$6.4 billion a year in the Commonwealth of Pennsylvania. We have to send a message out there. Sure, this is not going to eradicate the problem we have, but it is a small step and you must take those small steps before you can take the larger ones and chip away at this drug problem that is eating away at our young children in our society. In the next 20 years, if we do not make any type of gain like this, I hate to see what our children, our grandchildren are going to be faced with.

We talk about mandatory sentences. We want to be liberal. We want to give everybody a break. We cannot have that as far as substance abuse.

I support and ask my colleagues to vote for the Blaum amendment.

The SPEAKER. From Franklin County, on the amendment, Representative Coy is recognized.

Mr. COY. Thank you, Mr. Speaker.

I also rise to support the amendment as sponsored by Representative Blaum.

I heard the arguments earlier from individuals who said that we are taking rights away from the courts; we are interfering with the judicial process. Mr. Speaker, if the legislature of the Commonwealth of Pennsylvania does not have the right to make public policy decisions in terms of enacting laws and setting the penalties for those laws, then what body does from a statutory point of view? Certainly the legislature is the body, and I do not think we should turn these responsibilities that we have by statute and by constitution, really, over to the courts. There are certain areas, like drug policies, that the public policy ought to be stated by the legislative body, and that is what we are doing in this argument; that is what we are doing in this amendment. We are saying we feel strongly enough, the people of the Commonwealth feel strongly enough, that this statement ought to be made.

I got the calls like the rest of you did after the law took effect about the mandatory suspension of drivers' licenses for underage drinking. I got those same calls. I got the stories, Mr. Speaker, from individuals. They said, well, we were only at the party; we were not drinking; we were only at the party. Very sad stories. But I will tell you one thing: They will not do it again, because they lost their driver's license.

The point is it works. You can pay fines with cash. You can get friends to pay fines. You can get parents to pay fines, but you cannot buy a driver's license in the State of Pennsylvania and you cannot buy a suspension in the State of Pennsylvania,

because this part of the law on underage drinking works and it will work if it is applied to the drug offenses, too. It is a statement, and I think one of the most inherently discriminatory statements that was made earlier in this debate is that folks who have jobs would be penalized to a greater degree.

Listen: Do not do the crime. That is what the legislature is saying in this amendment. Do not do the crime if you cannot pay the fine and pay the offense and do without your driver's license. It is that simple.

The public policy statement that the legislature makes with the passage of this amendment is that you are also not only going to pay a fine in Pennsylvania, but even more than that, you are going to lose your driver's license if you do this crime. It is a penalty that goes beyond a payment of cash. It hits where it hurts, and we have got to make it hurt in the war against drugs. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, Representative Serafini from Lackawanna County is recognized.

Mr. SERAFINI. Mr. Speaker, I rise to support the Blaum amendment. In my opinion, a young person who is tempted with drugs will, with the Blaum amendment, know specifically what will happen to his driver's license. It will not be left up to the imagination of a court or a judge. I think it is a definite step in deterring young people from using controlled substances since they will know the effect if they are caught. Thank you, Mr. Speaker.

The SPEAKER. The question recurs, will the House agree to the amendment? On that question, Representative Heckler is recognized, from Bucks County.

Mr. HECKLER. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for a brief interrogation.

The SPEAKER. He is standing, and he consents.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, is it correct that the bill as it would read with your amendment would not require any linkage between the possession of drugs and the use of an automobile in order for this suspension sanction to be imposed?

Mr. BLAUM. As I understand it, yes.

Mr. HECKLER. Thank you.

I wonder if I might make a few remarks about the bill.

The SPEAKER. The gentleman is in order.

Mr. HECKLER. Thank you, Mr. Speaker.

First, I certainly hope, given the concerns which have been expressed today which I share about the impact of drugs in the workplace, particularly among those operating dangerous equipment, such as tractor-trailers and the like, that the kind of legislation which Representative Pitts prime-sponsored some time ago requiring testing of such individuals will receive the same kind of support that this provision is when it is addressed by the legislature.

Second, I would suggest that last year we passed this same kind of language in connection with underage drinking, and we are penalizing—and I am sure you are hearing from your constituents—we are penalizing people— Whether or not they

were anywhere near a car, whether or not they were involved or would have been involved in driving, we are imposing this automatic suspension, and some of those results may be helpful and I am not sure that some of them are, because in some of the cases what we are doing is saying to a young person, even if you were not going to drive, even if you were being responsible, at least to the extent that you were staying away from a car, which is the principal objective of that legislation, we are going to take away your driver's license. Is it checking underage drinking? We will see over time. Frankly, I doubt it.

The bill as it stands allows a judge of the court of common pleas to make these kinds of discretionary judgments. If this amendment goes in, we are going to be once again creating a mandatory, irrevocable penalty whether or not the possession of a controlled substance had anything whatsoever to do with the operation of a motor vehicle. I think that is leading us down the wrong path. I think that we are going to have cause eventually to revisit what we did with regard to underage drinking, and I am going to oppose this amendment.

The SPEAKER. The question is, will the House agree to the Blaum amendment? On that question, the Chair recognizes, for the second time, Representative Blaum from Luzerne County.

Mr. BLAUM. Thank you, Mr. Speaker.

I wanted to speak last, but I will go now.

From what I am hearing on the floor of the House, you would swear we were talking about life imprisonment without parole. For a high school kid or a college kid who smokes some marijuana, a 90-day suspension of your driver's license is not unreasonable. It is not unreasonable. In fact, that is probably the toughest penalty that is going to be imposed on them, and if it gets them to think, gets him or her to think twice, then we have done something good. For the adults, for anyone who uses cocaine and sends money to Pablo Escobar Gaviria to assassinate American drug agents, a 90-day suspension is not too hard. For a casual user who gives his money to a drug dealer to buy AK-47's—which we will talk about later today—to assassinate American police officers, these people are not going to prison. A 90-day suspension of their driver's license is the very least, is the very least we can do to the casual user. That is what came out of the PENNFREE hearings. That is what the Attorney General has sponsored, and that is all that Jeff Piccola and Representative Pressmann and I are trying to restore here today - a 90-day suspension of their operating privileges for someone who gives their money to a drug dealer to keep this menace going in our State and in our Nation.

To Pennsylvania workers, I think Representative Wright and Representative Coy said it right. If you are out there working and you want to use cocaine, then we are sorry. We are sending a message through this amendment that we in Pennsylvania are serious about this. And again, I believe that there are others who might even propose tougher penalties. What we are calling for is a minimal, a minimal sanction. A 90-day suspension of your driver's license, making it manda-

tory, no ifs, ands, or buts for these kinds of offenses, is not unreasonable.

I ask for the support of the House.

The SPEAKER. On the question of agreeing to the amendment, the Chair recognizes, from Jefferson County, Representative Samuel Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, as I was listening to a lot of the argument, one of the things that comes to my mind is whether we are for or against mandatory sentencing, and I frankly do not believe that I am opposed to mandatory sentencing; however, as far as this amendment is concerned, I think I am opposed to this mandatory sentence.

I would like to draw back to what Representative Piccola had addressed - the inconsistency in our voting if you oppose this amendment but supported the other mandatory sentencing, the other mandatory suspensions. I think we, frankly, have made some mistakes. I do not think that this type of mandatory sentence of a suspension is addressing the problem. I do not think that a suspension takes care of the problem. I do not think it corrects it.

When we passed the underage drinking portion of that, basically we thought that taking a license away from an underage person was the best way to get their attention, and to that I agree, but beyond that extent I think we are not getting their attention. Every week people drive up to my district office, walk in, and ask me if I can help them get their license back. They hand me the \$25 restoration fee and say, can you get it back for me in a shorter period of time, whatever? They are seeking some kind of assistance. They drive up. They are all driving under suspension anyway, and we have people that are under suspension for years and years because they get caught over and over. I just do not believe that taking their license away does the trick. I think we have to look at other forms of punishment or penalty.

I would stand to oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Philadelphia County, Representative Ralph Acosta is recognized.

Mr. ACOSTA. Thank you, Mr. Speaker.

I am really surprised to hear some of the people opposing this amendment. I live in a district where I see hundreds of kids, maybe thousands of kids, driving up and down buying pink caps, marijuana, cocaine, and everything else.

A couple of weeks ago when we had President Bush offering \$200 million to fight the coke and the marijuana and everything else from Colombia, the people that run the cartel in Colombia offered their government that they would put up the money to stop us from helping them. What that says to us is that all this money that we are pumping into drugs going to Central and South America, we are not doing anything about the problem.

I am really amazed to hear that some of the people are saying that 3 months' suspension should not be imposed on people using drugs.

I am for this amendment, and you should think about it and correct what you are saying. Thank you.

The SPEAKER. From Allegheny County, Representative Ron Gamble is recognized on the amendment.

Mr. GAMBLE. Mr. Speaker, I rise to support the amendment. If we are going to be consistent, we must pass this amendment today. If we vote this amendment down, in all good conscience we should come back next week and repeal the teenage drinking law. Support the amendment.

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

The following roll call was recorded:

YEAS—168

Acosta	Distler	LaGrotta	Rieger
Adolph	Dombrowski	Langtry	Robbins
Allen	Donatucci	Lashinger	Robinson
Angstadt	Dorr	Laughlin	Rudy
Argall	Durham	Leh	Ryan
Barley	Evans	Lescovitz	Rybak
Battisto	Fairchild	Letterman	Saloom
Belardi	Fargo	Linton	Saurman
Belfanti	Farmer	Lloyd	Scheetz
Billow	Fee	Lucyk	Schuler
Birmelin	Fleagle	McCall	Scrimenti
Bishop	Flick	McHale	Semmel
Black	Foster	Majale	Serafini
Blaum	Fox	Maine	Smith, B.
Bortner	Freeman	Markosek	Snyder, G.
Bowley	Freind	Marsico	Staback
Boyes	Gallen	Mayernik	Stairs
Brandt	Gamble	Melio	Steighner
Burns	Gannon	Micozzie	Stish
Bush	Geist	Miller	Strittmatter
Caltagirone	George	Morris	Stuban
Cappabianca	Gladeck	Mowery	Tangretti
Carlson	Gruppo	Mrkonjic	Taylor, E. Z.
Cawley	Hagarty	Murphy	Taylor, F.
Cessar	Haluska	Nahill	Taylor, J.
Chadwick	Hasay	Nailor	Telek
Civera	Hayes	Noye	Thomas
Clark, D. F.	Herman	O'Brien	Tigue
Clark, J. H.	Hershey	Olasz	Trich
Clymer	Hess	Perzel	Vroon
Colafigliola	Howlett	Pesci	Wambach
Colaizzo	Hughes	Petrarca	Wass
Cole	Itkin	Petrone	Weston
Cornell	Jackson	Phillips	Williams
Corrigan	Jadlowiec	Piccola	Wilson
Cowell	James	Pievsky	Wogan
Coy	Jarolin	Pistella	Wright, D. R.
DeLuca	Johnson	Pitts	Wright, R. C.
Daley	Kaiser	Pressmann	Yandrisevits
Davies	Kasunic	Preston	
Dempsey	Kenney	Raymond	Manderino,
Dietterick	Kondrich	Reinard	Speaker
Dininni	Kosinski		

NAYS—32

Broujos	Hayden	Merry	Roebuck
Bunt	Heckler	Michlovic	Smith, S. H.
Clark, B. D.	Josephs	Moehlmann	Snyder, D. W.
Cohen	Kukovich	O'Donnell	Trello
DeWeese	Lee	Oliver	Van Horne
Godshall	Levdansky	Reber	Veon
Gruitza	McNally	Richardson	Wozniak
Harper	McVerry	Ritter	Wright, J. L.

NOT VOTING—2

Carn Gigliotti

EXCUSED—1

Burd

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

On the question,

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

Mr. COLAFELLA offered the following amendments No. A2958:

Amend Sec. 1 (Sec. 23.1), page 2, line 3, by inserting after "suspended" for a period of up to one (1) year, the duration of each such suspension to be determined by the court, in consideration of the gravity of the violation, and included within the scope of such order

Amend Sec. 1 (Sec. 23.1), page 2, lines 5 through 19, by striking out all of lines 5 through 18 and "(c)" in line 19 and inserting (b)

Amend Sec. 1 (Sec. 23.1), page 2, line 23, by striking out "(d)" and inserting (c)

Amend Sec. 1 (Sec. 23.1), page 2, line 26, by striking out "(e)" and inserting (d)

Amend Sec. 1 (Sec. 23.1), page 3, lines 1 and 2, by striking out "periods specified in subsection (b)" and inserting period specified in the court order

Amend Sec. 1 (Sec. 23.1), page 3, lines 5 and 6, by striking out "periods specified in" in line 5, all of line 6 and inserting period specified in the court order.

Amend Sec. 1 (Sec. 23.1), page 3, line 7, by striking out "(f)" and inserting (e)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Representative Colafella from Beaver County on the amendment.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment with Representative Caltagirone. What this amendment will do is give the court the authority and the flexibility to suspend a person's driving privileges for a period of up to 1 year. What this amendment does is it gives the court the flexibility to determine the severity of the punishment of the violation and then determine how long the driver's license should be suspended.

The SPEAKER. The Chair recognizes, from Dauphin County, Representative Piccola on the amendment.

Mr. PICCOLA. Thank you, Mr. Speaker.

I vigorously oppose this amendment. This amendment will undo what the House just did on voting for the Blaum-Piccola amendment. This will give the courts the discretion that we just took away from them and permit them to suspend a license up to a year, which means they could go from zero up to a year, which means it is discretionary with the court according to the Colafella amendment.

It would be diametrically opposed to what we just did a few seconds ago, and I urge the House to defeat the amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Representative Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I would just like to echo the sentiments of Representative Piccola. This undoes the amendment which we offered just a few minutes ago, because it allows the court to suspend a license for 6 seconds and that would be it.

So I ask that the House defeat this amendment and keep the language that we presently have.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to support the amendment. I think this puts a little sanity into it. It lets the local magistrate, it lets the local judge, who was duly elected by the citizens of that area, to make an honest, straightforward decision as to what punishment that individual should get, whether it should be a week, 1 day, or a year.

I urge this amendment to allow the discretion of the local judge or magistrate. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—27

Battisto	Godshall	Markosek	Saloom
Belardi	Harper	O'Donnell	Smith, S. H.
Caltagirone	Josephs	Oliver	Snyder, D. W.
Clark, B. D.	Kukovich	Reber	Veon
Colafella	Lee	Richardson	Wozniak
Daley	Lescovitz	Ritter	Wright, J. L.
Gladeck	Levdansky	Roebuck	

NAYS—169

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Robbins
Allen	Dorr	Laughlin	Robinson
Angstadt	Durham	Leh	Rudy
Argall	Fairchild	Letterman	Ryan
Barley	Fargo	Linton	Rybak
Belfanti	Farmer	Lloyd	Saurman
Billow	Fee	Lucyk	Scheetz
Birmelin	Fleagle	McCall	Schuler
Bishop	Flick	McHale	Scrimenti
Black	Foster	McNally	Semmel
Blaum	Fox	McVerry	Serafini
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Maine	Snyder, G.
Boyes	Gallen	Marsico	Staback
Brandt	Gamble	Mayermik	Stairs
Broujos	Gannon	Melio	Steighner
Bunt	Geist	Merry	Stish
Burns	George	Michlovic	Strittmatter
Bush	Gigliotti	Micozzie	Stuban
Cappabianca	Gruitza	Miller	Tangretti
Carlson	Gruppo	Moehlmann	Taylor, E. Z.
Cawley	Hagarty	Morris	Taylor, F.
Cessar	Haluska	Mowery	Taylor, J.
Chadwick	Hasay	Mrkonc	Telek
Civera	Hayes	Murphy	Thomas
Clark, D. F.	Heckler	Nahill	Tigue
Clark, J. H.	Herman	Nailor	Trello
Clymer	Hershey	Noye	Trich
Cohen	Hess	O'Brien	Van Horne
Colaizzo	Howlett	Olasz	Vroon

Cole	Itkin	Perzel	Wambach
Cornell	Jackson	Pesci	Wass
Corrigan	Jadlowiec	Petrarca	Weston
Cowell	James	Petrone	Wilson
Coy	Jarolin	Phillips	Wogan
DeLuca	Johnson	Piccola	Wright, D. R.
DeWeese	Kaiser	Pistella	Wright, R. C.
Davies	Kasunic	Pitts	Yandrisevits
Dempsey	Kenney	Pressmann	
Dietterick	Kondrich	Preston	Manderino,
Dininni	Kosinski	Raymond	Speaker
Distler	LaGrotta	Reinard	

NOT VOTING—6

Carn	Hayden	Pievsky	Williams
Evans	Hughes		

EXCUSED—1

Burd

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. CALTAGIRONE offered the following amendment No. A1528:

Amend Sec. 1 (Sec. 23.1), page 2, line 25, by inserting after "privilege"

, except that the five (5) points normally assessed against a person's record under § 1545 upon restoration of operating privileges shall not be assessed

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the author, Representative Caltagirone from Berks County.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

This is basically a technical amendment. It would be uniform with the liquor violations dealing with the five points, and this had been recommended by the Department of Transportation to be incorporated.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Acosta	Dorr	Lashingner	Rieger
Adolph	Durham	Laughlin	Ritter
Allen	Evans	Lee	Robbins
Angstadt	Fairchild	Leh	Robinson
Argall	Fargo	Lescovitz	Roebuck
Barley	Farmer	Letterman	Rudy
Battisto	Fee	Levdansky	Ryan
Belardi	Fleagle	Linton	Rybak
Belfanti	Flick	Lloyd	Saurman
Billow	Foster	Lucyk	Scheetz
Birmelin	Fox	McCall	Schuler
Bishop	Freeman	McHale	Scrimenti
Black	Freind	McNally	Semmel
Blaum	Gallen	McVerry	Smith, B.
Bortner	Gamble	Maiale	Smith, S. H.
Bowley	Gannon	Maine	Snyder, D. W.
Boyes	Geist	Markosek	Snyder, G.
Brandt	George	Marsico	Staback
Broujos	Gigliotti	Mayernik	Stairs
Bunt	Gladeck	Melio	Steighner

Burns	Godshall	Merry	Stish
Bush	Gruitza	Michlovic	Strittmatter
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Tangretti
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Cawley	Harper	Morris	Taylor, F.
Cessar	Hasay	Mowery	Taylor, J.
Chadwick	Hayden	Mrkoncic	Telek
Civera	Hayes	Murphy	Thomas
Clark, B. D.	Heckler	Nahill	Tigue
Clark, D. F.	Herman	Nailor	Trello
Clark, J. H.	Hershey	Noye	Trich
Clymer	Hess	O'Brien	Van Horne
Cohen	Howlett	O'Donnell	Veon
Colafella	Hughes	Olasz	Vroon
Colaizzo	Itkin	Oliver	Wambach
Cole	Jackson	Perzel	Wass
Cornell	Jadlowiec	Pesci	Weston
Corrigan	James	Petrarca	Williams
Cowell	Jarolin	Petrone	Wilson
Coy	Johnson	Phillips	Wogan
DeWeese	Josephs	Pievsky	Wozniak
Daley	Kaiser	Pistella	Wright, D. R.
Davies	Kasunic	Pitts	Wright, J. L.
Dempsey	Kenney	Pressmann	Wright, R. C.
Dietterick	Kondrich	Preston	Yandrisevits
Dininni	Kosinski	Raymond	
Distler	Kukovich	Reber	Manderino,
Dombrowski	LaGrotta	Reinard	Speaker
Donatucci	Langtry	Richardson	

NAYS—2

Piccola	Saloom
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NOT VOTING—3

Carn	DeLuca	Serafini
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EXCUSED—1

Burd

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Langtry	Robbins
Adolph	Dorr	Lashingner	Robinson
Allen	Durham	Laughlin	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Letterman	Rybak
Battisto	Farmer	Levdansky	Saloom
Belardi	Fee	Linton	Saurman
Belfanti	Fleagle	Lloyd	Scheetz
Billow	Flick	Lucyk	Schuler
Birmelin	Foster	McCall	Scrimenti
Bishop	Fox	McHale	Semmel
Black	Freeman	McNally	Serafini
Blaum	Freind	McVerry	Smith, B.
Bortner	Gallen	Maiale	Smith, S. H.
Bowley	Gamble	Maine	Snyder, D. W.
Boyes	Gannon	Markosek	Snyder, G.
Brandt	Geist	Marsico	Staback

Broujos	George	Mayernik	Stairs
Bunt	Gigliotti	Melio	Steighner
Burns	Gladeck	Michlovic	Stish
Bush	Godshall	Micozzie	Strittmatter
Caltagirone	Gruitza	Miller	Stuban
Cappabianca	Gruppo	Morris	Tangretti
Carlson	Hagarty	Mowery	Taylor, E. Z.
Cawley	Haluska	Mrkonic	Taylor, F.
Cessar	Harper	Murphy	Taylor, J.
Chadwick	Hasay	Nahill	Telek
Civera	Hayden	Nailor	Thomas
Clark, B. D.	Hayes	Noye	Tigue
Clark, D. F.	Heckler	O'Brien	Trello
Clark, J. H.	Herman	O'Donnell	Trich
Clymer	Hershey	Olasz	Van Horne
Cohen	Hess	Oliver	Veon
Colaifella	Howlett	Perzel	Vroon
Colaizzo	Hughes	Pesci	Wambach
Cole	Itkin	Petrarca	Wass
Cornell	Jackson	Petrone	Weston
Corrigan	Jadlowiec	Phillips	Williams
Cowell	James	Piccola	Wilson
Coy	Jarolin	Pievsky	Wogan
DeLuca	Johnson	Pistella	Wozniak
DeWeese	Josephs	Pitts	Wright, D. R.
Daley	Kaiser	Pressmann	Wright, J. L.
Davies	Kasunic	Preston	Wright, R. C.
Dempsey	Kenney	Raymond	Yandrisevits
Dietterick	Kondrich	Reinard	
Dininni	Kosinski	Rieger	Manderino,
Distler	Kukovich	Ritter	Speaker
Dombrowski	LaGrotta		

NAYS—5

Lee	Moehlmann	Reber	Richardson
Merry			

NOT VOTING—1

Carn

EXCUSED—1

Burd

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 **HB 964, PN 1099**, entitled:

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

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—201

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti
Black	Freind	McVerry	Semmel
Blaum	Gallen	Maiale	Serafini
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaifella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker
Donatucci	Lashinger	Rieger	

NAYS—0

NOT VOTING—1

Carn

EXCUSED—1

Burd

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.

BILL REPORTED AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT

HB 560, PN 622

By Rep. D. R. WRIGHT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing an opportunity for municipalities to purchase real property being disposed of by public utilities engaged in a railroad business.

CONSUMER AFFAIRS.

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

HB 521, PN 583 By Rep. HARPER

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," providing for installment payment of county real estate taxes.

URBAN AFFAIRS.

HB 995, PN 2578 (Amended)

By Rep. HARPER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," granting the mayor the authority to determine whether or not security should accompany bids submitted in response to advertisement.

URBAN AFFAIRS.

HB 1179, PN 2579 (Amended)

By Rep. HARPER

An Act amending the act of August 10, 1951 (P. L. 1189, No. 265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for positions in the competitive class of the civil service, for examinations, for reinstatement of employees, for eligibility for promotion and appointment, for filling vacancies, for the composition of police trial boards, for removal, discharge and suspension, and for reductions in force.

URBAN AFFAIRS.

HB 1242, PN 1430 By Rep. HARPER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the sale of real and personal property.

URBAN AFFAIRS.

HB 1961, PN 2580 (Amended)

By Rep. HARPER

An Act amending the act of July 15, 1957 (P. L. 901, No. 399), known as the "Optional Third Class City Charter Law," further providing for the powers and duties of the mayor and of the city manager.

URBAN AFFAIRS.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LOCAL GOVERNMENT**

HB 1587, PN 1866 By Rep. HARPER

An Act providing loans to municipalities; creating a loan fund; conferring powers upon the Department of Community Affairs; and making an appropriation.

URBAN AFFAIRS.

RECESS

The SPEAKER. Are there any announcements? Any corrections of the record?

If not, this House stands in recess until 1:45 p.m.

AFTER RECESS

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

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 212 By Representatives FREEMAN, MRKONIC, WASS, ALLEN, J. L. WRIGHT, GEORGE, YANDRISEVITS, HERMAN, BILLOW, PESCI, BUNT, GRUPPO, DIETTERICK, KASUNIC, VEON, DeWEESE, HESS, COHEN, RYBAK, GIGLIOTTI, LASHINGER, PHILLIPS, NOYE, FOX, STABACK, PETRARCA, TANGRETTI, SERAFINI, McHALE, MAINE, ROBINSON, McCALL, JOHNSON, FLEAGLE, E. Z. TAYLOR, BELARDI, MELIO, BROUJOS, OLASZ and PISTELLA

Encouraging the display of the POW/MIA flag on public buildings.

Referred to Committee on RULES, October 11, 1989.

No. 213 By Representatives KENNEY, KOSINSKI, CARLSON, J. TAYLOR, LANGTRY, FARMER, MRKONIC, J. L. WRIGHT, MELIO, GODSHALL, SEMMEL, HERMAN, NAHILL, BUNT, JADLOWIEC, WOGAN, FOX, WESTON, GIGLIOTTI, DeLUCA, MERRY, NOYE, SAURMAN, McCALL and JOHNSON

Memorializing Congress to repeal the Medicare Catastrophic Coverage Act of 1988.

Referred to Committee on RULES, October 11, 1989.

No. 214 By Representatives DISTLER, JADLOWIEC, FARGO, STABACK, PETRARCA, SCHULER, MICHLOVIC, E. Z. TAYLOR, COWELL, SERAFINI, LEVDANSKY, McHALE, McCALL, MAINE, HALUSKA, MARSICO, RAYMOND, ROBINSON, DeLUCA, O'BRIEN, LAUGHLIN, BROUJOS, TELEK, THOMAS, JOHNSON, G. SNYDER, BELARDI, MRKONIC, PESCI, FAIRCHILD, MELIO, DIETTERICK, GODSHALL,

VAN HORNE, HERMAN, JACKSON, CARLSON, SAURMAN, ANGSTADT, FOX, NAHILL, PHILLIPS, LESCOVITZ, RYBAK, BUNT, FARMER, ARGALL, LANGTRY, KONDRICH, GRUPPO, BISHOP, GEIST, DEMPSEY, KASUNIC, HESS, COY, COHEN, LASHINGER, GIGLIOTTI and COLE

Declaring November 13 through 18, 1989, as "National Diabetes Education Week" in Pennsylvania.

Referred to Committee on RULES, October 11, 1989.

No. 215 By Representatives NOYE, PETRARCA, JACKSON, COY, NAILOR, MARSICO, BARLEY, PITTS, BIRMELIN, PHILLIPS and KOSINSKI

Condemning the burning of the American Flag; and calling upon the Philadelphia Police Commissioner to make an investigation.

Referred to Committee on RULES, October 11, 1989.

**CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1230, PN 1912**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for access to and disclosure of certain confidential information and for confidential communications with sexual assault counselors.

On the question,

Will the House agree to the bill on third consideration?

Ms. MAINE offered the following amendments No. A3031:

Amend Sec. 1 (Sec. 5945.1), page 1, by inserting between lines 14 and 15

"Coparticipant." A victim participating in group counseling.

Amend Sec. 1 (Sec. 5945.1), page 3, line 22, by striking out all of said line and inserting

(1) No sexual assault counselor may, without the written

Amend Sec. 1 (Sec. 5945.1), page 3, line 23, by inserting after **"CONFIDENTIAL"**

oral or written

Amend Sec. 1 (Sec. 5945.1), page 4, lines 6 through 10, by striking out all of said lines and inserting

(2) No coparticipant who is present during counseling may disclose a victim's confidential communication made during the counseling session nor consent to be examined in

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, Representative Maine is recognized from Crawford County.

Ms. MAINE. Mr. Speaker, with respect to concerns expressed by the Judiciary Committee, amendment 3031 was drawn as a clarifying amendment. It does three things.

It adds a definition of "coparticipant" to read: "'Coparticipant.' A victim participating in group counseling."

Number two, it also limits privileged communication between a coparticipant and a victim to the counseling session only.

Number three, it expressly states that the confidentiality privilege between victim and counselor includes both oral and written communication.

I ask for your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti
Black	Freind	McVerry	Semmel
Blaum	Gallen	Maiale	Serafini
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reinard	
Distler	LaGrotta	Richardson	Manderino,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashinger		

NAYS—0

NOT VOTING—2

Cawley Reber

EXCUSED—1

Burd

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage of the bill, does the lady seek recognition?

Ms. MAINE. Yes, sir.

The SPEAKER. The Chair recognizes Representative Constance Maine from Crawford County.

Ms. MAINE. Mr. Speaker, before 1980 Pennsylvania rape crisis records had been sporadically subpoenaed for about 5 years. In July 1980, an administrator of Pittsburgh Action Against Rape - that is, PAAR - refused to release a rape victim's records during a court proceeding. A mistrial was declared and the Pennsylvania Supreme Court took jurisdiction over the issue. The Supreme Court heard arguments and ruled that upon request by a defendant, a trial judge should review a rape crisis agency's records privately and turn over to the defense statements which "bear on the facts of the alleged offense." Thus, limited privilege was created by the court.

Following the PAAR decision, inconsistent rulings regarding what date, what is emotion, what is fact, and what notes were taken and when they were taken created a problem. So in December of 1981, Act 169 was signed into law establishing absolute privilege for communications between rape victim and rape crisis counselors. The definition of "privilege" in that act was "...any confidential communication made by the victim to the counselor or as to any advice, report or working paper given or made in the course of the consultation."

For the record and by request, I would like to note that there are exceptions to absolute privilege, the most important of which is any situation involving suspected child abuse, which must be reported to Childline and may be reported to local children and youth services. Absolute privilege does not prohibit rape crisis counselors from cooperating in any civil or criminal investigation that follows.

In May 1985, Pennsylvania Superior Court issued a memorandum opinion upholding the 1981 absolute privilege law as constitutional. However, in the last 2 years a number of judges have ruled that rape crisis center records must be surrendered for in-camera review, despite the fact that the 1981 statute specifically states an absolute privilege.

HB 1230 reaffirms the 1981 decision made by this House by a vote of 191 to 2. It is difficult to believe that any court would misconstrue the language of the 1981 statute. Perhaps we need to make it simple. By absolute privilege, the Pennsyl-

vania State legislature means that both oral and written communications between a rape crisis counselor and a rape victim are indeed confidential. Thank you, Mr. Speaker.

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—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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.

FILMING PERMISSION

The SPEAKER. The Chair announces for the information of the members that the Speaker has granted to John Sanks of WPVI Television the right to film the session for the next 10 minutes. The camera crew and John Sanks are to the right of the Speaker in the far aisle.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 810, PN 901**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," prohibiting the possession by students of telephone paging devices.

On the question,

Will the House agree to the bill on third consideration?

Mr. DAVIES offered the following amendments No. A3158:

Amend Sec. 1 (Sec. 1317.1), page 1, line 12, by inserting after "Prohibited.—"

(a)

Amend Sec. 1 (Sec. 1317.1), page 1, by inserting between lines 16 and 17

(b) The prohibition contained in subsection (a) shall not apply in the following cases, provided that the school authorities approve of the presence of the beeper in each case:

(1) A student who is a member of a volunteer fire company, ambulance or rescue squad.

(2) A student who has a need for a beeper due to the medical condition of an immediate family member.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the author of the amendment, from Berks County, Representative Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment would provide for an exception with the consent or with the knowledge of the administration of the school, and that would only allow a student who is 18, 19, or 20, who would qualify to be able to fight fires, to be able to have a beeper in the class, or anyone of that age that was a member of an ambulance or rescue squad.

The other instance would be a student where a parent may have a medical problem in which there would be necessary assistance, and that, of course, would again have to be cleared with the administration of the district.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafranca	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fee	Linton	Saloom
Belfanti	Fleagle	Lloyd	Saurman
Billow	Flick	Lucyk	Scheetz
Birmelin	Foster	McCall	Schuler
Bishop	Fox	McHale	Scrimenti
Black	Freeman	McNally	Semmel
Blaum	Freind	McVerry	Serafini
Bortner	Gallen	Maiale	Smith, B.
Bowley	Gamble	Maine	Smith, S. H.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Marsico	Snyder, G.
Broujos	George	Mayernik	Staback
Bunt	Gigliotti	Melio	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stish
Caltagirone	Gruitza	Micozzie	Strittmatter
Cappabianca	Gruppo	Miller	Stuban
Carlson	Hagarty	Mochlmann	Tangretti
Carn	Haluska	Morris	Taylor, E. Z.
Cawley	Harper	Mowery	Taylor, F.
Cessar	Hasay	Mrkonic	Taylor, J.
Chadwick	Hayden	Murphy	Telek
Civera	Hayes	Nahill	Thomas
Clark, B. D.	Heckler	Nailor	Tigue
Clark, D. F.	Herman	Noye	Trello
Clark, J. H.	Hershey	O'Brien	Trich
Clymer	Hess	O'Donnell	Van Horne
Cohen	Howlett	Olasz	Veon
Colaifella	Hughes	Oliver	Vroon
Colaizzo	Itkin	Perzel	Wambach
Cole	Jackson	Pesci	Wass
Cornell	Jadlowiec	Petrone	Weston
Corrigan	James	Phillips	Williams
Cowell	Jarolin	Piccola	Wilson
Coy	Johnson	Pievsky	Wogan
DeLuca	Josephs	Pistella	Wozniak
DeWeese	Kaiser	Pitts	Wright, D. R.
Daley	Kasunic	Pressmann	Wright, J. L.
Davies	Kenney	Preston	Wright, R. C.
Dempsey	Kondrich	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—2

Petrarca Richardson

EXCUSED—1

Burd

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 **HB 1274, PN 2507**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug trafficking offenses and penalties; and providing for illegal use of real property.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILLIAMS offered the following amendments No. A3170:

Amend Sec. 1, page 1, line 8, by inserting after "amended" and the sections are amended by adding subsections

Amend Sec. 1 (Sec. 6314), page 2, by inserting between lines 24 and 25

(d.1) Place of confinement.—Notwithstanding the provisions of this title or any other statute to the contrary, persons sentenced under the provisions of this section shall be committed to the Department of Corrections for confinement in State correctional facilities.

Amend Sec. 1 (Sec. 7508), page 13, by inserting between lines 11 and 12

(c.1) Place of confinement.—Notwithstanding the provisions of this title or any other statute to the contrary, persons sentenced under the provisions of this section shall be committed to the Department of Corrections for confinement in State correctional facilities.

Amend Bill, page 18, by inserting between lines 3 and 4

Section 3. 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement), is repealed insofar as it is inconsistent with the provisions of this act.

Amend Sec. 3, page 18, line 4, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the Representative from Philadelphia, Hardy Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

There is an "Anthony" in front of the "Hardy," though.

The SPEAKER. Anthony Hardy Williams from Philadelphia is recognized on the amendment.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, the amendment is not intended to change the basic direction and substance of the bill. We are in agreement with the mandatory sentencing process, but we are a bit concerned—a number of members in our delegation—with the requirements that will be imposed upon those municipalities.

Specifically, the 1-year mandatory sentences are required to be served in city or municipal prisons, and in my particular case in Philadelphia, we are under Federal control with regard to our overcrowding issue, but we do want those people who are convicted under these measures to end up behind bars. So this amendment simply directs those individuals who are prosecuted and convicted under these particular laws to be directed toward State facilities.

The SPEAKER. The question is on the Anthony Hardy Williams amendment. Representative Piccola from Dauphin County is recognized.

Mr. PICCOLA. Mr. Speaker, I am going to oppose the amendment. I am not sure there is a really good answer to what Mr. Williams is concerned about, but what he is doing is making an exception to the law which requires that sentences of 2 years or less be served in county facilities - county correctional facilities, county prisons. He is saying that these people who are convicted and are sentenced to a mandatory minimum of 1 year, I believe, will go into the State system. I do not think that is a good precedent to set. I think we should keep those people in the county prisons.

Now, I understand the county prisons are overcrowded, but the State prisons are also overcrowded. I think we should let the statute stand where it is right now and let the inmates fall where they may, if you will pardon the expression. I would urge that we defeat the amendment.

The SPEAKER. On the question of the amendment, the Chair recognizes, from Washington County, Representative Leo Trich.

Mr. TRICH. Thank you, Mr. Speaker.

I also stand and rise in support of Mr. Williams' amendment. Quite frankly, he is indicating that the problem occurs in Philadelphia, and of course, we hear of jail overcrowding in the large populous areas of Allegheny and Philadelphia Counties. I am here to indicate that Washington County in the southwestern corner of the State has that same problem.

I also agree with Mr. Williams that if in fact the State is serious and the Governor's Office is serious about addressing the drug problem, then certainly the dollars should be made available to increase the size of the State prisons to accommodate this new load of new inmates.

So for that reason I stand in support of the amendment and would ask that it be approved.

The SPEAKER. On the amendment for the second time, the amendment's author, Representative Williams from Philadelphia, is recognized.

Mr. WILLIAMS. Mr. Speaker, thank you.

I am aware that what I am attempting to do is an exception, but I also believe that the exception is required in this particular instance, because if we are serious about the war on drugs and we are serious about convicting people and we are serious about sending them to prison and allowing our communities to believe that we as legislators and lawmakers and law enforcement are serious about putting these people away, we have to make provisions at the State level to put them away.

I do not feel that it is with the fullest amount of integrity that we put this burden upon, not just Philadelphia, because there are a number of municipalities and counties whose prisons are overburdened at this point; it is not with the fullest level of integrity to impose this burden upon them. The reality is, those people will once again be convicted, turned back on the streets, and we will be back here next year saying, are we serious about the war on drugs? The reality is that if we do not make this provision in this very limited realm, then we are not assuming the full responsibility in this war on drugs.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? From Allegheny County, Representative Michlovic is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I, too, support this amendment.

We in Allegheny County have been faced, our county has been faced, with a Federal court ruling forcing us to expand our county prisons. Much of that overage and additional incarcerated individuals are from these mandatory sentences from the State.

I think Representative Williams is right on target when he says if we really wish to mandate tougher penalties, we have got to face the cost factor and not shift that cost factor onto the counties, who are less able than we are, given their tax structure, to cope with the kinds of increased demands there are on our prison facilities.

So I would strongly support this kind of an amendment on behalf of the county and certainly myself. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, Representative Letterman from Centre County is recognized.

Mr. LETTERMAN. Mr. Speaker, I really think that we should oppose this amendment. I think that people are just putting amendments in to put people in jail.

You know, it is about time some of us legislators start to think that there is really a way to treat criminals, and that is not just putting them in jail where they just sit around and do whatever they want to do. I think we need a hard labor bill. I think we need something that is going to say, put these people to work, and make them work for these communities that they are causing all the problems in.

MOTION TO TABLE

Mr. LETTERMAN. I therefore would ask that this amendment and this bill be laid aside until I can prepare an amendment to do exactly that.

I ask for a vote, Mr. Speaker.

The SPEAKER. Will the gentleman be specific as to the motion being made. Lay aside is new to me. It could mean put the bill over or put it on the table.

Mr. LETTERMAN. Table the bill, please.

The SPEAKER. Table the bill. That is a smart move because that is not debatable.

Leaders may debate and leaders alone may debate the motion to table.

The gentleman, Mr. Letterman, has moved that the bill before us be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the majority leader, Representative O'Donnell from Philadelphia, is recognized.

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

I would urge the defeat of the motion, solely because these bills have been lined up for some time. Everybody knew they

were coming. People had an opportunity to prepare amendments. And we have not seen the last of it in this bill or even in today's debate. So if the gentleman or anyone else has an idea on this subject, even if it just comes to them now in the middle of this debate, they will have ample opportunity to amend any of the Title 18 bills to make provisions for alternative sentencing or whatever is in mind.

So I would urge you to not slow down any of these bills and let us move the package through, because there is the opportunity to amend with any idea whatsoever as it goes forward. Thank you.

The SPEAKER. The question is on the motion to table. Those in favor of the motion will vote "aye"; those opposed will vote "nay."

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

The following roll call was recorded:

YEAS—32

Bortner	Dietterick	Gladeck	Pressmann
Bush	Dombrowski	Godshall	Raymond
Carlson	Evans	Langtry	Reinard
Cawley	Farmer	Letterman	Ritter
Cessar	Freeman	Lucyk	Saloom
Civera	Gannon	Micozzie	Veon
Clark, D. F.	Geist	Olasz	Wozniak
Coy	George	Petrarca	Wright, R. C.

NAYS—170

Acosta	Durham	Leh	Roebuck
Adolph	Fairchild	Lescovitz	Rudy
Allen	Fargo	Levdansky	Ryan
Angstadt	Fee	Linton	Rybak
Argall	Fleagle	Lloyd	Saurman
Barley	Flick	McCall	Scheetz
Battisto	Foster	McHale	Schuler
Belardi	Fox	McNally	Scrimenti
Belfanti	Freind	McVerry	Semmel
Billow	Gallen	Maiale	Serafini
Birmelin	Gamble	Maine	Smith, B.
Bishop	Gigliotti	Markosek	Smith, S. H.
Black	Gruitza	Marsico	Snyder, D. W.
Blaum	Gruppo	Mayernik	Snyder, G.
Bowley	Hagarty	Melio	Staback
Boyes	Haluska	Merry	Stairs
Brandt	Harper	Michlovic	Steighner
Broujos	Hasay	Miller	Stish
Bunt	Hayden	Moehlmann	Strittmatter
Burns	Hayes	Morris	Suban
Caltagirone	Heckler	Mowery	Tangretti
Cappabianca	Herman	Mrkonc	Taylor, E. Z.
Carn	Hershey	Murphy	Taylor, F.
Chadwick	Hess	Nahill	Taylor, J.
Clark, B. D.	Howlett	Nailor	Telek
Clark, J. H.	Hughes	Noye	Thomas
Clymer	Itkin	O'Brien	Tigue
Cohen	Jackson	O'Donnell	Trello
Colaella	Jadlowiec	Oliver	Trich
Colaizzo	James	Perzel	Van Horne
Cole	Jarolin	Pesci	Vroon
Cornell	Johnson	Petrone	Wambach
Corrigan	Josephs	Phillips	Wass
Cowell	Kaiser	Piccola	Weston
DeLuca	Kasunic	Pievsky	Williams
DeWeese	Kenney	Pistella	Wilson
Daley	Kondrich	Pitts	Wogan
Davies	Kosinski	Preston	Wright, D. R.
Dempsey	Kukovich	Reber	Wright, J. L.
Dininni	LaGrotta	Richardson	Yandrisevits

Distler	Lashingner	Rieger	Manderino,
Donatucci	Laughlin	Robbins	Speaker
Dorr	Lee	Robinson	

NOT VOTING—0

EXCUSED—1

Burd

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

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

The following roll call was recorded:

YEAS—119

Acosta	Evans	Levdansky	Ritter
Battisto	Fee	Linton	Robinson
Belardi	Fleagle	Lloyd	Roebuck
Belfanti	Flick	Lucyk	Rudy
Billow	Fox	McCall	Saloom
Bishop	Gallen	McNally	Semmel
Blaum	Gamble	Maiale	Serafini
Broujos	Gannon	Markosek	Snyder, D. W.
Bunt	George	Mayernik	Staback
Caltagirone	Gigliotti	Melio	Steighner
Cappabianca	Gladeck	Michlovic	Stish
Carn	Hagarty	Morris	Suban
Cawley	Harper	Mrkonc	Tangretti
Civera	Hasay	Murphy	Taylor, F.
Clark, B. D.	Hayden	Nahill	Taylor, J.
Colaella	Howlett	O'Brien	Thomas
Colaizzo	Hughes	O'Donnell	Tigue
Cole	Itkin	Olasz	Trello
Corrigan	James	Oliver	Trich
Cowell	Jarolin	Perzel	Van Horne
Coy	Josephs	Pesci	Veon
DeLuca	Kaiser	Petrarca	Wambach
DeWeese	Kasunic	Petrone	Weston
Daley	Kenney	Pievsky	Williams
Davies	Kosinski	Pistella	Wogan
Dempsey	Kukovich	Pressmann	Wozniak
Dietterick	LaGrotta	Preston	Wright, D. R.
Dombrowski	Laughlin	Reinard	Wright, J. L.
Donatucci	Lescovitz	Richardson	Wright, R. C.
Durham	Letterman	Rieger	

NAYS—82

Adolph	Distler	Kondrich	Robbins
Allen	Dorr	Langtry	Ryan
Angstadt	Fairchild	Lashingner	Rybak
Argall	Fargo	Lee	Saurman
Barley	Farmer	Leh	Scheetz
Birmelin	Foster	McHale	Schuler
Black	Freeman	McVerry	Scrimenti
Bortner	Freind	Maine	Smith, B.
Bowley	Geist	Marsico	Smith, S. H.
Boyes	Godshall	Merry	Snyder, G.
Brandt	Gruitza	Micozzie	Stairs
Burns	Gruppo	Miller	Strittmatter
Bush	Haluska	Moehlmann	Taylor, E. Z.
Carlson	Hayes	Mowery	Telek
Cessar	Heckler	Nailor	Vroon
Chadwick	Herman	Noye	Wass
Clark, D. F.	Hershey	Phillips	Wilson
Clark, J. H.	Hess	Piccola	Yandrisevits
Clymer	Jackson	Pitts	
Cornell	Jadlowiec	Raymond	Manderino,
Dininni	Johnson	Reber	Speaker

NOT VOTING—1

Cohen

EXCUSED—1

Burd

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. A3182:

Amend Title, page 1, line 2, by inserting after "for" the sale of tobacco and for

Amend Sec. 1, page 1, line 7, by inserting after "Sections" 6305,

Amend Sec. 1, page 1, by inserting between lines 8 and 9 § 6305. Sale of tobacco.

(a) Offense defined.—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 who violates this section shall, upon conviction, be sentenced to pay a fine of not less than \$25 for a first offense and not less than \$100 for a subsequent offense.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, from Montgomery County, the Chair recognizes Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

This is not a new amendment to this House. It has been passed on two other occasions, but it languishes in the Senate. Since these are drug bills and I would expect that they would move, I would hope that we could put this amendment in to increase the legal age to purchase tobacco to 18.

I ask for your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Table listing names of representatives who voted 'YEAS' for the amendments, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Bush, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Langtry, Lashinger, Laughlin, Leh, Lescovitz, Letterman, Levdansky, Linton, Lucyk, McCall, McHale, McNally, McVerry, Maine, Markosek, Marsico, Mayernik, Merry, Michlovic, Micozzie, Miller, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, and Strish.

Table listing names of representatives who did not vote, including Caltagirone, Cappabianca, Carlson, Carn, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dieterick, Dininni, Distler, Donatucci, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., and Yandrisevits.

NAYS—8

Table listing names of representatives who voted 'NAYS', including Burns, Cawley, Dombrowski, Lee, Lloyd, Melio, Moehlmann, and Tigue.

NOT VOTING—1

Maiiale

EXCUSED—1

Burd

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—199

Table listing names of representatives who voted 'YEAS' for the amendments, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Lashinger, Laughlin, Lee, Leh, Lescovitz, Letterman, Levdansky, Linton, Lloyd, Lucyk, McCall, McHale, McNally, McVerry, Maine, Markosek, Marsico, Mayernik, Melio, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., and Staback.

Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—3

Billow	Maiale	Richardson
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EXCUSED—1

Burd

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 **HB 1275, PN 2443**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing for designer drugs; and further providing for prohibited acts.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeLUCA offered the following amendment No. A3159:

Amend Sec. 2 (Sec. 13), page 3, line 20, by inserting after "both."

Sentences under this subsection shall be served without possibility of parole.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes, from Allegheny County, on the amendment, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does, it provides that anybody who engages an individual under 18, who violates that section there under the new designer drug section, will serve his time, whatever time the judge gives him, without parole.

I would appreciate an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashingier	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

On the question,

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

The SPEAKER. Will the gentleman, Mr. Daley, please come to the desk. Representative Daley, come to the desk.

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman, Mr. Daley, had indicated that there was an amendment to offer to the bill. The amendment is on the members' desks. However, it was drawn to the wrong printer's number, and the gentleman has agreed to withdraw the offering of that amendment from this bill and will view the possibility of placing it on another bill.

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—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Serimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonjic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafrella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon

Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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 **HB 1289, PN 1482**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for mandatory minimum sentences of total confinement for certain drug offenses committed with firearms.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILLIAMS offered the following amendments No. A3172:

Amend Sec. 1 (Sec. 9712.1), Page 3, by inserting between lines 5 and 6

(d) Place of confinement.—Notwithstanding the provisions of this title or any other statute to the contrary, persons sentenced under the provisions of this section shall be committed to the Department of Corrections for confinement in State correctional facilities.

Amend Sec. 1 (Sec. 9712.1), page 3, line 6, by striking out “(d)” and inserting

(e)

Amend Sec. 1 (Sec. 9712.1), page 3, line 13, by striking out “(e)” and inserting

(f)

Amend Bill, page 3, by inserting between lines 17 and 18 Section 2. 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement) is repealed insofar as it is inconsistent with the provisions of this act.

Amend Sec. 2, page 3, line 18, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, from Philadelphia County, Representative Williams is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I really do not have to explain to you the substance of the amendment. It is simply the same kind of process and the same technicality as explained in the prior amendment, and I am most appreciative of those members that supported me and recognize the current problem with prison overcrowding.

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

The following roll call was recorded:

YEAS—117

Acosta	Dietterick	Lescovitz	Rieger
Allen	Dombrowski	Levdansky	Ritter
Angstadt	Donatucci	Linton	Robinson
Argall	Durham	Lloyd	Roebuck
Battisto	Evans	Lucyk	Rudy
Belardi	Fee	McCall	Saloom
Belfanti	Fleagle	McNally	Semmel
Billow	Gallen	Maiale	Serafini
Bishop	Gamble	Markosek	Snyder, D. W.
Blaum	Gannon	Mayernik	Staback
Bortner	George	Melio	Steighner
Bunt	Gigliotti	Michlovic	Stish
Caltagirone	Gladeck	Morris	Stuban
Cappabianca	Harper	Mrkonic	Tangretti
Carn	Hasay	Murphy	Taylor, F.
Cawley	Hayden	O'Brien	Taylor, J.
Civera	Howlett	O'Donnell	Thomas
Clark, B. D.	Hughes	Olasz	Tigue
Cohen	Itkin	Oliver	Trello
Colaella	James	Perzel	Trich
Colaizzo	Jarolin	Pesci	Van Horne
Cole	Josephs	Petrarca	Veon
Corrigan	Kaiser	Petrone	Wambach
Cowell	Kasunic	Pievsy	Weston
Coy	Kenney	Pistella	Williams
DeLuca	Kosinski	Pressmann	Wogan
DeWeese	Kukovich	Preston	Wozniak
Daley	LaGrotta	Raymond	Wright, D. R.
Davies	Laughlin	Richardson	Wright, R. C.
Dempsey			

NAYS—84

Adolph	Farmer	Lashinger	Ryan
Barley	Flick	Lee	Rybak
Birmelin	Foster	Leh	Saurman
Black	Fox	Letterman	Scheetz
Bowley	Freeman	McHale	Schuler
Boyes	Freind	McVerry	Scrimenti
Brandt	Geist	Maine	Smith, B.
Broujos	Godshall	Marsico	Smith, S. H.
Burns	Gruitza	Merry	Snyder, G.
Bush	Gruppo	Micozzie	Stairs
Carlson	Hagarty	Miller	Strittmatter
Cessar	Haluska	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Nahill	Telek
Clark, D. F.	Heckler	Nailor	Vroon
Clark, J. H.	Herman	Noye	Wass
Clymer	Hershey	Phillips	Wilson
Cornell	Hess	Piccola	Wright, J. L.
Dininni	Jackson	Pitts	Yandrisevits
Distler	Jadlowiec	Reber	
Dorr	Johnson	Reinard	Manderino,
Fairchild	Kondrich	Robbins	Speaker
Fargo	Langtry		

NOT VOTING—1

Mowery

EXCUSED—1

Burd

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Barley	Fairchild	Letterman	Rudy
Battisto	Fargo	Levdansky	Ryan
Belardi	Farmer	Linton	Rybak
Belfanti	Fee	Lloyd	Saloom
Billow	Fleagle	McCall	Saurman
Birmelin	Flick	McHale	Scheetz
Bishop	Foster	McNally	Schuler
Black	Fox	McVerry	Scrimenti
Blaum	Freeman	Maiale	Semmel
Bortner	Freind	Maine	Serafini
Bowley	Gallen	Markosek	Smith, B.
Boyes	Gamble	Marsico	Smith, S. H.
Brandt	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Melio	Snyder, G.
Bunt	George	Merry	Staback
Burns	Gigliotti	Michlovic	Stairs
Bush	Gladeck	Micozzie	Steighner
Caltagirone	Godshall	Miller	Stish
Cappabianca	Gruitza	Moehlmann	Strittmatter
Carlson	Gruppo	Morris	Stuban
Carn	Hagarty	Mowery	Tangretti
Cawley	Haluska	Mrkonic	Taylor, E. Z.
Cessar	Harper	Murphy	Taylor, F.
Chadwick	Hayden	Nahill	Taylor, J.
Civera	Hayes	Naylor	Telek
Clark, B. D.	Heckler	Noye	Thomas
Clark, D. F.	Herman	O'Brien	Tigue
Clark, J. H.	Hershey	O'Donnell	Trello
Clymer	Hess	Olasz	Trich
Cohen	Howlett	Oliver	Van Horne
Colaella	Hughes	Perzel	Veon
Colaizzo	Itkin	Pesci	Vroon
Cole	Jackson	Petrarca	Wambach
Cornell	Jadlowiec	Petrone	Wass
Corrigan	James	Phillips	Weston
Cowell	Jarolin	Piccola	Williams
Coy	Johnson	Pievsy	Wilson
DeLuca	Josephs	Pistella	Wogan
DeWeese	Kasunic	Pitts	Wozniak
Daley	Kenney	Pressmann	Wright, D. R.
Davies	Kondrich	Preston	Wright, J. L.
Dempsey	Kosinski	Raymond	Wright, R. C.
Dietterick	Kukovich	Reber	Yandrisevits
Dininni	LaGrotta	Reinard	
Distler	Langtry	Richardson	Manderino,
Dombrowski	Lashinger	Rieger	Speaker

NAYS—0
NOT VOTING—2

Kaiser Lucyk

EXCUSED—1

Burd

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 **HB 1298, PN 2444**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for prohibited acts and penalties; providing for recidivism penalties; and further providing for pre-trial disposition of certain cases.

On the question,

Will the House agree to the bill on third consideration?

Mr. THOMAS offered the following amendments No. A3153:

Amend Sec. 4 (Sec. 17), page 7, line 19, by inserting brackets before and after "A" and inserting immediately thereafter

(a) Subject to the provisions of subsection (b), a

Amend Sec. 4 (Sec. 17), page 8, by inserting between lines 24 and 25

(b) Prior to any order for probation, the court shall order that the person undergo an evaluation by a Certified Addictions Counselor to ascertain the need for treatment. If the evaluation indicates a need for addiction treatment, probation is then dependent on the individual entering treatment and completing that treatment as required by the treatment plan.

Amend Sec. 4 (Sec. 18), page 8, lines 29 and 30, by inserting a bracket before "or" in line 29 and after "1966" in line 30 and inserting immediately thereafter

to a treatment facility licensed by the Office of Drug and Alcohol Programs in the Department of Health

Amend Sec. 4 (Sec. 18), page 9, lines 1 and 2, by inserting a bracket before "experienced" in line 1 and after "abuse" in line 2 and inserting immediately thereafter

trained in addictionology or a Certified Addictions Counselor

Amend Sec. 4 (Sec. 18), page 9, line 10, by inserting brackets before and after "physician's"

Amend Sec. 4 (Sec. 18), page 9, line 12, by inserting brackets before and after "physician's"

Amend Sec. 4 (Sec. 18), page 9, line 13, by striking out the bracket before "he"

Amend Sec. 4 (Sec. 18), page 9, line 13, by inserting a bracket before "and"

Amend Sec. 4 (Sec. 18), page 9, line 14, by inserting a bracket after "and"

Amend Sec. 4 (Sec. 18), page 9, line 14, by striking out the bracket after "therefor"

Amend Sec. 4 (Sec. 18), page 9, line 18, by inserting brackets before and after "physician's advice" and inserting immediately thereafter

recommendation

Amend Sec. 4 (Sec. 18), page 9, lines 24 and 25, by inserting a bracket before "commitment" in line 24 and after "1966" in line 25 and inserting immediately thereafter

admission to a treatment facility licensed by the Office of Drug and Alcohol Programs in the Department of Health

Amend Sec. 4 (Sec. 18), page 10, line 2, by inserting brackets before and after "medical"

Amend Sec. 4 (Sec. 18), page 10, line 7, by inserting brackets before and after "qualified physician" and inserting immediately thereafter

physician trained in addictionology or a Certified Addictions Counselor

Amend Sec. 4 (Sec. 18), page 10, lines 12 and 13, by inserting a bracket before "to" in line 12 and after "1966" in line 13 and inserting immediately thereafter

be admitted to a facility licensed by the Office of Drug and Alcohol Programs in the Department of Health

Amend Sec. 4 (Sec. 18), page 10, line 15, by inserting brackets before and after "physician's"

Amend Sec. 4 (Sec. 18), page 10, line 17, by inserting brackets before and after "physician's"

On the question,

Will the House agree to the amendments?

The SPEAKER. From Philadelphia County, the Chair recognizes Representative Thomas on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

The amendment to HB 1298 does not change the character of HB 1298; it only provides that in cases where a citizen will be invoked, that where individuals are in need of treatment, it makes treatment mandatory, and it prescribes that someone who is abreast in providing counseling and providing treatment be in a position to do so.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Dorr	Lee	Ritter
Adolph	Durham	Leh	Robbins
Allen	Evans	Lescovitz	Robinson
Angstadt	Fairchild	Letterman	Roebuck
Argall	Fargo	Levdansky	Rudy
Barley	Farmer	Linton	Ryan
Battisto	Fee	Lloyd	Rybak
Belardi	Fleagle	Lucyk	Saloom
Belfanti	Flick	McCall	Saurman
Billow	Foster	McHale	Scheetz
Birmelin	Fox	McNally	Schuler
Bishop	Freeman	McVerry	Scrimment
Black	Freind	Maiale	Semmel
Blaum	Gamble	Maine	Serafini
Bortner	Gannon	Markosek	Smith, B.
Bowley	Geist	Marsico	Smith, S. H.
Boyes	George	Mayernik	Snyder, D. W.
Brandt	Gigliotti	Melio	Snyder, G.
Broujos	Gladeck	Merry	Staback
Bunt	Godshall	Michlovic	Stairs
Burns	Gruitza	Micozzie	Steighner
Bush	Gruppo	Miller	Stish
Callagirone	Hagarty	Mochmann	Stritmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonie	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Taylor, J.

Chadwick	Heckler	Nailor	Telek
Civera	Herman	Noye	Thomas
Clark, B. D.	Hershey	O'Brien	Tigue
Clark, D. F.	Hess	O'Donnell	Trello
Clymer	Howlett	Olasz	Trich
Cohen	Hughes	Oliver	Van Horne
Colaifella	Itkin	Perzel	Veon
Colaizzo	Jackson	Pesci	Vroon
Cole	Jadlowiec	Petrarca	Wambach
Cornell	James	Petrone	Wass
Corrigan	Jarolin	Phillips	Weston
Cowell	Johnson	Piccola	Williams
Coy	Josephs	Pievsky	Wilson
DeLuca	Kaiser	Pistella	Wogan
DeWeese	Kasunic	Pitts	Wozniak
Daley	Kenney	Pressmann	Wright, D. R.
Davies	Kondrich	Preston	Wright, J. L.
Dempsey	Kosinski	Raymond	Wright, R. C.
Dietterick	Kukovich	Reber	Yandrisevits
Dininni	LaGrotta	Reinard	
Distler	Langtry	Richardson	Manderino,
Dombrowski	Lashingier	Rieger	Speaker
Donatucci	Laughlin		

NAYS—0

NOT VOTING—2

Clark, J. H. Gallen

EXCUSED—1

Burd

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Rocbuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti
Black	Freind	McVerry	Semmel
Blaum	Gallen	Maiale	Serafin
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.

Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaifella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker
Donatucci	Lashingier	Rieger	

NAYS—0

NOT VOTING—1

Clark, J. H.

EXCUSED—1

Burd

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 **HB 1279, PN 1472**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for mandatory minimum sentences for multiple sales of certain controlled substances within a period of 90 days, for determining quantities of controlled substances, and limiting certain plea bargains.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILLIAMS offered the following amendments No. A3168:

Amend Title, page 1, line 2, by inserting after "providing" for sentencing,

Amend Title, page 1, line 5, by striking out ", and" and inserting

and for

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

Amend Sec. 1 (Sec. 7508), Page 4, by inserting between lines 9 and 10

(c.1) Place of confinement.—Notwithstanding the provisions of this title or any other statute to the contrary, persons sentenced under the provisions of this section shall be committed to the Department of Corrections for confinement in State correctional facilities.

Amend Bill, page 4, by inserting between lines 27 and 28 Section 2. 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement) is repealed insofar as it is inconsistent with the provisions of this act.

Amend Sec. 2, page 4, line 28, by striking out "2" and inserting

3

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

The SPEAKER. On the amendment, from Philadelphia, Representative Williams is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, this is the last of my amendments for today, and it is the last with regard to the mandatory sentencing. Again, it echoes the same concerns.

And once again, thank you to those members for their support.

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

The following roll call was recorded:

YEAS—116

Table listing names of members who voted 'YEAS' (116 total). Includes names like Acosta, Allen, Angstadt, Argall, Battisto, Belardi, Belfanti, Billow, Bishop, Blaum, Bortner, Brandt, Bunt, Caltagirone, Carn, Cawley, Civera, Clark, B. D., Cohen, Colafella, Cole, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dietterick, Donatucci, Durham, Evans, Fee, Fleagle, Fox, Gallen, Gamble, Gannon, George, Gigliotti, Gladeck, Harper, Hasay, Hayden, Howlett, Hughes, Itkin, James, Jarolin, Josephs, Kaiser, Kasunic, Kenney, Kosinski, Kukovich, LaGrotta, Laughlin, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McNally, Maiale, Markosek, Mayernik, Melio, Michlovic, Morris, Mrkonic, Murphy, Nahill, O'Brien, O'Donnell, Oliver, Perzel, Pesci, Petrarca, Petrone, Pievsky, Pistella, Pressmann, Preston, Raymond, Richardson, Rieger, Ritter, Robinson, Roebuck, Rudy, Saloom, Serafini, Snyder, D. W., Staback, Steighner, Stish, Stuban, Tangretti, Taylor, F., Taylor, J., Thomas, Tigie, Trello, Trich, Van Horne, Veon, Wambach, Weston, Williams, Wogan, Wozniak, Wright, D. R., Wright, R. C.

NAYS—86

Table listing names of members who voted 'NAYS' (86 total). Includes names like Adolph, Barley, Birmelin, Black, Bowley, Boyes, Broujos, Burns, Bush, Cappabianca, Carlson, Cessar, Chadwick, Clark, D. F., Clark, J. H., Fairchild, Fargo, Farmer, Flick, Foster, Freeman, Freind, Geist, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Hayes, Heckler, Langtry, Lashinger, Lee, Leh, Letterman, McHale, McVerry, Maine, Marsico, Merry, Micozzie, Miller, Moehlmann, Mowery, Nailor, Robbins, Ryan, Rybak, Saurman, Scheetz, Schuler, Scrimenti, Smith, B., Smith, S. H., Snyder, G., Staback, Steighner, Stish, Strittmatter, Taylor, E. Z., Telek, Vroon.

Table listing names of members who were NOT VOTING (0) and EXCUSED (1). Includes names like Clymer, Colaizzo, Cornell, Dininni, Distler, Dombrowski, Dorr, Herman, Hershey, Hess, Jackson, Jadlowiec, Johnson, Kondrich, Noye, Olasz, Phillips, Piccola, Pitts, Reber, Reinard, Wass, Wilson, Wright, J. L., Yandrisevits, Manderino, Speaker.

NOT VOTING—0

EXCUSED—1

Burd

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. A3184:

Amend Sec. 1 (Sec. 7508), page 3, line 13, by striking out "three" and inserting

five

Amend Sec. 1 (Sec. 7508), page 3, line 14, by striking out "\$15,000" and inserting

\$25,000

On the question,

Will the House agree to the amendments?

The SPEAKER. From Montgomery County, the Chair recognizes Representative Fox.

Mr. FOX. Thank you, Mr. Speaker.

This is an agreed-to amendment regarding the penalties for methamphetamines. I ask that the members please support the amendment, which will increase the penalties to 5 years and \$25,000 for a fine.

It is an agreed-to amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Table listing names of members who voted 'YEAS' (201 total). Includes names like Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Broujos, Burns, Bush, Cappabianca, Carlson, Cessar, Chadwick, Clark, D. F., Clark, J. H., Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Lashinger, Laughlin, Lee, Leh, Lescovitz, Letterman, Levdansky, Linton, Lloyd, Lucyk, McCall, McHale, McNally, McVerry, Maiale, Maine, Markosek, Mayernik, Melio, Merry, Micozzie, Miller, Moehlmann, Morris, Rieger, Ritter, Robbins, Roebuck, Rudy, Ryan, Rybak, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z.

Cawley	Harper	Mowery	Taylor, F.
Cessar	Hasay	Mrkonic	Taylor, J.
Chadwick	Hayden	Murphy	Telek
Civera	Hayes	Nahill	Thomas
Clark, B. D.	Heckler	Nailor	Tigue
Clark, D. F.	Herman	Noye	Trello
Clark, J. H.	Hershey	O'Brien	Trich
Clymer	Hess	O'Donnell	Van Horne
Cohen	Howlett	Olasz	Veon
Colaella	Hughes	Oliver	Vroon
Colaizzo	Itkin	Perzel	Wambach
Cole	Jackson	Pesci	Wass
Cornell	Jadlowiec	Petrarca	Weston
Corrigan	James	Petrone	Williams
Cowell	Jarolin	Phillips	Wilson
Coy	Johnson	Piccola	Wogan
DeLuca	Josephs	Pievsky	Wozniak
DeWeese	Kaiser	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kenney	Pressmann	Wright, R. C.
Dempsey	Kondrich	Preston	Yandrisevits
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reber	Manderino,
Distler	LaGrotta	Reinard	Speaker
Dombrowski	Langtry	Richardson	

NAYS—0

NOT VOTING—1

Stairs

EXCUSED—1

Burd

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. VROON offered the following amendments No. A3133:

Amend Title, page 1, line 2, by inserting after "Statutes," controlling assault weapons;

Amend Title, page 1, line 5, by striking out "and"

Amend Title, page 1, line 6, by removing the period after "bargains" and inserting ; and providing penalties.

The General Assembly hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety and security of all citizens of this Commonwealth. The General Assembly has restricted the assault weapons specified in 18 Pa.C.S. Ch. 61, Subch. D (relating to assault weapons) based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the General Assembly in enacting Subchapter D to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the General Assembly by this act to place restrictions on the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. Chapter 61 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER D ASSAULT WEAPONS

Sec.

- 6181. Definitions.
- 6182. Determination by court.
- 6183. Registration.
- 6184. Relinquishment of weapons.
- 6185. Licensed gun dealers.
- 6186. Penalties.
- 6187. Application of subchapter.

§ 6181. Definitions.

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

"Assault weapon." The following automatic and semiautomatic firearms known by the trade names specified:

(1) The following rifles:

(i) Avtomat Kalashnikovs (AK) series.

(ii) UZI and Galil.

(iii) Beretta AR-70.

(iv) Colt AR-15 series.

(v) Daewoo K-1, K-2, Max 1, and Max 2.

(vi) Fabrique Nationale FN/FAL, FN/LAR and FNC.

(vii) FAMAS MAS223.

(viii) Heckler & Koch HK-91, H-93, HK-94 and PSG-1.

(ix) MAC 10 and MAC 11.

(x) SKS with detachable magazine.

(xi) SIG AMT and SIG 500 Series.

(xii) Springfield Armory BM59 and SAR-48.

(xiii) Sterling MK-6

(xiv) Steyr AUG.

(xv) Valmet M62 and M78.

(xvi) ArmaLite AR-180 Carbine.

(xvii) Bushmaster Assault Rifle.

(xviii) Calico M-900.

(xix) Mandall THE TAC-1 Carbine.

(xx) Weaver Arm Nighthawk.

(2) The following pistols:

(i) UZI.

(ii) Encom MP-9 and MP-45.

(iii) MAC 10 and MAC 11.

(iv) INTRATEC TEC-9.

(v) Mitchell Arms Spectre Auto.

(vi) Sterling MK-7.

(3) The following shotguns:

(i) Franchi SPAS 12 and LAW 12.

(ii) Gilbert Equipment Company Striker 12 and SWD Street Sweeper.

(4) Any firearm declared by the court pursuant to section 6182 (relating to determination of court) to be an assault weapon.

"Automatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which automatically shoots more than one shot by a single function of the trigger.

"Semiautomatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which requires a separate function of the trigger to fire each cartridge.

§ 6182. Determination of court.

(a) General rule.—Upon request by the Attorney General filed in a verified petition in the Commonwealth Court, the court shall issue a declaration of temporary suspension of the manufacture, sale, distribution, transportation or importation into this

Commonwealth, or the giving or lending of a firearm alleged to be an assault weapon because the firearm is either of the following:

(1) Another model by the same manufacturer or a copy by another manufacturer of an assault weapon listed in section 6181 (relating to definitions), which is identical to one of the assault weapons listed in that section except for slight modifications or enhancements including, but not limited to: a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic or metal stock; larger magazine size; different caliber provided that the caliber exceeds .22 rimfire; or bayonet mount. The court shall strictly construe this paragraph so that a firearm which is merely similar in appearance but not a prototype or copy can not be found to be within the meaning of this paragraph.

(2) A firearm first manufactured or sold to the general public in Pennsylvania 90 days after the effective date of this subchapter, which has been redesigned, renamed or renumbered from one of the firearms listed in section 6181, or which is manufactured or sold by another company under a licensing agreement to manufacture or sell one of the firearms listed therein regardless of the company of production or distribution, or the country of origin.

(b) Declaration of temporary suspension.—Upon the issuance of a declaration of temporary suspension by the court and after the Attorney General has completed the notice requirements of subsection (c)(1), the provisions of subsection (a) shall apply with respect to those weapons.

(c) Notice.—

(1) Upon declaration of temporary suspension, the Attorney General shall immediately notify all police, sheriffs, district attorneys and those requesting notice pursuant to subsection (d), shall notify industry and association publications for those who manufacture, sell or use firearms, and shall publish notice in not less than ten newspapers of general circulation in geographically diverse sections of this Commonwealth of the fact that the declaration has been issued.

(2) The Attorney General shall maintain a list of any persons who request to receive notice of any declaration of temporary suspension and shall furnish notice under paragraph (1) to all these persons immediately upon a court declaration. Notice shall also be furnished by the Attorney General by certified mail, return receipt requested (or substantial equivalent if the person to receive same resides outside the United States), to any known manufacturer and Pennsylvania distributor of the weapon subject of the temporary suspension order or their statutory agent for service. The notice shall be deemed effective upon mailing.

(d) Hearing.—After issuing a declaration of temporary suspension under this section, the court shall set a date for hearing on a permanent declaration that the weapon is an assault weapon. The hearing shall be set no later than 30 days from the date of issuance of the declaration of temporary suspension. The hearing may be continued for good cause thereafter. Any manufacturer or Pennsylvania distributor of the weapon which is the subject of the temporary suspension order has the right, within 20 days of notification of the issuance of the order, to intervene in the action. Any manufacturer or Pennsylvania distributor who fails to timely exercise its right of intervention, or any other person who manufacturers, sells or owns the assault weapon may, in the court's discretion, thereafter join the action as *amicus curiae*.

(e) Burden of proof.—At the hearing, the burden of proof is upon the Attorney General to show by a preponderance of evidence that the weapon which is the subject of the declaration of temporary suspension is an assault weapon. If the court finds the weapon to be an assault weapon it shall issue a declaration thereof. Any party to the matter may appeal the court's decision.

A declaration that the weapon is an assault weapon shall remain in effect during the pendency of the appeal unless ordered otherwise by the appellate court.

§ 6183. Registration.

(a) General rule.—Any person who lawfully possesses an assault weapon, prior 90 days after the effective date of this subchapter, shall register the firearm within one year of that effective date, with the Attorney General to those procedures which the Office of Attorney General may establish. The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information as the department may deem appropriate. The department may charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department.

(b) Certain sales, transfers, etc.—No assault weapon possessed pursuant to this section may be sold or transferred on or after 90 days following the effective date of this subchapter, to anyone within this Commonwealth other than to a licensed gun dealer, as defined herein. Any person who:

(1) obtains title to an assault weapon registered under this section by bequest or intestate succession;

(2) moves into this Commonwealth in lawful possession of an assault weapon; or

(3) lawfully possessed a firearm subsequently declared to be an assault weapon under this subchapter; shall, within 90 days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this Commonwealth. A person who lawfully possessed a firearm which was subsequently declared to be an assault weapon under section 6182 (relating to determination of court) may alternatively register the firearm within 90 days of that declaration.

(c) Conditions of possession.—A person who has registered an assault weapon under this section may possess it only under the following conditions unless a permit allowing additional uses is first obtained:

(1) At that person's residence, place of business, or other property owned by that person, or on property owned by another with the owner's express permission.

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range.

(4) While on the premises of a shooting club.

(5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or State recognized entity that fosters proficiency in, or promotes education about, firearms.

(6) While transporting the assault weapon between any of the places mentioned in this subsection.

No person who is under 18 years of age, no person who is prohibited from possessing a firearm by this chapter may register or possess an assault weapon. The registration procedures shall provide the option of joint registration for assault weapons owned by family members residing in the same household.

§ 6184. Relinquishment of weapons.

Any individual may arrange in advance to relinquish an assault weapon to a police or sheriff's department.

§ 6185. Licensed gun dealers.

(a) General rule.—Any licensed gun dealer, as defined in subsection (b), who lawfully possesses an assault weapon under this subchapter, in addition to the uses allowed hereunder, may transport the weapon between dealers or out of this Common-

wealth, display it at any gun show licensed by a State or local governmental entity, sell it to a resident outside this Commonwealth, or sell it to a person who has been issued a permit pursuant to this subchapter. Any transporting allowed by this section must be done as required by this subchapter.

(b) Definition.—The term “licensed gun dealer,” as used in this article means a person who has a Federal firearms license and any business license required by a State or local governmental entity.

§ 6186. Penalties.

(a) Unlawful manufacture, importation, etc.—Any person who within this Commonwealth manufactures or causes to be manufactured, distributes, transports or imports into this Commonwealth, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this subchapter, is guilty of a felony of the third degree.

(b) Unlawful possession.—Any person possessing an assault weapon in violation of this subchapter commits a misdemeanor of the first degree for a first offense, and a felony of the third degree for each subsequent offense.

§ 6187. Application of subchapter.

This subchapter shall not apply to the use or possession of assault weapons by State or local law enforcement agencies, the military forces of this Commonwealth or the Armed Forces of the United States.

Section 2. Section 7508(a) of Title 18 is amended by adding a paragraph and the

Amend Sec. 2, page 4, line 28, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. From Chester County, Representative Vroon is recognized on the amendment.

Mr. VROON. Mr. Speaker, I would like to defer at this time to Representative Michlovic to introduce the contents of this amendment.

The SPEAKER. On the amendment, Representative Michlovic from Allegheny County is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, today we have passed legislation to take licenses off juveniles for drug-related offenses. We have increased the death penalties for certain drug-related activities. We have increased mandatory sentences all around for other drug-related activities. Now I am saying that we should do something about taking the drug kingpins' weapons.

What Representative Vroon and I and Representative Hayden and a number of others have put before you is a bill which would ban the sale, the manufacture, the importation, or the replication of certain specific weapons, and those specific weapons named in the amendment, in the legislation, are pictured in the memo that we placed on each one of your desks.

I ask each and every one of you to take the time to look through that memo, and if you can justify in your mind and in your heart that those weapons ought to be on our streets, if you can justify that, then I think you can vote against this amendment. If you cannot justify putting weapons on our streets called the street sweeper, then perhaps you ought to consider supporting this legislation.

Mr. Speaker, we do not want to be entirely ignorant of certain folks' desire to have those weapons and to display them in their homes if they are gun aficionados. In that case, we have put into the amendment a specific section which allows people to own the weapons, but they must file with the Attorney General. Those people who already have the weapons can file with the Attorney General to keep them, but any future sales or importations would be banned. There is also an exemption in the legislation for police and law enforcement agencies and the Armed Forces, people who should have these weapons.

As a personal note, let me just tell you that as a Vietnam veteran, I have faced situations where I had to confront the possibility of walking into an area where an AK-47 or some other similar weapon might be waiting for me. I can tell you standing here that I was scared to death at that prospect, because the firepower that these assault weapons put out was just unimaginable, and it seems unimaginable to me that they are on our streets.

The Bureau of Alcohol, Tobacco, and Firearms said that in a 14-month period ending November 30, 1988, over 40,000 of these weapons were imported into this country and it is growing. The Drug Enforcement Agency, the DEA, said that in the fiscal year 1987, two-thirds of the firearms that were seized by agents of the Federal Drug Administration were either semiautomatic or automatic weapons.

I also had an experience close to home in my district. Some months ago a young girl was attending a party in Swissvale, Pennsylvania, and she was shot down by some young kid who had an assault weapon who sprayed the porch to send a message to the people at the party. After he was apprehended, he told the police he did not mean it; he just wanted to send a message. That young girl is dead today. He could not have helped but kill somebody at a party, spraying the porch, and that is what these weapons give people the ability to do.

Mr. Speaker, I ask for your support for this measure. Let us stop the madness, let us put a halt to the assault weapons in our streets, and let us pass this bill. Every weapon listed is also pictured in the memo. Look through that memo. I ask you, look through that memo and see what you think. Should they be on the streets? Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Westmoreland County, Representative Saloom is recognized.

Mr. SALOOM. Mr. Speaker, the previous speaker explained it all. There is very little to explain. This amendment is gun control; this amendment is gun registration. The members of the House have rejected it in the past, and I ask your rejection of this amendment today. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, Representative Godshall from Montgomery County is recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman, Mr. Michlovic, has consented to interrogation.

Mr. GODSHALL. On page 2, subsection (4) of the amendment, it says, "Any firearm declared by the court pursuant to section 6182 (relating to determination of court) to be an assault weapon." What you are saying there is that the court at any time can add any kind of weapon that it chooses to, to this list that you have already given here. Is that right?

Mr. MICHLOVIC. Those requests that the Attorney General makes to the court on rulings of a knockoff kind of or a replica kind of weapon and it is within the context of assault weapons as defined in this legislation, and assault weapons defined in this legislation are the same ones pictured here.

Mr. GODSHALL. So your answer is, the Attorney General, any Attorney General from here on, under this legislation, could add to this list simply by asking the court to add any weapon he chooses to this list as long as it falls under the definition. Is that right?

Mr. MICHLOVIC. I remind the gentleman that it is a temporary suspension until such time that the ruling is made.

Mr. GODSHALL. But the court could so rule?

Mr. MICHLOVIC. For that temporary period of time, yes.

Mr. GODSHALL. Okay. On page 3, at the top of the page, it talks about "Another model by the same manufacturer or a copy by another manufacturer of an assault weapon listed in section 6181 (relating to definitions), which is identical to one of the assault weapons listed in that section except for slight modifications or enhancements including..." and then it goes into a list. Who is the one who decides exactly if those enhancements make that weapon fall under the list and who decides if it does not fall under the list?

Mr. MICHLOVIC. After a full hearing in which the manufacturer would have the opportunity to testify, after the Attorney General requests it, the judge would make the decision.

Mr. GODSHALL. Okay. Say we have guns that are different guns manufactured on a yearly basis. We have guns manufactured on a yearly basis. New guns come out. Who decides if it is identical or nearly identical to one that is already on the list, which immediately places a ban on that new weapon that Remington just came out with?

Mr. MICHLOVIC. After a full hearing, the court.

Mr. GODSHALL. So we are again depending on the courts to add to the list that is already there.

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

The SPEAKER. The gentleman is in order and may proceed with the statement.

Mr. GODSHALL. Thank you, Mr. Speaker.

I oppose this amendment. It would place severe restrictions on the sportsmen of Pennsylvania and the legitimate gunowners. Many of these weapons, as we see in these pictures, already fall under or are subject to the Uniform Firearms Act of the State of Pennsylvania. An overall length of 26 inches or less falls under the Uniform Firearms Act. Also, a

barrel length of 16 inches, that falls under the Uniform Firearms Act. The Uniform Firearms Act of the State of Pennsylvania requires a waiting period, also a police check before you can purchase these weapons.

One of the weapons that I see in here is the SKS. In the American Rifleman this month, there is a big article on the SKS. It is used extensively by sportsmen in Pennsylvania and in this country. If we want to get at the people who use these kinds of weapons if they can get them, let us get those people, but let us not put a lot of unnecessary restrictions on the legitimate gunowners and the sportsmen of Pennsylvania.

I urge the defeat of this amendment. Thank you.

The SPEAKER. The question is on the amendment. On that question, from Allegheny County, the Chair recognizes Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak in favor of the Michlovic amendment. We just heard an assault on the Michlovic amendment because it is alleged that one of the weapons in this list is used by a lot of sportsmen in Pennsylvania. If that is really the concern and if in fact that is accurate, why not offer an amendment to take that out, if that is really the concern, rather than just a knee-jerk reaction against what somebody else has said is gun control legislation.

The gentleman that Mr. Michlovic spoke of in that Allegheny County incident, the gentleman—and I use that word loosely—who went home to get his assault weapon and then went back to Swissvale Borough to spray the site of the party to send a message to some of the other people there lived in my community where I live. He could just as easily have come to my house to spray my front porch or go to my neighbor's front porch and spray there or go into one of your communities and spray your front porch and perhaps inadvertently shoot you or your spouse or one of your kids or your grandchildren. I hope that we are not going to have to come back and revisit this issue after somebody goes to a schoolyard to send a message or after somebody goes to a McDonald's or a Burger King or a shopping center here in Pennsylvania to send a message. That would be a tragedy. I hope that we are not so stupid, so foolish, and so blind to wait to do what is wise and to do it after the fact rather than doing it before the fact as we now have the opportunity.

I would urge that we support the Michlovic amendment, and if there are specific concerns about any specific weapon, then let somebody step forward and offer an amendment to deal with that issue. But let us get on with the business of the larger issue, and that larger issue is, we have too many assault weapons in too many of our communities that are already killing people, and the potential is there, the probability is there, that someday in Pennsylvania we are going to have an awful tragedy, a tragedy that we might be able to prevent today if we support this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question of adopting the amendment, from Philadelphia, the Chair recognizes Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Michlovic amendment for the simple reason, as you look through these photographs, you will find that all of these guns were made for one particular thing, and that is for war, and they are being used by drug dealers all over our Nation, not for sportsmen but to kill not animals but people. For that reason I urge everyone in this room today, if we are really serious about declaring a war on drugs, then let us remove the weapons that the drug dealers are using for war on our neighborhoods and pass this amendment. Thank you.

GERMANENESS QUESTIONED

The SPEAKER. The question is on the amendment. On that question, from Lackawanna County, Representative Serafini is recognized on the amendment.

Mr. SERAFINI. Mr. Speaker, I would like to question the germaneness of this amendment into a bill that specifically relates to the crimes of controlled substances. In my opinion, this amendment would have a problem being interpreted into this piece of legislation. Could I have a vote on the germaneness of this amendment?

The SPEAKER. The gentleman from Lackawanna County, Representative Serafini, has questioned the germaneness of the amendment before the House. The question of germaneness is a matter to be determined by the House. The Chair will put the question to the House.

Those in favor of ruling that the amendment is germane to the bill before us would be voting "aye"; those opposed would be voting "no."

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. The question of germaneness is a debatable motion. Does the gentleman from Chester, Mr. Vroon, wish to debate the germaneness motion?

Mr. VROON. Yes, Mr. Speaker.

The SPEAKER. You are in order.

Mr. VROON. I just have a very simple statement to make in this regard. This is addressed to the proper legal code, and for that reason it is germane, but it is also germane because we are talking today about the law-and-order issue of drugs, and what is more germane to a law-and-order issue than this particular amendment? I think this is absolutely germane 100 percent, and I ask you all to vote that it is truly germane.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—65

Acosta	Freeman	McHale	Robinson
Battisto	Freind	McNally	Roebuck
Belardi	Gamble	McVerry	Rybak
Bishop	Hagarty	Maiale	Saurman
Blaum	Haluska	Maine	Taylor, E. Z.
Bortner	Harper	Markosek	Thomas

Broujos	Hayden	Mayernik	Tigue
Caltagirone	Heckler	Melio	Trich
Cappabianca	Hershey	Michlovic	Van Horne
Carn	Howlett	Murphy	Vroon
Cawley	Hughes	Nahill	Wambach
Colafella	Itkin	Oliver	Williams
Colaizzo	James	Pievsky	Wozniak
Cole	Josephs	Pitts	
Corrigan	Kukovich	Preston	Manderino, Speaker
Cowell	Levdansky	Richardson	
Evans	Linton	Ritter	

NAYS—135

Adolph	Donatucci	Langtry	Robbins
Allen	Dorr	Lashinger	Rudy
Angstadt	Durham	Laughlin	Ryan
Argall	Fairchild	Lee	Saloom
Barley	Fargo	Leh	Scheetz
Belfanti	Farmer	Lescovitz	Schuler
Billow	Fee	Letterman	Scrimenti
Birmelin	Fleagle	Lloyd	Semmel
Black	Flick	Lucyk	Serafini
Bowley	Foster	McCall	Smith, B.
Boyes	Fox	Marsico	Smith, S. H.
Brandt	Gallen	Merry	Snyder, D. W.
Bunt	Gannon	Micozzie	Snyder, G.
Burns	Geist	Miller	Staback
Bush	George	Moehlmann	Stairs
Carlson	Gigliotti	Morris	Steighner
Cessar	Gladeck	Mowery	Stish
Chadwick	Godshall	Mrkonic	Strittmatter
Civera	Gruitza	Nailor	Stuban
Clark, B. D.	Gruppo	Noye	Tangretti
Clark, D. F.	Hasay	O'Brien	Taylor, F.
Clark, J. H.	Hayes	O'Donnell	Taylor, J.
Clymer	Herman	Olasz	Telek
Cornell	Hess	Perzel	Trello
Coy	Jackson	Pesci	Veon
DeLuca	Jadlowiec	Petrarca	Wass
DeWeese	Jarolin	Petrone	Weston
Daley	Johnson	Phillips	Wilson
Davies	Kaiser	Piccola	Wogan
Dempsey	Kasunic	Pressmann	Wright, D. R.
Dietterick	Kenney	Raymond	Wright, J. L.
Dininni	Kondrich	Reber	Wright, R. C.
Distler	Kosinski	Reinard	Yandrisevits
Dombrowski	LaGrotta	Rieger	

NOT VOTING—2

Cohen	Pistella
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EXCUSED—1

Burd

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

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—201

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cesar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Wilson
Coy	Johnson	Piccola	Wogan
DeLuca	Josephs	Pievsky	Wozniak
DeWeese	Kaiser	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kenney	Pressmann	Wright, R. C.
Dempsey	Kondrich	Preston	Yandrisevits
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reber	Manderino,
Distler	LaGrotta	Reinard	Speaker
Dombrowski	Langtry	Richardson	

NAYS—0

NOT VOTING—1

Williams

EXCUSED—1

Burd

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.

RESOLUTIONS CONTINUED

Mr. THOMAS called up HR 194, PN 2465, entitled:

Urging the appropriate State agencies to provide disaster relief to the peoples of Puerto Rico and Charleston, South Carolina.

On the question,

Will the House adopt the resolution?

Mr. THOMAS offered the following amendments No. A3174:

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

, the Virgin Islands and

Amend First Whereas Clause, page 1, line 4, by inserting after "Rico"

, the Virgin Islands

Amend First Whereas Clause, page 1, line 4, by removing the comma after "Charleston" and inserting

and other portions of

Amend Second Whereas Clause, page 1, line 7, by striking out "Puerto Rico and to the City of Charleston" and inserting

these locations

Amend First Resolved Clause, page 1, line 12, by inserting after "Rico"

, the Virgin Islands

Amend First Resolved Clause, page 1, line 12, by striking out "the City of Charleston" and inserting

South Carolina

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment being offered by Representative Thomas, the Chair recognizes, from Philadelphia, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

This amendment, being sponsored by Representative Acosta and myself, attempts to deal with questions that were raised earlier with respect to other areas that were devastated by Hurricane Hugo, and what it does, in effect, is to include those other areas.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban

Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—202

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello

Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colaella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Manderino,
Dombrowski	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Burd

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

HB 1279 RECONSIDERED

The SPEAKER. The Speaker is in receipt of a reconsideration motion on final passage of HB 1279. Representative Mayernik from Allegheny County moves that the vote by which HB 1279 passed on the 11th day of October be reconsidered.

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

The following roll call was recorded:

YEAS—201

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Strittmatter	Stuban
Cappabianca	Gruppo	Moehlmann	Stuban
Carlson	Hagarty	Morris	Tangretti
Carn	Haluska	Mowery	Taylor, E. Z.
Cawley	Harper	Mrkonic	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas

Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hershey	O'Donnell	Trich
Clymer	Hess	Olasz	Van Horne
Cohen	Howlett	Oliver	Veon
Colaifella	Hughes	Perzel	Vroon
Colaizzo	Itkin	Pesci	Wambach
Cole	Jackson	Petrarca	Wass
Cornell	Jadlowiec	Petrone	Weston
Corrigan	James	Phillips	Williams
Cowell	Jarolin	Piccola	Wilson
Coy	Johnson	Pievsky	Wogan
DeLuca	Josephs	Pistella	Wozniak
DeWeese	Kaiser	Pitts	Wright, D. R.
Daley	Kasunic	Pressmann	Wright, J. L.
Davies	Kenney	Preston	Wright, R. C.
Dempsey	Kondrich	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—1

Letterman

NOT VOTING—0

EXCUSED—1

Burd

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its statement that HB 1279 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?

GERMANENESS OF AMENDMENT A3133 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion on amendment A3133 to HB 1279. The gentleman, Mr. Mayernik, moves that the vote by which amendment A3133 to HB 1279, PN 1492, was declared to be nongermane be reconsidered.

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

The following roll call was recorded:

YEAS—145

Acosta	Dorr	Lashingier	Rieger
Adolph	Durham	Laughlin	Ritter
Angstadt	Evans	Lee	Robbins
Battisto	Fairchild	Leh	Robinson
Belardi	Fleagle	Lescovitz	Roebuck
Birmelin	Flick	Linton	Rudy
Bishop	Foster	McHale	Ryan
Black	Fox	McNally	Rybak
Blaum	Freeman	McVerry	Saurman
Bortner	Freind	Maiale	Scheetz
Boyes	Gannon	Maine	Semmel

Brandt	Geist	Markosek	Serafini
Broujos	Gigliotti	Marsico	Smith, B.
Bunt	Gladeck	Mayernik	Smith, S. H.
Burns	Godshall	Melio	Snyder, D. W.
Bush	Gruppo	Michlovic	Snyder, G.
Caltagirone	Hagarty	Micozzie	Stairs
Cappabianca	Haluska	Miller	Strittmatter
Carlson	Harper	Moehlmann	Suban
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Donnell	Trich
Clark, J. H.	Hess	Olasz	Vroon
Clymer	Howlett	Oliver	Wambach
Cohen	Hughes	Pesci	Williams
Colaifella	Itkin	Petrone	Wilson
Colaizzo	Jackson	Phillips	Wozniak
Cole	Jadlowiec	Pievsky	Wright, D. R.
Cornell	James	Pitts	Wright, R. C.
Corrigan	Johnson	Preston	Yandrisevits
Cowell	Josephs	Raymond	
Davies	Kaiser	Reber	Manderino,
Distler	Kukovich	Reinard	Speaker
Donatucci	LaGrotta	Richardson	

NAYS—56

Allen	Dombrowski	Letterman	Saloom
Argall	Fargo	Levdansky	Schuler
Barley	Farmer	Lloyd	Scrimenti
Belfanti	Fee	Lucyk	Staback
Billow	Gallen	McCall	Steighner
Bowley	Gamble	Merry	Stish
Clark, D. F.	George	Morris	Tangretti
Coy	Gruitza	Mrkonic	Taylor, J.
DeLuca	Jarolin	O'Brien	Trello
DeWeese	Kasunic	Perzel	Van Horne
Daley	Kenney	Petrarca	Veon
Dempsey	Kondrich	Piccola	Wass
Dietterick	Kosinski	Pistella	Weston
Dininni	Langtry	Pressmann	Wogan

NOT VOTING—1

Wright, J. L.

EXCUSED—1

Burd

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

On the question recurring,

Will the House sustain the germaneness of the amendments?

The SPEAKER. The question immediately recurs on the Serafini motion, is the amendment A3133 germane? Those in favor of germaneness, those wishing to vote that the amendment is germane, will vote in the affirmative, and those wishing to vote that the amendment is not germane will vote in the negative on the issue.

The gentleman, Mr. O'Donnell, the majority leader, seeks recognition, and he is recognized.

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

This is for the limited purpose of advising the membership that the assault weapon issue is now back in front of them, framed as germaneness, so if everyone would just carefully consider how they want to vote on this so that this vote will be

the final vote on germaneness of the assault weapon amendment so that we do not have to reconsider. Thank you.

The SPEAKER. The question is on germaneness. Representative Vroon from Chester County is recognized.

Mr. VROON. It is definitely on germaneness. I respectfully request my colleagues in the House here to really give expression to how you feel about the subject, and do not try to use this to dodge the subject. Get with it, and let us know whether you are for or against saving lives in the State of Pennsylvania. Thank you.

The SPEAKER. On the question of germaneness, from Allegheny County, Representative Michlovic is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

We all know that this fits Title 18, and this amendment is germane to the bill under the standards that we passed many, many times on this floor. We also all know that the issue of germaneness, if it is a majority on the vote, is really your position on the amendment. You are not fooling anybody. It is much better for us to get over the issue of germaneness, debate the bill, and vote upon the amendment itself. I think it is just fair; it is wiser to do that. I would ask for your affirmative vote on the germaneness. Thank you.

The SPEAKER. On the question of germaneness, from Luzerne County, Representative Thomas Tigie is recognized.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, there is no doubt in my mind that this is germane. We are talking about people who deal in drugs; we are talking about law enforcement issues. The issue before us is the germaneness of an amendment which law enforcement people all over this United States face every day in the form of look-alike automatic weapons. A law enforcement agent cannot tell the difference between a look-alike AK-47 or real AK-47 when he is trying to make an arrest or a bust.

The germaneness of this is important, because if you are serious about trying to put some type of controls on our drug dealers, this is germane. This is a drug issue; this is not a sportsman's issue, so let us be honest and vote that it is germane.

The SPEAKER. On the question of germaneness, from Bucks County, Representative Heckler is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

I would suggest to the members that this amendment is germane to the bill. Frankly, I intend to vote against the amendment because I think it goes too far, but I think that it is very hard for us in candor to look at a bill which amends the Crimes Code—both the underlying bill and the amendment would amend different portions of the Crimes Code—I think it is very hard for us to say in candor that this is not germane. Why do we not get recorded accurately on the issue and vote this germane and then deal with the amendment as each member sees fit.

The SPEAKER. From Philadelphia County, on the issue of germaneness, Representative Linton is recognized.

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

I think it is clear today that we are talking about a war on drugs and yet we want to arm our police officials with cap

pistols. You cannot have them engage in a war on drugs when you allow these types of weapons to flourish throughout our communities, and I think the question of germaneness is a clear one. Those that really want to deal with this issue straight up will allow us and allow this House to deal with this measure, and it is clear that the amendment that is before us is germane.

I would ask those members who really want to put their hearts where their mouths are to come and support this bill on germaneness and vote in the affirmative. Thank you very much, Mr. Speaker.

The SPEAKER. On germaneness, the yeas and nays will now be taken. Those wishing to rule the amendment germane to the legislation before the House will vote "aye"; those voting "no" will indicate that the amendment is not germane.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—68

Acosta	Cowell	Linton	Rieger
Battisto	Davies	McHale	Ritter
Belardi	Donatucci	McNally	Robinson
Bishop	Evans	McVerry	Roebuck
Blaum	Freeman	Maiale	Rybak
Bortner	Freind	Maine	Saurman
Broujos	Hagarty	Melio	Thomas
Burns	Harper	Michlovic	Tigie
Caltagirone	Hayden	Murphy	Van Horne
Cappabianca	Heckler	Nahill	Vroon
Carn	Hershey	Oliver	Wambach
Cawley	Howlett	Petrone	Williams
Clark, J. H.	Hughes	Pievsky	Wright, J. L.
Clymer	Itkin	Pitts	Wright, R. C.
Cohen	James	Preston	
Colafella	Josephs	Reinard	Manderino, Speaker
Colaizzo	Kukovich	Richardson	
Corrigan	Levdansky		

NAYS—133

Adolph	Farmer	Laughlin	Rudy
Allen	Fee	Lee	Ryan
Angstadt	Fleagle	Leh	Saloom
Argall	Flick	Lescovitz	Scheetz
Barley	Foster	Letterman	Schuler
Belfanti	Fox	Lloyd	Scrimenti
Billow	Gallen	Lucyk	Semmel
Birmelin	Gamble	McCall	Serafini
Black	Gannon	Markosek	Smith, B.
Bowley	Geist	Marsico	Smith, S. H.
Boyes	George	Mayermik	Snyder, D. W.
Brandt	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Micozzie	Staback
Bush	Godshall	Miller	Stairs
Carlson	Gruitza	Mochlmann	Steighner
Cessar	Gruppo	Morris	Stish
Chadwick	Haluska	Mowery	Strittmatter
Civera	Hasay	Mrkoncic	Suban
Clark, B. D.	Hayes	Nailor	Tangretti
Clark, D. F.	Herman	Noye	Taylor, E. Z.
Cornell	Hess	O'Brien	Taylor, F.
Coy	Jackson	O'Donnell	Taylor, J.
DeLuca	Jadlowiec	Olasz	Telek
DeWeese	Jarolin	Perzel	Trello
Daley	Johnson	Pesci	Trich
Dempsey	Kaiser	Petrarca	Veon
Dietterick	Kasunic	Phillips	Wass
Dininni	Kenney	Piccola	Weston

Distler	Kondrich	Pistella	Wilson
Dombrowski	Kosinski	Pressmann	Wogan
Dorr	LaGrotta	Raymond	Wozniak
Durham	Langtry	Reber	Wright, D. R.
Fairchild	Lashinger	Robbins	Yandrisevits
Fargo			

NOT VOTING—1

Cole

EXCUSED—1

Burd

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 216 By Representatives LEVDANSKY, MANDERINO, O'DONNELL, SAURMAN, HAYDEN, ARGALL, MICHLOVIC, BUNT, COHEN, MOWERY, PESCI, TIGUE, KOSINSKI, BILLOW, KASUNIC, VEON, JOSEPHS, DeLUCA, STISH, STABACK, MAINE, BELARDI and PISTELLA

Memorializing the Congress of the United States to clarify governmental sovereign immunity prohibiting remedial action for hazardous and radioactive waste damage.

Referred to Committee on RULES, October 11, 1989.

CONSIDERATION OF HB 1279 CONTINUED

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

The SPEAKER. 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—199

Acosta	Donatucci	Laughlin	Rieger
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti
Black	Freind	McVerry	Semmel
Blaum	Gallen	Maiale	Serafini
Bortner	Gannon	Maine	Smith, B.
Bowley	Geist	Markosek	Smith, S. H.
Boyes	George	Marsico	Snyder, D. W.
Brandt	Gigliotti	Mayernik	Snyder, G.
Broujos	Gladeck	Melio	Staback

Bunt	Godshall	Merry	Stairs
Burns	Gruitza	Michlovic	Steighner
Bush	Gruppo	Micozzie	Stish
Caltagirone	Hagarty	Miller	Strittmatter
Cappabianca	Haluska	Moehlmann	Stuban
Carlson	Harper	Morris	Tangretti
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Mrkonic	Taylor, F.
Cessar	Hayes	Murphy	Taylor, J.
Chadwick	Heckler	Nahill	Telek
Civera	Herman	Nailor	Thomas
Clark, B. D.	Hershey	Noye	Tigue
Clark, D. F.	Hess	O'Brien	Trello
Clark, J. H.	Howlett	O'Donnell	Trich
Clymer	Hughes	Olasz	Van Horne
Cohen	Itkin	Oliver	Veon
Colafrilla	Jackson	Perzel	Vroon
Colaizzo	Jadlowiec	Pesci	Wambach
Cole	James	Petrarca	Wass
Cornell	Jarolin	Petrone	Weston
Corrigan	Johnson	Phillips	Williams
Cowell	Josephs	Piccola	Wilson
Coy	Kaiser	Pievsky	Wogan
DeLuca	Kasunic	Pistella	Wozniak
DeWeese	Kenney	Pitts	Wright, D. R.
Daley	Kondrich	Pressmann	Wright, J. L.
Davies	Kosinski	Preston	Wright, R. C.
Dempsey	Kukovich	Raymond	Yandrisevits
Dietterick	LaGrotta	Reber	
Dininni	Langtry	Reinard	Manderino,
Distler	Lashinger	Richardson	Speaker
Dombrowski			

NAYS—0

NOT VOTING—3

Flick Gamble Ritter

EXCUSED—1

Burd

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.

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.

VOTE CORRECTIONS

The SPEAKER. From Adams County, the Chair notices the attempt at recognition by Representative Kenny Cole. For what purpose does the gentleman rise?

Mr. COLE. To correct a vote, Mr. Speaker.

I would like to be recorded in the affirmative on HR 203.

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

The gentleman from Schuylkill County, Representative Lucyk, is recognized.

Mr. LUCYK. Mr. Speaker, on HB 1289, final passage, my switch did not register. I would like to be voted in the affirmative.

The SPEAKER. The remarks will be spread upon the record.

Representative Hughes from Philadelphia is recognized.

Mr. HUGHES. Mr. Speaker, I would like to correct the record.

The SPEAKER. The gentleman is in order.

Mr. HUGHES. On final passage of HB 1276, my switch malfunctioned. I would like to be recorded in the negative.

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

From Montgomery County, Representative Reber is recognized.

Mr. REBER. A vote correction, Mr. Speaker.

On HB 1230, amendment A3031, I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The gentleman from Montgomery County, Representative Clark, is recognized.

Mr. J. H. CLARK. Thank you, Mr. Speaker.

In the matter of amendment A3153 to HB 1298, my button did not function. I wish to be recorded as having voted in the negative on the amendment and in the affirmative on final passage of HB 1298.

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

STATEMENT BY MR. THOMAS

The SPEAKER. Are there any other requests for recognition? Does the gentleman from Philadelphia, Mr. Thomas, seek recognition before the adjournment vote?

Mr. THOMAS. Yes, Mr. Speaker. I just would like to extend my thanks and appreciation to members on both sides of the House for their support of HB 1298 and also HR 194. Thank you.

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

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 217 By Representatives HASAY, GEORGE,
SERAFINI, JAROLIN, MARSICO,
FREEMAN, YANDRISEVITS and
BELARDI

Relating to the use of treated lumber for playground or recreational equipment.

Referred to Committee on RULES, October 11, 1989.

JOURNALS APPROVED

The following Journals were approved as printed:

Tuesday, September 26, 1989;
Wednesday, September 27, 1989; and
Monday, October 2, 1989.

ADJOURNMENT

The SPEAKER. The Chair recognizes, from Philadelphia County, Representative Louise Williams Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Monday, October 16, 1989, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the lady.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:06 p.m., e.d.t., the House adjourned.