

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 6, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 9

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

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, be with us as we begin to grapple with the issues surrounding a budget for our beloved Commonwealth. We acknowledge our inability to do it ourselves because of so many diverse and competing differences.

Cause us to set aside partisan and petty differences and legislate for the best interests of all of our constituents. May we be ever conscious of the fact that we are legislating not only for today but also for the future of our children and grandchildren. Grant that we do not mortgage their tomorrows for the quick fix of today.

Remember our Governor, our Speaker, the leadership on both sides of the aisle, and the heads of the budget committees.

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, the approval of the Journal of Monday, February 5, 1990, will be postponed until printed. The Chair hears no objection.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. RYBAK presented the Report of the Committee of Conference on HB 121, PN 3051.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 1655, PN 3052 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of ethnic intimidation to include sexual orientation; and changing the designation of the offense.

JUDICIARY.

HB 1983, PN 3053 (Amended)

By Rep. CALTAGIRONE

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.

JUDICIARY.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence? The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Yes, Mr. Speaker. The gentleman from Centre, Mr. LETTERMAN, for today; the gentleman from Allegheny, Mr. OLASZ, for today for medical reasons; and the gentleman from Clearfield, Mr. GEORGE, for today.

The SPEAKER. Without objection, leaves of absence are granted.

The Chair recognizes the minority whip, Mr. Hayes.

Mr. HAYES. I request a leave for the gentleman from Montgomery County, Mr. BUNT, for today and tomorrow, and the gentleman from Dauphin County, Mr. DININNI, for today.

The SPEAKER. Without objection, leaves of absence are granted.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2275

By Representatives MORRIS, D. F. CLARK, STUBAN, S. H. SMITH, DISTLER, BARLEY, KUKOVICH, PISTELLA, DOMBROWSKI, HALUSKA, TIGUE, TANGRETTI, GEIST, HERSHEY, JOSEPHS, BELARDI, BUNT, COY and TRICH

An Act empowering certain political subdivisions to levy and collect taxes on certain income; prescribing penalties; and making repeals.

Referred to Committee on FINANCE, February 6, 1990.

No. 2276 By Representative MORRIS

An Act prohibiting local government units and authorities from imposing certain residency requirements for employees.

Referred to Committee on LOCAL GOVERNMENT, February 6, 1990.

No. 2277 By Representatives BILLOW, WASS, NOYE, PESCI, FAIRCHILD, LLOYD, MAYERNIK, PISTELLA, WOZNIAK, MORRIS, FREEMAN, LAUGHLIN, BELFANTI, LUCYK, DALEY, MELIO, STABACK, COLAIZZO, TRELLO and JOHNSON

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," conferring the powers of police officers on sheriffs and their deputies.

Referred to Committee on LOCAL GOVERNMENT, February 6, 1990.

No. 2278 By Representatives FREIND, GLADECK, VROON, FLICK, PESCI, CHADWICK, GODSHALL, D. F. CLARK, SCHEETZ, NAILOR, HECKLER, MERRY, LEH, FARGO, BIRMELIN, FOX, NOYE, HERSHEY, E. Z. TAYLOR, REBER, DEMPSEY, PITTS, MARSICO, BUSH, CLYMER and FOSTER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," regulating strikes by employees of school entities.

Referred to Committee on LABOR RELATIONS, February 6, 1990.

SENATE BILLS FOR CONCURRENCE

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

SB 901, PN 1882

Referred to Committee on CONSUMER AFFAIRS, February 6, 1990.

SB 1269, PN 1581

Referred to Committee on LOCAL GOVERNMENT, February 6, 1990.

SB 1398, PN 1855

Referred to Committee on LOCAL GOVERNMENT, February 6, 1990.

SENATE MESSAGE

JOINT SESSION

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

In the Senate
February 5, 1990

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday, February 6, 1990, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Robert P. Casey; and be it further

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

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
February 5, 1990

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 12, 1990, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, February 12, 1990, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 1984;
HB 2259; and
HB 2260.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

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COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt for the record of a list of lobbyists, pursuant to the Lobbying Registration and Regulation Act, hereby made part of the record.

The following communication was submitted:

Senate of Pennsylvania

February 1, 1990

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from January 1, 1990 through January 31, 1990 inclusive, for the 174th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

Mark R. Corrigan, Secretary
Senate of Pennsylvania

John J. Zubeck, Chief Clerk
House of Representatives

(For list, see Appendix.)

SENATE MESSAGE

HOUSE BILL

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1335, PN 2076**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 1335, PN 2076

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law," increasing the maximum amount for which authorities may contract or purchase without bids; prohibiting evasion of requirement to advertise for bids; and providing for purchases that are not subject to advertisement and bidding.

COMMUNICATION FROM GOVERNOR**REQUEST FOR JOINT SESSION**

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

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

January 19, 1990

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

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Tuesday, February 6, 1990, at a time convenient to the General Assembly.

Sincerely,
Robert P. Casey
Governor

RESOLUTION ADOPTED**COMMITTEE TO ESCORT SENATE**

Mr. COLAIZZO offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
February 6, 1990

RESOLVED, That the Speaker appoint a committee of three to escort the members and officers of the Senate to the Hall of the House for the purpose of attending the Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to wait upon the Senate, the gentleman from Butler, Mr. Steighner; the gentleman from Luzerne County, Mr. Stish; and the lady from Bucks County, Mrs. Wilson.

The committee will proceed with the performance of its duties.

COMMITTEE TO ESCORT GOVERNOR APPOINTED

The SPEAKER. Pursuant to the concurrent resolution previously adopted by the House, the Chair appoints as a committee to escort the Governor to the hall of the House, the gentleman from Philadelphia, Mr. Oliver; the lady from Centre County, Mrs. Rudy; and the gentleman from Montgomery County, Mr. Clark.

The committee will proceed with its duties.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1946, PN 3058 (Amended)

By Rep. SALOOM

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the issuance of distributors' licenses and retail licenses.

LIQUOR CONTROL.**REPORT OF COMMITTEE ESCORTING SENATE**

The SPEAKER. The Senate is now entering the hall of the House. Members and guests will please rise.

The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, a committee of the House escorting the Senate to the hall of the House.

The SPEAKER. The Chair recognizes the chairman of the committee escorting the Senate, Mr. Steighner.

Mr. STEIGHNER. Mr. Speaker, your committee appointed to wait upon the Senate and escort them to the hall of the House has performed that duty and reports that the Senate is in attendance.

The SPEAKER. The committee is discharged with the thanks of the House.

LIEUTENANT GOVERNOR MARK S. SINGEL REQUESTED TO PRESIDE

The SPEAKER. The Chair requests the Lieutenant Governor, the Honorable Mark S. Singel, to preside over the proceedings of the joint session of the General Assembly.

The President pro tempore of the Senate, the Honorable Robert C. Jubelirer, is invited to be seated on the rostrum.

The members of the House and Senate will please be seated.

The Chair presents the Lieutenant Governor with the gavel and invites him to preside.

**JOINT SESSION OF THE GENERAL ASSEMBLY
LIEUTENANT GOVERNOR MARK S. SINGEL PRESIDING**

The LIEUTENANT GOVERNOR. Thank you, Mr. Speaker.

This being the day and the time agreed upon by a concurrent resolution of the Senate and House of Representatives to hear an address by His Excellency, the Governor, the Honorable Robert P. Casey, this joint session will please come to order.

The General Assembly will be at ease while we await the arrival of His Excellency, the Governor of the Commonwealth.

REPORT OF COMMITTEE ESCORTING GOVERNOR

The LIEUTENANT GOVERNOR. The Chair recognizes the chairman of the committee to escort the Governor, the Senator from Mercer, Senator Wilt.

Mr. WILT. Mr. President, as chairman of the committee to escort the Governor, I wish to report that His Excellency, the

Governor, is present and is prepared to address the joint session.

The LIEUTENANT GOVERNOR. Members of the General Assembly, I have the honor and privilege of presenting His Excellency, the Governor, the Honorable Robert P. Casey, who will now address the joint session.

**FISCAL YEAR 1990-91
BUDGET ADDRESS OF
GOVERNOR ROBERT P. CASEY**

The GOVERNOR. Thank you very much, Lieutenant Governor Singel, Speaker O'Donnell, President Pro Tem Jubelirer, Attorney General Preate, Auditor General Hafer, Treasurer Knoll, members of the General Assembly, members of my Cabinet, and my fellow citizens:

We come together today to have a conversation about Pennsylvania - a conversation about our future, a conversation about the things that are important to us as a people.

I come here today to lay a foundation not just for the next fiscal year but for the future of our State. It is going to be a collective future and one in which all of us will play an important role.

Pennsylvania today is in sound fiscal shape. For the fourth year in a row, this budget is balanced with no tax increase.

When you look around us, not many States can say that this year, especially those States in the Northeast. They are running deficits and raising taxes and slashing programs or all of the above.

But not us. Our budget is balanced because of good management: spending within our means and conservative and honest estimates of revenues; tight controls over the State payroll; tight controls over the size of government; and equally important, sound investments - investments in people, investments in economic growth.

You know, we have had to face together declining Federal support and the need to salvage key State programs which had been severely cut before we got here.

We have had to meet the challenge of a monumental increase in the demand for human services, fueled primarily by the explosion—and it has been an explosion—of drug abuse in our communities.

We have had to deal with the recent slowing of the national economy and the fact that revenues are coming in below projections so far this year.

These are facts; these are challenges, and we have dealt with them, because despite these challenges, we are in a position today to move forward again this year by increasing our investment in people and our investment in essential programs.

Why? Because unlike some of our neighbors, we have made conservative revenue projections at the same time we have reduced taxes, and most important, we have carefully controlled our spending. We have kept priorities very clear. We have concentrated on the essentials by investing our resources in programs that make life better for people not just for today but for the future.

Investments in jobs, including the high-tech jobs of the future; in clean water, in clean land, in clean air; in better schools for our children and expanded access to higher education; in protecting society, especially children, from the horrors of drug addiction; in services that keep families together, especially those who care for loved ones in their home. Most people in this State who are old are not in nursing homes; they are in their own homes. So older parents or children with mental retardation in the home have been major subjects of our concern.

You know, this year we have had to be even more disciplined about these priorities. We have had to take into account the decline in revenues as well as the prospect of flat economic growth.

In other words, we have had to be as prudent with our public purse as our families are with theirs. We have had to do the same thing any family or business does when faced with economic uncertainty. We have tightened our belts, we have invested wisely in the necessities, and we have lessened the impact of essential spending by spreading it over time.

The General Fund budget I am proposing today totals \$12.26 billion. That is a very lean 2.3-percent increase over last year. There will be additional funding in this budget in our commitment to jobs and economic development. That commitment is going to be supplemented with bond revenues that the people themselves gave us in a statewide referendum.

So it is a realistic budget. I believe it is an honest budget, and it is surely a belt-tightening budget, because we have got to provide for declining revenues and make conservative assumptions on the future rate of growth—more conservative in this budget, in fact, than President Bush—and despite economic data that would allow us to take a far more optimistic view.

The White House Office of Management and Budget, for example, assumes that real growth in our Nation's economy will be 3.3 percent in the next fiscal year, but we built this budget around a modest 2.4-percent rate of economic expansion.

The respected Chase-Wharton Econometric Forecasting Service projects strong growth in the first half of this calendar year. Our budget assumes flat growth right through the end of the year. In other words, we are not taking chances. We are not looking through rose-colored glasses when that is not justified by the facts of economic life in Pennsylvania today. We are not holding our breath and simply hoping for the best.

Because I want to tell you something - here is what we are not going to do in Pennsylvania:

We are not going to raise taxes.

We are not going to increase the size of government or the number of State employees.

We are not going to allow a deficit. We are going to tighten our belts and live within our means.

We are not going to propose anything we cannot afford, and we are not going to promise what we cannot deliver.

But we are also not going to let flat economic growth prevent us from moving forward; from vigorously investing

for the fourth consecutive year in programs that have positioned Pennsylvania for the future by maximizing the momentum of an expanding national economy - momentum that has given our people hope for the future and the chance for a better life.

You know, Franklin Roosevelt said that "The test of our progress is not whether we add more to the abundance of those who have much; it's whether we provide enough for those who have too little."

Three years ago I arrived in Harrisburg to find key human service programs painfully underfunded. Today, together we have turned that around. We have restored hope to our children and to our families. We have more than met Franklin Roosevelt's test of progress in helping those who have too little.

When I took office, Pennsylvania was doing almost nothing on its own to help low-income pregnant women and children. Today we are helping hundreds of thousands of them live healthier, longer lives, free from disease, free from hunger, from violence and abuse.

Pennsylvania's infant mortality rate has dropped to the lowest point ever, because we have cared enough to make healthy babies and healthy children a priority. We have invested record amounts in lifesaving prenatal health care, nutrition programs, and expanded medical assistance coverage.

Since April of 1988 we have invested a total of 67 million State dollars in prenatal and neonatal health care. We have created a new program called Healthy Beginnings, which provides these vital medical services to pregnant women and unborn babies, and new mothers and the youngest of their children.

This year, in this budget, we are going to expand Healthy Beginnings by \$16.2 million so families with incomes up to 133 percent of the Federal poverty level are covered by medical assistance, along with children up to the age of 6. Now, it is important that we understand what that means in terms of people. Nearly 120,000 poor mothers and children will receive health care they never had before.

Low-income families and the hospitals that serve them are two of the major beneficiaries of this budget. That is because \$1.3 billion is targeted to expanding medical assistance for the poor and increasing payments to hospitals.

So this investment in medical assistance represents the second biggest increase in this budget.

You know, in this State we have a compassionate concern for poor women and children because they are so uniquely vulnerable, so disproportionately hurt by the complex and troubled and violent world which is out there. This concern is the driving force behind the array of assistance that we provide them in this State, because we are a caring people. Recently we extended protection to unborn children by limiting abortion after the sixth month of pregnancy.

But now we must go further and affirmatively encourage realistic and reasonable alternatives to abortion - alternatives which reach out to women who are pregnant and those who

are not; alternatives which give real support to women who are confronted with the difficult challenges of childbearing and child rearing and how to provide for themselves and their children.

We must give women and their children something to live for by continuing to provide and expand programs designed to help them - food, medical care, day care. We must give them the help they need to build a future, a better life for themselves and their families.

To begin this effort, I am proposing in this budget women's service programs to provide alternatives to abortion for 25,000 low-income women throughout this Commonwealth.

For poor women who are not pregnant, \$1 million for counseling in family planning and the providing of basic medical services so that more women can select the counseling they prefer from the variety of counseling services now being offered.

For poor women who are pregnant, \$1 million for basic medical services and counseling and referral services on adoption and other alternatives to abortion; counseling on the availability and access to medical and prenatal and nutritional and other support programs and services.

We are also going to continue our unprecedented State commitment to women, infants, and children, this nutrition program that is called the WIC program. This year we will combine \$20 million in savings from our Infant Formula Rebate Program with another \$15 million to put a healthy, balanced diet within the reach of over 231,000 low-income pregnant women and young children each month.

Because proper nutrition, after all, is crucial at every stage of a young child's development, and so we have increased our school breakfast program by over 415 percent in four budgets. This year I am proposing nearly \$12 million so we can serve almost 14 million breakfasts and 176 million lunches to Pennsylvania school children.

You know, our children not only deserve to be healthy and well fed but they have got to be kept safe, safe from violence and abuse. I want to talk for a minute about the State's commitment, our commitment, our collective commitment in this important area. This year we have targeted a record \$181 million to expand county children and youth services. Now, that is a \$20-million increase, a 12 1/2-percent increase over the current year - and over \$60 million more than just 3 years ago.

You know, these vital services were actually cut prior to 1987 - not once, not twice, but three times. These are the services that protect children from abuse. Together we have turned that trend around - and in a very big way.

This year's budget continues to send a powerful and compassionate message to the families of Pennsylvania who have mentally ill or mentally retarded loved ones. Not only are we increasing support, we are keeping families together and keeping people out of institutions.

Consider this: Since 1987 we have increased funding for mental retardation programs by 42 percent, from \$369 million to \$523 million. This year we are targeting \$79 million to

intermediate care facilities; \$111 million to State centers for the retarded; \$104 million to community-based services; \$182 million for community residential services; and over \$44 million to Early Intervention. Now, that all adds up to a 9.6-percent increase over the current fiscal year.

State funding for Early Intervention has increased 85 percent in my first four budgets. This year, despite a \$5-million cutback in Federal funds, we are going to invest \$44 million more to help over 24,000 preschoolers maximize their own special potential.

You know, since January of 1987 we have expanded our commitment to those who are mentally ill from \$438 million to \$579 million, a 32-percent increase. This year we have targeted over \$367 million to improve mental health hospitals; \$164 million to expand community mental health services; \$39 million for costs associated with the closing of the Philadelphia State Hospital; an additional \$5 million for the mental health component of our Student Assistance Program; and \$8 million for the Western Psychiatric Institute.

Now, altogether that is an increase of 8.8 percent over last year to improve the lives of those who are mentally ill.

But you know, all the financial support in the world will not help if we cannot attract and retain talented and dedicated people to care for our most vulnerable citizens.

Last year we broke new ground working together to help our direct-care workers earn a decent wage. I proposed and you approved \$10 million as a salary supplement, the first of its kind for Pennsylvania. This budget provides another \$17.3 million to increase salaries for these hands-on caretakers. In addition, I am proposing a \$10-million increase—in addition to the \$17 million—for salaries of workers in nursing homes across our State.

You know, keeping families together and providing a safe and supportive environment for our children is more important today than ever before.

We know that, because we know that domestic violence and sexual abuse threaten far too many of our families. But we have responded by more than doubling our assistance for the victims of domestic violence. This year, \$5.6 million will be used to improve counseling and advocacy services and legal assistance for an additional 3,400 women - a 30-percent increase.

We are going to extend lifesaving 24-hour hotlines to underserved counties and target more funds to help the children of battered spouses. Funding for rape crisis programs will increase another 30 percent to \$2.7 million - a 4-year increase of 203 percent for expanded counseling and medical treatment and legal assistance, and more qualified sexual assault counselors on duty every day in every rape crisis center in our State.

The violence that is out there, often inflamed by drug and alcohol abuse, is leaving thousands of women and children homeless each year. With this budget, the State's Homeless Assistance Program increases 103 percent since 1987, for a 4-year General Fund investment of over \$54 million. And that is on top of nearly \$50 million from the Pennsylvania Housing Finance Agency.

This year I am requesting over \$14 million from the General Fund for homeless assistance, some of which will go into bridge housing to help families make the transition from crowded emergency shelters to permanent homes. In addition, the Housing Finance Agency will provide \$14 million this year for the construction and rehabilitation of specialized low-income housing units and the other program that is so vital - \$7.5 million to help protect families in danger of losing their homes through mortgage foreclosure.

You know, providing enough for those who have too little: that is our constant caring commitment to giving our children and families the most human of services - the chance for a better, healthier, safer life.

That means caring for every member of the family, from the youngest to the oldest - and it is older Pennsylvanians who are the fastest growing part of our population.

So we are going to expand our Family Caregiver Support Program statewide to bring vital in-home services to every county in Pennsylvania. To do it, we will increase our investment in the program by 226 percent. We are going to take \$7 1/2 million, and more families than ever before will get the help that they need to care for an older relative at home who suffers the infirmities of age, including Alzheimer's disease.

This is something that has been very much a matter of concern to me, and that very simply is that if any of you has a friend, a family member, a relative suffering from Alzheimer's disease, you know the frustration that goes with that, because there is nothing you can do medically for that person. But the Family Caregiver Support Program gives us for the first time the power to reach out and, in a very personal way, help people who are in that situation.

In addition, we are going to spend another \$10.3 million to expand by 20 percent a whole range of personalized services that help older people stay in their own homes instead of having to go to an institution - \$6.2 million so intensive in-home services can be provided statewide for the first time; \$1.6 million to cut down the waiting lists for attendant care and for other services. That means some 1,800 older citizens will have access to health care and attendant care, delivered meals, adult day care, and all in their own homes.

I am also recommending that we continue a program we began last year to help thousands of older couples get the nursing home care that they need without draining them of their savings and their dignity. To do this, we are going to allocate in this budget \$11.8 million.

I want to talk about the Lottery Fund, because it is a related concept to what we have been discussing in this conversation. We have kept the Lottery Fund solvent by working together. In 1987 we found almost \$200 million in programs that we believe should have been funded from the General Fund being paid for out of the Lottery Fund. Together, we changed that.

So far we have shifted over \$141 million in program costs off the backs of our older citizens, out of the Lottery Fund, and back to the General Fund where they belong, and this year we are going to transfer to the General Fund an additional \$87 million in nursing home reimbursement costs.

In addition, we are putting the Lottery Fund to work where it really helps older people, with \$222 million going into the PACE (Pharmaceutical Assistance Contract for the Elderly) program to offset the cost of prescription drugs for 430,000 older Pennsylvanians. You know, in 4 years we have not increased the amount of the copayment that they have to pay for drugs one single penny. All of us have a right to be proud of that, it seems to me.

But you know, for too many of our people, the promise of a safe and healthy life has become a nightmare of drugs and addiction. Together, in the last year, we made fighting the war on drugs Pennsylvania's number-one priority.

Together, we established PENNFREE, our plan for a drug-free Pennsylvania. We are one of the few States with a program ready to take full advantage of the new Federal dollars coming our way. President Bush says we are one of just four States "out in front," as he said, with a serious, comprehensive plan of our own - a plan that the President says the rest of the country ought to be following.

So with \$205 million in State and Federal funds, this budget continues funding every single element of the PENNFREE program. That is a 300-percent increase in the antidrug effort since I took office.

This year we will increase our already record-breaking level of drug law enforcement spending by \$12.1 million, with special emphasis on shutting down the flow of drugs coming into the Commonwealth through airports and train stations and bus terminals. State Police mobile narcotics teams and four new drug interdiction teams to be established by Attorney General Preate will focus on the interstate entry points.

And we will also beef up our aid to local antidrug enforcement by adding \$2 million to help hard-pressed municipal police departments. That is on top of the \$1 1/2 million in PENNFREE funds for local police which I announced this past Saturday.

We will set up at least 10 new local drug task forces through the Attorney General's Office, bringing the total to 39 of these, up from 19 just a year ago.

But you know, tough enforcement is only part of the approach. We are also expanding drug treatment and prevention services - helping sick people get better, preserving families, and giving the next generation a chance to grow up drug free.

I propose an increase of over \$27 million in State and federally funded treatment services.

We are going to expand our nationally acclaimed residential treatment centers for mothers with children, for pregnant women, and for the most tragic victims of all, babies born already addicted to their mothers' drugs.

We are going to continue our expansion of treatment for the poor and for troubled children.

Four million dollars in grants are proposed to county drug and alcohol agencies so they can better meet their own local treatment needs.

And I recommend \$8.6 million in State and Federal increases in drug education and prevention—that is a 32-

percent increase—because we have to change the behavior of an entire generation for this State to become truly drug free.

We are going to expand drug and alcohol education at every level in every school district - elementary, junior, and senior high school.

We have a highly successful Student Assistance Program that we put together working together. It identifies kids at risk and gives them the help they need before it is too late. This year the program will expand to every school district in Pennsylvania.

We are going to continue expanding our dropout prevention and teen pregnancy programs as well.

You know, drug abuse is a leading culprit in the spread of AIDS (acquired immune deficiency syndrome), the most frightening public health threat of our time. We have recognized that challenge and responded. With this budget, for example, our 4-year increase in AIDS spending goes from just over \$1 million to more than \$27 million.

Our State and Federal commitment this year includes \$3.9 million for AZT and other life-prolonging drugs, \$1.5 million for medical services to inmates with AIDS, and nearly \$3 million to staff and operate the new HIV/AIDS Bureau in our Department of Health.

We have said before and we can say it again to ourselves and to the Commonwealth: We see the footprint of drugs on every single page of State and local budgets, and none more so than the chapter dealing with our prisons.

A tidal wave of drug offenders has flooded the State's correctional system. Since 1980 the total number of inmates has increased 150 percent, and despite our unprecedented commitment to expansion, our correctional institutions remain way over capacity.

We have already begun a \$200-million program to add 5,700 cells and 1,000 more correctional officers than 3 years ago, and that was before Camp Hill.

This past autumn I called for the speedup of that plan, the quick replacement of lost cell capacity, and I proposed legislation to put on a fast track the addition of another 3,000 cells.

You know, one thing is for sure: We will never catch up unless you do your part. Pass the legislation needed to cut through the red tape, and give prison expansion an immediate priority. I urge you to act and act quickly so that we can reduce overcrowding in our State correctional system.

This budget continues that expansion with a \$65-million increase in Department of Corrections funding, up to \$369 million - an 81-percent increase since 1987. It will allow us to do a number of important things:

- * Staff the new prison at Farview in Wayne County;
- * Upgrade the physical plant and reduce double celling and add staff at the facility in Pittsburgh;
- * Expand educational programs in every prison;
- * And staff and operate 1,440 new modular cells for inmates.

It is a massive commitment, absolutely massive, with no end in sight until we break the link between drugs and crime.

With \$3.3 million in State funds and new Federal dollars, we are going to expand drug and alcohol treatment programs throughout the State correctional system, so another 5,250 adult offenders can go back to society drug free and stay that way.

With nearly \$1 1/2 million, we will set up the State's first "boot camp" for nonviolent drug offenders: a tough physical routine, drug education, substance abuse therapy, a chance to turn their lives around.

And for the first time in history, we are going to channel \$2.1 million in Federal funds for drug and alcohol treatment and prevention in county jails, and we will use another \$4.3 million to expand follow-up drug and alcohol services for juvenile offenders.

You know, giving our young people every opportunity to achieve their fullest potential in life - that is our goal, to help them become well-educated and productive citizens and caring and responsible parents.

But you know, so many challenges lie ahead for our young people, especially the demands of a changing economy. That is why we are insisting that Pennsylvania's entire education system reach new levels of achievement and accountability.

In return, we are increasing our support for basic education; enriching the teaching profession; rewarding school performance and achievement; and perhaps most important of all, expanding access to higher education.

This year we are investing over \$4 1/2 billion in basic education - an increase of nearly \$900 million since I became Governor. Over \$2.7 billion will go toward the State's core funding program for local schools - an \$84-million increase over the current year and only the second time ever that the Commonwealth has provided 100 percent of the reimbursement formula for our schools.

We are doubling funding for Pennsylvania's Successful Student Partnerships Program, keeping in the classroom 10,600 students who are at risk of dropping out. That is 4,000 more kids than a year ago, so that program is growing, but it is an investment with a remarkable return: 95 percent of all those young people who took part last year stayed in school.

You know, while our children are in school, they deserve the very best teachers. That is why we were the first administration in 25 years to increase the minimum starting salary for teachers. To continue to attract and retain teachers of the highest quality, this year I propose that the minimum starting salary be raised again, to \$21,000.

I want to move now to the challenge of special education. We are facing that challenge of bringing special education costs under control, and we are facing it together. I will propose legislation that places responsibility for controlling those costs with those who, I believe, are the most qualified - locally elected school boards across our State.

I will also recommend that school district special education programs be funded on a reimbursement basis, just like basic education programs. The result: more timely and predictable payments; better management; tighter fiscal accountability; and most importantly, better services for children with special needs.

To help this transition to the new system, we are increasing special education funding in this budget by 9 percent, to \$380 million. That brings the total increase in State support for special education to nearly \$90 million in my first four budgets - an increase of 32 percent. Now, this is in addition to the \$99 million that we, together, determined last year should be devoted to bringing special education funding up to date.

An important addition to the State's special education system is a brand-new program to help regular classroom teachers provide improved remedial services to children who need them. This budget includes \$5 million to put these Instructional Support Teams to work in 100 school districts in our Commonwealth.

And I promise you this: No child who now receives special education services will be denied them.

You know, as our young people prepare to go on to college, we must do everything we can to expand access to higher education for more and more of them.

This year we will spend nearly \$1.3 billion to make a college education more affordable and accessible for all Pennsylvania students.

We are increasing by 20 percent our investment in programs to attract more minorities and more disadvantaged students into higher education, because if we believe in access, we have to put our money where our mouth is and make access available to all.

And on the subject of access and increasing access, this budget increases scholarships to full-time college students through the Pennsylvania Higher Education Assistance Agency by \$12.8 million. Now, that is a 46-percent increase since January of 1987.

We are investing over \$124 million in Pennsylvania's community colleges so that students who cannot easily attend a major university can still prepare for their future. That is a \$13.8-million or 12.5-percent increase over the current fiscal year.

Remember last year we talked about a tuition challenge in the State-owned and State-related universities? We said limit your annual tuition increases to \$100 or less and we will give you an additional \$100 per full-time student? Well, we put that one together, you approved it, and families all across the State saw the result last year when they opened their tuition bills. Tuition increases were the lowest last year in 14 years - 4 percent or less.

But I am proposing we do it again this year. By continuing the challenge this year, we can save every public university student an average of \$442. Now, that is a \$59-million dividend to these families, and that adds up to more access and more opportunity for more of our young people.

I want to talk to you for a few minutes about an extremely important subject, and that is our environment. Clean water, clean land, clean air: That is our program for this generation and for future generations of Pennsylvania families.

It has been only 18 months since we launched PENNVEST, our historic plan to rebuild the State's clean water infrastructure and give people clean water. In that short time, we have

approved nearly \$430 million for 266 clean-water projects in communities large and small all across Pennsylvania. It is having a tremendous impact and it is working, because these are projects that create new jobs and support new growth. And we have got the resources on hand right now to make 1990—and we are going to make 1990—a record year for PENNVEST, because the people voted for clean water and we intend to see that they get it.

And clean land, too. We will continue to reclaim our land from toxic poisons by putting another \$16 million into our tough and growing toxic waste cleanup program. Last year we began cleaning up 30 dangerous sites.

Thirty new sites in 1 year were begun, when it took the Federal Superfund 8 full years to begin work on only four. We cannot let this momentum slow. We are going to protect our families from toxic waste, and we are going to do it right now.

We will also commit another \$3.7 million to help local governments get their recycling programs started. You know, we are one of the largest States to mandate recycling, and before this decade is over, we will have cut our volume of solid waste by 25 percent.

I want to talk to you now for a minute about mass transit, another area where we have steadily increased State support by working together. This year I am going to recommend nearly \$240 million in State aid for mass transportation all across Pennsylvania, plus another \$128 million from the Lottery Fund to pay for transit rides by older Pennsylvanians.

Now, here is another area especially hard hit by the Federal Government's retreat from its commitments to our communities and our people. Consider this: Federal operating support for SEPTA (Southeastern Pennsylvania Transportation Authority) in southeastern Pennsylvania has dropped 60 percent in the past decade while State support has increased by 300 percent.

Now, we are committing nearly \$212 million to SEPTA this year, and yet the President's new budget recommends not one single dollar - a cut from \$27.4 million to zero.

But the story gets even worse. While cutting the heart out of older transit systems like SEPTA, the Federal Government has continued to plow billions into whole new systems in Washington, D.C., and in the Sun Belt.

And you know something else? Every time you fill your gas tank, a penny per gallon goes into a Federal mass transit trust fund, and the balance of that fund today stands near \$6 billion. Six billion dollars the Feds will not invest where it is really needed: in mass transit.

That is no longer acceptable. We have done our part. Pennsylvania now ranks second in the country in State operating support for mass transit. The time has come for all of us and our congressional delegation, and especially the people of southeastern Pennsylvania, to serve notice on the administration in Washington that the Federal Government must start paying its fair share for mass transit in Pennsylvania.

You know, when you look around the State today, the economic landscape looks very different than it did just a few

years ago. I had another very vivid reminder of that last week when I went to four former industrial sites in the Mon Valley in Allegheny County where the program you authorized last year is being transformed into the job generators of the future with our new Industrial Communities Revitalization Program.

It was a great experience, because it captured the transition, the economic transition we are making in this State from the days of heavy manufacturing to new areas of manufacturing, new opportunity, particularly in that region of Pennsylvania which, in the past, too often has been written off.

But our focus is on the future, and an important part of that future is in high technology to complement our resurgence in manufacturing and our strong service economy. You know, Pennsylvania already ranks fourth in the Nation in the number of high-tech companies. Our advanced technology industries are growing at a rate double the national average.

Now, this budget raises to \$223 million the State's 4-year investment in high technology, including some very important items:

- * A 30-percent increase, to \$6.5 million, for industrial resource centers that help manufacturers put available technologies to work to make Pennsylvania business more competitive and more productive.

- * \$28 million to expand the Ben Franklin Partnership. This includes \$1 1/2 million in venture capital to leverage new private investment in advanced technology companies. And an increase of over \$1 million for the basic challenge grant program, for bringing back the program that you authorized several years ago and reinstating it again this year.

- * \$2 million in new engineering school equipment grants so students at Pennsylvania's 15 engineering schools can learn from the latest in technical equipment.

- * \$1 million to upgrade the Cray supercomputer at the University of Pittsburgh, on top of an investment we have already made of more than \$6 million in this extraordinary resource - truly on the cutting edge; a key to Pennsylvania's high technology leadership of the 1990's.

- * \$1 million for a new Institute for Advanced Science and Technology at the University of Pennsylvania.

- * \$400,000 for a powdered metals industry development center in Johnstown.

- * \$300,000 to study the feasibility of a high-speed rail link between downtown Pittsburgh and the Greater Pittsburgh Airport.

But you know, we are also increasing our investment in this budget in the brain power that is needed to meet this high-tech explosion. At places like Lehigh University and the Pennsylvania College of Technology in Williamsport, we are building the intellectual infrastructure—the intellectual infrastructure—that will support our high technology future.

We are also investing in our human resource infrastructure. Throughout this administration, we have emphasized a strong commitment to expanding opportunities for Commonwealth employees. Our model day-care centers and parental leave policies have been nationally acclaimed.

Consistent with that commitment, and on the recommendation of the Pennsylvania Commission for Women, I am proposing in this budget that we join 23 other States in funding a pay-equity study of the State Government's job and classification system.

And you know, we have to remember that our future is as firmly rooted in our oldest industry as it is in our newest. I am talking about agriculture. It is still Pennsylvania's number-one industry. In recognition of its importance, we have increased our commitment to agricultural programs by 25 percent in the past four budgets. You know, certain key programs have shown even greater gains. For example, funding for agricultural research has increased 155 percent; agricultural promotion, 170 percent; support to county fairs, 36 percent; animal health research, 38 percent.

We are going to celebrate the 75th anniversary of our great Farm Show Arena by making a \$3.7-million commitment to capital improvements.

And you know, this year we made the first expenditure of funds from our \$100-million farmland preservation program - a national award-winning program that preserves values and a way of life that is essential to the promise of Pennsylvania.

So we are continuing to invest wisely and prudently in the people and families of our State. We are continuing to build a strong foundation for our children's future - to protect those who are most vulnerable; to heal those who are sick; feed those who are hungry; and house those who are homeless.

We are continuing to invest in advanced technologies, in the intellectual and physical infrastructures that provide the foundation for all we hope and dream for our children.

But it is vital for you and the people of our State to understand that the only way we have been able to accomplish all that in this budget is by setting strict priorities.

We are going to keep this budget in balance and we are going to do it without a tax increase.

And believe me, we have tightened our belts. I have ordered strict limits on the purchase of new vehicles, new computer systems by the Commonwealth, and we have clamped down on personnel costs and kept spending by government agencies to the absolute minimum.

And I want to commend State Treasurer Cathy Baker Knoll for voluntarily lapsing a quarter of a million dollars from her budget, and I commend her example. I hope it will be followed this year by all areas of State Government.

Because we have got to invest our scarce resources in people programs, not in government bureaucracy.

So I have come to you today with a lean, prudent budget for the year ahead, a proposal based on the most conservative estimates of where our economy is headed and what resources will be available to us.

I urge you now to show the same restraint and the same fiscal discipline that we followed in crafting this budget. Together we can and we must give our people a budget that meets their essential needs without a deficit and without an increase in taxes.

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

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks that the members of the House and visitors remain seated for just a moment while the members of the Senate can gather in the center aisle and leave to return to the Senate.

The business for which this joint session has been assembled having been transacted, the session is now adjourned.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The House is about to come to order. The Chair would welcome the departure of its visitors. Thank you.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House members of the Lehigh County Constables Association - Frederick Ruch, president; Nelson Doney, vice president; Ron Murray, secretary; Mike Soldmon, constable; and Robert White, deputy. They are the guests of the gentleman, Mr. Pressmann, and the lady, Ms. Ritter. Will the guests please rise.

MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the proceedings of the joint session of the Senate and the House of Representatives held this 6th day of February 1990 be printed in full in this day's Legislative Journal.

On the question,

Will the House agree to the motion?

Motion was agreed to.

STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes, without objection, the minority leader, the gentleman, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I was surprised that you recognized me first. I thought you were going to recognize the gentleman, Mr. DeWeese. However, I would like to make a few comments, if I might, with respect to the address given to us here today by the Governor of the Commonwealth, Robert Casey. I have a copy of his speech, and I want to publicly thank Senator Lamb for delivering copies of this speech very early today, unlike once before, and I want that made a part of the record, and I know Senator Lamb, who is listening to us, will get a kick out of that, the same way I got a kick out of the third paragraph of the speech. It starts off, "Pennsylvania today is in sound fiscal shape."

Well, we are, in a sense, in sound fiscal shape, and I am referring, really, more to the budget address of the Governor. We are in fine fiscal shape, because we will balance the budget next year with \$200 million of workmen's comp funds, the SWIF (State Workmen's Insurance Fund) fund; we will balance the budget in the next fiscal year with \$115 million of PERF (Pennsylvania Economic Revitalization Fund) economic development funds by floating a bond issue to pay our daily expenses; and by doing other budgetary gimmicks, this Commonwealth will appear to be in good shape. I am far more concerned about the Commonwealth, I guess, than this budget address would lead me to believe the Governor is, and that, I guess, is because it is an election year, and I am running, too, but nevertheless, there are certain things here that I think deserve comment.

I thought it was interesting that the Governor made a 2.2-percent recommendation for the increase in basic education, while his office receives a 6.6-percent increase and a 5-percent increase for press services. The General Fund has 2.3 percent, and education has 2.2 percent.

We are borrowing money—and I call it borrowing money—from the SWIF fund and from the bond issue, which is truly borrowing money, and what we are doing with it is we are putting money—some \$50 million of it—we are putting money into a different savings account. We are putting \$25 million, if the Governor would have his way, into the Rainy Day Fund and \$25 million into the Sunny Day Fund. If you recall—and I would guess 80 percent of the people here recall—the origin of these funds, Governor Thornburgh wanted a rainy day fund to take care of the unforeseen bad fiscal year, which I suspect we are coming into; Jim Mandarino wanted a sunny day fund to take care of business opportunities, and that is when we had a lot of money. We had big surpluses, and we had money to burn, so to speak, and we were trying to spend money on one-shot expenditures so that we would not have programs developing and continuing and growing over the years, and that is where these funds came from. I think today that we should perhaps—and maybe we will end up doing it before this session is over—take a look at some of these funds to see if it is not time—If in fact the problems are as bad as I believe they could be, it may be that it is time to dip into those funds, because certainly the budget, as it was presented to us, has some gaping holes in it.

The economic development—And this Governor and Governor Thornburgh before him and, I guess, all Governors, going back in my recollection, have always touted themselves pretty much as being all in favor of economic development, and I am sure they say that sincerely. However, just on a quick review of the presentation made here today, it appears that there is no funding for PIDA (Pennsylvania Industrial Development Authority). And I did not say no increase; I said no funding whatsoever for PIDA, which strikes me as strange from a Governor who was talking about the economic development programs that he thought so much of. In fact, not only is there no money for PIDA, there is, as I said, \$114 million in economic development moneys being used to pay

for Department of Commerce programs, and that money is coming from the PERF funds, the bond allowances, rather than from the General Fund, which it had in the past.

Now, that is a little bit confusing. It was confusing to me, so I had a staff person put it down in terms that even I could understand. What they have explained to me is that in the past our General Fund paid for certain programs. This coming year the General Fund is not going to do it, but rather we are going to get a mortgage. We are going to sell some bonds, and with those bonds, we are going to pay for programs that we used to pay for out of our ordinary income that came in each year. We are going to do enterprise development, heritage parks, housing and redevelopment, which in the past was done out of general funds. We are going to do that this year with borrowed moneys, if the Governor has his way.

The Ben Franklin Partnership. Now, we always paid for the Ben Franklin Partnership, to the best of my recollection, from revenues as they came in each year - our General Fund. This year the Ben Franklin Partnership, which the Governor properly said is increased over last year to \$28 million, will be paid for out of the bond proceeds, the sale of the bonds. The Ben Franklin Partnership—and I guess we all are aware of this; we were all contacted, at least I suspect we were all contacted, by all of the businesses of Pennsylvania that were so critical of what happened last year when we made the drastic cuts in the Ben Franklin Partnership moneys from the year before—this year it is up from \$25.5 to \$28 million, but we are going to do that by borrowing the money and paying it back over a long period of time.

We are also going to use that borrowed money to do tourist promotion assistance, which in the past has always been a General Fund expenditure, and industrial community site development and action programs and the supercomputer center. That supercomputer center, I think that is the kind of thing that you should use bonds for. It is a capital program, a capital project. I do not think you go out and you sell bonds or mortgage your home to do that type thing, but that is what the Governor is proposing that we do.

Now, I was really taken back. I got a copy of that speech, as I said. Senator Lamb gave us a copy of the Governor's speech, and if you remember my own little remarks off and on over the years, every year that Governor Casey has made his budget address, I have come to this microphone and I have said, but, Governor, one of your staff, somehow or another, got all mixed up and they forgot to put anything in for agriculture. And I thought to myself this year as I read this speech that the Governor delivered and I got a little bit early and it said, "Ag is still Pennsylvania's number-one industry," and I thought to myself, thank God, he finally listened to my past speeches. "Ag is still Pennsylvania's number-one industry. In recognition of its importance, we have increased our commitment to agriculture"—and, boy, I was thinking, I can go into this caucus this year and say, we took hold of him—"have increased our commitment to agriculture programs by 25 percent in the past 4 years," and I thought, now, what is this all about? And then we go on to find out that key programs

have shown even greater gains: funding for ag research, 155; ag promotion, 170; support to county fairs, 36; and animal health research, by 38 percent. And I was going to start firing some of my people. I said, this cannot be; you guys told me earlier that there was nothing in here for ag. So they brought out all these books, and they were the Governor's books. They were not even their own books. They brought out the Governor's books, and then they said, now, look, Matt, you cannot fire us; he may have said that, but you know, he was fooling around with the truth a little bit, I guess; he did have that one saving clause, "in the past 4 years." Then they went on to explain to me that over these past 3 or 4 years, we have dragged the Governor and the Budget Office kicking and screaming, literally kicking and screaming, to the table to get ag, Pennsylvania's number-one industry, its fair share of the State dollar. And what do we have this year? We have all these platitudes, but if you look at that great big book that is on your desk or will shortly be on your desk, you are going to find that ag research was cut 8 percent at Penn State; that ag research generally was cut 16 percent; that ag promotion was cut 15 percent; that he eliminated such really minor programs on a budget of this size but major programs to the people and industries involved; that he eliminated completely apple marketing, mushroom promotion, and a slight \$33,000 appropriation that we made to the Future Farmers of America—I think that is what it is called, but it is the future farmers, a group of young people and a program for them—and this is what this great speech made reference to when we saw all the wonderful things, but all these wonderful things in the speech are items that took place years ago, and they will take place again this year, because Bill DeWeese, your new majority leader, is not going to sit still and let ag get hurt. He is going to join with Sam Hayes and Matt Ryan and this great agricultural champion, Bob Jubelirer, in the Senate, and we are going to get agriculture its fair share.

Well, this economic development Governor—and we heard that, and I think to a great extent he has done his very best on it—has done a reasonably good job, no question about it, as did the Governor before him, and a lot of it—and ordinarily I might choke on this, but I do not today—a lot of the great economic development that took place here in Pennsylvania over the past years was due to the efforts of Jim Manderino. I am not ashamed to say that. We, of course, helped him, as did Governor Thornburgh and Governor Casey. They helped him; they helped him, because when big Jim went like that, it was like Hutton - you stop and you listen. And he did that, and I think he would do it again if he were here, and I feel sure that his successors in interest are going to do the same thing.

Economic development. It has been tough, and then when you move into education, I think things get a little tougher. We have 2.2 percent and we have a tough budget, and I do not know how much further we go. I say that sincerely. But there are some things where I think we have got to be honest with the people. We cannot tell the people— And this is what I was really critical of the Governor about here 2 weeks ago. We cannot tell the people we are doing something for them if we

do not do it. A couple of weeks ago the Governor stood before us with his state of the Commonwealth address, and when I was criticizing him that day, I was not being critical of his spending plan. What I was being critical of was this promise, this illusion that was created, this perception that everybody was going to get something.

Well, the people when they see the Governor of this Commonwealth, and Governor Casey is an impressive man; he is an imposing man, not just because of his office but because of the way he carries himself, the way he speaks to the people. That is how he got elected. I mean, he was convincing to the people. And when he stands here, 2 weeks ago, and he tells the people, I have got something for all of you, and then today we find that there is something for all but it is really not a whole lot, I think it is wrong. I think he should come right out, right out front and say, "We do not have any money. We are in trouble." We are not in as much trouble as the rest of the Northeast, but we have got some troubles, and it is nothing to be ashamed of. It is not mismanagement, necessarily; it is the economy.

You cannot say we are going to continue the TELLS (testing for essential learning and literacy skills) program, for instance, and expect the school districts back in your counties and my county to keep giving TELLS tests and then provide not one dollar for it in the budget. You cannot raise the expectation of a Philadelphia school district or a city of Chester school district in my county where TELLS is so important, has become so important to them, where they have children who desperately need additional care, educational care, you cannot have TELLS programs continuing to be administered - the testing programs - and not put anything in the bank to give to these school districts. I think it is better to be forthright and say, "We don't have any money and we are eliminating TELLS." That is what you have to do, if you have got to bite the bullet. You do not do it the other way. That is not fair, and it is very unkind, incidentally.

Our State medical schools we talk about with pride. We talk about Pennsylvania and the Greater Philadelphia area. Not even the Greater Philadelphia area; Philadelphia itself has the greatest concentration of medical schools, teaching institutions, pharmaceutical houses, medical research, probably than any other place in this country and maybe in the world. I am not sure of that. We have more than our fair share of medical schools. We are very proud of them. They generate a lot of prestige for the region, and they generate, indirectly and directly, a lot of jobs. And here what do we do to them this year? We do not do much at all. We give them nothing over and above what they had last year, despite the cost of living we are all aware of.

Special ed. Last year we got all upset and we had some money laying around and we said, "The one thing you've got to do this year, Governor Casey, is you've got to take some of this leftover money," because if you recall, we started off with really a pile of money. We had \$385 million in the bank. We said, "One of the things you've got to do, you've got to pay these school districts the \$99 million you owe them for

special ed, and your departments have got to get a handle on this thing so it doesn't happen again." Well, we got—we got—that \$99 million paid. Now we have got another \$85 million looking at us, because they ran the bill up again on us because no controls were put on them. That is something that went wrong last year.

The intermediate units. I have here 15 percent they have been cut. Now, I do not know; you know, these figures, they have come together pretty quickly today. But my records indicate, from a quick survey of our people, that there is a 15-percent cut to the intermediate units.

I think that the best thing that Governor Casey has done in the field of education is this college tuition grant. That, I believe, was a roaring success last year and I was pleased to see it again this year, but I have a problem. I really think it is great. I think it is a good program. I have a concern, not a problem. Let me tell you what my concern is, and I hope it does not come to pass.

We have only given higher ed, our State universities and State relateds, we have given them a 4.5-percent increase this year. Now, somebody voiced a concern to me that if we have only given them a 4.5-percent increase, chances are they are going to have to increase their tuitions more than that \$200—you know, \$100 from the student and \$100 from the match—and if they have got to increase it more than \$200, what that means—if they all did, for instance—what that means is the \$50 million that we have allotted, or \$54 million, I think it is, we have allotted for this tuition challenge grant turns into cash that we will never use. I hope that is not the case. I hope we use every dime of it. I hope we use every dime of it. But by giving them only 4 1/2 percent, there is real concern as to whether or not they can meet, legitimately meet, that challenge. I hope they can. I certainly do.

Tourism. That is another thing here in Pennsylvania that I have always kind of caught the Governor on. He does not think much of tourism, I guess. You know, he is a homebody. I know that. I have been trying to talk him into going over to Ireland with me, but he would not go, so I sent him a magazine on it thinking maybe he would get interested in it and leave. But he goes from here to Scranton, passes through the tourist agency areas on the way. But I guess because that whole Scranton area does so well on tourism, he thinks the rest of the State does not need any tourist promotion dollars. So once again we did not get any of that, but I think when a guy like Bill DeWeese gets hold of that and he gets a chance to digest this budget a little better, he is going to come out and he is going to be swinging and saying, we have got to get some more money for tourist promotion in Greene County.

There is a hospital in Philadelphia that takes care of an awful lot of people. It is called EPPI. I looked through the budget again quickly. I see where two State general hospitals are apparently going to be closed before July 1. That is Nanticoke and Philipsburg, because there is not a dime in the budget next year for them. I think it has been stated that they are going to close, and I am guessing that the Governor is now telling us, without question, they are going to close, but I

never heard anything about EPPI closing. Eastern Pennsylvania Psychiatric Institute, I think it is called. We always carried about \$7 1/2, \$7.7 million for EPPI. All of a sudden this is missing from the budget, and I do not know whether that line got skipped over with one of the computers the Governor said they did not buy this year. Maybe they should have replaced that one. But there is nothing in here for EPPI, and I do not know the answer to that.

The transit situation here in Pennsylvania - mass transit. I agree with the Governor that the Federal Government is creating a lot of this problem. I do not agree it is necessarily the administration. I think it is the whole gang of them down there. I think it is the Congressmen, the administration; it is the whole bunch, and what their answer to this problem is is to put in a bill that is going to require that we have dedicated funding streams in order to qualify for any Federal aid. Well, now you have the carrot-and-the-stick kind of situation again, which sometimes you have to use. But I do not think there is any excuse for the Federal Government, I do not think there is any excuse for the Federal Government to do to us what they have done to us and what they are doing to other Northeastern States in the mass transit field. And I blame the Congress, because if Congress passes it, I do not think there is a President around that is going to veto that. They do not have the same vetoing rights that our Governor has where they can line out a single item or they can reduce a single item. They take it or they leave it. And it is the Congress, Republican and Democrat, it is the Congress that has built up our deficits, our Federal deficits. Why do they not just build it up a little bit more and let us get some of this mass transit money? I think we should write our Congressmen. That is what I am going to do.

In passing— And I am going to devote more time to this at a later date. I believe—and I say this to you sincerely, and I have no answers, and I discussed this with the Speaker last week—I believe the most serious thing that is affecting us, that is potentially going to affect us today in this State, is the situation surrounding funding of our hospitals. I am seeing throughout this Commonwealth good hospitals getting into serious financial trouble. I am watching bond ratings being adjusted downward by the rating agencies. I am seeing hospitals going into bankruptcy, and it is the fault of State Government and the fault of the Federal Government again. I discussed this briefly with the Governor this morning at breakfast. Forget the Federal Government; we cannot do anything about that. We are going to have to address the problems of the hospitals of Pennsylvania as are affected by our laws and regulations, and we better do it quickly, particularly those hospitals that are taking care of people who, A, have no Blue Cross/Blue Shield or commercial coverage or do not qualify for medicaid. They are in serious trouble, serious trouble, and you, I am suggesting, check with your local hospitals and you will see how bad it is, and we better take a look at it and we better do something about it very, very quickly. Nothing is done for them of any importance in this budget today and nothing really was done last year, but it is the kind of thing

that we better take care of or we are going to be very, very sorry.

In closing let me say, if I had to be critical of a budget, this budget, I think the bulk of my criticism would be first on the fact that we are mortgaging our future, and I say it is because it is an election year. If we have to spend more money, then we have got to raise taxes. The Governor should come before us and tell us that. But if you believe our schools can go on 2.2 percent in your local districts, if you think the medical schools deserve nothing, ag deserves nothing, and all these other things that I have pointed out deserve no increases, then you have got a good budget before you. We have to pull in and tighten our belts, no question about that. But I think to a great extent there are some problems with the way the numbers came together here. I hope I am wrong. I continue to say that our records indicate that this year there are going to be revenue shortfalls of up to \$200 million. Much of it will not be seen. It will pass over into the next year because it will be hidden with lapses and the other tricks of any good budget secretary, and Mike Hershock is one of the best. They can hide it, but it will come back to haunt us this time next year.

Thank you very much, and I am very sorry, Mr. Speaker, I took up so much time.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, it is a pleasure to be able to hear the gentleman from Media. We can usually, under these circumstances, count on bad news - the annual Chicken Little story that the sky is falling, the sky is falling, but it is not falling. Not only are the heavens in place, but they are an azure blue this morning. There are a few clouds here and there, Mr. Speaker—the Governor knows that; I know that; Roy knows that; most everyone knows that—but to think that Mr. Ryan's observations were accurate, one would think there is a torrential storm, a veritable Hurricane Hugo, in the fiscal world outside. I do not think that is the case.

In fact, I would like to deliver some good news, and it is somewhat repetitive, but in this world, in this game, in this arena, repetition is the first law of learning, and we should paraphrase a good friend of yours, Mr. Ryan: You should read the Governor's lips - there are no new taxes. For the fourth year in a row, His Excellency has given us predictable, responsible, stable fiscal management. That is good news for every Pennsylvanian and every Pennsylvania business, every Pennsylvania business. A balanced budget with a modest increase of 2.3 percent in spending, but education is up; child welfare and nutrition money is up; money for our domestic violence and rape crisis programs is up. There is a lot of good news on the horizon. It is not all doom and gloom.

We should again take a snapshot of what is going on in Pennsylvania today vis-a-vis some of our neighbors from the Northeast. For the second year in a row, New Jersey is facing a devastating revenue shortfall of over a half a billion dollars -

a half-a-billion-dollar revenue shortfall in New Jersey. They have placed a new surcharge on their Cliff Jones, and they have had to reduce spending in higher education. There are projected shortfalls in funding right now in New Jersey for most all their human services programs and for their prisons. In New York, there is a projected shortfall of \$700 million this year and a potential gap—a potential gap—of another billion next year. They have significant problems in the Northeastern United States. In Massachusetts, deep cuts in State spending and a 15-percent increase in the personal income tax—a 15-percent increase in the personal income tax in Massachusetts—are waiting in the wings. They have failed to balance their budget. Yet in 1987, 1988, 1989, 1990, our Governor and our General Assembly are doing a pretty fair job of managing our revenues.

The gentleman, Mr. Ryan, fell short throwing down the gauntlet against the Bush-Reagan years relative to SEPTA (Southeastern Pennsylvania Transportation Authority) and mass transit funding. He said he was going to blame it on the whole bunch. I assume that means the Congressmen, Senators, bureaucrats, and the chief executives. Well, no matter what the state of affairs is in Pennsylvania today—and I happen to think that it is comparatively sound—on an equal footing, Mr. Speaker, we all must be a part of the history and the future of our fiscal dilemma. We cannot blame it all on one person, if there is indeed anything to blame, especially in light of the fact that we have been experiencing a tumultuous national economic recovery and now a questionable moment when a possible downturn is on the horizon. The hurricane may well be near us, Mr. Speaker, but it has not touched down in Pennsylvania. It has not touched down here, and Bob Casey deserves a lot of the credit. Bob Casey's management style deserves a lot of credit.

Our projected revenue shortfalls, Mr. Speaker, are \$85 million, and that is only seven-tenths of 1 percent—seven-tenths of 1 percent—behind last year's estimate, and again, compared to the rest of the Northeastern United States, that is not bad. It is also interesting to think about, last year's personal income tax collections were way down well into the spring, and yet, Mr. Speaker, they went from a deficit of \$14 million to a surplus of \$74 million. That was an \$88-million turnaround in revenues in just about a month. So our revenue yields are still, although precarious, certainly not doom laden. When the Governor says our personal income tax revenues are going to turn around, I believe him, and I think his management background in 4 years in the Governor's Office would be indicative of the accuracy of that belief and the faith of that belief. And I know that Eddie Burns might have a hard time believing this, but if we had taken Matt Ryan's revenue estimates last year, we would have right now a \$188-million revenue shortfall, because he wanted to add an additional \$88 million last year to our revenue estimate. So last year he was sanguinary, and this year he is tentative.

The budget proves that compassion and prudence are not mutually exclusive. It has been a tough budget to construct, even by Mr. Hershock, and I would agree with the gentleman

from Media that the big budgeteer from Boiling Springs has done a good job with all of the available resources. But the budget does contain, Mr. Speaker, 2,400 line items—2,400 line items—billions and billions of dollars—seven-tenths of 1 percent off in our revenue estimates—and as we move through the budget process, we will argue, probably change a few things, and we will put our imprint—Tom Stish, Bob Wright, all of us—we will put our imprint on the document. But this budget as presented, Mr. Speaker, presents stability, predictability, and these are two ingredients necessary for our economic development here in Pennsylvania. While the States around us are on the roller coaster, I think we have a pretty steady track progress, and I think it is incumbent upon us to not derail ourselves from that track.

I noted in doing some of my voluminous research on the gentleman, Mr. Ryan, that his office is on Olive Street. I would hereby formally, and not wistfully, extend the olive branch to the gentleman as we go forward in our deliberations together. Thank you very much.

The SPEAKER. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. I will take that stick and beat you with it. Usually when I give my address and somebody says, what is it, I say it is One Olive, like in a martini, but if you want to hand me the whole branch, I will take that, too.

You know, I was interested in your quoting that great President, George Bush, who copied from that great actor “read my lips,” but I always thought that it was not Clint where the “read my lips” came from. I thought the “no new taxes” he got from Governor Dukakis. Our Governor, “no new taxes,” he copied that, I think, from Governor Dukakis, who said it during an election year and shortly after that election found his Commonwealth with an \$800- or \$900-million deficit.

The problem, Mr. Speaker, simply stated—and I hope I am wrong; I hope I am wrong—but right now I think we are headed for more spending than revenue, and God forbid that I am right, but if I am right, we are going to have a terrible time here next year, and so are the people of this Commonwealth. I just hope that people are giving the Governor honest advice.

Mr. PICCOLA. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. PICCOLA. To make remarks under unanimous consent, Mr. Speaker.

The SPEAKER. Will the gentleman suspend. Will the gentleman come to the podium, please.

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman withdraws his request for recognition.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will please report to the caucus room about 2:15. We need to cover a couple items and revisit the issue of yesterday. Thank you, Mr. Speaker.

The SPEAKER. The Chair expresses its appreciation to the gentleman, Mr. Piccola, for the withdrawal of his motion.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, for an announcement.

Mr. COHEN. Mr. Speaker, based on the sudden information of changes in our schedule, I would like to call a meeting of the House Democratic Caucus at 2:15. It is coincident with the Republican caucus, to focus on special education.

The SPEAKER. Is there any more business at the moment from the majority or minority leader?

RECESS

The SPEAKER. This House is now in recess until 3:15.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.

AFTER RECESS

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

FILMING PERMISSION

The SPEAKER. The Chair grants permission to John Dille of “The People’s Business” for filming on the House floor for the remainder of the day.

STATEMENT BY MR. PICCOLA

The SPEAKER. The Chair recognizes, under unanimous consent, the gentleman, Mr. Piccola, and requests the attention of the members.

The gentleman may proceed.

Mr. PICCOLA. Thank you, Mr. Speaker.

I do not customarily respond to the Governor’s speech, but I felt constrained to do so—not here on the floor at any rate—because the minority leader did not touch on this subject, and that subject is the crisis that we have in the Department of Corrections. And I hate to rain on Mr. DeWeese’s parade, but there is an agency of State Government that, in my view, the sky is falling, and perhaps literally falling. As I said, that agency is the Pennsylvania Department of Corrections.

It has been a known fact for some time that our system of corrections is overcrowded. It is interesting to note, however, that the Governor mentioned that in his speech today when in fact last spring, in response to this problem, Representative

Hagarty, Senator Fisher, and I introduced a package of bills designed to attack the problem of overcrowding from a positive point of view without decreasing our efforts against crime. Since then we have had virtually no contact from the Department of Corrections on our proposals, and just yesterday the members of the Judiciary Committee in the House received in our mail a survey from the department, the first question of which asks whether or not we agree or disagree with the statement that the Pennsylvania corrections system is overcrowded. I find it incredible that the department found the need to survey the legislature on this subject when all they need to do is come over and talk to us and work with us on a package that we have already proposed.

In October the Camp Hill Correctional Institution erupted in two riots, which are the subject of several ongoing investigations. While the Governor and Commissioner Owens suspended without pay and ultimately fired the superintendent and others based on decisions that Commissioner Owens agreed with apparently, they continue to keep on the payroll a Muslim chaplain against whom numerous allegations of misconduct have been made and who, we believe, is the subject of ongoing criminal investigations, some of which originate with his conduct during the riot. That individual continues on the payroll of the Commonwealth.

And now today, Mr. Speaker, we read in the newspaper that the Governor's Commissioner of Corrections, David Owens, has decided that the inmates will be reimbursed over \$300,000 for their loss of personal property as a result of the riots, because, as the Commissioner states in his memo, quote, "The institution's staff destroyed this property," end quote.

This is the first time that anyone has alleged that the staff of the Camp Hill Correctional Institution destroyed prisoners' personal property. Everything we have heard up till now would indicate that the prisoners destroyed the property. We now find that the Governor's Office, perhaps just within the last few hours, may be disavowing the payment that has been promised by Commissioner Owens. While all of this is going on, the Governor is quibbling with local government entities that responded in tremendous fashion to contain the riots and telling them that they will not be reimbursed for all of their costs.

Further, the Governor and the Commissioner fail to address the other serious fiscal impacts of the Camp Hill riots: serious physical injuries to guards who will need continued medical care; serious psychological injuries to many guards and staff who will continue on disability; guards continue to work 12-hour shifts, causing extraordinary overtime expenditures. We cannot get the cost of that out of the Department of Corrections. They will not tell us what those figures are. But hopefully our Appropriations Committee, during this process, will be able to find that out.

We are told that the State Police continue to work 12-hour shifts and will do so for the foreseeable future at a cost of \$3.6 million from the 25th of October through the end of December. In addition, 800 Camp Hill inmates have been

transferred to the Federal system, costing the Commonwealth \$36,000 a day. Finally, it has been projected that the Cumberland County district attorney will have to expend over \$1 million—and I think that is low—to prosecute the crimes committed during the riots. Fourteen of the buildings at Camp Hill have been destroyed at an estimated cost of \$15 million, which we are hopeful will be covered by insurance.

Now, while all of this is going on, as in the "Alice in Wonderland" storybook, Commissioner Owens continues to be preoccupied with the welfare of inmates and making sure they are reimbursed for their personal property. He convicts his own employees of vandalism and retains on staff employees accused of misconduct.

For these reasons, Mr. Speaker, I think that it can be concluded that the Pennsylvania prison system is in a crisis situation, and I have concluded that based on that lack of leadership and misdirection by the Commissioner, that it is incumbent upon the Governor to fire Commissioner Owens immediately. Something has to be done to reverse this direction or one of two things will occur: Either we will have another riot or riots somewhere in our system, or some Federal court will come into this Commonwealth on an ACLU (American Civil Liberties Union) lawsuit and take over our system, releasing prisoners who simply should not be released. Either way, Mr. Speaker, responsibility for either of these failings falls at the feet of this administration. It has not been addressed in this budget message, and I am hopeful that this General Assembly will address this problem during the budget hearings.

For those reasons, Mr. Speaker, it is imperative that new leadership in the Department of Corrections be installed immediately, and I call on the Governor to take immediate action. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, under unanimous consent, the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Just in response to the gentleman, Mr. Piccola, and the hearings that our Judiciary Committee is having. The whining that continues to go on over the events of Camp Hill is quite disturbing. What we have is a situation and a disturbance which was caused not by the people at Camp Hill but by inmates at that institution who decided that they were going to destroy millions and millions of dollars' worth of Commonwealth property. The brave men and women at that institution, this Commissioner of Corrections, and the Governor of Pennsylvania settled that situation down without the loss of one single life. So for the gentleman to call for the resignation of the Commissioner of Corrections I believe is unconscionable.

The story which ran in this morning's Patriot was disturbing, I think, to a lot of us, and if the gentleman took the time, he could have gotten an announcement that was made through the Governor's Office, out of the budget department by Secretary for the Budget Hershock, that indeed no funds would be expended for the items that were listed in the newspaper account. I think if people took time to check out their facts, they would not be making such statements here on the floor of the House, Mr. Speaker.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2203**, **PN 2941**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for the powers and duties of the Environmental Quality Board.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2203 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 2204**, **PN 2942**, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," further providing for the department's powers and duties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2204 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1273**, **PN 3037**, entitled:

An Act requiring automobile rental companies to make full disclosure of rental charges in advertising and to rental customers; prohibiting certain practices; and creating penalties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1273 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

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

SB 848, **PN 1890**.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2116**, **PN 2783**, entitled:

An Act providing for a capital project for the construction of a new prison; providing for the issuance of bonds; and making an appropriation.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2116 be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 2117**, **PN 2784**, entitled:

An Act authorizing the Department of General Services to enter into lease/purchase agreements for prison space; authorizing capital budget projects; providing for the issuance of bonds; and making an appropriation.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2117 be placed upon the table.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2116 and HB 2117 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **SB 498, PN 1759**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for commercial drivers; further providing for buses, for exemptions from licensing, for classes of licenses, for school bus drivers, for issuance and content of driver's license, for revocation or suspension of operating privilege, for schedule of convictions and points, for surrender of license, for chemical testing to determine amount of alcohol or controlled substance, for judicial review, for violations concerning licenses, for driving under foreign license during suspension or revocation; authorizing dealers of motor carrier vehicles and designated agents of the Department of Transportation to be agents for the Department of Revenue for certain purposes relating to the motor carrier road tax identification marker; further providing for penalties for operation of certain vehicles without required identification markers, for reckless driving, for driving under the influence of alcohol or controlled substance, for enforcement agreements and for reports by courts; and providing for careless driving.

On the question,

Will the House agree to the bill on third consideration?

Mr. VEON offered the following amendments No. A0359:

Amend Title, page 1, line 10, by inserting after "REVOCA-TION"

and for certain indemnification payments

Amend Sec. 1 (Sec. 102), page 2, line 28, by striking out "AND" and inserting

or

Amend Sec. 1 (Sec. 102), page 3, line 18, by inserting after "DRIVER;"

and

Amend Sec. 2, page 4, line 4, by striking out "AND 1573" and inserting

, 1573 and 1575

Amend Sec. 2 (Sec. 1504), page 7, line 4, by inserting a period after "POUNDS"

Amend Sec. 2 (Sec. 1504), page 7, lines 4 through 9, by striking out ", OR ANY" in line 4 and all of lines 5 through 9

Amend Sec. 2 (Sec. 1504), page 8, lines 1 and 2, by striking out "WITH" in line 1, all of line 2 and inserting

if the gross combination vehicle weight rating is not more than 26,000 pounds.

Amend Sec. 2, page 16, by inserting between lines 28 and 29 § 1575. Permitting violation of title.

(a) General rule.—No person shall authorize or permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.

(b) Penalty.—Any person violating the provisions of subsection (a) is guilty of the same offense as the driver of such vehicle and subject to the same penalties including any suspension or revocation of the operating privilege or the assessment of points.

(c) Indemnification.—In cases where a driver of a motor vehicle is required to conduct a pre-trip safety inspection pursuant to department regulations and is subsequently convicted of one or more equipment violations under this title, the owner of the vehicle shall indemnify the driver for any fines and costs paid if the specific equipment violation was listed on the driver's pre-trip inspection report and acknowledged in writing by the owner.

Amend Sec. 3 (Sec. 1607), page 27, line 10, by striking out "DEVELOP" and inserting offer

Amend Sec. 3 (Sec. 1607), page 27, line 12, by striking out "FEDERAL"

Amend Sec. 3 (Sec. 1607), page 27, line 15, by inserting after "SEQ.)."

This subsection shall not apply to an applicant for a commercial driver's license after the effective date of this chapter.

Amend Sec. 3 (Sec. 1607), page 28, lines 16 through 18, by striking out all of said lines and inserting" format:

(i) The department shall

Amend Sec. 3 (Sec. 1607), page 28, lines 19 and 20, by striking out "A DRIVER REQUESTING AN" and inserting

(ii) An applicant requesting the

Amend Sec. 3 (Sec. 1607), page 28, line 22, by striking out all of said line and inserting the department.

(iii) The department shall offer

Amend Sec. 3 (Sec. 1607), page 28, line 24, by striking out "AND" and inserting

or

Amend Sec. 3 (Sec. 1607), page 28, lines 26 through 30; page 29, lines 1 through 6, by striking out all of said lines on said pages and inserting

(iv) The alternative of an oral version of the knowledge test shall not be available to persons seeking a hazardous materials endorsement on a commercial driver's license.

Amend Sec. 12, page 45, by inserting between lines 28 and 29

(i) The department shall waive the school bus driver recertification driving test required by department regulations until December 31, 1992.

(j) The limitation to one knowledge test for each class and for each endorsement for driving a commercial motor vehicle, contained in section 3 (section 1607(a)(1)) shall expire on April 1, 1992.

Amend Sec. 13, page 45, by inserting between lines 29 and 30

(1) Section 2 (sections 1532(b) and 1547(d)) of this act shall take effect April 1, 1992.

Amend Sec. 13, page 45, line 30, by striking out "(1)" and inserting

(2)

Amend Sec. 13, page 45, line 30, by striking out "1605(C)" and inserting

1605(a) and (b)

Amend Sec. 13, page 46, line 3, by striking out "(2)" and inserting

(3)

Amend Sec. 13, page 46, line 5, by striking out "(3)" and inserting

(4)

Amend Sec. 13, page 46, line 9, by striking out "(4)" and inserting

(5)

Amend Sec. 13, page 46, line 11, by striking out "(5)" and inserting

(6)

Amend Sec. 13, page 46, by inserting between lines 12 and 13

(7) Section 7 (section 3731(i)) of this act shall take effect April 1, 1992.

(8) Section 8 (section 3736) of this act shall take effect April 1, 1992.

Amend Sec. 13, page 46, line 13, by striking out "(6)" and inserting

(9)

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, amendment 0359 is an amendment that has been agreed to by myself and the Department of Transportation that is mostly technical in nature. However, I would like to point out two important provisions that are certainly more than technical.

The first provision is on page 2, subsection (c), indemnification. This particular part of this amendment would indemnify drivers who conducted a pretrip safety inspection and listed those violations on the pretrip inspection and were then fined or cited by authorities later on that same day. Those drivers would be indemnified from that fine and citation if those violations were listed on the pretrip inspection report.

On page 3, the other significant part of this amendment provides that the department shall offer only one knowledge test for each class and for each endorsement for driving a commercial motor vehicle.

Mr. Speaker, other than that, it is rather technical in nature, agreed to by myself and by the Department of Transportation, and I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—194

Acosta	Donatucci	Lashinger	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Fleagle	Lucy	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Foster	McHale	Scrimenti
Bishop	Fox	McNally	Semmel
Black	Freeman	McVerry	Serafini
Blaum	Freind	Maiale	Smith, B.
Bortner	Gallen	Maine	Smith, S. H.
Bowley	Gamble	Markosek	Snyder, D. W.
Boyes	Gannon	Marsico	Snyder, G.
Brandt	Geist	Mayernik	Staback
Broujos	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Michlovic	Stish
Bush	Gruitza	Micozzie	Strittmatter
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Tangretti
Carlson	Haluska	Morris	Taylor, E. Z.
Cawley	Harper	Mowery	Taylor, F.
Cessar	Hasay	Mrkoncic	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	Oliver	Van Horne
Cohen	Howlett	Perzel	Veon
Colafranca	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	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
Dieterick	Kukovich	Reinard	
Distler	LaGrotta	Rieger	O'Donnell,
Dombrowski	Langtry	Ritter	Speaker

NAYS—0

NOT VOTING—3

Carn	Josephs	Richardson
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. VEON offered the following amendment No. A0102:

Amend Sec. 3 (Sec. 1606), page 26, lines 15 through 19, by striking out all of said lines and inserting

(6) No person shall be convicted of violating subsection (a) if the person produces at the office of the issuing authority within 15 days of the violation:

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would remove a summary offense and a \$100 fine that is currently in SB 498. We attempt to remove that summary offense and that fine. In this case, what we are attempting to do is, the person who does not have their license physically on their body and is pulled over would have the opportunity to bring that valid license to the issuing authority 15 days from the date that they were stopped and would not be fined, would not be cited, and there would be no summary offense.

I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I rise to oppose the amendment because, simply, the Federal law states that the driver must have his license on him.

I would ask for a negative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—140

Acosta	Davies	McNally	Rybak
Allen	Dietterick	McVerry	Saloom
Angstadt	Dombrowski	Maiale	Scheetz
Argall	Donatucci	Maine	Schuler
Barley	Dorr	Markosek	Scrimenti
Battisto	Durham	Marsico	Serafini
Belardi	Evans	Mayernik	Snyder, G.
Belfanti	Fee	Melio	Staback
Billow	Freeman	Merry	Steighner
Bishop	Gamble	Michlovic	Stish
Blaum	Gannon	Micozzie	Strittmatter
Bortner	Gigliotti	Miller	Stuban
Boyes	Godshall	Moehlmann	Tangretti
Brandt	Gruitza	Morris	Taylor, F.
Broujos	Haluska	Mrkonic	Taylor, J.
Burd	Harper	Murphy	Telek
Burns	Hayden	Nailor	Thomas
Bush	Howlett	O'Brien	Tigue
Caltagirone	Itkin	Oliver	Trello
Cappabianca	James	Perzel	Trich
Carlson	Jarolin	Pesci	Van Horne
Carn	Josephs	Petrarca	Veon
Cawley	Kaiser	Petrone	Wambach
Civera	Kasunic	Pievsky	Wass
Clark, B. D.	Kenney	Pistella	Weston
Cohen	Kosinski	Pressmann	Williams
Colafella	Kukovich	Preston	Wogan
Colaizzo	LaGrotta	Raymond	Wozniak
Cole	Langtry	Reinard	Wright, D. R.
Cornell	Laughlin	Richardson	Wright, J. L.
Corrigan	Lescovitz	Rieger	Wright, R. C.
Cowell	Levdansky	Ritter	Yandrisevits
Coy	Lloyd	Robbins	
DeLuca	Lucyk	Robinson	O'Donnell,
DeWeese	McCall	Roebuck	Speaker
Daley	McHale		

NAYS—53

Adolph	Fleagle	Hershey	Piccola
Birmelin	Flick	Hess	Pitts
Black	Foster	Jackson	Reber
Bowley	Fox	Jadlowiec	Rudy
Cessar	Freind	Johnson	Ryan
Chadwick	Geist	Kondrich	Saurman
Clark, D. F.	Gladeck	Lashingner	Semmel
Clark, J. H.	Gruppo	Lee	Smith, B.
Clymer	Hagarty	Leh	Smith, S. H.
Dempsey	Hasay	Mowery	Snyder, D. W.
Distler	Hayes	Nahill	Stairs
Fairchild	Heckler	Noye	Taylor, E. Z.
Fargo	Herman	Phillips	Vroon
Farmer			

NOT VOTING—4

Gallen	Hughes	Linton	Wilson
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

On the question recurring,

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

Mr. VEON offered the following amendment No. A0334:

Amend Sec. 3 (Sec. 1605), page 23, lines 11 through 14, by striking out all of said lines and inserting

(c) Test vehicles.—Each employer shall provide a representative vehicle to any employee who as a result of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570 49 U.S.C.

app. § 2701 et seq.) must obtain a commercial driver's license to continue his present occupation. This section includes, but is not limited to, current commercial motor vehicle drivers, construction equipment operators, utility truck operators, mechanics and vehicle inspectors employed prior to March 31, 1992. It is the employer's discretion to provide a representative vehicle to any employee who wishes to obtain a commercial driver's license if the Commercial Motor Vehicle Safety Act of 1986 does not require the employee to obtain a commercial driver's license for his current position.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Veon on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require the employer to provide a representative vehicle to employees who are required to have a commercial driver's license in the State of Pennsylvania.

I would ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This is an agreed-to amendment, and we would urge an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—3

Chadwick	Gallen	Richardson
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

On the question recurring,

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

Mr. VEON offered the following amendments No. A0098:

Amend Sec. 3 (Sec. 1607), page 28, line 19, by striking out "THE ENGLISH LANGUAGE" and inserting both the English and Spanish languages

Amend Sec. 3 (Sec. 1607), page 28, line 20, by inserting after "ORAL"

or Spanish

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Veon on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment 0098 would require the written and the oral test, the written and the oral knowledge test for a commercial driver's license, to be given in English and Spanish.

I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

Acosta	Donatucci	Laughlin	Rudy
Adolph	Dorr	Lee	Ryan
Allen	Durham	Lescovitz	Rybak
Angstadt	Evans	Levdansky	Saloom
Argall	Farmer	Linton	Saurman
Battisto	Fee	Lloyd	Scheetz
Belardi	Fleagle	Lucyk	Schuler
Belfanti	Foster	McCall	Scrimenti
Billow	Fox	McHale	Semmel
Bishop	Freeman	McNally	Serafini
Black	Freind	McVerry	Smith, B.
Blaum	Gallen	Maiale	Smith, S. H.
Bortner	Gamble	Maine	Snyder, D. W.
Bowley	Gannon	Markosek	Snyder, G.
Boyes	Geist	Marsico	Staback
Brandt	Gigliotti	Mayernik	Stairs
Burns	Godshall	Melio	Steighner

Bush	Gruitza	Michlovic	Stish
Caltagirone	Gruppo	Micozzie	Strittmatter
Cappabianca	Hagarty	Miller	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonjac	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	Oliver	Trelo
Clark, J. H.	Hess	Perzel	Trich
Clymer	Howlett	Pesci	Van Horne
Cohen	Hughes	Petrone	Veon
Colaella	Itkin	Phillips	Vroon
Colaizzo	Jadlowiec	Pievsky	Wambach
Cole	James	Pistella	Wass
Cornell	Jarolin	Pitts	Weston
Corrigan	Johnson	Pressmann	Williams
Cowell	Josephs	Preston	Wilson
Coy	Kaiser	Raymond	Wogan
DeLuca	Kasunic	Reber	Wozniak
DeWeese	Kenney	Reinard	Wright, D. R.
Daley	Kondrich	Richardson	Wright, J. L.
Davies	Kosinski	Rieger	Wright, R. C.
Dempsey	Kukovich	Ritter	Yandrisevits
Dietterick	LaGrotta	Robbins	
Distler	Langtry	Robinson	O'Donnell,
Dombrowski	Lashinger	Roebuck	Speaker

NAYS—12

Barley	Fairchild	Gladeck	Merry
Birmelin	Fargo	Jackson	Moehlmann
Burd	Flick	Leh	Piccola

NOT VOTING—3

Broujos	Murphy	Petrarca
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. VEON offered the following amendments No. A0296:

Amend Bill, page 45, by inserting between lines 28 and 29 Section 13. Employees of school districts who are employed to operate school buses and who are required to obtain school bus driver endorsements under the provisions of 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement) shall be reimbursed by the employing school district for employee expenses incurred in connection therewith.

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

14

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, amendment 0296 would require that the school districts who have employees that drive schoolbuses and are required to have a commercial driver's license pay the fee for the commercial driver's license of \$40 for those employees.

I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I rise to oppose the amendment simply because of the fact that the school districts would end up having to pay for this.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, as many of us know, those schoolbus drivers work part time, have no benefits, do not make very much money, and this amendment would say that the school district, as a cost of doing business, would pay that \$40 fee. The average number of schoolbuses per district we have estimated at no more than 50, separate and apart from the large urban centers. For a \$40 fee, you are talking about \$2,000 every 4 years. It is a rather insignificant amount to the school district but a rather significant amount to the employees of the school district.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—89

Acosta	Dorr	Levdansky	Serafini
Adolph	Durham	Lucyk	Smith, B.
Allen	Evans	McCall	Snyder, D. W.
Angstadt	Farmer	McHale	Stish
Argall	Fee	McNally	Stuban
Belardi	Fox	Maiale	Taylor, F.
Belfanti	Freeman	Markosek	Taylor, J.
Blaum	Gannon	Melio	Thomas
Boyes	Gigliotti	Micozzie	Tigue
Caltagirone	Harper	O'Brien	Trello
Carn	Hasay	Perzel	Trich
Chadwick	Hayden	Petrarca	Veon
Civera	Itkin	Petrone	Wass
Clark, B. D.	James	Pievsky	Weston
Cohen	Jarolin	Pistella	Williams
Corrigan	Josephs	Pressmann	Wogan
DeLuca	Kaiser	Raymond	Wright, D. R.
DeWeese	Kasunic	Rieger	Wright, J. L.
Daley	Kenney	Ritter	Wright, R. C.
Davies	Kosinski	Robinson	
Dieterick	Kukovich	Roebuck	O'Donnell,
Distler	Laughlin	Rudy	Speaker
Dombrowski	Lescovitz	Saloom	

NAYS—104

Barley	Donatucci	Langtry	Preston
Battisto	Fairchild	Lashingner	Reber
Billow	Fargo	Lee	Reinard
Birmelin	Fleagle	Leh	Robbins
Black	Flick	Linton	Ryan
Bortner	Foster	Lloyd	Rybak
Bowley	Freind	McVerry	Saurman
Brandt	Gallen	Maine	Scheetz
Broujos	Gamble	Marsico	Schuler
Burd	Geist	Mayernik	Scrimenti
Burns	Godshall	Merry	Semmel
Bush	Gruitza	Michlovic	Smith, S. H.
Cappabianca	Gruppo	Miller	Snyder, G.
Carlson	Hagarty	Moehlimann	Staback
Cawley	Haluska	Morris	Stairs
Cessar	Hayes	Mowery	Steighner
Clark, D. F.	Heckler	Mrkonic	Strittmatter
Clark, J. H.	Herman	Murphy	Tangretti
Clymer	Hershey	Nahill	Taylor, E. Z.
Colafella	Hess	Nailor	Telek

Colaizzo	Howlett	Noye	Van Horne
Cole	Jackson	Oliver	Vroon
Cornell	Jadlowiec	Pesci	Wambach
Cowell	Johnson	Phillips	Wilson
Coy	Kondrich	Piccola	Wozniak
Dempsey	LaGrotta	Pitts	Yandrisevits

NOT VOTING—4

Bishop	Gladeck	Hughes	Richardson
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

On the question recurring,

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

Mr. VEON offered the following amendment No. A0346:

Amend Sec. 3 (Sec. 1607), page 28, line 9, by inserting after "1992."

Third party testers shall be subject to quarterly performance audits during the life of the contract. These audits shall be conducted by Driver's License Examiners employed by the Pennsylvania State Police.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Mr. Speaker, that amendment is withdrawn.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. VEON offered the following amendments No. A0284:

Amend Bill, page 45, by inserting between lines 28 and 29

Section 13. (a) No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:

(1) refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code § 231 (relating to intrastate motor carrier safety requirements) and existing safety laws; or

(2) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order, or has testified or is about to testify in any such proceeding.

(b) No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe

condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

(c) (1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file, or have filed by any person on the employee's behalf, a complaint with the Secretary of Labor and Industry alleging such discharge, discipline or discrimination. Upon receipt of such a complaint, the Secretary of Labor and Industry shall notify the person named in the complaint of the filing of the complaint.

(2) (i) Within 60 days of receipt of a complaint filed under paragraph (1), the Secretary of Labor and Industry shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor and Industry has concluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a preliminary order providing the relief prescribed by subparagraph (ii). Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor and Industry shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor and Industry, the complainant and the person alleged to have committed the violation.

(ii) If, in response to a complaint filed under paragraph (1), the Secretary of Labor and Industry determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor and Industry shall order:

(A) the person who committed such violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(C) compensatory damages.

If such an order is issued, the Secretary of Labor and Industry, at the request of the complainant may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred, as determined by the Secretary of Labor and Industry, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) (1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the Commonwealth Court. The petition for review must be filed within 60 days from the issuance of the Secretary of Labor and Industry's order. Such review shall be in accordance with the provisions of 42 Pa.C.S. (relating to Judiciary and Judicial Procedure), and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor and Industry, with respect to which review could have been obtained under

this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c)(2), the Secretary of Labor and Industry shall file a civil action in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

14

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would set up a process and a procedure for what we are calling employee protection.

Mr. Speaker, this is the same language that is now in Federal law that protects all interstate truckdrivers in the State of Pennsylvania. What we do with this amendment and this language—the same language—is take this language, put it in this bill, and protect all intrastate drivers.

Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This amendment is vigorously opposed by the department. It is language that can be placed in a contract, and we therefore urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment that we are discussing this afternoon was discussed very heavily in the committee session on transportation. What this amendment really does, it relates to what the Federal Government and Congress mandated the States to do.

Now, what we are saying here, to make it more clear, is that if an employee of a bus company or a trucking company or whatever, specifically a bus company, feels that that vehicle is not safe to go out, he then does not have to do so. An employee who drives a tractor-trailer and drives on interstate highways has the same right, because Congress has done that. What we are attempting to do here this afternoon is to comply with what Congress has done within the Commonwealth of Pennsylvania.

I believe that the amendment should be adopted. I believe that what is going to take place here is that the employers throughout the Commonwealth who own these different companies - the bus companies, the transportation companies - by having this amendment placed in this legislation, will make the vehicles safer. I do not believe it is something that we could say that we could put in the bargaining unit. It does not belong there for the fact that Congress has already mandated it in Federal law.

Now, we can go back and forth and say that this is going to be something that is going to be held from employee to employer, and that is not really true. What is going to be done here is that those vehicles are going to be safe vehicles—they have to be documented that they are safe vehicles—and those employees will now be driving a safe vehicle. But if in fact that vehicle is not safe, then they should not be allowed to take that vehicle out and go on our public highways - State highways or local highways.

I think Mr. Veon is correct. I think it belongs back in the bill, and I hope that you adopt it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

May I interrogate Mr. Veon?

The SPEAKER. The gentleman indicates he is willing to be interrogated. You may proceed.

Mr. WASS. Mr. Speaker, there could be a little confusion on this discussion by me, because I am concerned, is there another amendment that pertains to the same issue?

Mr. VEON. My understanding, Mr. Speaker, is that there is, although it is slightly different in that it exempts a certain employee in this State. Other than that, my understanding of that amendment is it is very similar.

Mr. WASS. Mr. Speaker, if I understand this correctly, the driver has a right to refuse—is that right?—to drive the vehicle.

Mr. VEON. He has under Federal law and he would have under this amendment for intrastate driver. Yes, sir.

Mr. WASS. What about in-State drivers?

Mr. VEON. Yes, Mr. Speaker, for intrastate, in-State drivers, he would have that right.

Mr. WASS. Okay. I am sorry.

Now, Mr. Speaker, is it true that these vehicles have inspection mechanics that work with them? Are they inspected by inspection mechanics?

Mr. VEON. Well, Mr. Speaker, we are really talking about any intrastate vehicle - a vehicle that is not licensed as an interstate carrier but only as an intrastate carrier. For example, many of the small garbage haulers throughout the State are intrastate only. They are inspected as is any other vehicle in the State of Pennsylvania. In addition, the employees must do a pretrip inspection and a posttrip inspection under current law.

Mr. WASS. But what you are telling me is that a driver can refuse to take that vehicle out on the road even though it has been approved by an inspection mechanic.

Mr. VEON. Mr. Speaker, that inspection is annual, just like any other inspection for a vehicle. The answer is yes, that if the driver in his pretrip inspection determines that that vehicle has bad brakes or bald tires and refuses to take it out, this amendment would protect him or her from being fired or in any other way being penalized by that employer.

The object of this amendment, as the object of the commercial drivers' license law passed by Congress, was to put safe vehicles on the road. We have instances where employers are requiring drivers to take out unsafe vehicles under threat of

losing their job. Our amendment says if they do that, this employee has a right and he has a procedure under which he can seek some address of his grievance.

Mr. WASS. Mr. Speaker, my concern was that the driver's knowledge would supersede the knowledge of an inspection mechanic. I do not want it to be where a driver, even though the truck was just inspected, he says no way. I just want to protect that company from having a driver refuse to drive a vehicle that has been approved by an inspection mechanic.

Mr. VEON. I understand your concern, Mr. Speaker. My concern is to protect that driver who is being asked to take that vehicle out, and in his opinion— Under current law, he must do a pretrip inspection, and if he signs that pretrip inspection and says that those tires are bald, he has a right under Federal law. Ninety percent of the drivers in Pennsylvania already have this right under Federal law. We want to give those drivers for intrastate - the small garbage hauler, the other small intrastate - we want to give them the same rights that 90 percent of the drivers already have in the State of Pennsylvania.

By the way, Mr. Speaker, I did want to mention—I would be remiss in not mentioning—that I worked very closely with the Pennsylvania Motor Truck Association, which is the association of most of the largest truck owners in Pennsylvania, and they support this amendment. They are already living by it under interstate truckers and under Federal law.

Mr. WASS. Mr. Speaker, just for the record, could you name one of those companies?

Mr. VEON. I would not have a list of the companies that belong to the Pennsylvania Motor Truck Association. No, sir.

Mr. WASS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise to oppose the amendment. On the surface it looks like an amendment that should be passed. If indeed we had a bus company that was the Jones Bus Company, and we had management and then we had the drivers, and Jones was not fixing his buses and the drivers were put in jeopardy in driving those buses, yes, indeed, we should address that in Pennsylvania. But this amendment goes too far when it deals with transit authorities.

In the transit authority in Allegheny County, for example, members of the one local union are the mechanics that maintain the buses, members of the same local union are the inspectors that inspect the buses, and members of the same local union are the drivers that drive the buses, so they are all within the same brotherhood.

Now, we have to leave something in the port authority for the managers to manage. Are we going to put the horses in charge of the barn and forget about management totally? We have all three of these categories from the same brotherhood, and there is no rhyme or reason why these buses are not in tiptop shape, because they end up in the barn every night. It is not over the road, where the Federal legislation was directed to. It is a totally different story.

On the surface, it is a good amendment, but it goes too far, and I ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Would the maker of the amendment stand for interrogation, please?

The SPEAKER. The gentleman indicates that he will, and you may proceed.

Mr. FAIRCHILD. Mr. Speaker, I have a couple questions. Under the proposed public employee OSHA (Occupational Safety and Health Act) law which has been bandied around, would tires come under that jurisdiction?

Mr. VEON. I am sorry, Mr. Speaker; I could not hear the question.

Mr. FAIRCHILD. Mr. Speaker, the gentleman could not hear my question.

The SPEAKER. Would you repeat the question, please.

Mr. FAIRCHILD. Mr. Speaker, under the public employee OSHA law, which may or may not be enacted, are tires included under those rules and regulations?

Mr. VEON. Mr. Speaker, I would not have the answer to that. I really do not have that bill in front of me and really could not give you a definitive answer.

Mr. FAIRCHILD. I think you will find that they are included under the Federal OSHA, and also, I am sure they will be included under the public employee OSHA, which I think would answer the question on the schoolbus issue in that if schoolbuses indeed would fall under public employee OSHA, which I think they will.

The second thing is, I would like to ask you if you know of any firsthand knowledge where an employee was discharged because they failed to take out a schoolbus or a vehicle, and could you give some details on that?

Mr. VEON. Mr. Speaker, I do not have any firsthand knowledge of any personal experience, but throughout the deliberations of this bill, we checked with OSHA, who handles this issue for the Federal Government, and they have many cases of employees being either penalized or discharged or laid off temporarily. They have a whole unit that investigates these on an ongoing basis. So for anyone who would like that information, OSHA has employees that do that for a living. It is a bona fide arm of their particular area of expertise, and they would have many cases on hand.

Mr. FAIRCHILD. Mr. Speaker, that is exactly my point. OSHA does have rules and regulations. It is illegal to discharge an employee for a safety violation, and simply, this bill piggybacks OSHA. I am sure it will piggyback the public employee OSHA.

It goes a little bit beyond the realm of safety. I think we all have a responsibility not only to our constituents, to our busdrivers, but to those employers who employ busdrivers, to our small firms who may have 1 commercial driver's license in his firm or her firm or maybe 10 or maybe 20 or maybe 100. I really do not think it is a problem. I agree that there may be individual instances of where it may be a problem, but I believe this amendment is a very dangerous step into the realm

of resolving or evolving in a liability issue of who has control and who does not have control of the vehicle.

Let me give you a good example where I think this could come into play. If a small firm that would be located in your district would have a team of be it schoolbuses, be it construction vehicles, be it whatever—and usually what you will find is that when a job progresses, it progresses in order, and it takes teamwork to make this job work—under this amendment, the way I understand it, an employee could refuse to operate said vehicle; he could refuse, to disrupt the whole flow of the job site. Thereby, I think we have to look at what is going to happen. If one person in that chain disrupts that chain, you could very easily have a whole day of productivity lost, possibly a half day of productivity lost, and if you start multiplying this times the number of employees or circumstances, some of the effects could be drastic.

I think we would be well advised to take this concept into consideration when we discuss public employee OSHA, but as far as this amendment, I urge a "no" vote on the amendment. Thank you.

Mr. VEON. Mr. Speaker, I believe the gentleman—

The SPEAKER. The gentleman was originally recognized for purposes of interrogation. The Chair took his later remarks to be comments on the bill.

The Chair recognizes the gentleman, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the Veon amendment, and I would hope that everyone would listen just briefly, to think of the impact in their county if they do indeed have a transportation authority.

If there is a need to do this, you had better do it a lot more narrowly than the gentleman, Mr. Veon, has done, unless you want to see frivolous complaints made, maybe out of a vindictive attitude of an individual towards a company or out of a calculated work slowdown. In general, you had better draw this amendment much more carefully, unless you want to have a lot of problems with your transportation authority at home.

Now, I would like to give this not-so-hypothetical example. Mr. Speaker, I have probably driven about a million miles in my lifetime or less, and I have never had a chargeable accident during that time, and my colleagues do not mind riding with me whatsoever. However, if any one of you want to ask my family if I have the ability to so much as hang a curtain rod or a towel rack, do so, and you will find my mechanical ability is just about zero. Now, do you mean to tell me that I can go out and get a driver's license to drive these vehicles and I will be a wonderful driver, but do you mean to tell me that I should be the one to say that this vehicle does not go on the road because I do not think it is safe? Well, frankly, until a few years ago, I thought a universal joint was an interplanetary saloon. I do not know anything about mechanics, in short.

What I am saying is, we had better let the inspection of vehicles to the people that have responsibility for the inspection of vehicles and we had better let the driving of vehicles with the people that have the responsibility there, the drivers,

but let us not mix the roles. In short, let us defeat the Veon amendment.

FILMING PERMISSION

The SPEAKER. The Chair gives permission to WPVI and KYW-TV for 10 minutes of silent filming on the House floor.

CONSIDERATION OF SB 498 CONTINUED

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Veon amendment.

Just to correct the previous speaker, in SB 498, the commercial driver's license bill, part of the examination is pretrip examination. In other words, they have to pass an examination pertaining to the safety of the vehicle. That is part of the commercial driver's license bill, so they are familiar with the vehicle they are driving.

Number two, let me say that there have already been incidents, especially in Allegheny County with the transit authority, that they have put out buses that should not have been put out. As I understand it, there was a busdriver who was ticketed because the transmission was not working and he was forced to take that bus out. Because the transmission would not go in reverse, when he stopped that bus and the police officer told him to put that vehicle in reverse and back it up, he could not back that vehicle up and he was ticketed by the police officer. That vehicle should have never been brought out.

Secondly, a lot of our school districts contract their school-buses out, and who knows better than the driver who is driving that vehicle every day on what and how the vehicle acts. When we put our children on those buses, we expect a safe vehicle there, and we know how some of the independents like to cut costs. That is one of the reasons we have a commercial driver's license bill today, because of the deregulation and the unsafe vehicles out there. So hopefully, by passing this, we will have more safe vehicles on the road inside the State limits.

Thank you, Mr. Speaker. I ask for support on the Veon amendment.

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

Mr. TRELLO. Mr. Speaker, I think there is a gross misunderstanding of this amendment. The way I understand it, if the driver deems the vehicle unsafe, he must point out those safety factors to the employer, and if the employer does not see fit to make the corrections, the employee has the right to go to the Department of Labor and Industry and file a complaint. But that is really not the point. You are talking about the employer, the brotherhood, labor, protecting one another.

Let us take this scenario: What if in fact that vehicle is unsafe to drive and the employee takes the vehicle out and has a fatal accident? I do not think we would look too good up

here. I also believe that 99 percent of all industry in Pennsylvania dealing with vehicles has a good relationship between management and employees, and I think we are talking about 1 percent of the people that we might have a problem with here. Let us be concerned about the drivers' health, safety, and welfare also.

I think it is a good amendment, and I think we ought to support it. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I rise in support of the Veon amendment.

Many of the opponents who have spoken against Mr. Veon's amendment have cited their support for business. They claim to be probusiness. Well, I think if you are really probusiness, you ought to be on our side. The fact of the matter is that safety is very costly. It is expensive to run a safe vehicle, a safe trucking company, and those well-managed companies that operate safe vehicles have a higher cost of doing business. They are at a competitive disadvantage to those companies that run unsafe vehicles, that disregard safety requirements, and the fact of the matter is, as Mr. Veon has pointed out, many companies already, including those of the Motor Trucking Association, have a right of refusal. They are at a competitive disadvantage; these well-managed companies are at a competitive disadvantage vis-a-vis those companies which do not have a right of refusal.

We ought to put everybody, all of these motor vehicle companies, on a level playing field. We ought to be probusiness. We ought to promote good business, we ought to promote good management, and we ought to support the Veon amendment to accomplish that. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

Would the maker of the amendment stand for questioning?

The SPEAKER. Mr. Veon indicates he is willing to be interrogated. The gentleman may proceed.

Mr. LEH. Thank you.

Would the maker of the amendment answer me if I present a scenario, and I do not like hypothetical situations, but I do not know how else to ask this.

I am the owner of a bus company. You are employed by me as a driver. You come to me the morning that you are supposed to take a vehicle out. You tell me, for one reason or another, that that vehicle is unsafe. I say, fine and dandy; I have nothing else for you to do today; you will have to punch out and go home. Under your amendment, am I, as your employer, required to pay you for that day? Are you going to come back and tell me that is part of the disciplinary action?

Mr. VEON. The answer is, Mr. Speaker, that there is nothing in this amendment that would require the employer to pay you for that day. However, if the employee felt that that action was as a result of his bringing to your attention an unsafe vehicle, yes, he would have the ability to have a procedure under which his case could be heard. That is simply what

this does. That is an important— And I understand your question. I think it is a good example, and that would be the answer. Under this amendment, you would not be required to pay him, but he would have a process, and that is the important part. It would be someone's interpretation as to whether he was in some way, shape, or form penalizing that worker or was that in fact the case and he had nothing else for him to do. At least he would have a process by which to file this grievance.

Mr. LEH. Okay. I am not sure that you really answered that the way I think you think you answered it. I believe, the way the amendment is written, that the employee could come back and the burden would be on me as the employer to prove that my giving him the day off was not a result of my disciplinary policy, so I do not know if I can accept that.

The other thing and a final note for me is, on the fiscal note on this amendment, it is \$1,083,000. I find that— And I know somebody could come back and say, well, we are going to put a price tag on lives, and I do not think that that is what we are trying to do here, but I am concerned that with a price tag of such magnitude, are we really going to get a cost benefit out of this amendment.

I would ask that the members seriously consider this amendment. It does sound good on the surface, but I think it leaves a lot to be desired in reality. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I just wanted to make one observation, that no employee should be required to take out an unsafe piece of equipment, and I urge an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Will the gentleman, Mr. DeLuca, consent to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. FOSTER. Thank you, Mr. Speaker.

I believe in the thrust of your previous remarks, you indicated that the person obtaining a commercial driver's license would, of necessity, have to take a safety course; would have to be familiar with the vehicle that he would be attempting to drive. Is that essentially what you said previously?

Mr. DeLUCA. That is my understanding, Mr. Speaker, yes.

Mr. FOSTER. Well, Mr. Speaker, I daresay that if either one of us took that test, if we studied for it, we could probably pass it. Do you think that would be a factual statement, Mr. Speaker?

Mr. DeLUCA. I think that would be a fair statement, but I would like to elaborate on that statement. Certainly, if my business is driving and that is my occupation, I am going to do more than just take that test; I am going to make sure I know about that vehicle, because not only my life is at stake but the people who are depending on me, their lives are at stake, too. I cannot speak for other people. I know I certainly would do more than take that test, be knowledgeable about the test.

Mr. FOSTER. Mr. Speaker, I have every confidence the gentleman, Mr. DeLuca, would pass that test, but my question is, Mr. Speaker, does that make Mr. DeLuca a mechanic and knowledgeable about the safety factors of the vehicle and the component parts of that vehicle? Do you think you would know the intricacies of that vehicle just from having passed a test?

Mr. DeLUCA. Mr. Speaker, not being a mechanic myself, I probably would know if I drove a vehicle every day if the transmission is slipping, if the tires are bald, if the headlights are not working functionally. If the turn signal is not working functionally, I certainly would know that. I would also know if the tires were bald. I mean, things like that, I think that is what we are talking about. Would I know if there is an oil problem? I probably might know that, too, by the gauges. Okay? As far as getting into the detail about mechanics, maybe I would not know that, but I certainly would know the physical makeup of safety factors.

Mr. FOSTER. Mr. Speaker, I would like to be recognized for debate at this point.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. FOSTER. Thank you, Mr. Speaker.

Many years ago I passed a test for the U.S. Navy saying that I had the right to wear three stripes on my sleeve as a seaman, and at the time that I passed that test, I was nothing more than a gate guard at Bainbridge. If you would take me aboard ship and ask me to identify things like a binnacle, a clove hitch, a boatswain's pipe, I doubt if I could identify the articles on which I passed that same test. I just happen to test good, and if I study, I will pass a test, but by no means did that make me a seaman, and by no means does passing a test of this nature make one an authority on the safety of a vehicle.

Based on that, I urge the gentleman to either withdraw the amendment and draw it more narrowly or, in the event that he does not, we of the House vote the amendment down so that someone else may draw it more narrowly.

I ask a negative vote on the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, I think we are missing the point here today. Have any of you ever talked to a driver who is responsible for 40 or 50 lives that are in his vehicle? You talk to him sometime. When he gets into that vehicle in the morning—and I know this for a fact—he walks around that vehicle, because he is responsible for an awful lot of people, and if he feels for a minute that some of that responsibility lies on him for the health, safety, and welfare of his passengers, darn it, I think he has a right to say, hey, this vehicle is not safe, and I am responsible for a lot of lives, and I think it should be looked at a second time and corrected or I am not driving. That is what we should be thinking about - the health, safety, and welfare. We cannot put a price tag on public safety in areas like that, and I think this amendment should be adopted simply because of the responsibility that these drivers feel they have to their passengers.

I ask for a "yes" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, we have heard pro and con today about this amendment back and forth, but let us just put this in its proper perspective.

It is 4 o'clock in the afternoon. People are coming home from work, and that is when the majority of the buses start to go over our highways. If you are dealing with a small transportation company or you are dealing with a large transportation company, all of a sudden there is a shortage of those buses, and the driver gets on that bus and he sees that the brakes are not functioning properly but there is not a backup for another bus to go out. Does that mean, if this amendment does not go into this bill today, that that driver then is forced upon to take that vehicle out on the roadway and endanger 40 or 50 people that are on the bus?

This is not a labor-and-management issue that some of us are perceiving that it is. It is not that at all. It is a safety item. It is an item that we all have to live with.

You know, I happen to live in the southeast, and my transportation company is opposed to this amendment. But in the rural areas where the bus companies are not that large and they do not have those backup vehicles, what are those people and that driver supposed to do? Who is going to be responsible for that driver if he gets in an accident and he says, "Well, I told you I didn't want to take the vehicle out"? That is what we are talking about today. We are not trying to negotiate anything. The bottom line is safety. That is the bottom line.

I support the Veon amendment, and I hope you think the same way. Thank you.

The SPEAKER. The Chair recognizes Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

All we want to do is urge a "no" vote.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, to more or less reiterate what I had said earlier, we all know that the Federal law was to handle trucks and vehicles that were long hauls over the road. It was never intended to deal with buses that come back to the garage every night. And I can agree with the part that says that the "mom and pop," if you will, bus companies who do not repair their buses and send the driver out with a bus that does need repair or does need maintained, something should be done about that, but we have gone entirely too far. What we are talking about here with the public bus companies—we keep calling them authorities but they are the people's bus companies—we are talking about brotherhoods. We have the brotherhood in the authority, in the people's bus company in Pittsburgh, who inspect, who maintain, and who drive.

Now, if we are going to shut down a bus route and have all the consumers standing on the corner, is someone going to be punished for screwing up? Is there going to be a recourse against the inspector who is in the same union or is there going to be a recourse against the mechanic that is in the same union? If we are going to pursue this, let us do it fairly. We

are not talking about authorities like they are something way over there. Authorities are the bus companies of the people, and we have got people managing them.

Besides, talking about brotherhoods, this is a negotiable item, and there is not a transit union across Pennsylvania that cannot negotiate this. And do you know who was successful? The Cambria County authority was successful. This was a negotiable item, and this was put in the contract. Now, why cannot the rest of them put this on the table and negotiate it.

We have a habit here of making it too easy for one side. We have on one side the people's bus company. On the other side we have the bargaining unit. That should be a fair process, but too many times we have one side coming down here to shortcut the process, and that is what we are trying to do today with this amendment and that is why we should defeat it.

The SPEAKER. The Chair recognizes the gentleman, Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

What this amendment is going to do is something that I tried to introduce as legislation going back quite a few months ago. Responsibilities must be accepted by individuals. We have had buses that could not even pass an inspection previously, yet they were out on the roads endangering the children's lives.

I am in favor of the Veon amendment. Please vote for it. Thank you.

The SPEAKER. The Chair recognizes Mr. McVerry.

Mr. McVERRY. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Veon, indicates he is willing to be interrogated. The gentleman may proceed.

Mr. McVERRY. Mr. Speaker, if this amendment were adopted into SB 498 and SB 498 were passed, when would it become effective?

Mr. VEON. Mr. Speaker, I would have to refer to the bill for a second. The effective date should be in the bill. If you would like me to do that, I would be glad to do that.

Mr. McVERRY. Would it be reasonable to presume that it would be effective in the reasonable, foreseeable future, either immediately or within a month or 60 days or 90 days?

Mr. VEON. It would be part of the bill, Mr. Speaker, and whatever the effective date of the bill is.

Mr. McVERRY. I think there are various effective dates in the bill depending upon the section that is amended.

Is the intention of the maker of the amendment that this change in the law would affect all employers in Pennsylvania who require commercial vehicles to be operated?

Mr. VEON. The intent of this is to affect all intrastate carriers. Interstate would be governed by the Federal law. This would be governing intrastate drivers and carriers.

Mr. McVERRY. Would it also be the intention of the maker of the amendment that it would affect all employees who are drivers of commercial vehicles within the Commonwealth of Pennsylvania?

Mr. VEON. Yes, Mr. Speaker.

Mr. McVERRY. Would the implementation of this amendment affect drivers or employers who are already subject to collective-bargaining agreements that are in fact in effect?

Mr. VEON. Yes, Mr. Speaker.

Mr. McVERRY. Thank you.

CONSTITUTIONAL POINT OF ORDER

Mr. McVERRY. Mr. Speaker?

The SPEAKER. The gentleman is recognized and may proceed.

Mr. McVERRY. Mr. Speaker, I would like to make a motion.

The SPEAKER. The gentleman is recognized for that purpose and will state his motion.

Mr. McVERRY. I would like to make a motion questioning the constitutionality of amendment A284 insofar as the expressed intention of this amendment is to affect employers or employees, many of whom may already be subject to collective-bargaining agreements. Accordingly, it would have the effect of impairing existing contracts that are in place in the Commonwealth of Pennsylvania; that is to say, those existing collective-bargaining agreements that already deal with issues related to when drivers will drive a vehicle or when they will not and what the driver's rights are and what the employer's rights are.

Accordingly, Mr. Speaker, I move that this amendment is in violation of Article I, section 17, of the Pennsylvania Constitution, which states that "No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed." The effect of the implementation of this amendment would be to immediately impair the obligation of existing collective-bargaining contracts in Pennsylvania, and accordingly, is unconstitutional.

The SPEAKER. The Chair requests a clarification from the gentleman. Is the gentleman challenging the constitutionality of the amendment under Article 1, section 17?

Mr. McVERRY. Yes, of the Pennsylvania Constitution.

The SPEAKER. Of the Pennsylvania Constitution. The Chair thanks the gentleman.

The issue before the House is the constitutionality of this amendment. Under rule 4, that issue shall be decided by the House.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the question of constitutionality, the Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the argument we have just heard, in brief, is that it is illegal for the Commonwealth of Pennsylvania to pass laws dealing with labor that can be regulated by collective-bargaining contracts. That is the position that we are asked to accept, and that is the position that goes totally

against 60 years of State and Federal law on this subject. Of course we could override collective-bargaining contracts. We have done that repeatedly for 60 years. The minimum wage law at State and Federal levels overrode private contracts. OSHA overrides private contracts. Forty-hour week overrides private contracts.

There is no merit whatever to this argument. The Veon amendment is obviously constitutional. I urge a "no" vote.

Mr. Speaker, a point of inquiry. The correct is "yes" or "no" to declare this constitutional?

The SPEAKER. Those who are opposed to it would request a negative vote.

Mr. COHEN. Those who are opposed to it would request—

The SPEAKER. I am sorry. Let me clarify that.

Mr. COHEN. Yes.

The SPEAKER. Those who are opposed to the gentleman's motion would vote "no." So a "no" vote supports the amendment, supports its constitutionality, and opposes the gentleman's motion.

Mr. COHEN. Thank you, Mr. Speaker. I appreciate that—

The SPEAKER. The Chair appreciates the gentleman's question and the House's advice.

Let me make sure I get this straight in the record. If you vote "yes," you are voting in favor of the constitutionality of the amendment.

Mr. COHEN. Okay.

The SPEAKER. And if you vote "no," you are voting for the unconstitutionality of the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

I think the caucus made a better judgment on this question than either the Speaker or myself, initially.

Mr. Speaker, I would urge a "yes" vote, that the Veon amendment is constitutional. To vote against the constitutionality of the Veon amendment would be to stop the House of Representatives and State Government from dealing to protect the interests of labor union members as we have done for over 60 years.

I urge a "yes" vote for the constitutionality of the Veon amendment.

The SPEAKER. Those in favor of constitutionality will vote "yes"; those against constitutionality will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—169

Acosta	Evans	Lloyd	Saloom
Adolph	Fairchild	Lucyk	Saurman
Allen	Fee	McCall	Schuler
Angstadt	Fleagle	McHale	Scrimenti
Argall	Foster	McNally	Semmel
Barley	Fox	Maiale	Serafini
Battisto	Freeman	Maine	Smith, B.
Belardi	Freind	Markosek	Smith, S. H.
Belfanti	Gallen	Marsico	Snyder, D. W.
Billow	Gamble	Mayernik	Snyder, G.
Bishop	Gannon	Melio	Staback
Black	Gigliotti	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steighner

Bortner	Gruitza	Morris	Stish
Bowley	Gruppo	Mowery	Strittmatter
Boyes	Hagarty	Mrkonic	Stuban
Brandt	Haluska	Murphy	Tangretti
Broujos	Harper	Nailor	Taylor, E. Z.
Burns	Hasay	O'Brien	Taylor, F.
Bush	Hayden	Oliver	Taylor, J.
Caltagirone	Hayes	Perzel	Telek
Cappabianca	Herman	Pesci	Thomas
Carlson	Hess	Petrarca	Tigue
Carn	Howlett	Petrone	Trello
Cawley	Hughes	Phillips	Trich
Civera	Itkin	Piccola	Van Horne
Clark, B. D.	Jadlowiec	Pievsky	Veon
Clark, J. H.	James	Pistella	Vroon
Cohen	Jarolin	Pitts	Wambach
Colaella	Johnson	Pressmann	Wass
Colaizzo	Josephs	Preston	Weston
Cole	Kaiser	Raymond	Williams
Corrigan	Kasunic	Reber	Wilson
Cowell	Kenney	Reinard	Wogan
Coy	Kosinski	Richardson	Wozniak
DeLuca	Kukovich	Rieger	Wright, D. R.
DeWeese	LaGrotta	Ritter	Wright, J. L.
Daley	Laughlin	Robbins	Wright, R. C.
Davies	Lee	Robinson	Yandrisevits
Dempsey	Leh	Roebuck	
Donatucci	Lescovitz	Rudy	O'Donnell,
Dorr	Levdansky	Ryan	Speaker
Durham	Linton	Rybak	

NAYS—28

Birmelin	Dietterick	Gladeck	McVerry
Burd	Distler	Heckler	Merry
Cessar	Dombrowski	Hershey	Miller
Chadwick	Fargo	Jackson	Moehlmann
Clark, D. F.	Farmer	Kondrich	Nahill
Clymer	Flick	Langtry	Noye
Cornell	Geist	Lashingier	Scheetz

NOT VOTING—0

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

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

The SPEAKER. The Chair recognizes, on the amendment, Mr. Fairchild.

Mr. FAIRCHILD. Mr. Speaker, would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. FAIRCHILD. Mr. Speaker, if you were operating a commercial vehicle—and I would like you to put yourself in that driver's shoes—and you were on your way to a job site or a school and you heard a squeak in the wheel, what would you do?

Mr. VEON. Mr. Speaker, I assume I would pull off and check the squeak in the wheel.

Mr. FAIRCHILD. I am sorry. I did not hear that.

Mr. VEON. Mr. Speaker, I assume I would pull off the road and check the squeak in the wheel.

Mr. FAIRCHILD. Okay. If you felt that was unsafe and you pulled off the road and you could not find any indication of any visible defects, what would you do? The decision now, I understand by this amendment, would basically be your decision, or could you stop right there?

Mr. VEON. Mr. Speaker, the decision under this amendment is in fact the decision of the employee. That is absolutely correct. If that employee is driving, in his opinion, an unsafe vehicle, under Federal law he can get out of the vehicle, turn the employer in, turn the vehicle over to the authorities or whatever he needs to do to report an unsafe vehicle, and take himself or herself out of an unsafe situation. The intent of the amendment is to have the employee have the ability to remove himself from an unsafe vehicle if he needs to do that.

Mr. FAIRCHILD. Mr. Speaker, have you ever had a similar situation happen in a car that you were driving?

Mr. VEON. No, Mr. Speaker.

Mr. FAIRCHILD. Thank you.

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

The SPEAKER. The gentleman may proceed.

Mr. FAIRCHILD. Mr. Speaker, I appreciate very much Representative Veon's intent with this legislation. I still have a major problem in understanding how this is going to really work - the schematics of how this is going to work. We have all been in vehicles where we have had— Well, I am sorry; Mr. Veon has not, but I think most of us have been in vehicles when we have had strange sounds to our cars or vehicles. Maybe we had a sense of a low tire. Maybe you drove across rumble strips and you got a little shimmying and you wondered what was happening. Naturally we have that responsibility not only to ourselves but to any of our passengers that we have to take a good look at what is wrong. To be able to drive that commercial vehicle, to be able to stop anyplace and say, well, wait a minute; maybe it was a case where I just— I am sorry, Mr. Speaker. Could you restore some order?

The SPEAKER. The Chair requests the attention of the House to the gentleman's remarks. The gentleman may proceed.

Mr. FAIRCHILD. Mr. Speaker, the point here is that we have to realize that it is not a perfect place. This bill is not going to eliminate accidents. Accidents are going to happen.

I do not think we have a process now where it is going to cost us in excess of \$1 million annually to administer this bill. We are going to create another bureaucracy. Your taxpayers, the people in your districts, are going to start asking, where is all this money going? This is going to be \$1 million-plus annually, and where do you think it is going to come from? It is going to come out of your maintenance budgets out of your districts, that in combination with Federal OSHA, which covers a lot of the area that is covered by this, and also in combination with public employee OSHA.

I would just like to say that if this amendment does pass, when we get to public employee OSHA, let us not reinvent the wheel. Thank you.

The SPEAKER. For the information of the members, the Chair senses Mr. Fairchild's concern about the attention of

the House and would suggest to the House that we either speak less or listen more. The last amendment was voted at 3:57 this afternoon. We have spent an hour on this amendment. Twenty amendments have been submitted to the House. We are about to recognize our 21st speaker on this amendment. Seven of the speakers have each spoken twice. At that rate, this bill will be disposed of sometime about 3 o'clock tomorrow morning. The Chair would urge the members to either speak less or listen more so we can have an orderly process.

The Chair recognizes the gentleman, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I would like to point out there were—I do not think that applause was for me, Mr. Speaker, but I would like to point out that some of the amendments did pass without debate.

This seems to be an important amendment, and I promised myself, actually, that I would not get up and speak on this issue today, but there have been some points made that I think I should bring out to the General Assembly, and I do believe I am speaking from firsthand knowledge in that I have been an owner of some of these vehicles and know a little bit about them.

I think my good friend and colleague, Representative Gamble, brought out the fact that this is a much different situation we are talking about here when we are considering the fact that these trucks and buses do have the advantage of going into a garage on a nightly basis. They do not run for a week at a time where they never see a garage. Basically, they are housed at night and brought through, and reports are made by the drivers that they suspect something may be wrong with that vehicle. They have the advantage of pulling them into a garage where a professional—and I want to point out and emphasize the word “professional”—mechanic has the ability to look at that vehicle and to decide whether to redline that truck or not, or red-tag it or however you want to put it.

Secondly, I think I know a little bit about what it takes to actually look at the physical beings of that truck. Now, yes, you can read the gauges. You can tell if the oil pressure is up. You can tell if the air pressure is up. But if you suspect something is wrong with those brakes, you literally and physically have to crawl underneath that vehicle and you have to look at it and eyeball the situation as to what is wrong or what you suspect to be wrong with the brakes on that truck. I assume that the brakes are probably the most important part of that whole vehicle.

I also suspect that that driver, if he is out on the road and he has a freezing condition, whether it is possible that water has entered into that system and his brakes literally freeze up on him, I will bet you, I will bet anyone in this General Assembly that that driver, because of his lack of knowledge of that brake system, would not know how to release those brakes to get it off the highway.

So therefore, Mr. Speaker, and to my colleagues, we are talking about a different situation here. We are talking about a situation where vehicles carrying passengers have been built

stronger than the average truck on the road. Buses designed for a million miles or more, they have a heavier undercarriage under them. Everything is built heavier, because the PUC (Public Utility Commission) says that they must be made safer than the actual trucks that you and I see daily on the highways.

For all these reasons I have to oppose this amendment. I think it is a very bad amendment, and I agree with my colleague, Terry McVerry, when he says that it is unconstitutional. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Over the past couple weeks since we passed this piece of legislation out of committee, various people have come to me on this particular amendment. It is no secret that it has become a labor-management issue, but let us think about it a little bit.

I was torn as to what I was going to do, because I think one of the concerns that management had was that organized labor would use this as a leverage for a work slowdown and use this as an excuse. Let us take it another step further. Some of the people brought up the issue that this is safety. I think if we would sit down for a moment and take off the gloves and realize that most people out in the real world are honest and straightforward - both management and organized labor - and neither side really wants to do each other in because they both need each other, I think there is more honor out there than there is this vindictive feeling that seems to be coming across. If it proves that this particular amendment is used in a function that is not what the concern was—and that is for safety—and is used as a work slowdown or some other skulduggery type of thing, then we can come back and we can tighten up the wording, but right now I think we should give it the benefit of the doubt. It is a safety issue, and I do not think it will be abused.

I am asking for an affirmative vote. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman, Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

I rise to support the Veon amendment. Let me tell you a couple reasons why I do that.

First of all, I am probably one of a few members in the House that has a class 3 driver's license and probably can drive any vehicle on the road, and I am talking about heavy equipment, tractor-trailers, and everything. This is a safety issue, and we have to support this Veon amendment because there is no dollar price on safety. So let us vote this thing right now, Mr. Speaker. Let us vote for the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to be very clear. This language that we have in this amendment is the same language that is in Federal law right now. Eighty to ninety percent of the drivers in Pennsylvania are interstate drivers. We cannot continue to exempt those drivers who are only intrastate.

Last but not least, in the commercial driver's license manual put out by the Department of Transportation, on the very back page, it says, "Attention Drivers: Did You Know That...You can act to protect yourself and the public from unsafe working conditions. For example, you can: refuse to operate a commercial motor vehicle that fails to meet Federal safety requirements,..." et cetera, et cetera, et cetera. Everything we are saying that they can do in our amendment for intrastate drivers, they are promoting—promoting—for interstate drivers in every available piece of information going out with a commercial driver's license.

I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—146

Acosta	Durham	Lloyd	Ryan
Adolph	Evans	Lucyk	Rybak
Allen	Fee	McCall	Saloom
Angstadt	Fleagle	McHale	Scrimenti
Argall	Fox	McNally	Semmel
Belardi	Freeman	Maiale	Serafini
Belfanti	Freind	Maine	Smith, B.
Billow	Gallen	Markosek	Smith, S. H.
Bishop	Gannon	Marsico	Snyder, D. W.
Black	Gigliotti	Mayernik	Snyder, G.
Blaum	Gruitza	Melio	Staback
Bortner	Hagarty	Michlovic	Steighner
Bowley	Haluska	Micozzie	Stish
Boyes	Harper	Miller	Stuban
Broujos	Hasay	Morris	Tangretti
Burns	Hayden	Mrkonic	Taylor, F.
Caltagirone	Hayes	Nailor	Taylor, J.
Cappabianca	Herman	O'Brien	Telek
Carn	Hess	Oliver	Thomas
Cawley	Howlett	Perzel	Tigue
Cessar	Hughes	Pesci	Trello
Civera	Itkin	Petrarca	Trich
Clark, B. D.	James	Petrone	Van Horne
Cohen	Jarolin	Phillips	Veon
Colafella	Johnson	Piccola	Wambach
Colaizzo	Josephs	Pievsky	Wass
Cole	Kaiser	Pistella	Weston
Corrigan	Kasunic	Pressmann	Williams
Cowell	Kenney	Preston	Wogan
Coy	Kondrich	Raymond	Wozniak
DeLuca	Kosinski	Richardson	Wright, D. R.
DeWeese	Kukovich	Rieger	Wright, J. L.
Daley	LaGrotta	Ritter	Wright, R. C.
Davies	Laughlin	Robbins	Yandrisevits
Dietterick	Lee	Robinson	
Donatucci	Lescovitz	Roebuck	O'Donnell,
Dorr	Levdansky	Rudy	Speaker

NAYS—50

Barley	Distler	Hershey	Nahill
Battisto	Dombrowski	Jackson	Noye
Birmelin	Fairchild	Jadlowiec	Pitts
Brandt	Fargo	Langtry	Reinard
Burd	Farmer	Lashinger	Saurman
Bush	Flick	Leh	Scheetz
Carlson	Foster	Linton	Schuler
Chadwick	Gamble	McVerry	Stairs
Clark, D. F.	Geist	Merry	Strittmatter
Clark, J. H.	Gladeck	Moehlmann	Taylor, E. Z.
Clymer	Godshall	Mowery	Vroon
Cornell	Gruppo	Murphy	Wilson
Dempsey	Heckler		

NOT VOTING—1

Reber

EXCUSED—5

Bunt George Letterman Olasz
Dininni

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. VEON offered the following amendments No. A0362:

Amend Title, page 1, line 8, by inserting after "SUBSTANCE,"

for occupational limited licenses,

Amend Chapter Analysis, page 17, by inserting between lines 18 and 19

1615. Occupational limited licenses.

Amend Chapter Analysis, page 17, line 19, by striking out "1615" and inserting

1616

Amend Chapter Analysis, page 17, line 20, by striking out "1616" and inserting

1617

Amend Chapter Analysis, page 17, line 21, by striking out "1617" and inserting

1618

Amend Chapter Analysis, page 17, line 22, by striking out "1618" and inserting

1619

Amend Sec. 3 (Sec. 1607), page 29, line 23, by inserting after "CANCELLATION."

This subsection shall not be applicable to persons issued occupational limited licenses.

Amend Sec. 3, page 37, by inserting between lines 28 and 29 § 1615. Occupational limited licenses.

(a) Issuance.—The department may issue an occupational limited license under the provisions of this section to a driver whose driver's license has been suspended. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The occupational limited license restricts the driver's privilege to operating only motor vehicles of the same class of license as the applicant currently holds. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. App. § 2701 et seq.).

(b) Petition.—The applicant for an occupational limited license must file a petition with the Department of Transportation, setting forth in detail the need for operating a motor vehicle.

(c) Form.—The petition shall be in a form established by the Department of Transportation and shall identify the specific motor vehicle or vehicles the petitioner seeks permission to operate, including the vehicle classification and any endorsements required for operation. The petition shall include the explanation why the operation of the motor vehicle is essential to the person's livelihood and identify the person's occupation, study or trade. The petition shall identify the petitioner's employer and include proof of financial liability covering all vehicles which the petitioner requests to be allowed to operate.

(d) Fee.—The fee for an occupational limited license shall be \$25.

(e) Unauthorized issuance.—The Department of Transportation shall prohibit issuance of an occupational license to:

(1) A driver who has been convicted of any felony in the commission of which a motor vehicle was used.

(2) Any person required by this act to take an examination and has failed to pass such examination.

(3) Any person who has an unsatisfied judgment against him as the result of a motor vehicle operation, until such judgment has been satisfied or the financial responsibility of such person has been established.

(4) Any person applying for a limited license to operate a commercial motor vehicle who has had his commercial driver's license privilege disqualified under the provisions of section 1611 (relating to disqualification).

(5) Any person who, at the time he applies for an occupational driver's license, has previously been granted such a privilege within the period of five years next preceding such application.

(6) Any person who has been convicted of driving under the influence of alcohol or controlled substance.

(7) Any person for the purpose of driving a school bus.

(8) Any person whose license has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) during the term of the person's suspension.

(f) Restriction; penalty.—The occupational limited license shall restrict motor vehicle operation of a licensee to driving to and from and for the purpose of the licensee's occupation. Persons violating the restrictions imposed by the department shall pay a fine of \$200 and receive a one-year suspension of the occupational limited license privilege.

Amend Sec. 3 (Sec. 1615), page 37, line 29, by striking out "1615" and inserting
1616

Amend Sec. 3 (Sec. 1616), page 38, line 3, by striking out "1616" and inserting
1617

Amend Sec. 3 (Sec. 1617), page 38, line 12, by striking out "1617" and inserting
1618

Amend Sec. 3 (Sec. 1618), page 38, line 30, by striking out "1618" and inserting
1619

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker, and Mr. Speaker, now to a less controversial amendment.

Mr. Speaker, I think everyone is familiar with this issue. This issue has been debated on the House floor a number of times in a number of different versions, in a number of different bills. I would ask that the members support what we are calling and has been called in the past a bread-and-butter license.

Mr. Speaker, in the amendment on page 2, under subsection (e), we list a number of reasons under which a driver would not be able to get a bread-and-butter license. Mr. Speaker, I also would like to point out to the members that this amendment is in no way, shape, or form outside the mainstream. In fact, information provided by the United States Department of Transportation shows that there are in the neighborhood of 30 to 40 other States with some kind of

occupational license, some kind of limited license, some kind of bread-and-butter license.

I think we have drafted a reasonable one. I think it works, and I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, over the last hour there has been a great deal of discussion relative to the safety issue in this legislation. Mr. Speaker, this amendment flies in the face of any concern for safety of an operator of a commercial vehicle, an operator of a regular motor vehicle in Pennsylvania, a pedestrian, or those who simply cross the highways. The department itself, Mr. Speaker, has announced that if this language goes in the bill, it would be virtually impossible for the department to enforce. This amendment goes well beyond the bread-and-butter issue that Representative Burd brought to this floor in the past.

Under this particular amendment, we would be placing back on the highways and streets of Pennsylvania operators who have lost their driving privileges for some violation. Some of those previous violations would include but not be limited to racing on the highways, fleeing or attempting to elude a police officer, driving without lights in order to avoid identity, an accident involving damage to attended vehicle or property, operating a motor vehicle during a period of suspension, passing a schoolbus while the red lights are flashing, and probably most importantly, Mr. Speaker, this amendment takes us light-years backwards in our fight in this State as far as drugs are concerned. An operator of a vehicle who would refuse to take a Breathalyzer or chemical test, under this amendment, would be allowed back on the highways of Pennsylvania.

Mr. Speaker, I think it is a very serious amendment. I think it deserves the defeat of the House. Thank you.

The SPEAKER. The Chair recognizes Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, how broadly is this amendment drawn in terms of the other drivers in the State of Pennsylvania? Does this apply just to commercial drivers, or does this apply to all drivers with any type of driver's license?

Mr. VEON. Mr. Speaker, this amendment would apply to all drivers, both commercial and noncommercial.

Mr. MARKOSEK. So in a sense, this would be an expansion beyond commercial drivers and would include all drivers, including those that are currently suspended. Drivers that are currently suspended, could they then apply for a bread-and-butter driver's license under your amendment?

Mr. VEON. Yes, Mr. Speaker. Mr. Speaker, they would have to follow the petition procedure, pay the fee, and not have any of the items under which they could not be issued,

and they would be able to petition the department for such a bread-and-butter license.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Veon, stand for a period of interrogation?

The SPEAKER. He indicates that he will. The gentleman may proceed.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, one of the previous commentators on this amendment said that people who refuse to take a Breathalyzer or whatever, a test for alcohol or drug impairment, would be able to get a bread-and-butter license. Is that correct, under your amendment, sir?

Mr. VEON. Mr. Speaker, that is clearly not the intent, and I guess the gentleman, Mr. Steighner, and I would disagree in that number (6), "Any person who has been convicted of driving under the influence of alcohol or controlled substance" would not be able to get it. My understanding is, the refusal to take such a test would also be a conviction of that violation, and therefore, they would be prohibited. That would be a disagreement the gentleman, Mr. Steighner, and I would have on the interpretation of that.

Mr. PRESSMANN. Mr. Speaker, does the gentleman know in the Title 75 or wherever it is what it specifically says in that area? Would either of the gentlemen perhaps know?

The SPEAKER. The gentleman, Mr. Veon, is under interrogation. Is he able or willing to answer the question?

Mr. PRESSMANN. Mr. Speaker, will the gentleman, Mr. Steighner, stand for a period of interrogation?

The SPEAKER. The gentleman, Mr. Steighner, consents to interrogation. The gentleman may proceed.

Mr. PRESSMANN. Mr. Speaker, does the gentleman have available to him the specific area of Title 75, I believe it would be in, in the area that we are under debate, what it says about that?

Mr. STEIGHNER. Mr. Speaker, I do not have it on the floor of the House, but following a conversation with the Department of Transportation today, refusal to take the test follows with it an automatic suspension and is not considered a conviction of DUI (driving under the influence). Under the gentleman's amendment, if you are convicted under DUI, you would not be allowed to apply for the occupational license. However, what is not included in the amendment is, if you refuse to take the test, under this amendment, you would be allowed to apply for and receive an occupational license.

Mr. PRESSMANN. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, there is no question that this is a controversial amendment, and there is no question that there are many questions that could be raised by the General Assembly in enacting this amendment, but the question that we have to ask all of ourselves here today is, day in and day out, in our legislative district offices, how many times your constituents come

to you and say, well, I have gathered X amount of points and I am going to lose my driver's license, but with the loss of my driver's license, I am also going to lose my job, and I have no other ways of supporting my family; I have no other ways; what am I supposed to do? Now, we are talking about a situation where if a violation occurs under the general motor vehicle license to operate your family automobile, does that mean that we here today are now going to say, well, then you are not going to be able to drive the bus or you are not going to be able to drive your tractor-trailer, and therefore, if you are suspended for 3 months, you are out of work for 3 months?

When we discussed the bread-and-butter issue a year ago in this House—and by the way, I think it passed at that point—these issues were raised, and for us to walk away from this today and leave the working public - the people that we are talking about - of the Commonwealth abandoned is not the answer. No, we do not want to have a person that has a driver's license that was suspended for the eight reasons that are in this amendment - leaving the scene of an accident, DUI, those types of things - no, we do not want that person to have that driver's license and to drive that bus and to drive that tractor-trailer, but what we are saying here is that we want to give that person the privilege to go to work and continue to bring income in for his family so he can survive.

I would say that each and every one of us in this chamber today, whether you have just been elected last year or you have been here for the past 10 years as I have, has been asked the question, why does Pennsylvania not have a bread-and-butter license? It represents the work force of this Commonwealth, and therefore, I think there has been a lot of time put into this amendment. I think Mr. Veon is exactly right in saying, let us go ahead. We have a new concept of driving privileges in the Commonwealth when we adopt SB 498. We now have a concept of commercial driving privileges. I am sure that these people in this work force that are going to study and take this test—what the Federal Government has mandated the States to do—are not about to just throw their privileges up in the air and say, well, you know, I got stopped, but I am going to do this anyway. That is not what they are going to do.

What we are trying to say is, keep them employed, keep the work force going, and I would urge you to support the Veon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Would the gentleman, Mr. Veon, stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. GEIST. Mr. Speaker, the way that you have your amendment drafted, if a commercial driver refused to be tested for alcohol and took the suspension, he could then apply for a bread-and-butter license. Is that correct?

Mr. VEON. No, Mr. Speaker; he could not, because refusal for a test under the commercial driver's license section is in

fact a disqualifying offense, and we list a disqualifying offense as one of those offenses under which you could not apply for a bread-and-butter.

Mr. GEIST. Okay. Now, if the same fellow was at a local tavern, driving his car afterwards and was stopped and refused, would that go on his record as a DUI?

Mr. VEON. Well, the gentleman, Mr. Steighner, and I, as I mentioned, disagree on that point. I would say that by virtue of that refusal, it is in fact a DUI conviction. Clearly, that was my intent.

Mr. GEIST. Thank you, Mr. Speaker.

May I be free to speak to the amendment?

The SPEAKER. The gentleman may proceed.

PARLIAMENTARY INQUIRY

Mr. GEIST. Thank you, Mr. Speaker.

Under Title 75, the way we have it here, it clearly does not say DUI for that suspension. Would it be fair to ask that the amendment be withdrawn and redrafted so that that language could be spelled out very clearly? Then we could bring it back and vote on it.

The SPEAKER. Is the gentleman addressing a parliamentary inquiry?

Mr. GEIST. Yes.

The SPEAKER. Would you restate the inquiry.

Mr. GEIST. Mr. Speaker, to clear up the language in the amendment and to do what Representative Veon wants to do with it, I do not think anybody in this General Assembly wants to ever face somebody back home saying that you voted to let people convicted under DUI drive.

The SPEAKER. Is the inquiry, can the gentleman withdraw his amendment?

Mr. GEIST. No. Can the amendment be withdrawn, redrafted, and reintroduced but without going all the way through Legislative Reference and everything else so that we do not hold the bill for another day?

The SPEAKER. The answer is, the gentleman can withdraw his amendment; the gentleman or anyone else may redraw the amendment; and if the matter is still before the House either today or tomorrow, then certainly the amendment could be reoffered.

Mr. GEIST. Thank you, Mr. Speaker.

If I am free to speak on this, then I would suggest that if the amendment is not redrafted, we vote "no" on it, because I do not think any of us want to go back home, under the bread-and-butter provision, and say that we voted to endorse DUI. I would therefore request that the amendment be redrafted.

AMENDMENTS WITHDRAWN

Mr. VEON. Mr. Speaker, I would like to temporarily withdraw that amendment and attempt to have it redrafted immediately for immediate reconsideration by the House. I know there are a number of other amendments to consider. It is a relatively minor change, and the gentleman, Mr. Geist, seems to be inclined to support me with that change in the amendment.

The SPEAKER. The gentleman withdraws the amendment.

On the question recurring,

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

Mr. VEON offered the following amendments No. A0337:

Amend Title, page 1, line 14, by inserting after "and"
providing for transit authority inspections;

Amend Sec. 8, page 41, line 2, by striking out "A SECTION"
and inserting

sections

Amend Sec. 8, page 41, by inserting between lines 9 and 10
§ 4709. Inspection of transit authority terminals and buses.

(a) Inspection.—The Pennsylvania State Police shall inspect, not less than biennially, transit authority vehicles and equipment for conformity with safety standards pertaining to motor carriers. Inspections shall be performed for compliance with safety standards required pursuant to the provisions of 67 Pa. Code Ch. 175 Subch. F (relating to medium and heavy trucks and buses), 67 Pa. Code Ch. 231 Subch. D (relating to parts and accessories necessary for safe operation), 67 Pa. Code Ch. 231 Subch. F (relating to inspection, repair and maintenance) and such other safety standards as the department may impose by regulation.

(b) Fine; repair order.—Transit authority vehicles and equipment found to be in violation of safety standards shall be subject to a fine of \$5,000. Vehicles and equipment cited for violation shall be placed out of service and repair orders shall be issued by the patrolman specifying a date within which the authority is to complete repairs and bring its equipment into compliance with safety standards. Failure to meet repair deadlines shall subject a transit authority to an additional fine of \$5,000.

(c) Annual report.—The Pennsylvania State Police shall prepare a report on the result of their inspections, including recommendations for improvement of transit authority vehicles and equipment safety and submit it to the General Assembly annually.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, that amendment is withdrawn.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. ITKIN offered the following amendments No. A4002:

Amend Title, page 1, line 5, by inserting after "LICENSE,"
for production of a driver's license or evidence to
avoid certain penalties,

Amend Sec. 2, page 4, line 2, by inserting after "1501(C)"
and (d)

Amend Sec. 2, page 4, line 3, by inserting after "1510(A),"
1511(b),

Amend Sec. 2 (Sec. 1501), page 4, line 21, by striking out all
of said line and inserting

(d) Penalty.—Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200, except that, if the person charged furnishes satisfactory proof of having held a driver's license valid on the

last day of the preceding driver's license period and no more than one year has elapsed from the last date for renewal, the fine shall be \$25. No person charged with violating subsection (a) or (b) shall be convicted if the person produces at the office of the issuing authority within [five] 15 days of the violation:

(1) a driver's license valid in this Commonwealth at the time of the violation; or

(2) if the driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed at the time of the violation.

Amend Sec. 2, page 9, by inserting between lines 28 and 29 § 1511. Carrying and exhibiting driver's license on demand.

(b) Production to avoid penalty.—No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person produces at the office of the issuing authority or the arresting officer within [five] 15 days a driver's license valid in this Commonwealth at the time of the arrest.

Amend Sec. 13, page 46, line 11, by inserting after "SECTION" where it appears the first time 2 (sections 1501(d) and 1511(b)) and section

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this is a very simple amendment to Title 75. It really does not deal specifically with commercial licenses. What it does do, however, is, under current law, if a person has his license lost, he has 5 days to produce it to avoid a fine. Many times it takes PennDOT more than 5 days to provide a duplicate for the person. What this amendment would do is very simply change the 5-day period to 15 days, giving PennDOT the opportunity to provide the person a duplicate license to provide to the law enforcement authority.

Mr. Speaker, I ask an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Donatucci	Langtry	Robbins
Adolph	Dorr	Lashinger	Robinson
Allen	Durham	Laughlin	Roebuck
Angstadt	Evans	Lee	Rudy
Argall	Fairchild	Leh	Ryan
Barley	Fargo	Lescovitz	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	Gigliotti	Mayernik	Stairs
Burd	Gladeck	Melio	Steighner
Burns	Godshall	Merry	Stish
Bush	Gruitza	Michlovic	Strittmatter
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Tangretti
Carlson	Haluska	Morris	Taylor, E. Z.

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

NAYS—2

Moehlmann	Nahill
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NOT VOTING—1

Cohen

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. ITKIN offered the following amendments No. A4206:

Amend Title, page 1, line 3, by inserting after "BUSES," for antique and classic vehicles,

Amend Sec. 1, page 1, line 24, by inserting after "'BUS,'" "classic motor vehicle,"

Amend Sec. 1 (Sec. 102), page 3, by inserting between lines 8 and 9

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

"Classic motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured at least ten years prior to the effective date of the amendment to this definition and, because of limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance; provided that five years from the effective date of the amendment to this definition and thereafter, only a vehicle which was manufactured at least 15 years prior thereto and, because of limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to condition which is substantially in conformity with manufacturer specifications

and appearance shall be considered a classic motor vehicle under this title. Any classic motor vehicle registered under section 1340 (relating to antique and classic plates) on the effective date of the amendment to this definition which fails to qualify as a classic motor vehicle pursuant to these provisions may retain such classic registration unless another type of registration is applied for and issued for the vehicle.

Amend Sec. 2, page 4, line 2, by inserting after "SECTIONS" 1340,

Amend Sec. 2, page 4, by inserting between lines 5 and 6 § 1340. Antique and classic plates.

(a) General rule.—Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is an antique motor vehicle or classic motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the vehicle. No annual registration fee may be charged for antique or classic motor vehicles.

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

Amend Sec. 13, page 46, line 11, by inserting after "SECTION" where it appears the first time

1 (definition of "classic motor vehicle"), section 2 (section 1340) and section

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this is a little more complex. Although it does not deal with commercial license plates, it is still an amendment to Title 75. This particular amendment has to do with the license plates for classic cars.

As many of you know, problems currently exist related to these plates. One of the problems is, under current law, to get a classic car plate, the car must be out of production. So we now have cars like the Cadillac Fleetwood and the Camaro convertible that were once out of production for quite some time but are now being manufactured again, and because the manufacturer has chosen to use the name again, and even though these cars are significantly different in design than the original models, PennDOT will not issue these classic plates to these vehicles because they claim that they are still in production. So this amendment would remove the requirement that the car be out of production.

In addition, under the current law, it requires 10 years to qualify for a classic plate. A car must be in mint condition and it also must be out of production. Because we will now be increasing the number of cars that can be considered for classic plates and a number of us who have been involved in this issue feel that perhaps 10 years is a little bit too soon to qualify for such a plate classification, we are now, over the next 5 years, going to extend that, so that by 1995 it will require 15 years in order to get a classic plate. But, of course, at that time it would be irrespective as to whether the car name is being used or not on current models.

Finally, there is one other item in the amendment. Under the current law, classic plates may be used if they are used only for occasional use. "Occasional use" has not been defined in the law, and this amendment, after discussing it with a number of the members who are concerned with this issue, we believe that "occasional use" shall mean no more than 2 days per week. So as a consequence, this amendment has been drawn to say you can receive a classic car plate, but you may not use it any more than 2 days a week.

I would just like to indicate in conclusion that while I am the prime sponsor of the amendment, a number of other members were involved in the development of this issue. Representatives Battisto and Hasay and Representatives Dorr and Taylor on the other side of the aisle have been very helpful in formulating this amendment and they all cosponsored it. We have all of their support, and I would ask for an affirmative vote at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

I think on this side of the aisle, as well as working with the gentleman from Allegheny, that you will find that your antique and classic car enthusiasts, this certainly addresses many of their concerns, and we support the amendment on this side of the aisle. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates that he is willing to be interrogated. The gentleman may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, in purchasing a classic plate, do I have a financial benefit in purchasing a classic plate as opposed to a regular plate?

Mr. ITKIN. Mr. Speaker, in order to qualify for a classic plate, you have to pay a one-time fee of \$50, and therefore, you do not have to provide for the annual renewal charges of \$24 a year. So you pay a one-time fee of \$50. That is current law.

Mr. MICHLOVIC. So in other words, if I have something other than what is listed as a classic vehicle, I end up paying for those people's fees into the Motor License Fund. Because they pay \$50, one shot, and I keep paying \$24 all the time, are we not reducing the Motor License Fund accounts substantially by this amount?

Mr. ITKIN. One of the reasons for extending the qualifying number of years to get a classic plate from 10 to 15 was because of the possible small financial loss that might occur because of the classic plate being used more frequently.

However, classic cars are generally prized by their owners and usually kept garaged for quite some time. They must be kept in mint condition, and the owners very rarely want to take them out because they are afraid that they will get damaged or deteriorate. So they usually do not use the highways to the same extent that other cars that are normally used for transportation are used.

Mr. MICHLOVIC. Thank you, Mr. Speaker. May I comment on the amendment?

The SPEAKER. The gentleman may proceed.

Mr. MICHLOVIC. Mr. Speaker, what my colleague forgot to mention was just that he is also changing the requirement that says the vehicle must be out of production. So we are producing more of these vehicles every day, we are giving them one-shot, \$50 licenses, and the rest of us are paying \$24—you and your constituents are paying the \$24 every year—and you are paying for that guy's license. And to boot, he has a car after 15 years that is a classic car and the value of that car has increased.

Now, I can appreciate a person's interest and appreciation for a classic car and a collector's right to have the benefits of having a classic car and certain status, but I sure do not want my constituents paying for it, and that is what is going on here. We are loosening the requirements on classic cars substantially by this amendment when we say that the car does not have to be out of production.

Mr. Speaker, do we have a fiscal note on revenue loss on this amendment?

The SPEAKER. The Chair requests the maker of the amendment to indicate whether or not a fiscal note has been attached to the amendment.

Mr. ITKIN. Mr. Speaker, a fiscal note has been attached and has been distributed to all the members.

The SPEAKER. The Chair thanks the gentleman.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I ask my colleagues to consider this factor when they are voting on it and vote against the amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I think Mr. Michlovic has a very valid point, but there is some language in this amendment which confuses me very much.

The tenor of Mr. Michlovic's comments and the tenor of what Mr. Itkin said would lead you to believe that there are going to be many more classic licenses issued under this amendment than is the case now, and that is what I think is correct. However, on the first page of the amendment, the last sentence says that any classic motor vehicle registered under section 1340 on the effective date of the amendment which fails to qualify under this new definition has a grace period before it has to go to a regular \$24 license.

Now, what that says to me is that there are some of my constituents and some of your constituents who today have a classic plate and, under the Itkin amendment, will no longer be entitled to that plate. That means that they are going to be in our offices wanting to know why we, on a bill that had to do with commercial drivers' licenses, in an amendment that most people have not been able to digest, voted to take away their classic plates. I for one do not intend to answer that by saying I voted to do it.

I am going to vote against this amendment. If Mr. Itkin wants to pursue the issue of classic plates, he can put in a bill and we can look at it and caucus on it and understand what it

is actually going to do. This amendment contemplates that people are going to lose what they already have, and I do not think we ought to do that. Thank you.

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

The following roll call was recorded:

YEAS—118

Adolph	Fee	Kosinski	Rieger
Angstadt	Fleagle	Kukovich	Robbins
Battisto	Flick	LaGrotta	Roebuck
Belardi	Foster	Lashinger	Ryan
Black	Fox	Laughlin	Saloom
Blaum	Freind	Lee	Saurman
Bortner	Gallen	Lescovitz	Scheetz
Boyes	Gamble	McCall	Semmel
Brandt	Gannon	Maiale	Serafini
Burd	Geist	Marsico	Smith, B.
Burns	Gladeck	Merry	Smith, S. H.
Caltagirone	Godshall	Micozzie	Snyder, D. W.
Cappabianca	Gruppo	Miller	Snyder, G.
Carn	Hagarty	Mowery	Staback
Cawley	Harper	Murphy	Stairs
Cessar	Hasay	Nahill	Strittmatter
Chadwick	Hayes	Noye	Taylor, E. Z.
Clark, D. F.	Heckler	O'Brien	Taylor, J.
Cohen	Herman	Oliver	Tigue
Cole	Hershey	Perzel	Trello
Cornell	Hess	Pesci	Van Horne
DeWeese	Howlett	Petrarca	Veon
Dietterick	Hughes	Petrone	Wambach
Dombrowski	Itkin	Phillips	Weston
Donatucci	Jadlowiec	Piccola	Wilson
Dorr	James	Pievsky	Wogan
Durham	Johnson	Pressmann	Wozniak
Evans	Josephs	Raymond	Wright, D. R.
Fargo	Kaiser	Reinard	Wright, J. L.
Farmer	Kenney		

NAYS—75

Allen	DeLuca	Lucyk	Rudy
Argall	Daley	McHale	Rybak
Barley	Davies	McNally	Schuler
Belfanti	Dempsey	McVerry	Scrimenti
Billow	Distler	Maine	Steighner
Birmelin	Fairchild	Markosek	Stish
Bishop	Freeman	Mayernik	Stuban
Bowley	Gigliotti	Melio	Tangretti
Broujos	Gruitza	Michlovic	Taylor, F.
Bush	Haluska	Moehlmann	Telek
Carlson	Jackson	Morris	Thomas
Civera	Jarolin	Mrkonic	Trich
Clark, B. D.	Kasunic	Nailor	Vroon
Clark, J. H.	Kondrich	Pistella	Wass
Clymer	Langtry	Pitts	Wright, R. C.
Colaella	Leh	Preston	Yandrisevits
Colaizzo	Levdansky	Reber	
Corrigan	Linton	Ritter	O'Donnell,
Cowell	Lloyd	Robinson	Speaker
Coy			

NOT VOTING—4

Acosta	Hayden	Richardson	Williams
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. MURPHY offered the following amendments No. A0341:

Amend Title, page 1, line 10, by inserting after "REVOCA-TION"

and for certain indemnification payments

Amend Sec. 2, page 4, line 4, by striking out "AND 1573" and inserting

, 1573 and 1575

Amend Sec. 2, page 16, by inserting between lines 28 and 29 § 1575. Permitting violation of title.

(a) General rule.—No person shall authorize or permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.

(b) Penalty.—Any person violating the provisions of subsection (a) is guilty of the same offense as the driver of such vehicle and subject to the same penalties including any suspension or revocation of the operating privilege or the assessment of points.

(c) Indemnification; points assessment.—In cases where a driver of a motor vehicle is required to conduct a pre-trip safety inspection pursuant to department regulations and is subsequently convicted of one or more equipment violations under this title, the owner of the vehicle shall indemnify the driver for any fines and costs paid if the specific equipment violation was listed on the driver's pre-trip inspection report and acknowledged in writing by the owner. No points shall be assessed by the department against a driver in connection with an equipment violation conviction under this title where the specific equipment violation was listed on the driver's pre-trip inspection report and presented to the owner.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment goes one step further than Representative Veon's amendment that indemnified drivers. Mr. Veon dealt with in his amendment the fact that if in a pretrip inspection a driver identified a problem with a vehicle and he drove the vehicle anyhow and was stopped by a police officer because of the problem and then was given a fine, that the company would pay the fine. This also requires, if the vehicle were stopped because of an equipment violation, and specifically it would probably be of the speedometer not working, that no points would be assessed against the driver.

I ask your support for this amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Mr. Speaker, I agree with the amendment and ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	LaGrotta	Robbins
Adolph	Donatucci	Langtry	Robinson
Allen	Dorr	Lashingner	Roebuck
Angstadt	Durham	Laughlin	Rudy

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

NAYS—2

Lec Michlovic

NOT VOTING—2

Petrone Trello

EXCUSED—5

Bunt George... Letterman Olasz
Dininni

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. MURPHY offered the following amendments No. A0386:

Amend Bill, page 45, by inserting between lines 28 and 29 Section 13. (a) No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:

(1) refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code § 231

(relating to intrastate motor carrier safety requirements) and existing safety laws; or

(2) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order, or has testified or is about to testify in any such proceeding.

(b) No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

(c) (1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file, or have filed by any person on the employee's behalf, a complaint with the Secretary of Labor and Industry alleging such discharge, discipline or discrimination. Upon receipt of such a complaint, the Secretary of Labor and Industry shall notify the person named in the complaint of the filing of the complaint.

(2) (i) Within 60 days of receipt of a complaint filed under paragraph (1), the Secretary of Labor and Industry shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor and Industry has concluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a preliminary order providing the relief prescribed by subparagraph (ii). Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor and Industry shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor and Industry, the complainant and the person alleged to have committed the violation.

(ii) If, in response to a complaint filed under paragraph (1), the Secretary of Labor and Industry determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor and Industry shall order:

(A) the person who committed such violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(C) compensatory damages.

If such an order is issued, the Secretary of Labor and Industry, at the request of the complainant may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred, as determined by the Secretary of Labor and Industry, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) (1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the Commonwealth Court. The petition for review must be filed within 60 days from the issuance of the Secretary of Labor and Industry's order. Such review shall be in accordance with the provisions of 42 Pa.C.S. (relating to Judiciary and Judicial Procedure), and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor and Industry, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c)(2), the Secretary of Labor and Industry shall file a civil action in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.

(f) This section shall not apply to Pennsylvania municipalities and public transportation authorities.

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

14

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

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker. This will not be as agreed to, I am afraid.

This amendment refers back to the long debate we had earlier about the right of a driver to refuse.

This simply says that that section that was adopted by the House would not apply to Pennsylvania municipalities or to public transportation authorities. It is clear, Mr. Speaker, that commercial trucking companies and municipal vehicles and public transit vehicles are very different kinds of animals and that public vehicles should not fall under the same kinds of regulations that impact and that began as a Federal regulation for interstate transportation. Public vehicles are generally brought back to the same garage every day. Public vehicles are generally inspected regularly. Public vehicles are supported by tax dollars.

We heard this morning our Governor talk about the enormous retreat of the Federal Government in providing operating subsidies to public transit authorities, an enormous decrease, and while the State has tried to make up some of that decrease, we will be hard pressed to continue to keep public transit vehicles on the street. To give drivers the right to refuse to drive a vehicle when in some cases the problems might be marginal problems or judgment calls I think is a prescription for disaster.

How many of you have taken your own automobile in for an inspection and the certified inspection mechanic said to you, well, the automobile tire, its tread is close, but I will let you pass until the next inspection, or the brake is a little spongy, but I will let you pass until the next inspection.

We are suggesting with the language in the bill now that a driver who is not trained to make those judgments will have the power to refuse to drive that vehicle. I can understand that argument for commercial vehicles that are going across this State. I do not understand that argument for vehicles that are primarily driven within a municipality, or at most, within a county.

For that reason I would urge your support of this amendment that simply exempts Pennsylvania municipalities and public transit authorities from the right of a driver to refuse. Thank you, Mr. Speaker.

The SPEAKER. Is the gentleman addressing amendment A386?

Mr. MURPHY. Yes, Mr. Speaker, I am.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. GEIST. Quite simply, why did you not include school districts?

Mr. MURPHY. Frankly, Mr. Speaker, I overlooked it.

Mr. GEIST. One moment, please.

Mr. Speaker, may I be free to speak on this, please?

The SPEAKER. The gentleman may proceed.

Mr. GEIST. Thank you, Mr. Speaker.

We are going to oppose the amendment, quite simply because it does not include school districts and we think it should.

Therefore, I would urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would rise to oppose this amendment. I think all the members have had a chance to discuss this issue at length.

For the education of the members, the language in this amendment is the same as the language in my amendment except for section (f), which would quite simply exempt public transit authorities from the provisions of this amendment.

I believe that the public on those transit buses have the right to believe that they are on safe buses. If those buses are not safe, the employees should have the right to refuse to take them out.

I would oppose this amendment and ask for a negative vote.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to support the Murphy amendment. This is precisely the type of narrowing amendment that I was asking for in the gentleman, Mr. Veon's previous approach. I think that it is just what we need, and the fact that it does not include school districts does not totally invalidate its purpose. Let it be the sense of the House at this point that such an amendment would be inserted in the conference committee which is sure to result from this legislation.

I think it is very important that we not deprive our municipalities, our municipal authorities, and our school districts of the effect of the Murphy amendment. It is a good amendment. It narrows the Veon amendment precisely the way it should have been narrowed, and I strongly urge your support for it.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, again I want to repeat that I think we are missing the point here.

I do not know how many of you members in this chamber know busdrivers. Well, I happen to have a couple that live next door to me, and they tell me that they have got to get into work early to make sure that their bus is all right. They are concerned because they are responsible for 40 or 50 people every day that get on that bus and depend on that driver to take them to their destination and back. I think even more so than commercial truck drivers that busdrivers should be included, because they are responsible for more lives than just their own.

I think this amendment is wrong, and I think we should defeat it and go on with the business at hand. Thank you.

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

Mr. BORTNER. Thank you, Mr. Speaker.

I also would rise to support the Murphy amendment, and I would point out that I do think, as Representative Murphy does, that there are differences between commercial trucks and buses that are operated by our public transit authorities. I have some experience or some background there, having been a member of the York Area Transit Authority some years ago.

I think, first of all, if you consider the way buses are driven, you can recognize that they are driven at different speeds and under different conditions. But perhaps more importantly, they are driven under different circumstances. The buses that go out of the transit authorities go out in the morning. They are back at the end of the day. The mechanics are there. The mechanics are checking them out. There is an opportunity to look at them. I also think that the scheduling of the buses becomes very, very important. We all hear complaints about difficulties with people who are waiting for a bus or waiting for a train and it does not show up on time.

I think that the public transit authorities ought to be treated differently. I think their circumstances are different. I think the Murphy amendment strikes some balance into this area while still serving to not undermine Representative Veon's purpose in protecting the public. Thank you.

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

The following roll call was recorded:

YEAS—69

Barley	Distler	Jadlowiec	Piccola
Battisto	Dombrowski	Jarolin	Preston
Belardi	Dorr	Johnson	Reber
Birmelin	Fairchild	Kukovich	Reinard
Black	Farmer	Langtry	Robinson
Bortner	Flick	Lee	Saurman
Brandt	Foster	Leh	Scheetz
Broujos	Gamble	Linton	Smith, B.
Burd	Gannon	McVerry	Stairs
Burns	Gladeck	Marsico	Steighner
Bush	Godshall	Melio	Strittmatter
Cappabianca	Gruppo	Micozzie	Telek
Carlson	Hagarty	Miller	Thomas
Cessar	Heckler	Moehlmann	Vroon
Chadwick	Herman	Murphy	Wass
Cohen	Itkin	Nahill	Wilson
Coy	Jackson	Phillips	Wright, J. L.
Dempsey			

NAYS—126

Acosta	Fargo	McCall	Rybak
Adolph	Fleagle	McHale	Saloom
Allen	Fox	McNally	Schuler
Angstadt	Freeman	Maiale	Scrimenti
Argall	Freind	Maine	Semmel
Belfanti	Gallen	Markosek	Serafini
Billow	Geist	Mayernik	Smith, S. H.
Bishop	Gigliotti	Merry	Snyder, D. W.
Blaum	Gruitza	Michlovic	Snyder, G.
Bowley	Haluska	Morris	Staback
Boyes	Harper	Mowery	Stish
Caltagirone	Hasay	Mrkonic	Stuban
Carn	Hayden	Nailor	Tangretti
Cawley	Hayes	Noye	Taylor, E. Z.
Civera	Hershey	O'Brien	Taylor, F.
Clark, B. D.	Hess	Oliver	Taylor, J.
Clark, D. F.	Howlett	Perzel	Tigue
Clark, J. H.	Hughes	Pesci	Trello
Clymer	James	Petrarca	Trich
Colafrella	Josephs	Petrone	Van Horne
Colaizzo	Kaiser	Pievsky	Veon
Cole	Kasunic	Pistella	Wambach
Cornell	Kenney	Pitts	Weston
Corrigan	Kondrich	Pressmann	Williams
Cowell	Kosinski	Raymond	Wogan
DeLuca	LaGrotta	Richardson	Wozniak
DeWeese	Lashinger	Rieger	Wright, D. R.
Daley	Laughlin	Ritter	Wright, R. C.
Davies	Lescovitz	Robbins	Yandrisevits
Dietterick	Levdansky	Roebuck	
Donatucci	Lloyd	Rudy	O'Donnell,
Durham	Lucyk	Ryan	Speaker

NOT VOTING—2

Evans Fee

EXCUSED—5

Bunt George Letterman Olasz
Dininni

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Pressmann, who offers the following amendment, which the clerk will read.

Mr. PRESSMANN. Mr. Speaker, we are waiting for a fiscal note to come down. If we could temporarily pass over.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. BOYES offered the following amendment No. A4043:

Amend Sec. 2 (Sec. 1504), page 8, line 10, by inserting after "REQUIRED."

No fire chief, fire department, including any volunteer fire company, or municipality shall be liable for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will clarify any potential ambiguity regarding liability that might exist under current law and is an effort to give fire chiefs, volunteer fire companies, and municipalities expressed assurance that they can certify drivers for fire vehicles without fear of legal liability.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—188

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

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

NAYS—2

McNally Ritter

NOT VOTING—7

Acosta Gamble Laughlin Richardson
Foster Hagarty Murphy

EXCUSED—5

Bunt George Letterman Olasz
Dininni

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

On the question recurring,

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

Mr. SALOOM offered the following amendments No. A0361:

Amend Title, page 1, line 19, by striking out "AND"

Amend Title, page 1, line 19, by removing the period after "DRIVING" and inserting ; and making a repeal.

Amend Bill, page 41, by inserting between lines 9 and 10 Section 9. Section 4706 of Title 75 is repealed.

Amend Sec. 9, page 41, line 10, by striking out "9" and inserting 10

Amend Sec. 10, page 42, line 6, by striking out "10" and inserting 11

Amend Sec. 11, page 42, line 22, by striking out "11" and inserting 12

Amend Sec. 12, page 43, line 9, by striking out "12" and inserting 13

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting 14

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I have an amendment here that would repeal the act on the emission inspections for automobiles.

We have a small community in Westmoreland County called New Stanton. It is right along the Pennsylvania Turnpike. Just a few people live there. They happen to live along

the turnpike where all these cars are traveling from the east - from Philadelphia and Delaware and Dauphin County and Somerset County - where they do not have emission controls, and they are dumping all their emissions on that poor little community, and these people are forced to have emission inspections.

I would ask for an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—73

Adolph	Dietterick	Levdansky	Robinson
Angstadt	Dorr	McVerry	Ryan
Barley	Durham	Marsico	Saloom
Bishop	Flick	Michlovic	Saurman
Black	Freind	Micozzie	Sammel
Boyes	Gamble	Mrkonic	Snyder, D. W.
Brandt	Gannon	Murphy	Stairs
Burd	Gladeck	O'Brien	Strittmatter
Bush	Gruppo	Oliver	Tangretti
Caltagirone	Hayes	Perzel	Taylor, J.
Carlson	Herman	Petrarca	Telek
Chadwick	Hershey	Petrone	Trello
Civera	Howlett	Piccola	Van Horne
Clark, D. F.	Kaiser	Preston	Veon
Clark, J. H.	Kenney	Raymond	Weston
Cohen	Kukovich	Reber	Wogan
Cornell	Leh	Reinard	Wright, J. L.
Daley	Lescovitz	Robbins	Wright, R. C.
Dempsey			

NAYS—117

Acosta	Donatucci	Kondrich	Roebuck
Allen	Evans	Kosinski	Rudy
Argall	Fairchild	LaGrotta	Rybak
Battisto	Fargo	Langtry	Scheetz
Belardi	Farmer	Lashingier	Schuler
Belfanti	Fee	Lee	Scrimenti
Billow	Fleagle	Linton	Serafini
Birmelin	Foster	Lloyd	Smith, B.
Blaum	Fox	Lucyk	Smith, S. H.
Bortner	Freeman	McCall	Snyder, G.
Bowley	Gallen	McHale	Staback
Broujos	Geist	McNally	Steighner
Burns	Gigliotti	Maiale	Stish
Cappabianca	Godshall	Maine	Stuban
Carn	Gruitza	Markosek	Taylor, E. Z.
Cawley	Hagarty	Melio	Taylor, F.
Cessar	Haluska	Merry	Thomas
Clark, B. D.	Harper	Miller	Tigue
Clymer	Hasay	Moehlmann	Trich
Colaifella	Hayden	Morris	Vroon
Colaizzo	Heckler	Mowery	Wambach
Cole	Hess	Nahill	Wass
Corrigan	Hughes	Noye	Williams
Cowell	Itkin	Pesci	Wilson
Coy	Jackson	Phillips	Wright, D. R.
DeLuca	Jadlowiec	Pievsky	Yandrisevits
DeWeese	Jarolin	Pistella	
Davies	Johnson	Pitts	O'Donnell,
Distler	Josephs	Pressmann	Speaker
Dombrowski	Kasunic	Rieger	

NOT VOTING—7

James	Mayernik	Richardson	Wozniak
Laughlin	Nailor	Ritter	

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. SALOOM offered the following amendment No. A0365:

Amend Sec. 2 (Sec. 1504), page 8, by inserting between lines 20 and 21

(5) Class W.—A Class W license shall be issued to those persons who have had their operating privilege suspended but who demonstrate, to the satisfaction of the department, a need to drive in order to obtain or maintain employment.

(i) The holder of a Class W license shall only be permitted to operate a vehicle, in accordance with the classification on the license which has been suspended, while traveling between the holder's residence and place of employment.

(ii) The holder of a Class W license may not operate a vehicle between the hours of 12 midnight and 6 a.m.

(iii) This paragraph shall not apply to persons who have had their operating privilege suspended because of violations of sections 3345(a) (relating to meeting or overtaking school bus), 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence).

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I hoped that you would be a little quicker on the switch up there.

Amendment 365 deals with a class W license, and again it is easy to explain this one. A class W license shall be issued to those persons who have had their operating privileges suspended but who demonstrate, to the satisfaction of the department, a need to drive in order to obtain and maintain employment. Of course, it also states that a person may drive between the hours of 6 a.m. and 12 midnight. Also, this amendment does not apply to persons who have had their operating privileges suspended because of violations relating to meeting or overtaking a schoolbus, relating to driving under the influence of alcohol or a controlled substance, or relating to a homicide by vehicle while driving under the influence.

I ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for the defeat of this amendment for the same reasons we discussed during the previous amendment offered by Mr. Veon, because the major problem, again with this one, is the person who refuses to take the Breathalyzer test, we would be putting him back on the highway.

At this time I would ask for the defeat of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—15

Burd	Godshall	Nahill	Tigue
Clark, B. D.	Hasay	Preston	Van Horne
Fox	Howlett	Saloom	Wright, J. L.
Gannon	Micozzie	Snyder, D. W.	

NAYS—179

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

NOT VOTING—3

Freind	Kenney	Reber
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EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

On the question recurring,

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

Mr. SALOOM offered the following amendments No. A0363:

Amend Sec. 12, page 43, line 10, by inserting after "A" driver with a valid driver's license endorsed with Class 3 shall be considered a commercial driver, and shall be sent a Class A license prior to the effective date of this chapter. A

Amend Sec. 12, page 43, line 11, by striking out ", 3"

Amend Sec. 12, page 43, line 15, by striking out ", 3"

Amend Sec. 12, page 43, line 19, by striking out ", 3"

Amend Sec. 12, page 43, lines 25 through 27, by striking out "A DRIVER WITH A VALID CLASS 3 LICENSE" in line 25, all of line 26 and "FOR A CLASS A, B OR C COMMERCIAL DRIVER'S LICENSE." in line 27

Amend Sec. 12, page 44, line 2, by striking out ", 3"

Amend Sec. 12, page 44, line 7, by striking out ", 3"

Amend Sec. 12, page 44, line 9, by striking out ", 3"

Amend Sec. 12, page 44, lines 10 through 13, by striking out "A" where it appears the second time in line 10, all of lines 11 and 12 and "COMMERCIAL DRIVER'S LICENSE." in line 13

Amend Sec. 12, page 44, line 18, by striking out ", 3"

Amend Sec. 12, page 44, line 24, by striking out ", 3"

Amend Sec. 12, page 44, line 30, by striking out ", 3"

Amend Sec. 12, page 45, line 3, by striking out ", 3"

Amend Sec. 12, page 45, line 15, by striking out ", 3"

Amend Sec. 12, page 45, line 18, by striking out ", 3"

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, all this amendment does is that everybody who has a class 3 license now shall receive a class A license prior to the effective date of this legislation. That means that we are grandfathering everybody into the legislation.

The SPEAKER. The Chair recognizes the gentleman, Mr. Bowley.

Mr. BOWLEY. Mr. Speaker, I rise in opposition to this, because I have a class 3 license, and I obtained mine back when you could just indicate on the form to the department what class license you wanted - 1, 2, or 3. Believe me, if I was given a commercial driver's license and allowed to operate one of these tractor-trailer rigs, you would not want to be on the highway when I was driving that rig.

I oppose this amendment. Just because someone has a class 3 license, they should not automatically receive a commercial driver's license.

I ask for a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—14

Barley	Fairchild	Haluska	Saloom
Burd	Farmer	Micozzie	Stuban
Cessar	Fox	Nailor	Wass
Daley	Gannon		

NAYS—180

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

NOT VOTING—3

Kennedy	Reber	Taylor, J.
		EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. TRELLO offered the following amendments No. A0347:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for payment of fees and taxes when applying for a certificate of title;

Amend Sec. 2, page 4, line 2, by inserting after "SECTIONS" 1103(b) and (d),

Amend Sec. 2, page 4, by inserting between lines 5 and 6 § 1103. Application for certificate of title.

(b) Signing and filing of application.—Application for a certificate of title shall be made within ten days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title, and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The fee prescribed by this title and the tax due the Commonwealth shall each be paid by separate checks or other instruments drawn by the applicant or his lender payable to the order of the department. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

(d) Vehicles purchased from dealers.—If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within ten days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority, the amounts and the dates of the security agreements, and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies. Any dealer who collects taxes and fees due the Commonwealth as a part of the transaction and fails to remit the taxes and fees within the prescribed time shall be the party solely liable for the taxes and fees due, and notwithstanding the provisions of section 1109 (relating to refusing issuance of certificate of title) such nonpayment shall not delay the issuance of the title or a valid registration to the purchaser.

Amend Bill, page 45, by inserting between lines 28 and 29

Section 13. The department shall, upon written request, promptly refund to a purchaser of a motor vehicle, any sales tax and fees which the purchaser can provide convincing evidence were the result of a duplicative payment resulting from a dealer who failed to remit the original payments to the department. The purchaser must provide convincing evidence that he originally paid the taxes and fees to the dealer and subsequently upon request from the department paid the taxes and/or fees a second time in order to secure a valid or renewed registration.

Section 14. The amendments to section 1103(d) shall be retroactive to January 1, 1989.

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

15

Amend Sec. 13, page 46, line 3, by striking out "SECTION 3 (SECTION 1607)" and inserting

Sections 2 (section 1103(d)), 3 (section 1607), 13 and

14

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, this amendment was adopted unanimously last week to HB 1955. However, I forgot to add one little paragraph, and this deals with the two automobile dealerships that went bankrupt in western Pennsylvania,

where the recipients that paid their sales tax in good faith were not allowed to get their registration renewed because the State never received the money. When I went back to my office this weekend, I got about eight or nine requests indicating that they did pay their sales tax a second time and asked if they could possibly get their money back. The amendment just says, if they can show proof to the Department of Motor Vehicles that they paid their sales tax twice, that they will be reimbursed.

I ask for an affirmative vote. Thank you.

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

Mr. WASS. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. WASS. Mr. Speaker, I neglected to ask you this question a couple days ago when you proposed the other amendment. Mr. Speaker, in the case of cash, how would you handle an individual that did not have a checking account and he brought cash, like \$6 for a \$100 car? How would you handle that?

Mr. TRELLO. A very good question. All you have to have is your bill of sale, your receipt that you paid. That is all. You do not need a canceled check. Your bill of sale with the dealership's name on top, which you would have to get, would be proof enough for reimbursement, and I got that information from the Attorney General's Office.

Mr. WASS. Mr. Speaker, if I relate to the other part of your amendment where all sales tax will be paid now by check to the Commonwealth, to the Department of Revenue, how would you handle that?

Mr. TRELLO. Are you talking about when the individual buys a motor vehicle?

Mr. WASS. Yes.

Mr. TRELLO. Well, when he buys a motor vehicle, he makes a check out to the dealer for the price of the vehicle and also a separate check to the Department of Revenue or Commonwealth of Pennsylvania. It does not have to be a certified check. Or are you referring to the cash end of it?

Mr. WASS. Yes; right.

Mr. TRELLO. Well, the cash end of it, you will have to have a— Well, he would have to get a certified check or a money order, correct.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair recognizes the minority leader, the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I did not quite understand the amendment. I wonder if the gentleman would answer several questions for me.

The SPEAKER. The gentleman indicates that he will consent to interrogation. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, is the gentleman saying that if a customer goes to an automobile showroom, buys a car, and in one check drawn to the agency pays for the car and his sales tax and it is not remitted to the State and then subsequently

when he does not get his tags or whatever happens, he pays another 6 percent but this time pays it directly to the State, that he will be entitled to the return of the original 6-percent payment?

Mr. TRELLO. Yes, Mr. Speaker. If the buyer can show proof that he paid—this is only under the conditions of a bankruptcy—if he shows proof to the Department of Motor Vehicles that he paid that sales tax twice for the same vehicle, he is going to be exonerated on the first and reimbursed on the second payment.

Mr. RYAN. Exonerated on the first and reimbursed for the second. Well, the way you have just described that, he has a total free ride.

Mr. TRELLO. Well, you have to take into consideration, when the buyer bought that vehicle, he paid his sales tax to that automobile dealer in good faith, with the hopes that he would forward that money to Harrisburg so he can get his registration renewed. In the case of these two dealerships in western Pennsylvania and, I understand, about three of them in eastern Pennsylvania, the dealerships took the money and ran and never forwarded it to Harrisburg. Are our constituents to suffer? In their opinion, when the dealership signs an agreement with the State, in their opinion, they are an agent of the State. If they are allowed to collect the sales tax for the State, then they should be responsible, not them. I think that most of the members of this General Assembly would feel the same.

I have 232 people that bought cars in good faith, paid their sales tax in good faith, and then it was never sent to Harrisburg. Now they have a brand-new automobile either sitting in their garage or sitting in front of the House—

Mr. RYAN. Mr. Speaker, do you have a fiscal note? I would be really interested in seeing it.

Mr. TRELLO. Yes, I do. It has been circulated.

Mr. RYAN. What does it say?

Mr. TRELLO. Well, I will not read the whole thing to you, but—

Mr. RYAN. No; the money amount.

Mr. TRELLO. Pardon me?

Mr. RYAN. How much does it cost?

Mr. TRELLO. Well, it does not cost a dime. It says, "No fiscal impact is associated with subject amendment since only the liability for payment is changed from the purchaser to the dealer." The Attorney General is pursuing this to get the money from the dealer.

Mr. RYAN. Mr. Speaker, that cannot be. It just cannot be that we reimburse money to someone and it does not cost us money. Now, really, do you have the right fiscal note, or do I completely misunderstand your amendment?

Mr. TRELLO. Well, I doubt that that would happen, Mr. Speaker.

What we are talking about here is two payments. The State is entitled to the first one, but they are not entitled to the second one, and they should get that back. That is what the amendment says.

Mr. RYAN. But if the Trello family buys a \$1,000 car and pays \$60 sales tax to dealer Y who goes bankrupt and then the State writes to you and you send in another \$60 to the Commonwealth of Pennsylvania so that Pennsylvania at this point has its \$60, which it was entitled to—all right?—are you telling me at that point the Trello family can now get the \$60 back that it originally paid?

Mr. TRELLO. Well, yes, and I feel—

Mr. RYAN. Pardon me. If that is the case, then the Commonwealth of Pennsylvania is losing 6 percent, is it not?—

Mr. TRELLO. Well, I think it is the responsibility of the State, the Attorney General's Office, to go after that money from the bankrupt dealer. I do not think my constituents should be responsible for that, because they paid their taxes in good faith.

Mr. RYAN. That is not the question. The question is, how much does it cost the Commonwealth?

Mr. TRELLO. Well, the fiscal note that I received from the Appropriations Committee says, "No fiscal impact is associated with subject amendment since only the liability for payment is changed from the purchaser to the dealer." They are going to go after the dealer.

Mr. RYAN. I wonder if this amendment could be sent over and maybe Mr. Pievsky could get someone from his office to explain this.

(Conference held.)

VOTE CORRECTIONS

The SPEAKER. While the House is awaiting the results of the latest interrogation, I would like to recite for the record that the gentleman, Mr. Godshall's vote should have been recorded in the negative on amendment A0365, which was offered by the gentleman, Mr. Saloom, to SB 498.

The Chair recognizes Representative Ritter to correct the record.

Ms. RITTER. Thank you, Mr. Speaker.

On amendment A4043 to SB 498, my button was locked in the "no" position, and I wanted to vote "yes," if the record would so reflect. Thank you.

The SPEAKER. The Chair recognizes Representative Freind to make an observation for the record.

Mr. FREIND. Thank you, Mr. Speaker.

On amendment A0102, the Veon amendment on the 15 days, I inadvertently voted in the negative. I wanted to vote in the positive. And on the Saloom amendment with the class W license, my switch failed to operate. I would have voted in the negative. Thank you, Mr. Speaker.

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

The Chair notes for the record that the gentleman, Mr. Chadwick, should have been recorded in the affirmative on amendment A334, offered by the gentleman, Mr. Veon, to SB 498.

The Chair recognizes Representative Clark to make an observation for the record.

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

Mr. Speaker, on the matter of amendment A0284 to SB 498, my button malfunctioned. I wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

On the Murphy amendment to SB 498, A341, I wish to be recorded in the affirmative. And on the Saloom amendment A0361, I inadvertently voted "yes." I wish to be recorded in the negative on that vote. Thank you, Mr. Speaker.

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

For the record, the Chair recognizes the gentleman, Mr. Cole.

Mr. COLE. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on the Trello amendment A0319 to HB 2130 as of February 5. Thank you.

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

The Chair recognizes Representative Haluska.

Mr. HALUSKA. Mr. Speaker, on SB 498, amendment A363, my switch recorded in the positive, and it should have been in the negative. Thank you.

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

The Chair recognizes the gentleman, Mr. Kaiser, to make an observation for the record.

Mr. KAISER. Mr. Speaker, last week on HR 252, I was not in my seat, and I would like a "yes" vote for the record. Thank you.

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

The Chair recognizes the gentleman, Mr. Dietterick.

Mr. DIETTERICK. Thank you, Mr. Speaker.

My switch malfunctioned on SB 498, amendment A361. I wish to be recorded in the negative.

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

The Chair recognizes Representative Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

On SB 498, I would like to be recorded in the affirmative on both Saloom amendment A363 and Saloom amendment A365.

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

CONSIDERATION OF SB 498 CONTINUED

The SPEAKER. The matter before the House is amendment A347, offered by the gentleman, Mr. Trello. The gentleman, Mr. Ryan, has been recognized and is interrogating the gentleman, Mr. Trello. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I had a meeting, as you know, here by my desk with the gentleman, Mr. Trello. I believe the fiscal note is inaccurate.

Now, I talked to Mr. Trello, and the harm that he is trying to cure—and I feel sorry for these people—but he has several hundred people, apparently, in his area that last year bought cars from a couple agencies and the agencies went belly-up, and they had paid their sales tax. Then many of them paid their sales tax again to the Commonwealth of Pennsylvania, and now this bill would retroactively return money to people who have been put into this situation over the past year. There has to be a cost associated with it.

Now, I am going to vote against it. I am not suggesting that that is the moral thing to do, because it does seem a shame that these people have paid their money and now they are having to pay it again to the Commonwealth of Pennsylvania.

I think the concern that some of you should have is, in my judgment, this will be a flag that the Governor, in a tight fiscal year like this, could use for an excuse to veto this bill. This is going to cost the Commonwealth money. It is not just the 200 or 300 people in Mr. Trello's district affected. This bill, under the Trello language, is retroactive to January 1 of 1989. So every automobile agency that went broke in the past year and did not turn in their sales tax money, all of those dollars may have to be refunded by the Commonwealth.

Now, it is true that the Attorney General and some other law enforcement people, probably from Revenue, can chase after these bankrupt automobile dealers, but I do not offer much hope to them of collecting the money. I believe there are probably criminal sanctions for what they have done anyway, and that was not effective. The fact remains, it is going to cost money, and in my opinion, jeopardize this bill, because the Governor may be forced to veto the bill with this cost in it.

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, there is a general rule of law that should be applied here—unfortunately, it generally is not—and that is, the payment to an agent is legally a payment to the principal. In this instance, the principal is the Commonwealth of Pennsylvania and the agent is the automobile dealer who collects the sales tax. Now, I know we have kind of convoluted that principle for the convenience of the Commonwealth, but I think this particular amendment addresses an important principle, and that is that that person who has purchased that automobile has in good faith paid that money over to the Commonwealth through its agent, the automobile dealer. The agent has not remitted that money to the Commonwealth, and therefore, I believe the agent—that is, the automobile dealer—is now principally responsible.

And to address Mr. Ryan's argument, I do not believe there is any loss of revenue to the Commonwealth here, because in this instance the Commonwealth has collected money twice. It has collected money that does not belong to it. It is simply being asked to give back money that it collected erroneously or in error or money that does not belong to it.

I do not believe there is any fiscal impact in that the Commonwealth is losing revenues. It has got money that it is not entitled to. This amendment simply redresses a wrong and

puts the responsibility where it belongs - not on the consumer but on the automobile dealer who collected that sales tax. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House a guest page, Miss Nicole Baxter, and her father, Fred Baxter, from Allegheny County, who are the guests of Representatives McVerry and Mayernik and the Allegheny County delegation. Will the guests please rise.

CONSIDERATION OF SB 498 CONTINUED

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

Mr. FOSTER. Thank you, Mr. Speaker.

I think the fiscal impact to the Commonwealth may be somewhat more narrow than has been defined by a couple of speakers in that when you pay your money to the agent, to the dealer or messenger, you register the complaint at the time that you fail to receive tags back from PennDOT. It then becomes immediately apparent to you, and that usually raises a red flag with a lot of other people, and you find a relatively small number of people who are immediately impacted. I guess the thrust of what I am saying, it does not mean that you necessarily go back 2, 3, or 4 years and have all of that liability from that particular dealer. It is a sudden impact when the dealer's cash flow gives him problems and he starts playing with the State's money, and then the people do not receive their tags and there is an immediate claim made against the dealer.

So I think there is some impact but I do not think it is a deep, deep impact, and it certainly should not be borne on the backs of the motorists.

I would urge an affirmative vote on the Trello amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I have a situation in my district that is somewhat similar to the situation Mr. Trello talked about except that it does not involve a dealership but rather a messenger, a registered messenger who was licensed to provide 1-day or 2-day service for a fee in obtaining people's licenses, registration cards, tags and titles, et cetera. This particular messenger service in my district has now been indicted, and there are numerous criminal charges pending against one of the workers in the messenger service. Simply put, they absconded with all of the money for a couple of hundred people. I am wondering if this amendment would cover those couple of hundred people who in Northumberland County paid sales tax in good faith to a messenger, certified by the Commonwealth, acting as an agent of the Commonwealth, just like a car dealer.

So I have to agree with Mr. Ryan in this regard, that it may be bigger than the amendment leads us to believe. But nonetheless, I feel that my constituents in this case had to pay the

sales tax a second time directly to the Commonwealth when they paid the first time to an agent of the Commonwealth. They should not be held for a double payment.

So I am asking for a "yes" vote on the amendment, although I must qualify my support of the amendment by saying that it could be a bigger fiscal impact than has been indicated.

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

Mr. TRELLO. Mr. Speaker, I think the remarks made by the minority leader were very responsible remarks, and he has the same concern as all of us - to make sure that this Commonwealth is kept fiscally sound. But here is the tragedy of the situation. This has happened in other areas. Take, for example, a furniture store where you buy a television set and pay your taxes. Well, if the furniture store goes bankrupt, you still have the use of the TV, but in the case of purchasing an automobile, you cannot get your registration renewed. Unlike a TV, you cannot use the car.

Now, I think that is unfair to our constituents when they paid their taxes in good faith, and I ask for an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, my legal counsel, alert individual that he is, was listening—I do not know how he stayed awake to listen to this debate but nevertheless did—and brought to my attention a copy of the Purdon's code, which are the laws, of course, of the Commonwealth, and at Purdon's 7238 it specifically says that these payments are due not to the automobile dealer. The automobile dealer is not an agent of this Commonwealth, but rather the law of Pennsylvania is the payment should be made to the department.

Now, if the people of the Commonwealth pay it to the dealer, they really do so at their own risk under the law in Pennsylvania as it is today, and I think that that takes care of the argument of Mr. Gannon. It does not take care of the moral obligation that perhaps we owe.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—166

Acosta	Dietterick	Kosinski	Ritter
Allen	Dombrowski	Kukovich	Robbins
Angstadt	Donatucci	Langtry	Robinson
Argall	Dorr	Lashinger	Roebuck
Barley	Durham	Laughlin	Rudy
Battisto	Evans	Lee	Rybak
Belardi	Fargo	Lescovitz	Saloom
Belfanti	Farmer	Levdansky	Saurman
Billow	Fee	Linton	Schuler
Bishop	Fleagle	Lloyd	Scrimenti
Black	Foster	Lucyk	Semmel
Blaum	Fox	McCall	Smith, B.
Bortner	Freeman	McHale	Smith, S. H.
Bowley	Freind	McNally	Snyder, D. W.
Boyes	Gamble	McVerry	Snyder, G.
Burd	Gannon	Maiale	Stairs
Burns	Geist	Maine	Steighner
Bush	Gigliotti	Markosek	Stish
Caltagirone	Gladeck	Marsico	Strittmatter

Cappabianca	Godshall	Mayernik	Stuban
Carlson	Gruitza	Merry	Tangretti
Carn	Gruppo	Michlovic	Taylor, F.
Cawley	Hagarty	Micozzie	Taylor, J.
Cessar	Haluska	Mowery	Telek
Chadwick	Harper	Murphy	Thomas
Civera	Hasay	Nahill	Tigue
Clark, B. D.	Hayes	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	Oliver	Van Horne
Cohen	Hess	Pesci	Veon
Colafella	Howlett	Petrarca	Wambach
Colaizzo	Hughes	Petrone	Wass
Cole	Itkin	Phillips	Williams
Cornell	Jadlowiec	Piccola	Wogan
Corrigan	James	Pievsy	Wozniak
Cowell	Jarolin	Pistella	Wright, D. R.
Coy	Johnson	Pressmann	Wright, J. L.
DeLuca	Josephs	Preston	Wright, R. C.
DeWeese	Kaiser	Raymond	Yandrisevits
Daley	Kasunic	Reinard	
Davies	Kenney	Richardson	O'Donnell,
Dempsey	Kondrich	Rieger	Speaker

NAYS—25

Adolph	Flick	Miller	Ryan
Birmelin	Gallen	Moehlmann	Scheetz
Brandt	Heckler	Morris	Serafini
Broujos	Jackson	Mrkonic	Taylor, E. Z.
Clymer	Leh	Pitts	Vroon
Distler	Melio	Reber	Wilson
Fairchild			

NOT VOTING—6

Hayden	O'Brien	Staback	Weston
LaGrotta	Perzel		

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. B. D. CLARK offered the following amendments No. A0349:

Amend Sec. 3 (Subchapter Analysis), page 17, by inserting between lines 17 and 18

1614. Radar detectors prohibited.

Amend Sec. 3 (Subchapter Analysis), page 17, line 18, by striking out "1614" and inserting

1615

Amend Sec. 3 (Subchapter Analysis), page 17, line 19, by striking out "1615" and inserting

1616

Amend Sec. 3 (Subchapter Analysis), page 17, line 20, by striking out "1616" and inserting

1617

Amend Sec. 3 (Subchapter Analysis), page 17, line 21, by striking out "1617" and inserting

1618

Amend Sec. 3 (Subchapter Analysis), page 17, line 22, by striking out "1618" and inserting

1619

Amend Sec. 3, page 37, by inserting between lines 22 and 23 § 1614. Radar detectors prohibited.

(a) Prohibition.—No radar detector shall be allowed in the cab of a commercial motor vehicle.

(b) Penalties.—

(1) The driver of a commercial motor vehicle in violation of subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200 for a first offense and \$500 for a subsequent offense.

(2) The vehicle in violation of subsection (a) shall be placed out of service for 24 hours.

Amend Sec. 3 (Sec. 1614), page 37, line 23, by striking out "1614" and inserting 1615

Amend Sec. 3 (Sec. 1615), page 37, line 29, by striking out "1615" and inserting 1616

Amend Sec. 3 (Sec. 1616), page 38, line 3, by striking out "1616" and inserting 1617

Amend Sec. 3 (Sec. 1617), page 38, line 12, by striking out "1617" and inserting 1618

Amend Sec. 3 (Sec. 1618), page 38, line 30, by striking out "1618" and inserting 1619

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Clark.

Mr. B. D. CLARK. Thank you, Mr. Speaker.

This is a relatively simple amendment. This would prohibit the use of radar detectors in commercial vehicles and put a substantial penalty in for the use of those radar detectors. A first offense would be a \$200 fine and any subsequent offense a \$500 fine, and it requires the vehicle to be out of service for 24 hours after that.

It amends the section dealing with commercial driver licensing and commercial vehicles, so it will only affect commercial vehicles and commercial licenses. It would not affect people using automobiles.

The idea behind the commercial driver licensing is to encourage the safe operation of these large vehicles on our highways. The Pennsylvania State Police tell me that we cannot enforce the speed limit as long as these radar detectors are permitted in these vehicles.

I would appreciate an affirmative vote on this so that we can slow the trucks down on our major highways.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I would like to rise to test the constitutionality of this based upon the grounds that a radar detector is nothing but a radio receiver, and I believe it is unconstitutional for us to limit anybody with a radio receiver from receiving radio waves.

The SPEAKER. The Chair would request the gentleman to indicate what part of either the Pennsylvania or the United States Constitution he is relying on.

Mr. GEIST. Thank you, Mr. Speaker.

You will have to hold for a second until we research it, but we want to do that.

(Conference held at Speaker's podium.)

Mr. GEIST. Thank you, Mr. Speaker.

After consultation with the learned attorney from Philadelphia, we are going to test it under the 14th Amendment.

The SPEAKER. The Chair thanks the gentleman.

The question is on constitutionality, which is a question for the House.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Clark.

Mr. B. D. CLARK. Just a quick comment, Mr. Speaker.

If we want to really believe in safety on the highways, we have to vote that it is constitutional to restrict the speed of the major vehicles on our highways.

I would point out that the only use for a radar detector is to break the law, to find out where the police are running speed-traps to catch people speeding.

I think this is a safety item, that we have to vote that it is constitutional.

The SPEAKER. The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, is the question the application on a commercial basis as opposed to why it would not apply to everybody or— How is he addressing the constitutional question again?

The SPEAKER. Is the gentleman raising a parliamentary inquiry?

Mr. DAVIES. Yes. I want to know, is it based on the fact that it is commercial as opposed to everybody, or what is the challenge of the gentleman, Mr. Geist?

The SPEAKER. The gentleman, Mr. Geist, questioned the constitutionality of the amendment based on the 14th Amendment to the United States Constitution, that it is a deprivation of property without due process of law, and the issue before the House is constitutionality.

Mr. DAVIES. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I wonder if we could have order in the House. I cannot hear a word that is going on and neither can anyone else.

The SPEAKER. The issue before the House is the constitutionality of amendment A349 to SB 498. The constitutionality of the amendment has been challenged based on the 14th Amendment. Is there anyone else seeking recognition on the issue of the constitutionality of the amendment?

Those who believe the amendment to be constitutional will vote "yes"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—91

Argall	Dorr	Lee	Semmel
Battisto	Fargo	Linton	Serafini
Belardi	Farmer	Lloyd	Smith, B.
Billow	Fee	Lucyk	Snyder, D. W.
Bishop	Freeman	McHale	Snyder, G.
Blaum	Freind	Maine	Staback
Bortner	Gallen	Markosek	Stairs
Bowley	Gamble	Michlovic	Steighner
Broujos	Gannon	Moehlmann	Thomas
Burd	Gruitza	Morris	Tigue
Burns	Gruppo	Mrkonic	Trello
Bush	Harper	Murphy	Trich
Caltagirone	Hasay	O'Brien	Van Horne
Cappabianca	Herman	Perzel	Wass
Clark, B. D.	Hughes	Pistella	Weston
Clark, J. H.	Itkin	Pressmann	Wogan
Cohen	Jackson	Richardson	Wozniak
Colafella	Jarolin	Ritter	Wright, D. R.
Colaizzo	Kenney	Robinson	Wright, J. L.
Cole	LaGrotta	Rudy	Yandrisevits
Cowell	Langtry	Rybak	
Coy	Lashinger	Saloom	O'Donnell,
DeLuca	Laughlin	Scrimenti	Speaker
Dombrowski			

NAYS—106

Acosta	Durham	Kukovich	Preston
Adolph	Evans	Leh	Raymond
Allen	Fairchild	Lescovitz	Reber
Angstadt	Fleagle	Levdanskyy	Reinard
Barley	Flick	McCall	Rieger
Belfanti	Foster	McNally	Robbins
Birmelin	Fox	McVerry	Roebuck
Black	Geist	Maiale	Ryan
Boyes	Gigliotti	Marsico	Saurman
Brandt	Gladeck	Mayernik	Scheetz
Carlson	Godshall	Melio	Schuler
Carn	Hagarty	Merry	Smith, S. H.
Cawley	Haluska	Micozzie	Stish
Cessar	Hayden	Miller	Strittmatter
Chadwick	Hayes	Mowery	Stuban
Civera	Heckler	Nahill	Tangretti
Clark, D. F.	Hershey	Nailor	Taylor, E. Z.
Clymer	Hess	Noye	Taylor, F.
Cornell	Howlett	Oliver	Taylor, J.
Corrigan	Jadlowiec	Pesci	Telek
DeWeese	James	Petrarca	Veon
Daley	Johnson	Petrone	Vroon
Davies	Josephs	Phillips	Wambach
Dempsey	Kaiser	Piccola	Williams
Dietterick	Kasunic	Pievsky	Wilson
Distler	Kondrich	Pitts	Wright, R. C.
Donatucci	Kosinski		

NOT VOTING—0

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

The SPEAKER. For the information of the members, the Chair will repeat, the amendment was found by the House to be unconstitutional. Therefore, the amendment fails.

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A0368:

Amend Bill, page 40, by inserting between lines 15 and 16

Section 7. Title 75 is amended by adding a section to read:

§ 3716. Accidents involving overturned vehicles.

(a) Speeding, reckless driving, etc.—If a commercial motor vehicle overturns in an accident resulting from a violation of section 3361 (relating to driving vehicle at safe speed), 3362 (relating to maximum speed limits), 3714 (relating to reckless driving) or 3731 (relating to driving under influence of alcohol or controlled substance), the operator of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.

(b) Equipment violations.—If a commercial motor vehicle overturns in an accident resulting from a violation of section 4103 (relating to promulgation of vehicle equipment standards) or 4502 (relating to general requirements for braking systems), the owner or any responsible lessee of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.

(c) Miscellaneous.—If a commercial motor vehicle overturns in an accident resulting from a violation of section 4903 (relating to securing loads in vehicles) or 6103 (relating to promulgation of rules and regulations by department), the responsible party shall, upon conviction of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.

(d) Definitions.—As used in this section, the term "commercial motor vehicle" shall have the meaning ascribed in section 1603 (relating to definitions).

Amend Sec. 7, page 40, line 16, by striking out "7" and inserting

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Amend Sec. 8, page 41, line 2, by striking out "8" and inserting

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Amend Sec. 9, page 41, line 10, by striking out "9" and inserting

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Amend Sec. 10, page 42, line 6, by striking out "10" and inserting

11

Amend Sec. 11, page 42, line 22, by striking out "11" and inserting

12

Amend Sec. 12, page 43, line 9, by striking out "12" and inserting

13

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

14

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses a concern that arose in my district a number of years ago, but it is a concern that is pertinent to other parts of the State as well.

Back in the summer and early autumn of 1987 there was a series of tractor-trailer truck accidents on a winding portion of Route 22 in my district that is known as Cemetery Curve. This portion of road is so winding that the conditions were quite difficult for many truckdrivers to pass through unless they observed the low speed limits. The rash of overturned-truck accidents that did occur was mostly due to the fact that the drivers of the trucks were exceeding the speed limits that were posted, or in other cases, their loads were not properly secured, and as their load shifted, an accident occurred and the truck overturned.

When a tractor-trailer overturns and blocks traffic of a major highway artery, the result is obviously the disruption of commerce and also the delay of many thousands of individuals trying to get to and from work. As a result of these accidents, a task force was formed in the eastern area known as the Cemetery Curve Task Force, made up of myself, State and local officials, members of the local State Police contingent. We made a number of improvements to the road, including posting of signs, various other improvements made to the road surface itself, and we were able to secure the beefing up of State Police patrols to try and curb speeds.

Although there were some tremendous improvements to the road because of these improvements made on our part and there was a lessening of accidents, it was still the opinion of the task force that there was a need to increase the level of fines in the State of Pennsylvania, in the Commonwealth of Pennsylvania, for a tractor-trailer that overturned due to recklessness of the driver or because the equipment of the truck was not up to proper standards.

Under current law, under current State law, the total cost of overturning a truck, the total fine is \$52.50, and that is counting court costs. This paltry fine has not served to be a proper deterrent against those individuals who refuse to drive in a safe fashion or those owners of trucks who refuse to make sure the equipment of their trucks is up to snuff.

What this amendment does is provide for a fine of not less than \$500 nor more than \$1,500. And I should note, this level of fine is comparable to the other levels of fines already included in the bill. It will provide for a fine within that parameter that would be levied against the driver of a truck, or actually, a commercial motor vehicle, who overturns in an accident because that driver was driving at an unsafe speed, exceeding posted speed limits, driving under the influence of alcohol or other controlled substances. It would impose the same sort of fine on the owner of the vehicle if the truck overturned because the brakes were not up to standard as provided for in the Vehicle Code or because of other equipment factors that were not being observed under the Vehicle Code.

In the case of a load shifting, we have placed the responsibility with that party that would be responsible for making sure the load is properly secured. That individual who is not securing the load properly would also be subject to a fine of not less than \$500 nor more than \$1,500.

I should emphasize that this level of fine would only apply to those drivers and owners and responsible parties who are

guilty of violating sections of the Vehicle Code, who through their negligence or carelessness have caused a tractor-trailer to overturn.

I would urge the members of the legislature to support this legislation and to make our roads a safer place to travel.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

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

NAYS—12

Acosta	Clark, D. F.	Flick	Hershey
Barley	Fairchild	Godshall	Howlett
Cawley	Fargo	Gruitza	Noye

NOT VOTING—7

Belfanti	Geist	Nahill	Reber
Cohen	Micozzie	Pesci	

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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. PRESSMANN offered the following amendments No. A0352:

Amend Title, page 1, line 10, by inserting after "REVOCA-TION;"

providing for registration of limousines;

Amend Sec. 1, page 2, line 2, by striking out "A DEFINI-TION" and inserting definitions

Amend Sec. 1 (Sec. 102), page 2, line 29, by inserting after "TAXICAB" or limousine

Amend Sec. 1 (Sec. 102), page 3, by inserting between lines 8 and 9

"Limousine." A motor vehicle designed for carrying no more than nine passengers, exclusive of the driver, and used for the transportation of persons for compensation.

Amend Bill, page 39, by inserting between lines 4 and 5 Section 4. Title 75 is amended by adding a section to read:

§ 1925.1. Limousines.

The department shall issue registration plates for limousines for an annual fee of \$36. The limousine registration plate shall be issued only to vehicles licensed as limousines by the Pennsylvania Public Utility Commission, and shall bear a number preceded by the letter "P."

Amend Sec. 4, page 39, line 5, by striking out "4" and insert-
ing
5

Amend Sec. 5, page 39, line 25, by striking out "5" and
inserting
6

Amend Sec. 6, page 40, line 11, by striking out "6" and
inserting
7

Amend Sec. 7, page 40, line 16, by striking out "7" and
inserting
8

Amend Sec. 8, page 41, line 2, by striking out "8" and insert-
ing
9

Amend Sec. 9, page 41, line 10, by striking out "9" and
inserting
10

Amend Sec. 10, page 42, line 6, by striking out "10" and
inserting
11

Amend Sec. 11, page 42, line 22, by striking out "11" and
inserting
12

Amend Sec. 12, page 43, line 9, by striking out "12" and
inserting
13

Amend Sec. 13, page 45, line 29, by striking out "13" and
inserting
14

Amend Sec. 13, page 46, line 9, by striking out "4" and
inserting
5

Amend Sec. 13, page 46, line 11, by striking out "5" and
inserting
6

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

The SPEAKER. On that question, the Chair recognizes Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is very simple and it hopes to address a small problem.

In the State of Pennsylvania, people who offer licensed limousine services, according to a vagary in the law with PennDOT in terms of what the definition of a "bus" is, a limousine - your stretch limousine, the kind of thing that you have your daughter go to her wedding in or you get for a prom - is being considered a bus. PennDOT is requiring them to put a bus plate on an \$80,000 limousine. What my amendment seeks to do is to have a limousine plate for those limousines and sets a fee for that plate.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—188

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

Dombrowski Kukovich Robbins Speaker
Donatucci LaGrotta

NAYS—2

Acosta Brandt

NOT VOTING—7

Argall Mrkonic Perzel Thomas
Merry Nahill Pitts

EXCUSED—5

Bunt George Letterman Olasz
Dininni

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. MURPHY offered the following amendments No. A0394:

Amend Bill, page 45, by inserting between lines 28 and 29 Section 13. (a) No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:

(1) refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code § 231 (relating to intrastate motor carrier safety requirements) and existing safety laws; or

(2) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order, or has testified or is about to testify in any such proceeding.

(b) No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

(c) (1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file, or have filed by any person on the employee's behalf, a complaint with the Secretary of Labor and Industry alleging such discharge, discipline or discrimination. Upon receipt of such a complaint, the Secretary of Labor and Industry shall notify the person named in the complaint of the filing of the complaint.

(2) (i) Within 60 days of receipt of a complaint filed under paragraph (1), the Secretary of Labor and Industry shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor and Industry has con-

cluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a preliminary order providing the relief prescribed by subparagraph (ii). Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor and Industry shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor and Industry, the complainant and the person alleged to have committed the violation.

(ii) If, in response to a complaint filed under paragraph (1), the Secretary of Labor and Industry determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor and Industry shall order:

(A) the person who committed such violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(C) compensatory damages.

If such an order is issued, the Secretary of Labor and Industry, at the request of the complainant may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred, as determined by the Secretary of Labor and Industry, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) (1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the Commonwealth Court. The petition for review must be filed within 60 days from the issuance of the Secretary of Labor and Industry's order. Such review shall be in accordance with the provisions of 42 Pa.C.S. (relating to Judiciary and Judicial Procedure), and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor and Industry, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c)(2), the Secretary of Labor and Industry shall file a civil action in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.

(f) This section shall not apply to Pennsylvania municipalities, school districts and public transportation authorities.

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

14

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

In this amendment, at the suggestion of Mr. Geist, I have included the language that includes school districts so that on the right to refuse of drivers, Pennsylvania municipalities, school districts, and public transportation authorities would be excluded from that right to refuse.

Again, we have argued this issue. I want you to think about the difference between commercial vehicles and publicly used vehicles. There is a world of difference. I want you to think about your local township, your local city that has publicly used vehicles, and the potential for a driver to refuse a dry run of those vehicles for a very minor violation. It can be very disruptive to providing critically needed taxpayer services.

So before you continue to just vote like you have been doing in the past on this, think of the kind of disruptions that can be caused by including that right to refuse of drivers, extending that to municipal truckdrivers, to port authority busdrivers or public transit busdrivers, to school drivers, to people who drive all kinds of commercial vehicles for the use of the public, for taxpayer purposes. For that reason I urge you to provide for that exclusion and vote for this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, more than any other area, I think schoolbus drivers should be included. Now, how many of you know the schoolbus drivers? You know, in most cases they are parents or they are familiar with all the children who go to school, and you and I know that they are concerned about the health, safety, and welfare of those kids in that bus. If you were a busdriver and I was a busdriver, when I got in that bus in the morning, if I thought for 1 minute that there might be something wrong with that bus that would be harmful to the children that I am transporting, no way would I drive that bus in the morning, and more than ever, because he is including schoolbus drivers is all the more reason why we have to vote against the amendment, and I urge a negative vote.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

The gentleman, Mr. Trello, is exactly right about schoolbus drivers, and that is exactly why we should be supporting the Murphy amendment - the fact that they are caring people and they would not be deterred, by any of the provisions of the bill, from making a report to the school district that that bus is unsafe. They would do that, and Mr. Trello is exactly right on that point, and that is why we should be voting "yes" on the Murphy amendment. It is the narrow type of amendment that preserves the rights of school districts, municipal authorities, transit authorities, to operate under existing provisions of law.

I strongly support the Murphy amendment. I am very glad that he had the opportunity to get it redrafted to include school districts, and there is therefore no reason now to vote against the amendment.

The SPEAKER. The Chair recognizes Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if the gentleman, Mr. Murphy, would stand for a brief interrogation.

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand from the explanation you have given of your amendment that this is an attempt to address the need of municipalities and municipal authorities and the individual driver's right to refuse to drive a given vehicle under a certain set of circumstances. Is that correct, sir?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. PISTELLA. Mr. Speaker, if my memory serves me correctly, you should have some knowledge or understanding of the city of Pittsburgh as a municipality, and I was wondering if you could enlighten the membership of this House as to the policy of the city of Pittsburgh as to the maintenance of motor vehicles such as the Department of Environmental Resources refuse trucks, firetrucks, motor vehicles used by the police department and others. Do they have a review and inspection process, preventive maintenance, that they follow?

Mr. MURPHY. Mr. Speaker, as far as I know, the city does have a regular garage where vehicles are regularly brought in for maintenance and repairs, if necessary.

Mr. PISTELLA. Well, my question, sir, was whether it was preventive. You have indicated from your response that they were brought in when necessary, and using that theory then, are you suggesting that those vehicles are not properly maintained?

Mr. MURPHY. No, Mr. Speaker. To my knowledge, the city of Pittsburgh does have a preventive maintenance program.

Mr. PISTELLA. They do have a preventive maintenance program?

Mr. MURPHY. To my knowledge, Mr. Speaker. I am not an expert on the city government of Pittsburgh.

Mr. PISTELLA. Oh, you are not an expert on city government in Pittsburgh, Mr. Speaker.

Mr. MURPHY. I would never purport myself to be that, Mr. Speaker.

Mr. PISTELLA. Okay. Mr. Speaker, then in the case of those municipalities, are you suggesting then that the individual driver is somehow or in some fashion, outside of their own negligence, exempted from liability in the event that a vehicle was proven to be faulty by the failure of the authority or municipality because of a lack of maintenance?

Mr. MURPHY. Yes, Mr. Speaker. We have passed an earlier amendment that will indemnify a driver of a vehicle who has— Because of an equipment failure that he has notified the owner of causing a problem, we have indemnified that driver from any fines or points that might be caused by that.

Mr. PISTELLA. Now, you have addressed the issue of indemnification, Mr. Speaker, but what about the safety of the individual driver himself or the citizens who are paying the

taxes, whom you have expressed concern about, who would in some way, shape, or form be jeopardized if a driver, by adhering to what the city is espousing as its preventive maintenance policy, would in fact drive? I mean, are they not then also subject to injury?

Mr. MURPHY. Not being an attorney, Mr. Speaker, I could not answer your question.

Mr. PISTELLA. Well, the question, Mr. Speaker, is that—

Mr. MURPHY. Are they liable? I do not know.

Mr. PISTELLA. It is not a question of liability. They are still susceptible to injury, though. If in fact the vehicle, even with the preventive maintenance program, is determined by the driver to be unsafe and the driver therefore refuses to drive it, if they choose to drive it and an accident does occur—

Mr. MURPHY. Mr. Speaker, I think the more important question is whether the driver is competent to make a judgment on whether the vehicle in all cases is safe or not safe to drive.

Mr. PISTELLA. Thank you, Mr. Speaker. I have concluded my interrogation. I would like to make one brief statement.

What Representative Murphy is suggesting is that the drivers of the vehicles— Now, the category of vehicle we are talking about in this particular case is trucks that are driven by men and women in municipalities and under authorities not once, not twice, but continually 8 hours a day, for an 8-hour shift, and in some cases they are driven 24 hours a day. He said, in fact, that most municipalities have preventive maintenance programs. They are not always effective. They do not always work. Municipalities have found oftentimes it is cheaper to take the vehicle, beat it into the ground, depreciate the capitalization towards it, and go out and buy a new vehicle. So the financial analysis alone would seem to indicate that not all municipalities use preventive maintenance.

What I am suggesting in opposition to the Murphy amendment is, in fact, the men and women that the city itself has endowed with the responsibility of driving the vehicles probably know, by spending 8 hours behind the wheel, whether there is a problem with that vehicle or not, and it is not going to be subject to some frivolous concern about whether or not a tire squeaks. We are talking about major problems - problems that have occurred all too often in the city of Pittsburgh, where faulty brakes and vehicle breakdowns have caused tragic accidents.

I would encourage the members of this General Assembly to defeat the Murphy amendment.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just rise to strongly oppose this amendment. I think the gentlemen, Mr. Pistella and Mr. Trello, covered the issue very well.

The first Murphy amendment was wrong. We defeated that. I think this one is worse, and I would ask for a negative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise to support the Murphy amendment. In spite of all the amendments this afternoon—and we have been here quite awhile—SB 498 is still an important piece of legislation and it has not been messed up too much, but there is one great inequity that has been pointed out time and time again, and the Murphy amendment addresses that.

There has been no rash of schoolbus accidents because the schoolbus driver did not inspect the bus, nor has there been a rash of bus accidents with the port authority or SEPTA or any of those other taxpayer-owned bus companies. In small communities, when have we last heard where the dump truck ran through a building because it had no brakes? There is no problem out there, and those who get up and are talking safety are not telling you where they are coming from. This is a special, special interest situation, and the special interest is all over the back of this building. They are the ones that want to have an edge on management in local governments, on the school boards, and in the people-owned transit systems. This is strictly special interest. Forget about the safety. There is nothing out there that is broke that needs fixing.

Support the Murphy amendment.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Will the gentleman, Mr. Pistella, consent to interrogation?

The SPEAKER. The gentleman has indicated that he will be interrogated, and the gentleman may proceed.

Mr. FOSTER. Mr. Speaker, I believe you indicated the possibility of municipalities running their equipment without preventive maintenance and almost, if not deliberately, just carelessly running that equipment into the ground with the idea of the depreciation value of the vehicles. Is that essentially what you said?

Mr. PISTELLA. No, Mr. Speaker. I believe what I said was that there were some municipalities that chose to implement preventive maintenance programs, that they are not always adhered to because no one is quite sure who has the responsibility for the preventive maintenance program taking place, and suggested instead that oftentimes municipalities find it easier to run the equipment to the furthest extent possible of usage, because they are then capable of getting the depreciation and, in turn, buying new equipment in the future.

Mr. FOSTER. Well, just explain to me, Mr. Speaker, how the municipality benefits from that depreciation. Wherein are they taxed that they can make use of that depreciation? Wherein is the municipality taxed?

POINT OF ORDER

Mr. PISTELLA. Mr. Speaker, may I raise a point of order?

The SPEAKER. The gentleman will state his point of order.

Mr. PISTELLA. Mr. Speaker, the question I am raising is, I am not quite sure what the question that has been presented to me during the course of this interrogation has to do with the Murphy amendment.

The SPEAKER. The gentleman's point of order is that the gentleman's question is out of order because it is irrelevant to the subject at hand?

Mr. PISTELLA. The issue before us is the Murphy amendment, and I presumed that I was going to be interrogated on my perception of the amendment. Instead, the question has been raised about comments I had made into the record, and I was not quite sure, within the purview of deliberation, where this fell and—

The SPEAKER. The Chair understands the gentleman's point and would suggest that the gentleman's remedy, rather than a point of order, would be to terminate the interrogation.

Mr. PISTELLA. Thank you, Mr. Speaker. I so do.

The SPEAKER. Thank you.

The Chair recognizes the gentleman, Mr. Foster.

Mr. FOSTER. I will make a brief statement.

I think it was a wise decision by the gentleman to terminate the discussion, because his point was that the municipality would somehow benefit from running the vehicles into the ground, claiming depreciation and somehow gain a benefit from that. They obviously cannot because they are not taxed, and that hollow argument illustrates the remainder of the hollow arguments that have been used against this amendment, and I think if you will just look at that for a moment, you will see all the more reason to vote for the Murphy amendment. I strongly urge that you do so.

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

The following roll call was recorded:

YEAS—85

Adolph	Dorr	Jackson	Pitts
Allen	Fairchild	Jadlowiec	Raymond
Barley	Fargo	Johnson	Reber
Birmelin	Farmer	Kondrich	Reinard
Black	Fleagle	Langtry	Robbins
Brandt	Foster	Lashingier	Ryan
Broujos	Fox	Lee	Saurman
Burd	Gallen	Leh	Scheetz
Burns	Gamble	McVerry	Schuler
Bush	Gannon	Marsico	Scrimenti
Cappabianca	Geist	Merry	Semmel
Carlson	Gladeck	Micozzie	Smith, B.
Chadwick	Godshall	Miller	Smith, S. H.
Civera	Gruppo	Moehlmann	Stairs
Clark, D. F.	Hagarty	Mowery	Strittmatter
Clark, J. H.	Hayes	Murphy	Taylor, E. Z.
Clymer	Heckler	Nahill	Telek
Colaizzo	Herman	Nailor	Vroon
Cornell	Hershey	Noye	Wass
Dempsey	Hess	Phillips	Wilson
Distler	Itkin	Piccola	Wright, J. L.
Dombrowski			

NAYS—109

Acosta	Durham	Lucyk	Serafini
Angstadt	Evans	McCall	Snyder, D. W.
Argall	Fee	McHale	Snyder, G.
Battisto	Flick	McNally	Staback
Belardi	Freeman	Maiale	Steighner
Belfanti	Freind	Maine	Stish
Billow	Gigliotti	Mayernik	Suban
Bishop	Gruitza	Melio	Tangretti
Blaum	Haluska	Michlovic	Taylor, F.

Bortner	Harper	Morris	Taylor, J.
Bowley	Hasay	Mrkonic	Thomas
Boyes	Hayden	O'Brien	Tigue
Caltagirone	Howlett	Oliver	Trello
Carn	Hughes	Pesci	Trich
Cawley	James	Petrarca	Van Horne
Cessar	Jarolin	Petrone	Veon
Clark, B. D.	Josephs	Pievsky	Wambach
Cohen	Kaiser	Pistella	Weston
Colafrella	Kasunic	Pressmann	Williams
Corrigan	Kenney	Preston	Wogan
Cowell	Kosinski	Richardson	Wozniak
Coy	Kukovich	Rieger	Wright, D. R.
DeLuca	LaGrotta	Ritter	Wright, R. C.
DeWeese	Laughlin	Robinson	Yandrisevits
Daley	Lescovitz	Roebuck	
Davies	Levdansky	Rudy	O'Donnell,
Dietterick	Linton	Rybak	Speaker
Donatucci	Lloyd	Saloom	

NOT VOTING—3

Cole	Markosek	Perzel
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EXCUSED—5

Bunt	George	Letterman	Olasz
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Dininni

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?

AMENDMENT A0361 RECONSIDERED

The SPEAKER. The Chair is in possession of a reconsideration motion by the gentleman, Mr. Itkin, who moves that the vote by which the amendment A0361 to SB 498, PN 1759, was defeated on the 6th day of February 1990 be reconsidered.

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—4

Bishop	Caltagirone	Howlett	Maiale
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NOT VOTING—4

Blaum	Cappabianca	Jarolin	Scrimenti
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EXCUSED—5

Bunt	George	Letterman	Olasz
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Dininni

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

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

The clerk read the following amendments No. A0361:

Amend Title, page 1, line 19, by striking out "AND"
Amend Title, page 1, line 19, by removing the period after "DRIVING" and inserting
; and making a repeal.
Amend Bill, page 41, by inserting between lines 9 and 10
Section 9. Section 4706 of Title 75 is repealed.
Amend Sec. 9, page 41, line 10, by striking out "9" and inserting

10

Amend Sec. 10, page 42, line 6, by striking out "10" and inserting

11

Amend Sec. 11, page 42, line 22, by striking out "11" and inserting

12

Amend Sec. 12, page 43, line 9, by striking out "12" and inserting

13

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

14

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

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Saloom, who withdraws the above amendment.

The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Saloom, rise?
 Mr. SALOOM. Mr. Speaker, in withdrawing the amendment, I had made a commitment to some of my colleagues that I would explain that there was much confusion on the amendment and people were not briefed ahead of time, and there will be an administration bill sometime in the future. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair goes over temporarily SB 498.

* * *

The House proceeded to third consideration of **SB 1095, PN 1894**, entitled:

An Act amending the act of October 21, 1988 (P. L. 962, No. 114), entitled "A supplement to the act of July 3, 1987 (P. L. 190, No. 26), entitled 'An act providing for the capital budget for the fiscal year 1987-1988,' itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of Transportation; stating the estimated useful life of the projects; and making appropriations," adding a project in Blair County; further describing a highway project in McKean County; adding a project in Washington County; and increasing the debt authorization and appropriation.

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?

The matter before the House is now SB 1095. The gentleman, Mr. Robert Wright, has withdrawn his amendment.

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—196

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

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

NAYS—1

Richardson

NOT VOTING—0

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Are you taking corrections to the record now?

The SPEAKER. For the information of the members, we are waiting for the printing of an amendment, which, I understand, is to be the last item of business before the House today, and during that period we would be happy to receive announcements and corrections of the record.

VOTE CORRECTIONS

Mr. GEIST. Thank you, Mr. Speaker.

On amendment A0368, I was conferring with Representative Veon at that time and failed to vote. I would like to be recorded in the negative.

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

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I would like for my vote on the constitutionality of amendment A349 to be recorded in the negative.

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

The Chair recognizes the gentleman, Mr. Wozniak.

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

For SB 498, amendment A4043, I inadvertently voted in the negative, and I would like to be placed on the record as voting in the affirmative. Thank you, Mr. Speaker.

CONSIDERATION OF SB 498 CONTINUED

On the question recurring,

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

Mr. VEON offered the following amendments No. A0393:

Amend Title, page 1, line 8, by inserting after "SUBSTANCE,"

for occupational limited licenses,

Amend Sec. 2, page 4, line 4, by striking out "1550, 1571(A)(1) AND (4) AND 1573" and inserting and 1550

Amend Bill, page 15, by inserting between lines 11 and 12

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

§ 1553. Occupational limited licenses.

(a) Issuance.—The department may issue an occupational limited license under the provisions of this section to a driver whose driver's license has been suspended. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. App. § 2701 et seq.).

(b) Petition.—The applicant for an occupational limited license must file a petition with the Department of Transportation, setting forth in detail the need for operating a motor vehicle.

(c) Form.—The petition shall be in a form established by the Department of Transportation and shall identify the specific motor vehicle or vehicles the petitioner seeks permission to operate, including the vehicle classification and any endorsements required for operation. The petition shall include the explanation why the operation of the motor vehicle is essential to the person's livelihood and identify the person's occupation, study or trade. The petition shall identify the petitioner's employer and include proof of financial liability covering all vehicles which the petitioner requests to be allowed to operate.

(d) Fee.—The fee for an occupational limited license shall be \$25.

(e) Unauthorized issuance.—The Department of Transportation shall prohibit issuance of an occupational license to:

(1) A driver who has been convicted of any felony in the commission of which a motor vehicle was used.

(2) Any person required by this act to take an examination and has failed to pass such examination.

(3) Any person who has an unsatisfied judgment against him as the result of a motor vehicle operation, until such judgment has been satisfied or the financial responsibility of such person has been established.

(4) Any person applying for a limited license to operate a commercial motor vehicle who has had his commercial driver's license privilege disqualified under the provisions of section 1611 (relating to disqualification).

(5) Any person who, at the time he applies for an occupational driver's license, has previously been granted such a privilege within the period of five years next preceding such application.

(6) Any person who has been convicted of driving under the influence of alcohol or controlled substance.

(7) Any person whose license has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance.

(8) Any person who has been granted Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance and whose license has been suspended by the department.

(9) Any person for the purpose of driving a school bus.

(10) Any person whose license has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) during the term of the person's suspension.

(f) Restriction; penalty.—The occupational limited license shall restrict motor vehicle operation of a licensee to driving to and from and for the purpose of the licensee's occupation. Persons violating the restrictions imposed by the department shall pay a fine of \$200 and receive a one-year suspension of the occupational limited license privilege.

Section 4. Sections 1571(A)(1) and (4) and 1573 of Title 75 are amended to read:

Amend Sec. 3, page 16, line 29, by striking out "3" and inserting

5

Amend Sec. 3 (Sec. 1607), page 29, line 23, by inserting after "CANCELLATION."

This subsection shall not be applicable to persons issued occupational limited licenses.

Amend Sec. 4, page 39, line 5, by striking out "4" and inserting

6

Amend Sec. 5, page 39, line 25, by striking out "5" and inserting

7

Amend Sec. 6, page 40, line 11, by striking out "6" and inserting

8

Amend Sec. 7, page 40, line 16, by striking out "7" and inserting

9

Amend Sec. 8, page 41, line 2, by striking out "8" and inserting

10

Amend Sec. 9, page 41, line 10, by striking out "9" and inserting

11

Amend Sec. 10, page 42, line 6, by striking out "10" and inserting

12

Amend Sec. 11, page 42, line 22, by striking out "11" and inserting

13

Amend Sec. 12, page 43, line 9, by striking out "12" and inserting

14

Amend Sec. 13, page 45, line 29, by striking out "13" and inserting

15

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

The SPEAKER. On that question, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I do not think we need to belabor this amendment. This amendment is the same except we attempted to take care of the objections of several of the members, particularly the member, the gentleman, Mr. Steighner, and added a section regarding suspension for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance. Also, we added another section under which you would not be allowed to have a bread-and-butter license - section (8), any person who has been granted ARD (accelerated rehabilitative disposition).

Mr. Speaker, I think the members know the issue, and I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, many years ago, 1974 or 1975 I think it was, I cosponsored a bill that did effectively the same thing that the Veon amendment is intended to do today. I did it with that great American, Pat McGinnis, if any of you remember him. At that time I remarked to the House—and I do it again today—that I see no reason and I know of no other situation where government takes away the means to earn your livelihood simply because of a few minor traffic infractions. When I say “minor,” I am referring to those that are not exempted from this amendment by the gentleman, Mr. Veon. We are not talking about drunken driving. We are not talking about those offenses that are deemed serious.

The person who drives for a living can no longer support his family if we take it away from him. These are the people who really are the heart of America today. These are the men and the women now that really are the ones that carry the guns in war, ask for little from their government, rarely are found on welfare, and come to us infrequently for a break. This is one of those times they are asking for a break. They are asking to be able to continue to drive their trucks for their living after a few minor offenses in their private automobiles.

I for one enthusiastically endorse the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, first let me congratulate my friend and colleague, Representative Veon, in his attempt to improve what was a very bad amendment, and we have now come up to the level where it is simply a bad amendment.

Mr. Speaker, had the amendment succeeded in doing what the minority leader suggested that it does, possibly I could stand here and support it, but Mr. Ryan mentions about the minor traffic violations that a person could qualify for a license. However, I do not consider racing on the highways, fleeing or attempting to elude a police officer, driving without lights to avoid identity, being involved in an accident involving damage to attended vehicles, or operating a motor vehicle

during a period of suspension minor infractions. Mr. Speaker, this amendment puts the most unsafe drivers in Pennsylvania back on the highways.

I would ask that the vote that transpired here approximately an hour ago on a similar amendment offered by Representative Saloom, that was defeated by a vote of 15 to 178, I would simply ask for the same vote again. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. WASS. Mr. Speaker, we have been talking about safety here all afternoon and you made your point on many occasions, but in this case, Mr. Speaker, I believe that you are really impacting on an unsafe situation.

Mr. Speaker, may I ask you, if a schoolbus driver has gone through a stop sign, would he be eligible for a bread-and-butter license to drive the schoolbus? That is the way he makes his living.

Mr. VEON. Mr. Speaker, if the schoolbus driver wanted a bread-and-butter in order to be able to drive a schoolbus, he would be prohibited under No. (9) of the amendment on page 2: “Any person for the purpose of driving a school bus.” If he were suspended while driving the schoolbus for violations incurred while driving the schoolbus, he would not be able to get a bread-and-butter for the purpose of driving a schoolbus.

Mr. WASS. Mr. Speaker, may I continue?

Can I get a bread-and-butter license if I go through a red light?

Mr. VEON. Mr. Speaker, you would be eligible for a bread-and-butter license given the fact I am assuming that when you say “go through a stop sign” that you have now accumulated enough points to be suspended, and if you are now suspended, yes, you would be eligible for a bread-and-butter license.

Mr. WASS. Mr. Speaker, can I get a bread-and-butter license if I pass a schoolbus?

Mr. VEON. Mr. Speaker, my response would be the same, that any violations, the cumulative points of which add up to a suspension under current law, that person now suspended would be eligible for a bread-and-butter license unless specifically prohibited by the 10 items that we list in this amendment.

Mr. WASS. So what you are saying, Mr. Speaker, is that those who will go through a red light, go through a stop sign, break the rules of the road other than those that are specified here, they would be eligible for a bread-and-butter license. Is that right?

Mr. VEON. That is correct, Mr. Speaker, if the gentleman were suspended for the cumulative total of points.

Mr. WASS. Okay. Thank you, Mr. Speaker.

I want to make a comment.

The SPEAKER. The gentleman may proceed.

Mr. WASS. Earlier today we talked about, how is a man going to feed his family? How is a man going to survive if he loses his driver's license when he needs to go to work? Let me ask you, how is that mother going to respond about her son being killed on the road? How are you going to respond to the family that gets wiped out by one of these lawbreakers? You talk to those people about a bread-and-butter license.

These people have three or four different violations before they lose their license. I am telling you, Mr. Speaker, you are taking a step backward here today. You talk to those who have lost loved ones on the road because of those who would break the laws on the road and they will tell you how to vote on this one.

I am going to vote against it.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, first of all, I can understand the concern of the previous speaker, but I think the language in the amendment is very, very clear. It would eliminate all irresponsible drivers - the drunk drivers, the reckless drivers, the habitual offenders. They will not be entitled to a limited license.

But let me tell you about a little thing back home in my hometown. There was a young kid, 16 years old, a sophomore in high school, that got a ticket. You know, failure to respond to a citation. He did not tell his parents about it. Then he got suspended for 6 months, and then he drove while under the suspension and he got another year. Well, 7 years later he still cannot drive, but he never really did anything bad except failure to respond to a citation.

Now he is married and has two kids, and he walks 3 miles to and from work every day. He is not a bad kid. He is a good kid that just failed to respond to a citation and then started to drive while under suspension and never hurt anybody, never did anything reckless, never did anything wrong. All he wants to do is drive to and from work to support his family, and that is the reason why I am going to support the amendment, because first of all, the language is clear. It without any doubt eliminates all of these people that are going to hurt my son and daughter, your friends, our families. They will not be allowed to have this limited license. The good people that made a mistake, that want to keep their jobs so they can support their families, it is going to help them, and when you help them, you help the State of Pennsylvania because they become tax-producing citizens.

I urge a positive vote on the amendment.

The SPEAKER. The Chair recognizes Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Veon, would stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. The lady may proceed.

Ms. RITTER. Thank you, Mr. Speaker.

Item No. (10) on page 2, referring to one of the prohibitions, does that have to do with the underage drinking law? Is that the purpose of that exception?

Mr. VEON. Yes, it does, Mr. Speaker.

Ms. RITTER. All right. Thank you.

Also, my second question has to do with someone who receives citations under their driving record and fails to respond to those citations. That license can be suspended for that failure to respond. Is that considered under No. (3), the unsatisfied judgment, or does the unsatisfied judgment only pertain to motor vehicle accidents?

Mr. VEON. No; it pertains to both instances that you described.

Ms. RITTER. So if someone received citations, did not respond to those citations, that would be considered as an exception to this license?

Mr. VEON. Yes, Mr. Speaker.

Ms. RITTER. All right. Thank you.

That concludes my interrogation. If I might speak on the amendment. Mr. Speaker.

The SPEAKER. The lady may proceed.

Ms. RITTER. Thank you.

We passed in 1989 Act No. 92, which deals with revocation of licenses for drug offenses, and that does not seem to be covered under here, under this bill.

Well, maybe I should continue my interrogation, if I can ask that question.

The SPEAKER. The lady may continue the interrogation.

Mr. VEON. I am sorry, Mr. Speaker. I did not hear the question.

Ms. RITTER. Mr. Speaker, Act 92 of 1989 dealing with drug offenses and suspension of licenses therefor, is that covered under this exception as well?

Mr. VEON. Yes, Mr. Speaker.

Ms. RITTER. Can you direct me to the section, because I cannot—

Mr. VEON. One moment, Mr. Speaker.

Mr. Speaker, No. (6): "Any person who has been convicted of driving under the influence of alcohol or controlled substance."

Ms. RITTER. That would be if they were driving, but my understanding, though, is that some of the bills that we passed recently deal with simply suspending the license as one of the penalties whether or not a vehicle is involved. Would that still come under this, if they were not actually driving a vehicle but their privileges were still suspended because of that?

Mr. VEON. Yes, Mr. Speaker.

Ms. RITTER. It would be? All right. Thank you. Then that does conclude my interrogation.

The SPEAKER. The lady may proceed.

Ms. RITTER. When we debated the underage drinking bill on the floor of this House, we talked about the fact that even if the underage drinker was not using a motor vehicle, was not driving, they would still lose their driving privileges, and there did not seem to be any compassion at all during that debate for people under the age of 21 who had jobs and who were supporting a family, and I am curious now as to why we suddenly have this compassion for those over the age of 21, as if perhaps there is something different in supporting a family when you are over 21 compared to when you are under 21.

But anyway, during the debate on the underage drinking bill, arguments were made on the floor of the House that suspension of the driving privileges in that bill was meant as a punishment. It was meant to be a deterrent to the behavior. So what punishment and what deterrent do we have left under our laws if we say, well, if you break the law, we will take your driver's license away, unless, of course, you need it for your job, in which case we will give it back to you.

I am amazed to hear the minority leader actually has a bleeding heart for these particular lawbreakers who need to have their licenses for their jobs. I mean, what about the people who are in jail? They also cannot continue their employment unless they are on work release. What about those people? Why do we not let them out of jail because they need to have a job to support their families? I do not see any difference between breaking the law on one hand and breaking the law on the other.

Now, I presume that we do not empower PennDOT to suspend people's drivers' licenses just to keep their bureaucracy operating and just to give them something to do. I presume that when we suspend someone's driver's license, it is because they have broken the law, and it is intended to be a hardship on that person. It is a punishment. It is a deterrent.

What are we going to say, as was pointed out by the previous speaker, to the survivors of people who are killed on the road because someone is on the road who should not be because of this amendment, who is only on the road because this amendment grants them this privilege, whose driving privileges would otherwise have been suspended? How have we fulfilled our obligation to those people who will suffer physical injury or death because we allow drivers who should not be driving to get behind the wheel of a car, or worse yet, a truck?

If in fact we are serious about promoting highway safety, then we must vote against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, all of us are against unsafe people driving. The question we have to ask in considering the Veon amendment is, does the Veon amendment allow unsafe drivers to drive in Pennsylvania? I think the answer to that question, if you will go beyond arbitrary categories, is no; the Veon amendment does not do that.

There is a lot of concern about people having convictions. How do people get convictions? Largely they get convictions in Pennsylvania because they are too busy to fight them. For anyone who drives a truck regularly back and forth through the State of Pennsylvania, he has to take at least 1 day off and sometimes, because the trips go on for 2, 3, 4, or 5 days, he might have to take a much longer period of time off. So the vast majority of people who get convictions get convictions only because they do not have the time to take off. They assume that nothing else will happen to them, and they foolishly do not take the time off and get the convictions.

Of that small minority of people who actually fight the arrests, what happens when they go before the district justice

system? Are the district justice systems perfect? The fact is, district justices often err. There are huge political influences involved in it. Whether you are convicted by a district justice is very often a question of whom you know politically far more than the facts of the case. We all know that. There are major investigations of the district justice system at all times. The district justice system is not a perfect system. We know that, and we should not get carried away and assume that because someone is convicted— There is a huge difference between a person who is convicted and somebody who is not convicted. This amendment recognizes that there is fallibility in the world, that the State system does not run perfectly. It recognizes—

The SPEAKER. Will the gentleman suspend?

Mr. COHEN. Yes.

The SPEAKER. It is the opinion of the Chair that there is significant interest in continuing this debate in view of the fact that we have at least seven more people who want to address the House. In view of that interest, the Chair would recommend the attention of the House to the speaker.

The gentleman may continue.

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

Mr. Speaker, this amendment simply recognizes that no system run in the Commonwealth of Pennsylvania by locally elected district justices, in which the people who appear before the district justices by and large are not constituents of the district justices, can run perfectly. It assumes that the system is fallible. It recognizes that a truckdriver can drive 60 to 100,000 miles a year and an ordinary person would drive 10 or 15,000 miles a year. So if a person drives 100,000 miles a year, you are at the top of the scale. You know, he is obviously 10 times more likely to get into an accident than somebody who drives 10,000 miles a year. Does that mean he is 10 times as bad a driver? No. All that it means is he has driven 10 times as many miles, and it is really unfair to place people in arbitrary categories based on a fallible system.

Yes, people ought not to violate the laws. Yes, they ought to be fined. If the fines are not high enough, we ought to raise them again. It has been several years since we raised the fines. But we should not impose a system under which people are going to lose \$10, \$15, \$20,000 in salary over an offense that could be a \$75 or a \$100 fine.

The system that we now have is unfair. Representative Veon is seeking to change the system. I urge your support of Representative Veon's amendment.

The SPEAKER. The Chair recognizes Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I rise to support the Veon amendment, and the reason I support it, years ago I heard the majority leader of the House, now the minority side, Bob Butera, so eloquently express his views. He said, and I quote, I never saw such an asinine bill where you hit the truckdriver, and to punish the truckdriver you punish his wife, his kids; then he goes on public assistance and we, the taxpayers, have to pick up the tab. It is ridiculous.

The unions support this. There are safeguards against drunks and everything else. I feel we should support this bill and vote it up. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I would just very briefly like to make some remarks.

The opponents of this amendment would have us believe that if this amendment is put in the bill, we are going to put dangerous people on the highways. I do not believe that is so. Opponents of this amendment would have us believe that men and women who drive commercially for a living, who drive most of the hours of the day, without any infractions, you could say they drive like angels and all of a sudden they get in their private vehicles and drive like the devil, and I do not believe that. I do not believe that our commercial drivers are Jekyll-and-Hyde people.

Therefore, I can support this bill. I think it is needed, and I would ask the support of the members. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment as well.

A number of years ago I had a commercial operator in my district office who told me that he had recently had a suspension, a 15-day suspension, because he was caught speeding for the second time in a period of a year. He, in that 15-day period, rather than risk telling his employer about the 15-day suspension, proceeded to go to work, and they were laying for him, so to speak, and he was picked up for driving while under suspension. Subsequently, he lost his driver's license for I believe a 6-month period. As a result, his employer dismissed him. As a result of that, he attempted to collect unemployment compensation, which is why he was in my office. He was dismissed. The Unemployment Compensation Board, desk 50, ruled that he was ineligible to collect unemployment compensation, and there he was without a job or without the ability to even collect unemployment.

As one of the previous speakers mentioned earlier, he had no other option but to go on welfare, public assistance. While going on public assistance, a lien was put against his property, as many of the members of this General Assembly are aware is the practice in this State, probably one of the last States that has that, and he is now back to work, and he is still paying off that lien on his house.

I suggest, Mr. Speaker, that when a commercial driver loses his license, he is paying not double but maybe treble or quadruple damages because of the loss of his license. It is unfair, it is archaic, and 40 other States have recognized this and have adopted some type of bread-and-butter license. Pennsylvania is one of 10 remaining States that does not have a license such as this.

I urge my colleagues to put those people back in the work force, because as I understand the bill, if they are caught violating the law, either with the bread-and-butter license during the course of work or violating the law by driving illegally when they are not supposed to be going to or from work or in the course of their work day, they will lose the bread-and-butter license and be ineligible to have one reissued to them.

Therefore, there is a deterrent for those individuals to get this bread-and-butter license, to use it only for work, use it only legally, for the fear of not being able to get it if they are caught violating the act before us.

So, Mr. Speaker, I would hope that my colleagues will do the right thing and approve this amendment. It is long overdue.

The SPEAKER. The Chair recognizes Mr. Snyder of Lehigh.

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

Mr. Speaker, while I support the amendment, I would like to clarify some of the points of the amendment through interrogation, if the prime sponsor would answer a few questions.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. D. W. SNYDER. Thank you.

Mr. Speaker, our experience with some of the State agencies has been such that if it does not tell them that they have to do something, many times they use their own discretion in implementing the laws that we enact. My first question deals with the first sentence of the section 1553, which says "The department may issue an occupational limited license...." Then it goes on to say where the department is prohibited from issuing such a license. Is there any discretion, in your mind, on the part of the Department of Transportation to establish its own rules and regulations as far as who will get an occupational license and who will not?

Mr. VEON. That is a very good question, Mr. Speaker, and the answer is no; that is not the intention.

Mr. D. W. SNYDER. So, Mr. Speaker, anybody who applies for an occupational license who is not prohibited by this statute is entitled to an occupational license?

Mr. VEON. That is my intention, Mr. Speaker.

Mr. D. W. SNYDER. Thank you.

Mr. Speaker, the next sentence deals with the prohibition from anybody getting an occupational license if their violation was committed while operating a commercial motor vehicle. Now, it is my understanding you have your license suspended after you receive 11 points on your driving record. If, say, 2 of those 11 points were added to my driving record while driving a commercial vehicle, does that prohibit me from getting an occupational license?

Mr. VEON. Yes, Mr. Speaker, and that is a requirement of the Federal law, and we have met that requirement with this language.

Mr. D. W. SNYDER. So in other words, even though the violation that caused the suspension—say, the thing that put me over the 11 points—was not related to being a commercial driver's license, as long as I have any points at all related to driving a commercial vehicle, I would not be entitled to this license.

Mr. VEON. That is correct, Mr. Speaker.

Mr. D. W. SNYDER. In section 1553(c), the last sentence deals with the employer having to provide proof of financial liability covering the vehicle. Mr. Speaker, if a driver loses his insurance as a result of his driving record and has no auto

insurance coverage, are we putting the burden on the employer to provide proof of financial responsibility or does the driver himself also have to provide proof of financial responsibility in order to get this occupational license?

Mr. VEON. The driver himself or herself should include proof of financial responsibility. And I understand your question relative to the connection of that sentence, but it was not meant that the employer shall provide it but that the individual shall provide it.

Mr. D. W. SNYDER. So in other words, if I do not have auto insurance as a driver, even though my employer has proof of financial responsibility to take care of the liability with that vehicle, I cannot get an occupational license.

Mr. VEON. That is correct, Mr. Speaker.

Mr. D. W. SNYDER. Finally, Mr. Speaker, on the second page of the amendment, in section (f), dealing with the additional 1-year suspension of the occupational limited license, my question is this: If I am under suspension for driving my personal vehicle and, say, I am at the point where every suspension gives me an additional 5 years off my personal license, does a violation under the occupational license category also count against my personal driving record? In other words, is PennDOT going to set up two categories, that I have a record as a personal vehicle driver and a record as a commercial-licensed driver and that my violations as a commercial-licensed driver while under suspension will not affect my other record, or will they go hand in hand? Would you clarify that?

Mr. VEON. I think that is a good question, Mr. Speaker. I am not quite sure how they would end up setting it up, but the intention would be that there would be one record.

Mr. D. W. SNYDER. So in other words, Mr. Speaker, a violation as a commercial-licensed driver would be added to my personal driving record and the law as it stands now would take care of whatever additional suspension would be incurred if that was appropriate.

Mr. VEON. Yes, Mr. Speaker; that is the intention.

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

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I also have a few questions for the maker of this amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, there has been some confusion on my part and some others who have read this amendment. Is this bread-and-butter license, which this amendment would authorize, restricted only to a commercial license?

Mr. VEON. No, Mr. Speaker.

Mr. HECKLER. So that, for instance, if I am a salesman and I need my regular automobile to pursue my work and I meet the requirements that are established in this amendment, I would get this limited license and drive what might be my own car strictly to and from work and during my sales routes.

Mr. VEON. That is correct, Mr. Speaker.

Mr. HECKLER. The only other question I have— The gentleman, Mr. Trello, made some references to what I would assume is a habitual offender revocation. Is it correct that this license availability would be restricted to those who are under suspension and would not be available to those who are revoked as habitual offenders?

Mr. VEON. That is correct, Mr. Speaker.

Mr. HECKLER. Thank you. I have nothing else, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Also very briefly. I rise in support of the Veon amendment. I do support bread-and-butter amendments not only for commercial drivers but also for all workers. I have done this before. In fact, the House of Representatives, in my 7 years up here, has voted at least twice for a bread-and-butter amendment for all workers.

So I support this amendment and ask the House to do likewise. Thank you.

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, earlier under interrogation from the gentleman, Mr. Wass, and the response from Mr. Veon, the question was asked about schoolbus operators, and the gentleman, Mr. Veon, responded correctly that a schoolbus operator is exempt from his amendment. What was not discussed, however, is that the driver of a commercial bus is in fact not exempt and would qualify for the occupational license.

Lastly and very briefly, Mr. Speaker, under this amendment, if this were law in Pennsylvania today, any one of us tonight could leave this building, go out to Interstate 81, race down the highway, have a State Police car come up behind you with its lights on, you turn your lights off in order to avoid identity, crash into an attended vehicle, all while you were driving under suspension, and under this amendment you would qualify for an occupational driver's license.

Mr. Speaker, this has nothing to do with the bread-and-butter issues that we have listened to on this floor today. This has to do with safety and sanity.

I ask the House to defeat this amendment.

The SPEAKER. The Chair recognizes Mr. Richardson.

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

Mr. Speaker, I rise to support the Veon amendment, and I want to preface my remarks by indicating that I think that Mr. Veon has brought to the attention of the floor of this House a very important and serious amendment that is going to change the lives of many people in the Commonwealth of Pennsylvania, particularly for those who fall under this amendment.

I want to say that it is important to recognize that there for the grace of God, there go I. A lot of times we have a tendency to want to cast aspersions and our beliefs on other people, only for the sake of not knowing that in return it may fall in your lap one time soon. As an individual person who has been suspended in this Commonwealth for his license, I think that

it is important to recognize that when there is an opportunity for people who are less fortunate than us as elected officials, there should be an opportunity for those individual persons to go to work in order for them to earn their bread and butter for their family. It seems to me that we always want to punish those out there in the community who in fact need to be supported, particularly when they may have made a mistake in life. I do not think it is our job or responsibility to cast that judgment on those persons.

Therefore, I rise to support the Veon amendment. I think that it is important to also recognize that for many of us who have constituents that constantly call us about the fact that there is a person in their family who is the breadwinner who in fact has had his license suspended for one reason or another and they cannot in fact drive to work, or in fact their job that they have to have now is restricted because of the fact their license has been taken, we are giving them hope - an opportunity for them to be able to use their license only on their job. They cannot use it to drive around the corner to the supermarket or to go to the store to buy a pack of cigarettes. It is only for the purpose for them to go to work, and I think that specifying that helps to clarify a number of points that have been raised by other persons who are against this amendment.

I think it is a revolutionary step for us. I think it puts us on the map here in the Commonwealth of Pennsylvania, to say to our constituents across the Commonwealth of Pennsylvania that we have persons who, because they made a mistake, should not have to have it jeopardized for the rest of their lives or such a long period of time that they will not be able to deal with taking care of their families.

For that reason, Mr. Speaker, I ask for an affirmative vote on the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Veon amendment for a very simple reason. It is a reason that he stated in his opening argument, that people should be allowed the right to go to and from work and, if necessary, to drive at work.

It is interesting to hear the arguments against this when in fact what we have in Pennsylvania already is a system of prison sentences under bread-and-butter circumstances. How many of us know of the example where someone is sentenced to a county jail only on the weekends? Why does that occur? Well, it occurs very simple, simply because we allow that person a right to make a living so that he or she may be able to provide for their family and other dependents. That is the basic argument - the philosophy of using a license for work only. And let us be honest: If they do not work because of a suspended license, we, the taxpayers, are going to pick up what they are doing. That is why we have bread-and-butter sentences.

Please support the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—134

Acosta	Dombrowski	Kosinski	Rieger
Adolph	Donatucci	Lashinger	Robbins
Allen	Dorr	Laughlin	Robinson
Angstadt	Durham	Lee	Roebuck
Argall	Evans	Leh	Rudy
Barley	Fargo	Lescovitz	Ryan
Belardi	Farmer	Linton	Saloom
Belfanti	Fee	Lucyk	Schuler
Billow	Foster	McCall	Scrimenti
Bishop	Fox	McNally	Semmel
Blaum	Gallen	Maiale	Serafini
Boyes	Gamble	Maine	Smith, B.
Brandt	Geist	Marsico	Smith, S. H.
Burd	Gigliotti	Merry	Snyder, D. W.
Burns	Gladeck	Micozzie	Snyder, G.
Bush	Godshall	Miller	Staback
Caltagirone	Gruitza	Moehlmann	Stairs
Carlson	Haluska	Morris	Stish
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Nahill	Taylor, J.
Cessar	Hayden	Nailor	Thomas
Civera	Heckler	Noye	Tigue
Clark, B. D.	Howlett	O'Brien	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Jackson	Perzel	Veon
Cohen	Jadlowiec	Petrarca	Wambach
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pistella	Wogan
DeLuca	Josephs	Pressmann	Wright, J. L.
DeWeese	Kaiser	Raymond	Wright, R. C.
Davies	Kasunic	Reber	
Dempsey	Kenney	Reinard	O'Donnell,
Distler	Kondrich	Richardson	Speaker

NAYS—62

Battisto	Fleagle	Lloyd	Saurman
Birmelin	Flick	McHale	Scheetz
Black	Freeman	McVerry	Steighner
Bortner	Freind	Markosek	Strittmatter
Bowley	Gannon	Mayernik	Stuban
Broujos	Gruppo	Melio	Tangretti
Cappabianca	Hagarty	Michlovic	Taylor, E. Z.
Chadwick	Hayes	Mrkonic	Telek
Clark, D. F.	Herman	Murphy	Van Horne
Colafrilla	Hershey	Pesci	Vroon
Colaizzo	Hess	Phillips	Wass
Cole	Itkin	Pitts	Wilson
Coy	Kukovich	Preston	Wozniak
Daley	LaGrotta	Ritter	Wright, D. R.
Dietterick	Langtry	Rybak	Yandrisevits
Fairchild	Levdansky		

NOT VOTING—1

Piccola

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Donatucci	Lashingier	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	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Foster	McHale	Scrimenti
Bishop	Fox	McNally	Semmel
Black	Freeman	McVerry	Serafini
Blaum	Freind	Maiale	Smith, B.
Bortner	Gallen	Maine	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Burd	Godshall	Merry	Steighner
Burns	Gruitza	Michlovic	Stish
Bush	Gruppo	Micozzie	Strittmatter
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkoncic	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafrella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, J. L.
Daley	Kondrich	Raymond	Wright, R. C.
Davies	Kosinski	Reber	Yandrisevits
Dempsey	Kukovich	Reinard	
Dietterick	LaGrotta	Richardson	O'Donnell,
Distler	Langtry	Rieger	Speaker
Dombrowski			

NAYS—1

Gamble

NOT VOTING—1

Saurman

EXCUSED—5

Bunt	George	Letterman	Olasz
Dininni			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with

amendment in which the concurrence of the Senate is requested.

VOTE CORRECTIONS

The SPEAKER. Are there any announcements or any corrections of the record? Any further business from the minority? From the majority?

The Chair recognizes Mr. Robbins.

Mr. ROBBINS. Mr. Speaker, I was recorded in the affirmative on amendment A0394 to SB 498, and I would like to be recorded in the negative.

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

The Chair recognizes Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

On amendment No. A0393, the Veon amendment to SB 498, I would like to be recorded in the negative.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the lady, Mrs. Telek.

Mrs. TELEK. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 7, 1990, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:20 p.m., e.s.t., the House adjourned.