

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 5, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 7

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. DONALD KNAPP, Chaplain of the House of Representatives and Chaplain at Brittany Pointe Estates, Lansdale, Pennsylvania, offered the following prayer:

Mr. Speaker, members of the House, honored guests, as we begin another session, I think we are still all aware of the fact that our State has been afflicted with winter weather and with flooding, with great loss, disaster, and I think it is only right for us to begin with a moment of reflection and prayer for those who are still struggling. Even though waters have receded, they are still struggling to put their lives together.

Will you join me in a moment of silence.

(A moment of silence was observed.)

Eternal Heavenly Father, we are reminded of the wisdom of the ancient philosopher Theocritus, who said, "Heaven's eternal wisdom hath decreed that man should ever stand in need...of man."

Be with, help, sustain, and bless all of those in our State whose lives have been threatened by winter weather and particularly by flooding.

May this remind us of how fragile is life, how tenuous our existence on this tiny speck of matter called earth, as it tumbles along in a vast universe, this tiny speck of matter that we call home.

Assist us today as we seek to bind ourselves to others in their needs, whatever they are. Unite us all – all of our fellow citizens, our neighbors, our brothers and sisters. Remind us that man should ever stand in need of man, that we are our brothers' keepers.

Look down with favor on the efforts of this House today, we who are ourselves frail and in need of help from above. Whatever deliberations are held, whatever discussion, it is offered with the sincere hope and prayer that we may serve our constituents, but beyond that, that we may be helpers and keepers to all of our brothers in their need.

Our Father, we are always inclined to ask for fair weather, for the comforts of nature, rather than its anger and destructive power. We like comfort and safety, but the storms are what make us strong. Adversities test the character and build strength. Yet we acknowledge that it is easier to think noble thoughts when we are

not among those who are cold and homeless and ill fed, when we are not among those who struggle to rebuild their lives and not be overwhelmed by the loss, and not be weary from hours of endless cleanup among mud, filth, and smell. Where we cannot personally assist, we offer the support of our wishes and prayers. Give us all what You know will be for our ultimate good. Give us the grace to receive it with fortitude and courage and to accept the challenge to stand every test and survive. Make all of us here today our brothers' keepers, and so reward our efforts. 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 Thursday, February 1, 1996, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2361 By Representatives GEORGE, HALUSKA, LEVDANSKY, STEELMAN, STABACK, BELARDI, PETRARCA, LUCYK, MUNDY, HANNA, ROONEY, SURRA, TRELLO, COLAFELLA, TANGRETTI, VAN HORNE, COLAIZZO, PISTELLA, McCALL, COY, SCRIMENTI, KUKOVICH, PESCI, CORRIGAN, SHANER, GORDNER, EGOLF, BATTISTO, CARONE, MERRY, FAIRCHILD, M. COHEN, CLARK, FARGO, HERMAN, READSHAW, SANTONI, YOUNGBLOOD, ROBERTS, ARGALL, STERN, HESS, CORPORA and TIGUE

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, providing for financial assistance.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 2, 1996.

No. 2362 By Representatives DiGIROLAMO, MAYERNIK, PERZEL, BARLEY, FARGO, BELARDI, MUNDY, MASLAND, CLARK, BROWN, M. N. WRIGHT, CLYMER, SCHRODER, ADOLPH, MARSICO, HENNESSEY, BROWNE, D. W. SNYDER and E. Z. TAYLOR

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

Referred to Committee on JUDICIARY, February 2, 1996.

No. 2363 By Representatives M. N. WRIGHT, FARGO, ARGALL, NICKOL, SATHER, MUNDY, TIGUE, DeLUCA and HALUSKA

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, providing for an attendance policy for members of the governing body.

Referred to Committee on LOCAL GOVERNMENT, February 2, 1996.

No. 2364 By Representatives SAYLOR, TRELLO, BOYES and GRUPPO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions for sales tax relating to food and beverages.

Referred to Committee on FINANCE, February 2, 1996.

No. 2365 By Representatives REBER, VAN HORNE, HANNA, ITKIN and McGILL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, requiring all employers within this Commonwealth to withhold taxes imposed on earned income or net profits.

Referred to Committee on LOCAL GOVERNMENT, February 2, 1996.

No. 2366 By Representatives REBER, FARGO and McGILL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the powers and duties of earned income tax collectors.

Referred to Committee on LOCAL GOVERNMENT, February 2, 1996.

No. 2367 By Representatives GEORGE, SURRA, STEELMAN, HALUSKA, LEVDANSKY, READSHAW, M. COHEN, STABACK, ROONEY, GORDNER, HANNA, PETRARCA, BELARDI, FARGO, SCRIMENTI, ARGALL, COY, HESS, MUNDY, ROBERTS, YOUNGBLOOD, SANTONI, LUCYK, EGOLF, BATTISTO, CARONE, COLAFELLA, MERRY, TANGRETTI, KUKOVICH, PESCI, CORRIGAN, SHANER, TRELLO, FAIRCHILD, CORPORA, CLARK, HERMAN, McCALL, PISTELLA, TIGUE, VAN HORNE, COLAIZZO and STERN

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, providing for financial assistance.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 2, 1996.

No. 2368 By Representative LESCOVITZ

An Act amending the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers Act, adding certain definitions; providing for loan correspondents and wholesale table funders; further providing for license applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations; authorizing certain additional fees to be charged; and further providing for enforcement and penalties.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, February 2, 1996.

No. 2369 By Representatives DeLUCA, PISTELLA, GIGLIOTTI, OLASZ, COWELL, WALKO, TRELLO, DERMODY, MICHLOVIC and READSHAW

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for eligibility for retirement allowances.

Referred to Committee on URBAN AFFAIRS, February 2, 1996.

No. 2370 By Representatives J. TAYLOR and GRUPPO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

Referred to Committee on AGING AND YOUTH, February 2, 1996.

No. 2371 By Representatives THOMAS, BELARDI, YOUNGBLOOD, OLASZ, BISHOP, HORSEY, FICHTER, TRAVAGLIO, WOGAN, KIRKLAND, MYERS, WILLIAMS, JOSEPHS, RAMOS, MANDERINO and ROEBUCK

An Act requiring full financial disclosure to the Department of Health and the Department of Public Welfare of certain transactions of health care providers in relation to health care facilities.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 2, 1996.

No. 2372 By Representatives B. SMITH, GRUITZA, VANCE, ITKIN, READSHAW, NAILOR, BELARDI, SATHER, NICKOL, MASLAND, FEESE, MILLER, JOSEPHS, STISH, HERSHEY, HENNESSEY, MICOZZIE, COY, YOUNGBLOOD, CARONE, WAUGH, MAITLAND, STEELMAN, SAYLOR, RAMOS and McGILL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, defining "facsimile"; and further defining "game," "hunt," "take" and "wildlife" to include facsimiles.

Referred to Committee on GAME AND FISHERIES, February 2, 1996.

No. 2373 By Representatives B. SMITH, J. TAYLOR, BELARDI, E. Z. TAYLOR, LEDERER, COLAIZZO, LAUGHLIN, DeLUCA, CURRY, MICOZZIE, YOUNGBLOOD, CARONE, STEELMAN and PLATTS

An Act requiring the disclosure of certain information relating to potential exposure to electromagnetic energy; imposing powers and duties on the Department of Labor and Industry; and providing a penalty.

Referred to Committee on LABOR RELATIONS, February 2, 1996.

No. 2374 By Representatives MAYERNIK, DeLUCA, FAJT, TRELLO, LEVDANSKY, DERMODY, COWELL, GIGLIOTTI, WALKO, PISTELLA, PRESTON, KAISER, READSHAW, VAN HORNE, PETRONE, ROBINSON, FARMER, PETTIT, HABAY, ITKIN, GAMBLE and OLASZ

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for amendment of annual budget in counties of the second class.

Referred to Committee on URBAN AFFAIRS, February 2, 1996.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 276 By Representatives BUNT, CLYMER, HERMAN, BELARDI, MUNDY, FAIRCHILD, SCHULER, SANTONI, BAKER, HERSHEY, ARGALL, KAISER, WOGAN, TRELLO, PETTIT, DENT, HENNESSEY, SHEEHAN, GEIST, WALKO, BARD, FARGO, E. Z. TAYLOR, RUBLEY, CURRY, GODSHALL, PESCI, BEBKO-JONES, DRUCE, LYNCH, PITTS, SATHER, TRUE, DONATUCCI, LEH, B. SMITH, HALUSKA, L. I. COHEN, REBER, MELIO, OLASZ, FICHTER, BELFANTI, D. W. SNYDER and YOUNGBLOOD

A Resolution urging the Citizens' Stamp Advisory Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors that John Peter Gabriel Muhlenberg and Frederick Augustus Conrad Muhlenberg be memorialized as the subjects of postage stamps.

Referred to Committee on RULES, February 2, 1996.

No. 277 By Representatives GEORGE, SURRA, PESCI, OLASZ, COY, HALUSKA, BELFANTI, COLAIZZO, MELIO, ROBINSON, DONATUCCI, MARKOSEK, SHANER, LYNCH, TRELLO, ITKIN, MANDERINO, MUNDY, STABACK, SCRIMENTI, PLATTS, BOSCOLA, LEVDANSKY, YOUNGBLOOD, MERRY, STEELMAN and CAPPABIANCA

A Concurrent Resolution requesting the Department of Environmental Protection to submit guidelines, statements of policy and administrative opinions to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives for concurrence before final publication in the Pennsylvania Bulletin.

Referred to Committee on RULES, February 2, 1996.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. BARLEY, for the purpose of taking leaves of absence.

Mr. BARLEY. Thank you, Mr. Speaker.

I have two requests: one for the gentleman from Lackawanna County, Mr. SERAFINI, for the day, and also the gentleman from Lehigh County, Mr. DENT, for the day. I may add, for those who are not aware, Charlie's wife, just this morning, had a baby boy. I do not know any more details other than everything went well.

The SPEAKER. The Chair recognizes the Democratic whip, Mr. Itkin, who requests leave for the gentleman from Philadelphia, Mr. EVANS, and the gentleman from Allegheny County, Mr. PISTELLA, for today's session.

Without objection, leaves will be granted. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today two members of the Schuylkill County Board of Commissioners, Commissioners Jerry Knowles and Forrest Shadle. They are the guests of Representatives Dave Argall, Bob Allen, and Ed Lucyk. Will the commissioners please rise. They are here to the left of the Speaker.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1025, PN 3047**, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, adding and amending certain definitions; and providing for the issuance of a seasonal license; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1025 on today's calendar, page 1, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair welcomes to the floor of the House Mr. Mihalich. Herman, welcome home.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Sheehan
Bebko-Jones	Flick	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McGill	Staback
Bishop	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Mihalich	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Hennessey	Olasz	Thomas
Cawley	Herman	Oliver	Tigue
Chadwick	Hershey	Perzel	Travaglio
Civera	Hess	Pesci	Trello
Clark	Horsely	Petrarca	Trich
Clymer	Hutchinson	Petrone	True
Cohen, L. I.	Itkin	Pettit	Tulli
Cohen, M.	Jadlowiec	Phillips	Vance
Colafella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dermody	Lawless	Rohrer	Youngblood
DeWeese	Lederer	Rooney	Zimmerman
DiGirolamo	Leh	Rubley	Zug
Donatucci	Lescovitz	Rudy	
Druce	Levdansky	Sainato	Ryan,
Durham	Lloyd	Santoni	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Dent	Evans	Pistella	Serafini
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LEAVES ADDED—2

Durham	Horsely
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LEAVES CANCELED—1

Serafini

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. Members, please. We need 5 minutes of your time.

We are going to break for caucus and then come back, but prior to breaking for caucus, it is my pleasure to introduce to you a number of individuals whom you have probably seen over the past several months. This group is comprised of some eight Legislative Fellows, a group of young people who have worked for this House over the past several months and I would like at this time to introduce to you on a more individual basis. They are seated here to my left, and I would ask them to rise as I call their name.

Lisa Cincilla. She is from Bloomsburg University, a political science major.

Taryn Dixon, from Penn State in Harrisburg, a public policy major. Would she please rise.

Wendy Farver, Penn State Harrisburg, public policy major.

John Herigan, Penn State Harrisburg, public policy major.

Andrea Julian, Penn State Harrisburg, criminal justice major.

Maria Garcia-Morales, Penn State Harrisburg, criminal justice major.

Daniel Sulman, Temple University, political science major.

Jason Weismiller, Penn State Harrisburg, criminal justice major.

Let us give them a round of applause for the wonderful job they have done for us. Thank you.

The gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. Fargo, yield.

GROUNDHOG DAY REMARKS

The SPEAKER. There was one other announcement that I do not dare make. I yield to the gentleman, Mr. Smith.

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

The SPEAKER. And it is my understanding that Mr. Barley wants a like amount of time.

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

I was going to request the Sergeant at Arms to come and protect me, perhaps.

I want to remind the members that, you know, you really do not want to shoot the messenger, but we will get to that in a second.

As you all well may know, Punxsutawney Phil, the world-famous living groundhog – nonalcoholic groundhog – a little reluctant to come out of his hole because it was so cold in Punxsutawney on Friday, did finally emerge to a starburst of light in which he saw his shadow, and of course, unfortunately, for the owly people in this room and around the Commonwealth, this winter has been so bad it has made people a little less willing to

accept the prediction. However, for the record, there will be 6 more weeks of winter.

I know Fred Trello wants to give me his cookie back, but he already ate it. However, let me just tell you what one individual told me to do: If you do not like the prediction and you do not like the predictor, just eat it.

Happy Groundhog Day. Thank you, Mr. Speaker.

The SPEAKER. Mr. Smith, inasmuch as the record does not have photographs of what you are referring to, I wonder if you would be kind enough to, for the basis of the record, tell us the subject of this gift.

Mr. S. H. SMITH. If I were as witty as you, Mr. Speaker, I could probably have a better comeback to that.

The SPEAKER. I doubt that.

Mr. S. H. SMITH. I said if I were as witty as you.

It is a groundhog cookie, Mr. Speaker.

The SPEAKER. Thank you, and the record thanks you.

Mr. Barley is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

Well, at first I thought it was a rodent. I did not realize it was a groundhog.

But the truth about the groundhog is this: The oldest groundhog lodge in America began in Lancaster County when Hans Herr brought the tradition from Germany in 1708, and the predictions of the slumbering groundhog in Quarryville, in southern Lancaster County, are infallible, and they have been so since the memory of man runneth not to the contrary.

Now, accordingly, Octoraro Orphie crawled from his hole and did not see his shadow, predicting an early spring. As we have heard, the pretender, Punxsutawney Phil, saw his shadow and predicted 6 more weeks of winter.

Now, additionally, this year Octoraro Orphie, in addition, as I said, to announcing 4 more weeks of winter or an early spring, announced his candidacy for the Pennsylvania Dutch congressional seat being vacated by the retiring Bob Walker; one more in the race. In announcing his candidacy, Octoraro Orphie stated clearly and emphatically that he wants the Federal budget balanced by Groundhog Day 2002, and in addition, he intends to ban all blizzards. In his last comment as he seeks this elected office — of course, he was asked his opinion on term limits — he made it very clear that he is opposed to term limits because he wants to be a groundhog for life.

Mr. S. H. SMITH. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Smith.

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

I should have known that Octoraro Orphie, whatever that stuffed whistle pig is called, was running for public office when the prediction was for the popular early spring as opposed to the in fact truthful 6 more weeks of winter. Simply playing to the crowd just will not cut it. Go with the real thing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Thank you, Mr. Speaker.

Mr. Speaker, not too long ago, a gentleman by the name of Snuffy Smith, whom we know, represented an area of Punxsutawney. I think the gentleman from Punxsutawney is familiar with that name. I would just like to inform him that his father always gave us a favorable report, and we suggest that you go back and do your homework with that groundhog. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Fargo is recognized.

Mr. FARGO. I hate to talk about anything so mundane as a caucus meeting, but we do have one immediately upon the recess in the majority caucus room. We will plan to come back for further votes at 3 o'clock.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will also be a Democratic caucus immediately upon the call of the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Pitts, for the purpose of a committee meeting announcement.

Mr. PITTS. Mr. Speaker, immediately upon the break, in the conference room in the rear of the House, the Appropriations Committee conference room, I would like to call a meeting of the House Appropriations Committee. Thank you.

The SPEAKER. Is that a general committee meeting, Mr. Pitts? Mr. Pitts, is that a meeting of all of the Appropriations Committee?

Mr. PITTS. Yes, Mr. Speaker, the whole committee.

RECESS

The SPEAKER. Any further announcements? Do the Republican or Democratic floor leaders have any further business?

Hearing none, the Chair declares the House in recess until 3 p.m., unless sooner recalled by the Chair.

RECESS EXTENDED

The time of recess was extended until 3:15 p.m.

AFTER RECESS

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

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, 1996

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 12, 1996, 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, 1996, 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 REREPORTED FROM COMMITTEE

HB 26, PN 2946 By Rep. PITTS

An Act amending the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, extending the act to counties of the first class; providing for a home purchase loan program to be administered by the Pennsylvania Housing Finance Agency; creating the Affordable Housing Trust Fund; providing for a program of home mortgage insurance; and establishing the Housing Insurance Fund.

APPROPRIATIONS.

HB 950, PN 3072 (Amended) By Rep. PITTS

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, imposing a limitation on the right of a municipality to petition the court for an increase in the rate of taxation.

APPROPRIATIONS.

HB 2048, PN 2547 By Rep. PITTS

An Act designating a section of SR 28 in Armstrong County and Allegheny County, Pennsylvania, as Alexander H. Lindsay Highway.

APPROPRIATIONS.

HB 2140, PN 2674 By Rep. PITTS

An Act amending the act of July 7, 1994 (P.L.421, No.70), known as the Food Act, further providing for adulterated food.

APPROPRIATIONS.

HB 2205, PN 2789 By Rep. PITTS

An Act establishing a grant program for volunteer fire companies; and making an appropriation by referendum.

APPROPRIATIONS.

HB 2275, PN 2934

By Rep. PITTS

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to convey to Jackson Township a road right-of-way situate in Jackson Township, Dauphin County, Pennsylvania.

APPROPRIATIONS.

HB 2305, PN 3073 (Amended) By Rep. PITTS

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled "An act conferring limited residency status on military personnel and their dependents assigned to an active duty station in Pennsylvania," providing for the status of certain personnel.

APPROPRIATIONS.

HB 2339, PN 3052 By Rep. PITTS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the weather emergency of 1996.

APPROPRIATIONS.

HB 2360, PN 2989 By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impoundment of vehicles.

APPROPRIATIONS.

SB 684, PN 1728 (Amended) By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of school bus or school vehicle plates and for the use of farm vehicle plates; providing for the Pennsylvania agriculture plate; further providing for maximum speed limits; and providing for utility trailers, for liability insurance and for the authority to erect traffic-control devices.

APPROPRIATIONS.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests that the gentleman from Philadelphia, Mr. HORSEY, be placed on the leave of absence list. Without objection, the leave will be granted. The Chair hears no objection.

CALENDAR

BILLS PASSED OVER

The SPEAKER. Today's calendar, page 1. HB 1601 is over. Page 2. SB 654, HB 1036, and HB 2065 are over.

BILLS PASSED OVER TEMPORARILY

The SPEAKER. HB 2014, HB 2046, and HB 1294 are over temporarily.

BILL PASSED OVER

The SPEAKER. On page 3, HB 1896 is over.

BILLS AND RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. SB 37, SB 140, and HR 256 are over temporarily.

RESOLUTIONS PASSED OVER

The SPEAKER. The balance of the resolutions on page 4 are over.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2014, PN 2848**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for the exchange of hotel liquor licenses.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lucyk, who offers the following amendment, which the clerk will read.

Mr. Lucyk, prior to the clerk reading that amendment, it will be necessary for you to suspend the rules for this.

MOTION TO SUSPEND RULES

Mr. LUCYK. Mr. Speaker, I would like to make a motion to suspend the rules in order to consider this amendment.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Lucyk, to suspend the rules of the House to permit him to offer an amendment to HB 2014.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lucyk, on that question.

Mr. LUCYK. Mr. Speaker, I had this amendment in the previous session, and we just did not have enough time to prepare the amendment to this bill, so I would ask the House if it would be so kind as to suspend the rules.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

At this time we would oppose the suspension of the rules for the filing of an additional amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS-98

Battisto	Donatucci	Markosek	Santoni
Bebko-Jones	Fajt	Mayernik	Scrimenti
Belardi	Gamble	McCall	Shaner
Belfanti	George	McGeehan	Staback
Bishop	Gigliotti	Melio	Steelman
Blaum	Gordner	Michlovic	Stetler
Boscola	Gruitza	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Hanna	Myers	Tangretti
Caltagirone	Itkin	Olasz	Thomas
Cappabianca	James	Oliver	Tigue
Carn	Jarolin	Pesci	Travaglio
Cawley	Josephs	Petrarca	Trello
Cohen, M.	Kaiser	Petrone	Trich
Colafella	Keller	Preston	Van Horne
Colaizzo	Kirkland	Ramos	Veon
Corpora	Kukovich	Readshaw	Vitali
Corrigan	LaGrotta	Rieger	Walko
Cowell	Laughlin	Roberts	Washington
Coy	Lederer	Robinson	Williams
Curry	Lescovitz	Roebuck	Wozniak
Daley	Levdanskyy	Rooney	Wright, D. R.
DeLuca	Lloyd	Rudy	Yewcic
Dermody	Lucyk	Sainato	Youngblood
DeWeese	Manderino		

NAYS-98

Adolph	Fargo	Lynch	Schroder
Allen	Farmer	Maitland	Schuler
Argall	Feese	Major	Semmel
Armstrong	Fichter	Marsico	Sheehan
Baker	Fleagle	Masland	Smith, B.
Bard	Flick	McGill	Smith, S. H.
Barley	Gannon	Merry	Snyder, D. W.
Birmelin	Geist	Micozzie	Stairs
Boyes	Gladeck	Miller	Steil
Brown	Godshall	Nailor	Stern
Browne	Gruppo	Nickol	Stish
Bunt	Habay	Nyce	Strittmatter
Carone	Harhart	O'Brien	Taylor, E. Z.
Chadwick	Hasay	Perzel	Taylor, J.
Civera	Hennessey	Petit	True
Clark	Herman	Phillips	Tulli
Clymer	Hershey	Pitts	Vance
Cohen, L. I.	Hess	Platts	Waugh
Conti	Hutchinson	Raymond	Wogan
Cornell	Jadlowiec	Reber	Wright, M. N.
Dempsey	Kenney	Reinard	Zimmerman
DiGirolamo	King	Rohrer	Zug
Druce	Krebs	Rubleby	
Egolf	Lawless	Sather	Ryan,
Fairchild	Leh	Saylor	Speaker

NOT VOTING—1

Durham

EXCUSED—5

Dent Horsey Pistella Serafini
Evans

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

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

The question is, shall the bill pass finally?

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

YEAS—183

Adolph	Durham	Lucyk	Sainato
Allen	Egolf	Lynch	Santoni
Argall	Fairchild	Maitland	Saylor
Baker	Fajt	Major	Schroder
Bard	Fargo	Manderino	Schuler
Barley	Farmer	Markosek	Scrimenti
Battisto	Feese	Marsico	Semmel
Bebko-Jones	Fichter	Masland	Shaner
Belardi	Fleagle	Mayernik	Sheehan
Belfanti	Flick	McCall	Smith, B.
Bishop	Gamble	McGeehan	Smith, S. H.
Blaum	Gannon	McGill	Snyder, D. W.
Boscola	George	Melio	Staback
Boyes	Gigliotti	Merry	Stairs
Brown	Gladeck	Michlovic	Steelman
Browne	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stetler
Butkovitz	Gruitza	Miller	Stish
Buxton	Gruppo	Mundy	Strittmatter
Caltagirone	Habay	Myers	Sturla
Cappabianca	Haluska	Nailor	Surra
Carn	Hanna	Nickol	Tangretti
Carone	Harhart	Nyce	Taylor, E. Z.
Cawley	Hasay	O'Brien	Taylor, J.
Chadwick	Hennessey	Olasz	Thomas
Civera	Herman	Oliver	Tigue
Clark	Hutchinson	Perzel	Travaglio
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	Vance
Colafrilla	Jarolin	Pettit	Van Horne
Colaizzo	Josephs	Pitts	Veon
Conti	Kaiser	Platts	Vitali
Cornell	Keller	Preston	Walko
Corpora	Kenney	Ramos	Washington
Corrigan	King	Raymond	Waugh
Cowell	Kirkland	Readshaw	Williams
Coy	Kukovich	Reber	Wogan
Curry	LaGrotta	Reinard	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
DeLuca	Lawless	Roberts	Wright, M. N.
Dempsey	Lederer	Robinson	Yewcic
Dermody	Leh	Roebuck	Youngblood

DeWeese	Lescovitz	Rooney	
DiGirolamo	Levdansky	Rubley	Ryan,
Donatucci	Lloyd	Rudy	Speaker
Druce			

NAYS—13

Armstrong	Hess	Rohrer	True
Birmelin	Krebs	Sather	Zimmerman
Geist	Phillips	Stern	Zug
Hershey			

NOT VOTING—1

Tulli

EXCUSED—5

Dent Horsey Pistella Serafini
Evans

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

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

* * *

The House proceeded to third consideration of **HB 2046, PN 2545**, entitled:

An Act amending the act of December 10, 1968 (P.L.1158, No.365), entitled "An act creating and establishing the Legislative Data Processing Committee: providing for its membership; prescribing its powers, functions and duties; and making an appropriation," providing for access to computer information systems by persons outside the General Assembly.

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

Mr. **CAPPABIANCA** offered the following amendment No. **A0260**:

Amend Sec. 1 (Sec. 2), page 2, line 8, by inserting after "disseminated"

by the committee or its employees

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

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

Mr. **CAPPABIANCA**. Thank you, Mr. Speaker.

The intent and purpose of amendment A260 is to protect and allow the members of the House of Representatives and the General Assembly, the Senators also, to be able to put on their terminals or onto the Internet whatever legislation or information we are presently disseminating, for example, by mail. We would have the opportunity to do this electronically.

When somebody calls my office and asks me, can I have a copy of a bill or a copy of the House calendar, what I do presently or

what many of us do is we either put it in the mail or we fax it. Well, today with my Internet capabilities, with my computer in my office – in my district office as well as here – I have the opportunity to send out to thousands and thousands of Pennsylvanians as well as people beyond Pennsylvania’s borders copies of the House calendar, copies of bills that we are presently about to vote on. That is the intent of the amendment – to clarify what I think is the intent of the makers of HB 2046.

And with that, Mr. Speaker, I would ask for unanimous support of A260.

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

Mr. HERMAN. Thank you, Mr. Speaker.

The Legislative Data Processing Committee members have reviewed this amendment, and we concur with the intent of the sponsor, and we ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Mihalich	Stetler
Brown	Gordner	Miller	Stish
Browne	Gruitza	Mundy	Strittmatter
Bunt	Gruppo	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	Nyce	Taylor, E. Z.
Cappabianca	Harhart	O'Brien	Taylor, J.
Carn	Hasay	Olasz	Thomas
Carone	Hennessey	Oliver	Tigue
Cawley	Herman	Perzel	Travaglio
Chadwick	Hershey	Pesci	Trello
Civera	Hess	Petrarca	Trich
Clark	Hutchinson	Petrone	True
Clymer	Itkin	Pettit	Tulli
Cohen, L. I.	Jadlowiec	Phillips	Vance
Cohen, M.	James	Pitts	Van Horne
Colafiglia	Jarolin	Platts	Veon
Colaizzo	Josephs	Preston	Vitali
Conti	Kaiser	Ramos	Walko
Cornell	Keller	Raymond	Washington
Corpora	Kenney	Readshaw	Waugh
Corrigan	King	Reber	Williams
Cowell	Kirkland	Reinard	Wogan
Coy	Krebs	Rieger	Wozniak
Curry	Kukovich	Roberts	Wright, D. R.
Daley	LaGrotta	Robinson	Wright, M. N.
DeLuca	Laughlin	Roebuck	Yewcic
Dempsey	Lawless	Rohrer	Youngblood

Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rubley	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham	Lueyk	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-5

Dent	Horse	Pistella	Serafini
Evans			

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

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

The SPEAKER. Mr. Cappabianca, you have two additional amendments?

Mr. CAPPABIANCA. Mr. Speaker, I am withdrawing the other amendment.

The SPEAKER. They are withdrawn.

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

Mr. VITALI offered the following amendment No. A0272:

Amend Title, page 1, line 6, by removing the period after “Assembly” and inserting

and for access to election expense computer data compiled by the Secretary of the Commonwealth.

Amend Bill, page 3, by inserting between lines 14 and 15

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

Section 2.1. (a) The Secretary of the Commonwealth shall develop a computer data base that shall contain all information necessary for the proper administration of Article XVI of the act of June 3, 1937 (P.L.1333, No.320), known as the “Pennsylvania Election Code,” including information on contributions to and expenditures by candidates and their authorized committees and distributions of moneys which shall be forwarded to the committee. Such data base shall be accessible to the public by means, including direct access through personal computer.

(b) The Secretary of the Commonwealth shall prepare and make available materials, including, to the extent feasible, computer software, to facilitate the task of compliance with the disclosure and recordkeeping requirements of Article XVI of the “Pennsylvania Election Code.”

(c) (1) A list of campaign contributions and expenditures and reports must be made available for public inspection at the office of the Secretary of the Commonwealth or the respective county boards of election not later than two business days after receipt.

(2) The Secretary of the Commonwealth shall not require the viewer to provide any information or identification as a condition of viewing the computer data base.

(3) The Secretary of the Commonwealth shall ensure that the documents and reports are available for copying or purchase at a reasonable cost, not to exceed actual costs to the Department of State.

Amend Sec. 2, page 3, line 15, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman.

Mr. VITALI. Thank you, Mr. Speaker.

This amendment also deals with public access to computerized data that the State government generates. Amendment 0272 would require Pennsylvania's Election Bureau to computerize campaign finance information. In other words, the campaign expense reports which we file would be required to be put on a computer data base, and this would be made available to the public in one form via the Internet. Over 100 million people, I am told, by 1998 will be on the Internet. This is a matter of your constituents' right to know and, in my view, will lead to better government. It is my hope though that Governor Ridge in his budget address tomorrow will be appropriating funds for this.

AMENDMENT WITHDRAWN

Mr. VITALI. Because germaneness questions have been raised and because on closer analysis I must concede that those arguments are in fact there, I will be withdrawing this amendment with the hopes that we can continue to work on this important issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Serafini, is removed from leave and placed on the master roll call.

CONSIDERATION OF HB 2046 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On the question of final passage, the Chair recognizes the gentleman, Mr. Herman.

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

I greatly appreciate the cooperation of those who drafted amendments to this bill to have those which were either deleterious to the passage of the bill or were not germane be withdrawn.

This bill is an institutional bill in that it will allow us as members to better serve our public, the constituents at large, by allowing them, giving the Legislative Data Processing Committee the authorization which we do not now have or that committee operation does not now have, making the public information we have available to the public in a future instance.

In a nutshell, this bill, HB 2046, will bring the General Assembly, both the House and the Senate, into the computer technology age as well as guard the taxpayer in reducing the costs of printing of bills and analyses that is currently ongoing in both the House and Senate.

I appreciate a unanimous vote, and I appreciate the cooperation of the leadership of both the House Democrats and House Republicans in drafting this measure as well as my Democrat and Republican counterparts on the committee. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Boscola.

Ms. BOSCOLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2046, insuring that the public has greater access to the information relating to the business of the State government, and it is a goal that I actively have pursued since taking office.

Last March I introduced a bill, HB 976, that would require the legislature to make information such as daily calendars, roll-call votes, bill analyses, and other public records available to the public through computers. As the first northeast Pennsylvania legislator to establish a home page and join the Internet, the response I received from across the Commonwealth was overwhelming in support of this home page, and I did this because I wanted people to know as much as possible about what work is being done in Harrisburg and what it is all about.

Adding amendment 0260 insures that I can continue to provide information on my home page without having to ask permission to do so by the Data Processing Committee that was just created today. With the information superhighway, we have the means to provide this information in an easy and convenient manner anytime it is needed including weekends and evenings. We should not hesitate to take advantage of this technology in order to provide all Pennsylvanians with a government that is accessible to them.

By passing HB 2046, the General Assembly will take an important step toward demonstrating to the people we were elected to serve that lawmakers are serious about providing them with more open government.

I urge all members to vote in favor of this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I, too, rise with the purpose of complimenting Representative Herman and others who put together HB 2046.

For the information of the House, we in Pennsylvania should be very proud of the fact that Pennsylvania is the home of the first electronic computer, known as ENIAC, E-N-I-A-C, which was developed by the University of Pennsylvania some 50 years ago.

Pennsylvania, Mr. Speaker, is also the home of LYCOS, L-Y-C-O-S, one of the leading Internet directories in the entire world, which is also based in the city of Pittsburgh.

Pennsylvania, Mr. Speaker, is the home of Onco-Link, one of the leading anticancer Internet sites in the world, which is based in the city of Philadelphia.

Mr. Speaker, just a few miles from here Pennsylvanians founded a startup computer company called InfoSoft that was just bought by one of the leading companies in the Internet, Netscape, for some \$160 million.

Pennsylvania should also be proud, Mr. Speaker, that almost every college and university in Pennsylvania is linked to the Internet, and now our government will also.

When our executive branch put up their home page, they joined 43 other States on the Internet. We can act today, and if our leadership on both sides acts promptly to implement this legislation, we can move ahead and give the people of Pennsylvania as well as the entire Nation access to our laws and to their government.

Mr. Speaker, some 27 States have all or some of their bills online on the Internet. Some 27 States also have some State codes, their State laws, and others on the Internet.

Mr. Speaker, I want to note with pride that I endorse HB 2046 and ask the House to unanimously support the legislation.

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—198

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscota	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Hutchinson	Petrone	Trich
Clymer	Itkin	Pettit	True
Cohen, L. I.	Jadlowiec	Phillips	Tulli
Cohen, M.	James	Pitts	Vance
Colaella	Jarolin	Platts	Van Horne
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Wagh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	

Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

* * *

The House proceeded to third consideration of **HB 1294, PN 1480**, entitled:

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, further providing for the maintenance of alleys.

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

Mr. STURLA offered the following amendment No. **A0275**:

Amend Sec. 1 (Sec. 4), page 2, lines 5 and 6, by inserting brackets before and after "and streets" and inserting immediately thereafter
, streets and alleys

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, under the current bill as it is proposed, municipalities would be granted permission to use their existing funds to help maintain alleys. Now, helping maintain those alleys is a commendable thing, but there are no additional funds provided to help maintain those alleys. It is simply said that you take the existing pot of money that you have and you stretch it a little farther. You do not just maintain your main streets, you maintain your alleys with it now also.

What this amendment does, amendment A0275, is allow alleys to be included in that allocation formula so that you can get a little bit of money to help maintain those alleys. I think it is appropriate, and I think it will impact on most everyone's district who has municipalities that have alleys in them, and I would urge an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I would urge the members' caution in terms of voting of this amendment. This is not a zero-sum game. When alleys are added

into the allocation provisions of this law, that means some municipalities will get more money and some will get less.

I think there is an issue of fairness also. I understand the issues that prompted Representative Sturla to offer this amendment. I had some of the same problems in my district. I just think this is the wrong approach. There is an issue of fairness. Let me read the definition of what an alley is. This is from the Vehicle Code. It is "A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic."

There is an issue of fairness here. There are many small towns, rural areas, and even probably some cities where there are streets or roads that do not currently meet the requirements of the Department of Transportation to be included in this allocation formula, streets or roads that are less than 33 feet in width.

What this amendment would do is put many alleys into the allocation formula. Meanwhile, in many other areas, it would not include many of the streets and roads that are actually public thoroughfares. I know it may sound novel, but I think we should have figures in hand to judge the impact of this proposal on our municipalities before we actually vote on it.

I would urge members to oppose this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, in the absence of a fiscal note to ascertain the fiscal impact that this could have on rural areas, I would like to also caution our rural members to not support this legislation because there is only so much money that is available.

The SPEAKER. Will the gentleman yield.

The question of a fiscal note has been raised.

It is the opinion of the Chair that a fiscal note is needed for this amendment. Mr. Sturla, the question of a fiscal note has been raised. The Chair is not aware of one being distributed or ordered. Can you shed any light on that?

Mr. STURLA. Mr. Speaker, to the best of my knowledge, there was a request made last Thursday for a fiscal note.

The SPEAKER. Well, there is no fiscal note here. I wonder if we might pass this particular bill and amendment over for a moment until we can check on this.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, the bill and amendment will be passed over temporarily.

The House proceeded to third consideration of SB 37, PN 1685, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for tampering with odometers; and imposing penalties.

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

Mr. GEIST offered the following amendment No. A0179:

Amend Title, page 1, line 5, by inserting after "PROVIDING" for pedalcycle and pedestrian advisory committee and

Amend Sec. 2, page 6, line 3, by inserting after "Sections" 3571(b)(2),

Amend Sec. 2, page 6, by inserting between lines 4 and 5 § 3571. Pedalcycle and Pedestrian Advisory Committee.

(b) Composition.—The committee shall consist of 12 members. The members shall be as follows:

(2) The Secretary of [Environmental] Conservation and Natural Resources, ex officio.

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

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

Mr. GEIST. Thank you, Mr. Speaker.

This just corrects a minor error that was in the past legislation for the Department of Environmental Resources, and I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Hutchinson	Petrone	Trich
Clymer	Itkin	Pettit	True
Cohen, L. I.	Jadlowiec	Phillips	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali

Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Dent	Evans	Horsey	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

Mr. GEIST offered the following amendment No. A0206:

Amend Title, page 1, line 5, by inserting after "PROVIDING" for maximum axle weight of vehicles and Amend Sec. 2, page 6, line 3, by inserting after "Sections" 4943(b),

Amend Sec. 2, page 6, by inserting between lines 4 and 5 § 4943. Maximum axle weight of vehicles.

(b) Exceptions and special applications.—

(1) No combination registered and carrying a gross weight in excess of 73,280 pounds shall have an overall gross weight on any single axle, other than the steering axle, in excess of 20,000 pounds, or an overall gross weight on any group of two or more consecutive axles in excess of that produced by application of the following formula:

$$W = 500 \frac{LN}{N-1} + (12N + 36)$$

Where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles and N = number of axles in group under consideration, except that two consecutive pairs of axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive pairs of axles is 36 feet or more.

(2) When a truck tractor is registered in excess of 73,280 pounds and is operating in combination with an overall gross weight of 73,280 or less, the maximum axle weight limits of subsection (a)(1) and (2) shall be applicable for the purposes of weighing the combination.

(3) No trucks registered in Classes 17 and 20 shall have an overall gross weight in excess of 21,400 pounds on any tandem axle. In addition, a group of three tandem axles shall not have an overall gross weight in excess of 60,000 pounds. This paragraph shall not be applicable to interstate highways.

(4) Except on interstate highways, subsection (a)(1) and (2) does not apply to a vehicle or combination operating under the terms of an agreement established under section 4902(c) (relating to restrictions on use of highways and bridges).

(5) For the purpose of determining the weight that a six-axle combination registered in Class 25 shall be permitted to carry on a highway, paragraph (1) shall be applied only in the following manner. If the external bridge of the combination is 43 feet and the internal bridge is 32 feet, a group of two consecutive axles may carry a gross weight of 34,000 pounds and a group of three consecutive axles may carry a gross weight of 42,500 pounds. These axles shall be weighed simultaneously to determine their gross weight.

(6) Paragraph (3) and the exception in paragraph (4) shall not apply on a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).

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

The SPEAKER. The question before the House is the amendment offered by the gentleman, Mr. Geist. The Chair recognizes the gentleman.

Mr. GEIST. Thank you, Mr. Speaker.

Since U.S. 220, the designation has been changed to Interstate 99, this language will allow the practice of running triaxle trucks on that highway which are already approved for the previous naming of Route 220.

I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.

Carn	Hasay	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Hutchinson	Petrone	Trich
Clymer	Itkin	Pettit	True
Cohen, L. I.	Jadlowiec	Phillips	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Home
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rublely	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Dent	Evans	Horsey	Pistella
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The majority having voted in the affirmative, 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. DeLUCA offered the following amendment No. A0274:

Amend Title, page 1, line 5, by inserting after "PROVIDING" for occupational limited license prohibitions and

Amend Sec. 2, page 6, line 3, by inserting after "Sections" 1553(d),

Amend Sec. 2, page 6, by inserting between lines 4 and 5 § 1553. Occupational limited license.

(d) Unauthorized issuance.—The department shall prohibit issuance of an occupational limited license to:

(1) A driver who is not licensed to drive by this or any other state.

(2) Any person who is required by this title to take an examination and who has failed to take and pass such an 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 under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment

of judgments) and the financial responsibility of such person has been established.

(4) Any person applying for an occupational limited license to operate a commercial motor vehicle whose commercial driver's license privilege is disqualified under the provisions of section 1611 (relating to disqualification).

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

(6) Any person who has been adjudicated delinquent or convicted of driving under the influence of alcohol or controlled substance unless the suspension or revocation imposed for that conviction has been fully served.

(7) Any person whose operating privilege has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance unless that suspension has been fully served.

(8) Any person who has been granted a consent decree or Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance and whose license has been suspended by the department unless the suspension imposed has been fully served.

(9) Any person whose operating privilege 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) unless the suspension imposed has been fully served.]

(10) Any person whose operating privilege has been suspended pursuant to either section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or section 1532(c) (relating to revocation or suspension of operating privilege) unless the suspension imposed has been fully served.

(11) Any person whose operating privilege has been suspended or revoked as the result of a conviction of or as a result of a court order in conjunction with an adjudication of delinquency or the granting of a consent decree for any offense under the following provisions, unless the suspension or revocation has been fully served:

Section 3345(a) (relating to meeting or overtaking school bus).

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3742 (relating to accidents involving death or personal injury).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

(12) Any person whose operating privilege is currently suspended for failure to respond to a citation pursuant to section 1533 or 6146.

(13) Any person whose operating privilege is currently suspended pursuant to section 1784 (relating to proof of financial responsibility following violation), 1785 (relating to proof of financial responsibility following accident) or 1786 (relating to required financial responsibility).

(14) Any person whose operating privilege is currently suspended for failure to attend and satisfactorily complete a driver improvement course or failure to attend a hearing required under section 1538.

(15) Any person whose operating privilege has been suspended for a conviction of section 1543 unless department records show that the suspension for a conviction of section 1543 occurred only as a result of:

(i) a suspension for failure to respond to a citation imposed under the authority of section 1533 or 6146;

(ii) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a); or

(iii) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b).

(16) Any person whose operating privilege has been suspended under an interjurisdictional agreement as provided for in section 6146 as the result of a conviction or adjudication if the conviction or adjudication for an equivalent offense in this Commonwealth would have prohibited the issuance of an occupational limited license.

Amend Sec. 3, page 9, lines 19 and 20, by striking out all of said lines and inserting

(2) The amendment of 75 Pa.C.S. § 1553(d) shall take effect immediately.

(3) The amendment of 75 Pa.C.S. §§ 7131, 7132, 7138 and 7139 shall take effect in 60 days.

(4) This section shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. DeLuca, is recognized.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A0274 is an amendment that deletes the underage drinking requirement prohibition, the underage drinking requirement under the occupational driver's license.

Let me first state that the underage drinking driving law has been a very successful law in the Commonwealth. It is a law that I supported when we first passed it, but I think we have gone too far when we prohibit teenagers and college students not to be able to apply for an occupational driver's license. We have seen, and I had people, constituents of mine who have been in college who have not even had a drink at a fraternity party and they have been cited and they have lost their license for 90 days. This has created a problem for them in getting a job when they graduate. It has created a problem for them going to work and paying for their education, and I think it is unfair.

Now, let me also state we are only talking about a limited driver's license. We are not talking about somebody being convicted of a DUI (driving under the influence). We are talking about somebody who could be in the vicinity of somebody else, a teenager being in the vicinity of somebody else who has a can of beer or is at a party where there is a keg of beer and has not had a drink and they are being cited by the police officers and being convicted at the magistrate's level.

What we want to do with this amendment is give them the opportunity to apply for an occupational privilege license; I remind you, a limited driver's license only to be able to work. We are not doing away with suspensions for teenage drinking, underage drinking. All we are doing is giving them the opportunity to apply for a limited occupational privilege license.

I would certainly ask for the support of the body here.

The SPEAKER. The gentleman, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

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

In 1988 Pennsylvania led the Nation by passing a law, a very simple law, a tiny law that said that if anyone under the age of 21 attempts to purchase, purchases, consumes, transports, or possesses alcoholic beverages, that they would lose their license for 90 days. Many, many States have copied Pennsylvania in the effectiveness of that law in adopting their own legislation to protect their own kids.

What we have seen is something that a lot of us did not expect. We expected incremental reductions in the number of accidents involving teenagers and the number of deaths from alcohol-related accidents involving those same kids. That is what we expected; that is what the Department of Transportation expected; that is what the Insurance Department and the insurance industry expected. That is not what we got. What we got were dramatic drops in the number of teenage-related accidents from 15 to 20 years old. What we saw were dramatic drops in the number of alcohol-related traffic accident fatalities, and we need not stand here today and begin to undo this law with this kind of an amendment.

A few years ago when we passed the bread-and-butter license, when we passed the bread-and-butter license, this body and the Senate and the Governor stood up and made a specific exemption that teenagers who intentionally violate the law by attempting to purchase, purchasing, transporting, or possessing alcoholic beverages would not be eligible for a bread-and-butter license, for a very important reason. What the law does is what we hoped it would do — to get kids who are going to violate the law anyway to be a little bit more careful when they do; that those who are on the fence, who are torn between following and caving in to the peer pressure or standing up on their own and resisting it, that they would have a reason to say no, that they could not afford to lose their driver's license. Why? Because they did have a job, whether it be on the weekend or in the evenings, that they helped bring money home to the household and, again, just experienced a good work ethic in and of themselves. But it was because they had that job that gave them a reason to say no to the peer pressure to engage in the consumption of alcohol, which is one of, at least a few years ago it was the leading killer of young adults.

Let us not begin to undo that. Let us not chip away at something that is working in all of our districts by adopting this kind of an amendment. I would ask the members to vote "no."

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

Mr. GEIST. Thank you, Mr. Speaker.

This is one of those amendments that at first blush we all can sympathize with, but when we look beyond and we see what good comes out of us preventing teenagers from drinking and being in cars, these kids all know the rules today, and anything that we can do to prevent kids from going out and drinking and driving or being in the car with people drinking I think that we should do.

I am sure this amendment is very well intended, but I rise to oppose it. I do not think that we on the floor today should be legitimizing it and doing anything that is going to send any kind of signal to our teenagers and our youth of Pennsylvania that it is okay to go out and consume alcoholic beverages again.

They know the law. They are cognizant of the law. They know when they go to parties, they know that that one giant weapon is out there — suspension of your driving privileges. Mr. Speaker, I do

not think we need to weaken that, and I would ask for a defeat of this amendment.

The SPEAKER. The gentleman from Juniata, Mr. Clark, is recognized.

Mr. CLARK. Thank you, Mr. Speaker.

A few weeks ago we passed a bill which I had sponsored which would provide certain advantages to underage drinkers. What that bill would do is provide them a substantial break in the suspension of their driver's license, and I think that we took a step towards helping those individuals on their first-time offense. I do not think that we need to go any further, and therefore, I am opposed to this amendment.

Additionally, this amendment does not limit itself to the first-time offender for underage drinking. You could go back and look on a fellow's driving record and he could have five, six, seven, eight of these, and he could still be permitted under the DeLuca amendment to get an occupational license. And since it does not differentiate, why, I do not believe that the legislature wants to go back and give those occupational licenses to anyone regardless of the number of offenses.

So for those two reasons I would like to ask my colleagues to not support the DeLuca amendment and vote against it. Thank you very much.

The SPEAKER. The gentleman from Allegheny, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in respectful opposition to my good friend and neighbor and colleague, Representative DeLuca, from Allegheny County on this particular amendment.

I have two reasons for opposing this amendment. The first is a general reason, and I think it was pretty well summed up by all of the previous speakers before myself — Representatives Blaum and Geist and Representative Clark and others — who basically cite a lot of statistics and a lot of good reasons why this legislation is on the books and all the good things that it has done.

The second thing is, I would say that I think Representative DeLuca is really looking at an enforcement problem here. He is trying to solve a problem we have in enforcing this law. He has basically said that he felt that some people were unfairly penalized by this, those young people who walk into a dorm room or a frat party or a keg party or whatever and get unfairly treated by the local authorities that come in and cite everybody in the room. I would say that is more of an enforcement problem rather than a drinking problem.

We have that problem certainly with every law. There is no law that is perfectly enforced, and certainly this is a good example of that, but I do not think we should throw the baby out with the bathwater. I think we have a good law in place, and I think the number of folks that get unfairly cited by this is small relative to all the very good that this particular law does.

So with that in mind, I would urge my colleagues to oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I have had the visits to my district office that undoubtedly many of you have had, and those visits are the very sad, almost tearful visit of a young person who feels that he or she has been the unfortunate victim because they were at the wrong place at the wrong time, and therefore, because of the public policy that this General Assembly set a few years ago, this person lost,

this young person lost, in my opinion, the most prized possession of a young person from the age of 16 to 21. What is that possession? It is not a can of beer; it is a driver's license, and that prized possession is the most important thing that individual has.

Now, I know the stories. The stories will be that we will keep young people from meaningful employment; that they will not have the car to drive to their job; that we will keep them from having a responsible involvement in our society. I think the more important public decision is that this General Assembly maintains its opposition to underage drinking and by using the most important possession that a young person has to enforce that provision, and that is the loss of the driver's license.

A fine will not do it, Mr. Speaker, because someone else can pay the fine. Any other sort of penalty that we can come up with will not strike the mark, but the driver's license strikes the mark. That is why, with all due respect again to my colleague from Allegheny County, that is why we have heard the complaints, because the penalty is making a difference. The penalty is indeed cutting at the edge of what I think is a continual societal problem.

We have to use the resources we have at our disposal. One of those is that we control the laws of the Commonwealth as it applies to the privilege to drive an automobile, and that privilege can be suspended when we feel there is another public policy that has been abridged so badly that we have to use that penalty to make a difference.

I think the current law is making a difference, and I think attempts today to weaken it is not good public policy. I think we should maintain the course, stay the stream, and keep our opposition to underage drinking by using the most important possession that we have and that young people have, and that is a driver's license.

I oppose the amendment, Mr. Speaker, and I ask you to, also.

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

I will try to be brief.

I rise in opposition to this amendment. There were many eloquent speakers before me that really have said it all. Over the years in having been involved in this issue, I cannot tell you how much the consequences of losing a license does mean, and I would hope that we would not weaken a law we fought so hard to get.

The kids have to understand today that it is serious. If they walk into a room they are not supposed to be, they have got to learn to walk out because of the consequence of not having a driver's license. They are all old enough to understand it, we have to demand they understand it, and I hope that all will vote against this amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Cumberland, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I will keep my remarks brief.

When I first indicated my desire to speak on this amendment to the Chair, I did not realize that there would be a number of other people speaking in opposition. That chorus turned into what I guess at this point is like a Mormon Tabernacle Choir of opposition. So briefly, let me say this: If you feel that 90 days is too long — and I submit that it is not — for a suspension of this type, then get on the phone to your Senator down the hall and urge them to support Representative Clark's bill, which actually gives an incentive for that student or individual to get some education on

what he has just done, to get some education so he does not go out there and do it again, and thereby make our roads a little bit safer.

I urge opposition to this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am going to go against the tide and support my colleague in his endeavor to pass this amendment. I think what he is trying to do here is laudable.

We have heard a lot of the members talk about teaching youngsters the importance of responsibility, the importance of not drinking. There are a variety of lessons that we try to teach our youngsters, and among them is the importance of work, the importance of paying your own, and I think that we have set procedures on and we have become so focused and narrow-minded on the alcohol issue that we are sending a mixed signal here. There are provisions and restrictions on kids today that prohibit them from taking a summer job.

The question is not always whether it is 45 days or 90 days as in the gentleman, Mr. Clark's bill there; it is when that 45 or 90 days occur. If it happens to occur during the summer, we have effectively wiped the opportunity out for that youngster to earn some money during his summer vacation or his summertime to help his parents get him through college. I think the work ethic is something that we ought to be teaching our kids, too, and for that reason I think we ought to support the amendment.

We ought to remember that simply because the youngster can apply to PennDOT for an occupational license does not mean he gets it. It is up to PennDOT to have the discretion to determine what the circumstances were with this youngster and whether or not they ought to give him that license. It is not an automatic thing. And so if that child or youngster was drinking or if he was just attending a party where other people were drinking are circumstances that PennDOT may take into consideration in the determination of whether or not they give that kid an occupational license.

So for us to say that this will somehow change the message that we are sending to kids I think is wrong. We still have a very tough message out there that drinking under age is wrong, irresponsible drinking is wrong. This has nothing to do with DUI. If the kid is caught driving under the influence, he or she may not apply for this occupational license, may not be waived. This is only the circumstance where the teenager is caught drinking under age; it has nothing to do with if they are caught while they are driving.

So for all of these reasons I think that Mr. DeLuca's amendment is a real commonsense amendment. It is a middle ground. It says that we still have a strong policy against the use of alcohol by youngsters, but we also have a policy of understanding that they do not control all of the situations in their life. It still has a policy of understanding that sometimes you do make a mistake: you walk into the wrong room; you happen to go to the wrong party; you are in the wrong place at the wrong time. Should you be wiped out of your job because of that? I think not.

I do not think any of us wish to do that, and for that reason I support the gentleman's amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Trello, from Allegheny County.

Mr. TRELLO. Mr. Speaker, thank you for allowing me to speak on this bill.

I can remember when we were debating the original bill several years ago and I asked the Speaker if I could interrogate the prime sponsor, which I did, and I asked the prime sponsor of that, if I took my 17-year-old son fishing with me and I asked him to go up to the car and get me a can of beer and bring it down, and while he was doing that, if a police officer came by and saw him with that can of beer, would he be cited for underage drinking, and the answer was yes. Now, I think that all of us in this chamber think that is very, very unfair since he was acting at the request of his father to go up and get him a can of beer.

Now, I think when PennDOT evaluates each of these applications to determine whether that particular student or child qualifies for a bread-and-butter license, I personally think they will take that into consideration. I do not think anybody in this room agrees that because of a father sending his son to the car to get him a can of beer, that he should lose his license for 90 days. I think this is the message that Representative DeLuca is trying to tell you.

He is not picking on the guilty young boys and girls that are literally out there drinking against the law; I think he is speaking to the young boy or girl that innocently walks into an establishment where people are drinking or some father or mother sending their child up to the car and getting a can of beer. I think what he is trying to do is to help the innocent child that happened to be at the wrong place at the wrong time or acting on orders of an adult to get him a can of beer, to help them get a limited license so they can help pay their way through college.

I think it is a very reasonable request, and I ask for support for the amendment. Thank you.

The SPEAKER. The gentleman, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I want to give this chamber something to think about. I am going to give you the same arguments and scenarios that I gave you years ago on a DUI bill. Do you know what the temperature was out there today? Zero in a lot of areas, right? How would you feel if someone said to your daughter or son, come on; I will give you a lift to school today. Your son or daughter gets in the backseat of that automobile. They are stopped up the road. The driver has a can of beer or something on the front seat. Your son or daughter gets cited along with that individual. Is that what you want hung on your son or daughter's neck?

How about when you or your wife comes home from the distributor with a case of beer in the car and your son or daughter says to you, can I have the car for a little bit; sure, go ahead and take the car. That case of beer is still in the trunk unbeknownst to them. When they are stopped, if that car is searched, what happens? Are they guilty of that act? As difficult as it is to get work in this Commonwealth today, and we are all concerned about everybody going on welfare and everywhere else and getting a free ride, what are you thinking about when you want to deprive that young individual of an opportunity to get a job?

Think about it before you vote against it, and then vote for DeLuca's amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeLuca, for the second time.

Mr. DeLUCA. Thank you, Mr. Speaker.

First of all, Mr. Speaker, let me state that none of the individuals who spoke and myself who spoke in favor of this amendment condone underage drinking. None of us condone underage drinking.

Secondly, let me state what is in the law that we passed. Section (9), article (9) here: "Any person whose operating privilege has been suspended for a violation of..." the Pennsylvania statutes "...(relating to purchase, consumption, possession or transportation...)" That is why they suspend your license under the law we passed.

Now, we are having people who have done none of these things being cited and losing their license. Whether it is an enforcement issue or not, they are losing their license, and they are losing their jobs and cannot get a job, even when they graduate college. Because the officer who goes into that place finds maybe 20 people there and maybe 3 of them have not been drinking, he cites everybody. Nobody is tested. They do not smell anybody's breath. But because you are in that facility where it is at, you get cited for underage drinking.

It is amazing that we, and we talk about driving, well, I do not understand, whether you are a teenager or whether you are an adult and you get convicted of DUI, why we only provide ARD (accelerated rehabilitative disposition), because in the majority of the counties it is 30 days' suspension, and yet we are giving teenagers 90 days'.

Now, I do not understand, if you get hit by a car with a DUI person, whether he is 16, 21, 35, or 45, you are still going to get hit with a DUI driver. And maybe we should teach a lot of adults that they should not be consuming alcohol. Maybe that is the message we should look at, but certainly nobody condones underage drinking.

Now, as far as walking out of a place we have to teach them to walk out, that is the same way as going in and telling our young people in our schools to say no to drugs. Well, that certainly has created a decrease in teenagers using narcotics out there, because they say no to drugs. That is ridiculous. Are we trying to satisfy ourselves and trying to make ourselves feel good that we have done something?

Again, let me reiterate that we are not talking about DUI; we are talking about a limited driver's license, and we are talking about a young person being able to acquire a job and to get a job. That is what we are talking about.

The department, as far as getting four, five, six times like one of the other previous speakers spoke, I am sure the department would take that into consideration before they gave him another limited driver's license. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I would like to just point out one thing to the members. Those who have argued against supporting this amendment have indicated that we would be inconsistent if we allowed individuals to apply for the occupational license, because we already say that they lose their license for 90 days and we want to teach them a lesson. But let me suggest that when that law was passed, Mr. Speaker, we provided in that law that no individual would be assessed points for a violation of underage drinking, because the violation could be construed that while you are having your license suspended for 90 days, it might have nothing to do with an automobile. It could be for a keg party in a field. It could be for being in a dwelling where there was alcohol being used. So, Mr. Speaker, we made a specific exception for underage drinking, that it would receive no points and that no insurance company could use that violation to raise the insurance rates of that driver.

So, Mr. Speaker, I would suggest that we are being totally consistent by allowing an individual who has had a license

suspended for 90 days for underage drinking, which probably has nothing to do with the operation of an automobile, that we should allow that person to apply for an occupational license within the 5-year period of time.

Mr. Speaker, I think we should support this amendment.

The SPEAKER. The gentleman from Allegheny, Mr. Trello, seeks recognition for the second time.

Mr. TRELLO. Mr. Speaker, just one more thing.

I remember when this bill was passed several years ago. At our local school picnic, there were 20 young students going to the school picnic. Well, guess what? The driver was stopped for drinking while driving and was cited, and so were the 20 kids — the 20 innocent kids that were going to the school picnic that had nothing to do with liquor. And every one of those parents called my office, because they were all from Coraopolis, and of course, you are not allowed to talk to a magistrate, and I would not do anything like that, but the scenario is this: What about those 20 kids that were going to the school picnic and got cited because the driver was drinking while driving? I think that is the message that DeLuca's amendment is trying to address, and I think that is the message that the Department of Transportation will take into consideration when they evaluate these licenses.

I think it is a reasonable request, again, and I think you ought to support it. Thank you.

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

The following roll call was recorded:

YEAS—42

Belfanti	Fargo	Leh	Reber
Bishop	Farmer	McCall	Rieger
Butkovitz	Flick	Michlovic	Roberts
Carone	Gruitza	Mihalich	Roebuck
Cohen, M.	Hennessey	Olasz	Staback
Corrigan	Hershey	Oliver	Tigue
Curry	Itkin	Pesci	Travaglio
DeLuca	Keller	Petrarca	Trello
Dermody	Kirkland	Petrone	Veon
DeWeese	Laughlin	Readshaw	Washington
Donatucci	Lederer		

NAYS—156

Adolph	Fairchild	Manderino	Serafini
Allen	Fajt	Markosek	Shaner
Argall	Feese	Marsico	Sheehan
Armstrong	Fichter	Masland	Smith, B.
Baker	Fleagle	Mayernik	Smith, S. H.
Bard	Gamble	McGeehan	Snyder, D. W.
Barley	Gannon	McGill	Stairs
Battisto	Geist	Melio	Steelman
Bebko-Jones	George	Merry	Steil
Belardi	Gigliotti	Micozzie	Stern
Birmelin	Gladeck	Miller	Stetler
Blaum	Godshall	Mundy	Stish
Boscola	Gordner	Myers	Strittmatter
Boyes	Gruppo	Nailor	Sturla
Brown	Habay	Nickol	Surra
Browne	Haluska	Nyce	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Buxton	Harhart	Perzel	Taylor, J.
Caltagirone	Hasay	Pettit	Thomas
Cappabianca	Herman	Phillips	Trich
Carn	Hess	Pitts	True

Cawley	Hutchinson	Platts	Tulli
Chadwick	Jadlowiec	Preston	Vance
Civera	James	Ramos	Van Horne
Clark	Jarolin	Raymond	Vitali
Clymer	Josephs	Reinard	Walko
Cohen, L. I.	Kaiser	Robinson	Waugh
Colafrilla	Kenney	Rohrer	Williams
Colaizzo	King	Rooney	Wogan
Conti	Krebs	Rubley	Wozniak
Cornell	Kukovich	Rudy	Wright, D. R.
Corpora	LaGrotta	Sainato	Wright, M. N.
Cowell	Lawless	Santoni	Yewcic
Coy	Lescovitz	Sather	Youngblood
Daley	Levdansky	Saylor	Zimmerman
Dempsey	Lloyd	Schroder	Zug
DiGirolamo	Lucyk	Schuler	
Druce	Lynch	Scrimenti	Ryan,
Durham	Maitland	Semmel	Speaker
Egolf	Major		

NOT VOTING-0

EXCUSED-4

Dent	Evans	Horsey	Pistella
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-198

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas

Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Hutchinson	Petrone	Trich
Clymer	Itkin	Pettit	True
Cohen, L. I.	Jadlowiec	Phillips	Tulli
Cohen, M.	James	Pitts	Vance
Colafrilla	Jarolin	Platts	Van Horne
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

The SPEAKER. There are three bills to be considered yet today. There is also to be considered today a condolence resolution.

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution at this time on the death of a former member of this House. The Sergeant at Arms will close the doors of the House now. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Samuel W. Morris of South Coventry Township, Chester County, passed away on December 17, 1995 at the age of seventy-seven; and

WHEREAS, A graduate of Harvard University, Mr. Morris joined the United States Army and attained the rank of captain. After earning his law degree from the University of Pennsylvania Law School, he joined the

firm of Morgan, Lewis and Bockius, and later went into practice with Cremers, Morris & Greenwood. He became the Democratic state representative from the 155th legislative district in 1970 and subsequently served nine terms. While a lawmaker, Mr. Morris served on the Judiciary, Conservation and Local Government Committees, and chaired the Agriculture and Rural Affairs Committee. Among his legislative accomplishments were his sponsorship of the Clean and Green Act, Act 43 and Act 149, all of which positively impacted agriculture. Mr. Morris was the founder of the French and Pickering Creeks Conservation Trust in 1967 and served as its first president; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of Samuel W. Morris, a caring individual whose life greatly benefited all those who lived, served and worked with him; express heartfelt condolences to his wife, Eleanor Morris; sons, Samuel, Jr., George, Cooper and Christopher; daughters, Barbara Caspersen, Eleanor Illoway, Laura Siena and Ozzie Abaye; and fourteen grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Eleanor Morris.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Curt Schroder and unanimously adopted by the House of Representatives.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution ?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Samuel W. Morris.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeant at Arms will open the doors of the House.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who requests we return to leaves of absence and asks that the lady from Delaware, Mrs. DURHAM, be added to the leave of absence list. Without objection, the lady is added to that list. The Chair hears no objection.

CONSIDERATION OF HB 1294 CONTINUED

The SPEAKER. The Chair returns to page 3 of today's calendar, HB 1294, PN 1480, amendment A0275, offered by the gentleman, Mr. Sturla.

As a refresher, the gentleman, Mr. Baker, was speaking on the subject in the course of interrogation of the gentleman, Mr. Sturla, when the question of a fiscal note was raised.

At this time, Mr. Sturla, you have used up one of your two shots at debate.

The Chair recognizes the gentleman, Mr. Baker, who is in the process of interrogating the gentleman, Mr. Sturla. Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. I recognize the gentleman, Mr. Sturla's efforts. In fact, I believe that he is acting in good faith in behalf of his constituency that he represents. However, I believe this amendment is deleterious to the rural townships and the rural constituents of Pennsylvania.

I think the fiscal note is self-explanatory. It does not change the amount of funding overall, but it does take money away from our rural townships and township supervisors. It would be nice to have money to do both and to increase the allocation, but I might add that this takes money away from our rurals, and that is unfair. The current system appropriately tries to have a fair system of allocation of funds. If this is adopted, money will be taken away from our rural townships and our rural township supervisors, and that is not fair. Our township supervisors would like to have an increase themselves, but the money is not there.

I might add that the State township association strongly opposes this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks County, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I just wanted to reiterate the previous gentleman's remarks, and that is, for those Representatives who represent rural Pennsylvania, this will take money away because we are not increasing the Liquid Fuels Fund, so therefore, it is going to take more of that fund and go into the local urban areas because they are the areas that have the alleys. I do not know about you Representatives, but I have very few alleys in rural Pennsylvania.

That is all I have, Mr. Speaker. Thank you.

The SPEAKER. The gentleman, Mr. Zug, from Lebanon County.

Mr. ZUG. Thank you, Mr. Speaker.

It is sort of ironic that this amendment comes up today.

At the pleasure of the Speaker and with Representative Lloyd, I serve on the State Transportation Advisory Committee. This morning at a meeting they put out a study. It is called "Financing Pennsylvania Local Roads." In conducting that study, the State Transportation Advisory Committee contacted the League of Cities, the Township Supervisors Association, the Boroughs Association, and a number of municipalities throughout the Commonwealth, and they looked at the whole formula for liquid fuel funding, and the conclusion that they came of, which is on page 23, simply says, "It is the recommendation of the Transportation Advisory Committee not to change the liquid fuels formula at this time."

This study, Mr. Speaker, was presented to the Secretary of Transportation this morning. It says that we have a good formula; let us not mess with it. I agree with that scenario and ask you to vote "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, for the second time on the question, the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I am assuming I am the last person standing ?

The SPEAKER. As far as I know, yes.

Mr. STURLA. Thank you.

The SPEAKER. You are not the last one standing, but you are the last one seeking recognition as best I can tell.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, just to address some of the issues that have been raised, there is no question that there are some very rural areas that

would not get as much money in the liquid fuels tax allocation under my amendment as they currently do, but it is also correct to say that if we are looking at this strictly from a fairness standpoint, there are many areas in this State, whether they be areas where there is a heavy concentration of towns and boroughs or built-up townships or suburbs or urban areas, that would benefit from this change.

To give you an example, it really came to play recently with the blizzard that we had. I have many alleys in my district that are in the downtown area that take more cars per day than many rural roads do, and in order to clear those alleys, we could not just run a plow down through that alley because there are buildings tightly pressed in on both sides of that alley, and so that snow had to be removed with a front-end loader. Well, now, imagine the cost of having to remove snow with a front-end loader, loading it on a dump truck and hauling it out of the city, versus being able to run a plow down an open rural road. The cost is astronomical.

What we are saying is, guess what? You do not get reimbursed one cent for plowing that alley with a front-end loader and a dump truck and hauling it out of town, but if you have got a rural road where you can plow the stuff off to the side, where you have got plenty of room, then it is okay; we will give you money for doing that.

This is about fairness. It is about changing the status quo because the urban areas and the built-up areas in our State are crying out when it comes to snow removal and maintenance of their roads.

I understand that the Transportation Committee, if you cannot come to a consensus, you recommend that you keep the status quo. Well, there is always going to be somebody that does not like giving any money to the urban areas. I also know that one of those members, the Pennsylvania League of Cities and Municipalities, has consistently urged a change in the State liquid fuels tax allocation.

So I would just ask you to look into what is best for your district. I understand, there will be people who will vote against this thing because they live in extremely rural districts. But if you have an area that has towns, boroughs, and particularly urban areas, this is a benefit to your district and a benefit to your constituents and a benefit to the entire motoring public, which ultimately ends up, in those more urbanized areas, trying to use those alleys to get around.

So I would appreciate an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS-83

Battisto	Daley	Lederer	Roebuck
Bebko-Jones	DeLuca	Levdansky	Rooney
Belardi	Dempsey	Lucyk	Sainato
Belfanti	Dermody	Manderino	Santoni
Bishop	Fajt	Markosek	Serafini
Blaum	Gamble	Mayernik	Staback
Boscola	Geist	McCall	Steelman
Browne	George	McGeehan	Stetler
Butkovitz	Gigliotti	Melio	Sturla
Buxton	Godshall	Merry	Tangretti
Caltagirone	Itkin	Mihalich	Taylor, J.
Cappabianca	James	Mundy	Thomas

Carn	Jarolin	Myers	Trello
Cawley	Josephs	O'Brien	Trich
Cohen, M.	Kaiser	Olasz	Van Horne
Colafella	Keller	Pesci	Veon
Colaizzo	Kirkland	Petrarca	Walko
Corpora	Krebs	Preston	Washington
Corrigan	Kukovich	Ramos	Williams
Cowell	LaGrotta	Readshaw	Youngblood
Curry	Laughlin	Robinson	

NAYS-112

Adolph	Fichter	Masland	Sheehan
Allen	Fleagle	McGill	Smith, B.
Argall	Flick	Micozzie	Smith, S. H.
Armstrong	Gannon	Miller	Snyder, D. W.
Baker	Gladeck	Nailor	Stairs
Bard	Gordner	Nickol	Steil
Barley	Gruitza	Nyce	Stern
Birmelin	Gruppo	Oliver	Stish
Boyes	Habay	Perzel	Strittmatter
Brown	Haluska	Pettit	Surra
Bunt	Hanna	Phillips	Taylor, E. Z.
Carone	Harhart	Pitts	Tigue
Chadwick	Hasay	Platts	Travaglio
Civera	Hennessey	Raymond	True
Clark	Herman	Reber	Tulli
Clymer	Hershey	Reinard	Vance
Cohen, L. I.	Hess	Rieger	Vitali
Conti	Hutchinson	Roberts	Waugh
Cornell	Jadlowiec	Rohrer	Wogan
Coy	Kenney	Rubley	Wozniak
DeWeese	King	Rudy	Wright, D. R.
DiGirolamo	Lawless	Sather	Wright, M. N.
Donatucci	Leh	Saylor	Yewcic
Druce	Lescovitz	Schroder	Zimmerman
Egolf	Lloyd	Schuler	Zug
Fairchild	Lynch	Scrimenti	
Fargo	Maitland	Semmel	Ryan,
Farmer	Major	Shaner	Speaker
Feese	Marsico		

NOT VOTING-2

Michlovic	Petrone
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EXCUSED-5

Dent	Evans	Horsey	Pistella
Durham			

Less than the majority having voted in the affirmative, 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?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. WILLIAMS. Thank you, Mr. Speaker.
 Mr. Speaker, would the maker of the bill please stand for a brief period of interrogation?

The SPEAKER. The gentleman, Mr. Nickol, is the prime sponsor of the bill, who will stand for interrogation at this time. You may begin.

Mr. WILLIAMS. Thank you.

I just want to have an understanding, currently the liquid fuels tax pays for what? I want to make sure that the money that would come from this tax does not go towards mass transit or some other items. I want to make sure that we are not diverting funds from something that is needed towards something that also may be needed but on a lesser level of priority.

Mr. NICKOL. This bill does not divert funds at all. It is a "may" bill, and those moneys are currently able to be used for the maintenance, repair, construction, or reconstruction of public roads or streets; also, bridges, culverts, and drainage structures. What this allows is, at the discretion of a municipality, for them to use those moneys on publicly owned alleys.

Mr. WILLIAMS. Okay. Thank you. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. The gentleman, Mr. Nickol, will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, I just want to make sure, under this bill, there is no change in how much money goes to any municipality. Is that correct?

Mr. NICKOL. The gentleman is correct. There are two sections in this bill. One deals with the allocation, and the other section deals with how you may spend those moneys. This bill does not touch the allocation formula.

Mr. LLOYD. And under the law now, a municipality is not allowed to use any liquid fuels money on an alley at all. Is that correct?

Mr. NICKOL. The gentleman is correct.

Mr. LLOYD. And under this amendment, now certain alleys will be eligible, but that will not change the mileage which is counted in that municipality for purposes of future years' allocations?

Mr. NICKOL. The gentleman is correct.

Mr. LLOYD. Okay.

And the final question is, these are alleys for which the municipalities became legally responsible on or before May 30, 1956. What is the magic about May 30, 1956?

Mr. NICKOL. The reason I picked that date was to essentially limit the bill to historic alleys, those public alleys that were in existence when this law was initially passed.

Mr. LLOYD. Thank you very much.

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-197

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Farmer	Markosek	Semmel
Baker	Feese	Marsico	Serafini

Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Sheehan
Battisto	Flick	McCall	Smith, B.
Bebko-Jones	Gamble	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Belfanti	Geist	Melio	Staback
Birmelin	George	Merry	Stairs
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boscola	Godshall	Mihalich	Stern
Boyes	Gordner	Miller	Stetler
Brown	Gruitza	Mundy	Stish
Browne	Gruppo	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	Nyce	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Olasz	Taylor, J.
Carn	Hennessey	Oliver	Thomas
Carone	Herman	Perzel	Tigue
Cawley	Hershey	Pesci	Travaglio
Chadwick	Hess	Petrarca	Trello
Civera	Hutchinson	Petrone	Trich
Clark	Itkin	Pettit	True
Clymer	Jadlowiec	Phillips	Tulli
Cohen, L. I.	James	Pitts	Vance
Cohen, M.	Jarolin	Platts	Van Horne
Colafella	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Conti	Keller	Raymond	Walko
Cornell	Kenney	Readshaw	Washington
Corpora	King	Reber	Waugh
Corrigan	Kirkland	Reinard	Williams
Cowell	Krebs	Rieger	Wogan
Coy	Kukovich	Roberts	Wozniak
Curry	LaGrotta	Robinson	Wright, D. R.
Daley	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dermody	Leh	Ruble	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Egolf	Lynch	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Dent	Evans	Horsely	Pistella
Durham			

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

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

* * *

The House proceeded to third consideration of **SB 140, PN 1686**, entitled:

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

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

Mr. D. R. WRIGHT offered the following amendment No. A0248:

Amend Title, page 1, line 2, by inserting after "Statutes,"
providing for vehicle registration periods of less than one year; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 1307 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:
§ 1307. Period of registration.

(a.1) Seasonal registration.—Upon application on a form prescribed by the department, the owner or lessee of a passenger car, motorcycle, truck or farm vehicle which does not have a gross vehicle weight rating of more than 9,000 pounds may register the vehicle with the department for a period of successive months of less than one year. The applicant shall specify the period of months during which the vehicle shall be registered. Except when the department initially converts a currently valid annual registration to a seasonal registration, the annual fee prescribed for the vehicle by Chapter 19 (relating to fees) shall be paid in full by the applicant regardless of the number of months chosen for registration by the applicant. Upon receipt of the appropriate fee and the properly completed form, including all information required by this chapter, the department shall issue a seasonal registration that shall expire on the last day of the expiration month chosen by the registrant.

Section 2. Section 1786(g)(2) of Title 75 is amended and subsection (d) is amended by adding a paragraph to read:
§ 1786. Required financial responsibility.

(d) Suspension of registration and operating privilege.—The Department of Transportation shall suspend the registration of a vehicle for a period of three months if it determines the required financial responsibility was not secured as required by this chapter and shall suspend the operating privilege of the owner or registrant for a period of three months if the department determines that the owner or registrant has operated or permitted the operation of the vehicle without the required financial responsibility. The operating privilege shall not be restored until the restoration fee for operating privilege provided by section 1960 (relating to reinstatement of operating privilege or vehicle registration) is paid. Whenever the department revokes or suspends the registration of any vehicle under this chapter, the department shall not restore the registration until the vehicle owner furnishes proof of financial responsibility in a manner determined by the department and submits an application for registration to the department, accompanied by the fee for restoration of registration provided by section 1960. This subsection shall not apply in the following circumstances:

(3) Insurance coverage which has terminated or financial responsibility which has lapsed simultaneously with, or subsequent to, expiration of a seasonal registration, as provided in section 1307(a.1) (relating to period of registration).

(g) Defenses.—

(2) No person shall be penalized for maintaining a registered motor vehicle without financial responsibility under subsection (d) if, at the time insurance coverage terminated or financial responsibility lapsed, the registration plate and card were voluntarily surrendered to the department, a full agent designated by the department to accept voluntarily surrendered registration plates and cards pursuant to regulations promulgated by the

department or a decentralized service agent appointed by the department. If a seasonal registration, as provided in section 1307(a.1), has been issued for the vehicle, return of the registration plate and card shall be required only if the insurance coverage terminates or financial responsibility lapses prior to the expiration of the seasonal registration. The department, a full agent or the decentralized service agent, as the case may be, shall issue a receipt showing the date that the registration plate and card were received. The designated full agent or the decentralized service agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

Section 3. Section 3742(b), (c) and (d) of Title 75 are amended to read:

Amend Sec. 2, page 3, line 26, by striking out "2" and inserting

4

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

The SPEAKER. On that question, the gentleman is recognized. Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

This is an amendment which we have dealt with before and we have passed it unanimously. It simply deals with the seasonal license plate program, which you are familiar with. We worked out an agreement with the Department of Transportation. They support this amendment. It would be a substantial service to many of our constituents who have had to go through the process of turning in their license when they were not using the vehicle, particularly recreational vehicles during the winter months.

So I would ask for the concurrence of this amendment.

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

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Farmer	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Sheehan
Battisto	Flick	McCall	Smith, B.
Bebko-Jones	Gamble	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Belfanti	Geist	Melio	Staback
Birmelin	George	Merry	Stairs
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boscola	Godshall	Mihalich	Stern
Boyes	Gordner	Miller	Stetler
Brown	Gruitza	Mundy	Stish
Browne	Gruppo	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	Nyce	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Olasz	Taylor, J.
Carn	Hennessey	Oliver	Thomas
Carone	Herman	Perzel	Tigue
Cawley	Hershey	Pesci	Travaglio
Chadwick	Hess	Petrarca	Trello
Civera	Hutchinson	Petrone	Trich
Clark	Itkin	Pettit	True

Clymer	Jadlowiec	Phillips	Tulli
Cohen, L. I.	James	Pitts	Vance
Cohen, M.	Jarolin	Platts	Van Horne
Colafrilla	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Conti	Keller	Raymond	Walko
Cornell	Kenney	Readshaw	Washington
Corpora	King	Reber	Waugh
Corrigan	Kirkland	Reinard	Williams
Cowell	Krebs	Rieger	Wogan
Coy	Kukovich	Roberts	Wozniak
Curry	LaGrotta	Robinson	Wright, D. R.
Daley	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Egolf	Lynch	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Dent	Evans	Horsey	Pistella
Durham			

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. 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-197

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Farmer	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Sheehan
Battisto	Flick	McCall	Smith, B.
Bebko-Jones	Gamble	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Belfanti	Geist	Melio	Staback
Birmelin	George	Merry	Stairs
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boscola	Godshall	Mihalich	Stern
Boyes	Gordner	Miller	Stetler
Brown	Gruitza	Mundy	Stish
Browne	Gruppo	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	Nyce	Tangretti

Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Olasz	Taylor, J.
Carn	Hennessey	Oliver	Thomas
Carone	Herman	Perzel	Tigue
Cawley	Hershey	Pesci	Travaglio
Chadwick	Hess	Petrarca	Trello
Civera	Hutchinson	Petrone	Trich
Clark	Itkin	Petit	True
Clymer	Jadlowiec	Phillips	Tulli
Cohen, L. I.	James	Pitts	Vance
Cohen, M.	Jarolin	Platts	Van Horne
Colafrilla	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Conti	Keller	Raymond	Walko
Cornell	Kenney	Readshaw	Washington
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Corrigan	Kirkland	Reinard	Williams
Cowell	Krebs	Rieger	Wogan
Coy	Kukovich	Roberts	Wozniak
Curry	LaGrotta	Robinson	Wright, D. R.
Daley	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Egolf	Lynch	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Dent	Evans	Horsey	Pistella
Durham			

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.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today two guest pages of Representative Peter Zug, Christy Henise and Meghan Toomey. Will the two pages kindly rise.

RESOLUTION

Mr. MAITLAND called up **HR 256, PN 2832**, entitled:

A Concurrent Resolution memorializing Congress to enact legislation to further protect the eligibility of volunteers in nursing homes and other assisted-living institutions.

On the question,

Will the House adopt the resolution?

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

Mr. MAITLAND. Thank you, Mr. Speaker.

This resolution came from a situation that occurred in my district at the Brethren Home, a nursing home and retirement community, where they had student volunteers, ages 10 to 16, come in and help work with the older citizens and do tasks like folding laundry and pouring drinking water. The U.S. Department of Labor came in and did a wage and performance audit and decided that these youth volunteers benefited the home more than they benefited the residents, therefore constituted employees and needed to be paid, so they made the Brethren Home pay these volunteers nearly \$15,000 in back wages and hit them with 23 violations of the child labor laws.

I think this sends a very chilling message to all our volunteers. What would be next are candy strippers, our volunteer firemen, our social clubs and organizations that provide volunteer support in the community.

So I have drafted this concurrent resolution to get the General Assembly on the record to protect our volunteers and to ask the U.S. Department of Labor to reverse this decision and to write clarifying language in the regulations about what is an employee and what is a volunteer, and I would appreciate the concurrence of the House on this matter. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I am wondering if the prime sponsor of the resolution would stand for a period of interrogation.

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, time and time again, we are asked to vote on resolutions that deal with the Federal Government and its jurisdiction, and I do recall that many of the leaders from both sides of the aisle sometimes frown on this, but in this particular instance, I would like to ask a few pointed questions of the maker of the resolution.

Number one is, were these volunteers, these child volunteers at this nursing home, sons and/or daughters of employees otherwise employed by the nursing home?

Mr. MAITLAND. I do not know.

Mr. BELFANTI. Mr. Speaker, I have not been able to confirm this, but I am of the opinion that some of these if not the vast majority of these volunteers were the children of people who are beholden to the nursing home for their employment, and I would like to ask the gentleman, after a few more questions, if he would not mind deferring the vote on this resolution until we get a copy of the report from the Bureau of Wage and Hour and the Federal authorities that investigated this nursing home.

On another question, Mr. Speaker, do you happen to know the number of hours that each of these volunteers worked on either a daily or a weekly or a monthly basis? Can you share any of that information with us?

Mr. MAITLAND. No, Mr. Speaker, I do not have any of that information available either, but it is my impression that it is a few hours a week; 6 to 10, say.

Mr. BELFANTI. Six to 10 hours a week, and some of these children are 14 or 15 years old?

Mr. MAITLAND. Correct. Primarily this activity occurred in the summer.

Mr. BELFANTI. Mr. Speaker, I honestly believe that the Federal authorities, when they are conducting a Wage and Hour

review, take great pains to make sure that violators of the child labor laws are in fact guilty of willfully and intentionally violating the law, either because the children are coerced into working for free as a condition of their parents' employment or because they are spending too many hours at a particular job or they are being asked to work in lieu of going to school or other situations. I just believe that by the House adopting this resolution before we get the information that we have requested from the Federal authorities would be a foolhardy exercise, and we may end up looking very foolish as a result, so I am asking the gentleman if he would mind deferring the vote on this resolution until we find out what both sides of this issue are.

Mr. MAITLAND. Mr. Speaker, that would not be the case. The reason the U.S. Department of Labor made that decision was their determination that the work of the volunteers primarily benefited the home and not the residents of the home, which is very objectionable to the home, to our Congressman, and in fact, the U.S. Department of Labor is already backing off of that position since I drafted this concurrent resolution, and the whole purpose of this resolution is just to get the General Assembly's statement on the record that we support volunteers in church-sponsored social ministry, as these children were doing. The Brethren Home forced them to accept wages after the Department of Labor's ruling. Many of them did not want to, and most of them were disappointed that the program was discontinued because of this action, and I just think that sends the wrong signal to our youth and our volunteers in Pennsylvania.

Mr. BELFANTI. Would you mind responding to my question as far as deferring the vote until more information is made available to the members?

Mr. MAITLAND. I would politely refuse that request, Mr. Speaker.

Mr. BELFANTI. I am finished with my interrogation, Mr. Speaker. I would like to make a statement on the legislation.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I might otherwise be standing here at this microphone if we were able to really look at what this issue is all about and go along with the gentleman, the maker of the resolution. However, it seems to me that if you are going to engage 10-, 11-, and 12-year-old children into a nursing home doing a job like folding laundry, folding towels that otherwise would be performed by a minimum-wage wage earner, that the trend to adopt this resolution could send a very, very bad signal out there to nursing homes and to other employers, places of employment across this Commonwealth, like should it be ethically businesslike for one to request that your employees have their children pop over to the nursing home a couple of days a week to help fold laundry?

I think that this resolution is unwise, and I may be wrong, but if I do not have the opportunity to review the Federal Government's report on this, I would have to urge my colleagues not to send such a terrible signal out there to the other Commonwealth employers who might be very tempted to engage in this type of activity if in fact — and I make that a capital "IF" — if in fact it was something wrong or illegal.

MOTION TO TABLE

Mr. BELFANTI. So at this time, Mr. Speaker, I am making a motion to table this resolution.

The SPEAKER. The Chair thanks the gentleman.
 This is a nondebatable motion.
 The gentleman has moved that concurrent resolution, HR 256, be tabled.

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

The SPEAKER. On that question, does the gentleman, Mr. Maitland, care to take the time of the majority leader on this question?

Mr. MAITLAND. Thank you, Mr. Speaker.
 I would oppose the motion to table and ask my colleagues to do likewise.

The SPEAKER. The Chair thanks the gentleman.
 Mr. Belfanti, do you care to take the—

Mr. BELFANTI. No, Mr. Speaker. I have already said my piece.

I believe tabling this for a brief period until we get the report is something that is appropriate.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is the motion of the gentleman, Mr. Belfanti, to table House concurrent resolution 256.

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

The following roll call was recorded:

YEAS—98

Battisto	Donatucci	Markosek	Santoni
Bebko-Jones	Fajt	Mayernik	Scrimenti
Belardi	Gamble	McCall	Shaner
Belfanti	George	McGeehan	Staback
Bishop	Gigliotti	Melio	Steelman
Blaum	Gordner	Michlovic	Stetler
Boscola	Gruitza	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Hanna	Myers	Tangretti
Caltagirone	Itkin	Olasz	Thomas
Cappabianca	James	Oliver	Tigue
Carn	Jarolin	Pesci	Travaglio
Cawley	Josephs	Petrarca	Trello
Cohen, M.	Kaiser	Petrone	Trich
Colafiglia	Keller	Preston	Van Horne
Colaizzo	Kirkland	Ramos	Veon
Corpora	Kukovich	Readshaw	Vitali
Corrigan	LaGrotta	Rieger	Walko
Cowell	Laughlin	Roberts	Washington
Coy	Lederer	Robinson	Williams
Curry	Lescovitz	Roebuck	Wozniak
Daley	Levdansky	Rooney	Wright, D. R.
DeLuca	Lloyd	Rudy	Yewcic
Dermody	Lucyk	Sainato	Youngblood
DeWeese	Manderino		

NAYS—99

Adolph	Farmer	Maitland	Schuler
Allen	Feese	Major	Semmel
Argall	Fichter	Marsico	Serafini
Armstrong	Fleagle	Masland	Sheehan
Baker	Flick	McGill	Smith, B.
Bard	Gannon	Merry	Smith, S. H.
Barley	Geist	Micozzie	Snyder, D. W.
Birmelin	Gladeck	Miller	Stairs

Boyes	Godshall	Nailor	Steil
Brown	Gruppo	Nickol	Stern
Browne	Habay	Nyce	Stish
Bunt	Harhart	O'Brien	Strittmatter
Carone	Hasay	Perzel	Taylor, E. Z.
Chadwick	Hennessey	Pettit	Taylor, J.
Civera	Herman	Phillips	True
Clark	Hershey	Pitts	Tulli
Clymer	Hess	Platts	Vance
Cohen, L. J.	Hutchinson	Raymond	Waugh
Conti	Jadlowiec	Reber	Wogan
Cornell	Kenney	Reinard	Wright, M. N.
Dempsey	King	Rohrer	Zimmerman
DiGirolamo	Krebs	Rubley	Zug
Druce	Lawless	Sather	
Egolf	Leh	Saylor	Ryan,
Fairchild	Lynch	Schroder	Speaker
Fargo			

NOT VOTING—0

EXCUSED—5

Dent	Evans	Horsey	Pistella
Durham			

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
 Will the House adopt the resolution?

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?
 The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. I am not certain, but you can inquire with your Parliamentarian as to the propriety of a 1-minute observation on my part as floor leader. What kind of flexibility do I have? Do I ask for a moment of unanimous consent, or what is the appropriate method that I should pursue to make a remark for the record?

The SPEAKER. The gentleman has available to him, if he wishes to make a statement with respect to the resolution, he has available the time that will be accorded to him after that question is put. If, however, he wishes to make remarks on something other than the passage of the resolution, then he has available to him unanimous consent.

Mr. DeWEESE. I would so request 30 seconds of unanimous consent, Mr. Speaker.

The SPEAKER. The Chair hears no objection.

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker, I would just like for the chamber to be aware of the fact that a great deal of our internal combustion and volatility in this chamber over the past year or two or three has been because of a different perspective on the way we conduct our internal business. The rush and flood of legislation is obviously inherently hard to counteract sometimes or deal with, and Mr. Belfanti's request was only that a measure be tabled. It would certainly have been voted on very quickly.

I just want the members of the chamber to realize, especially those members who are so concerned with our internal procedures and our structures, that this would have been one time for us to have asserted ourselves as a chamber and to have slowed things down and to have been more deliberative. It was a close vote, and I hope that subsequent opportunities will avail the chance for us to slow things down and to make certain that all of our members are more involved, especially the minority party, in the conduct of our business.

I thank the Speaker, and I thank the members for their unanimous consent.

The SPEAKER. The Chair thanks the gentleman and points out to the gentleman that this particular resolution is on the ninth day on the calendar, so slowing it down I do not think is necessarily an appropriate remark. I say that defensively. Making a statement, Mr. Coy.

CONSIDERATION OF HR 256 CONTINUED

LETTER SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Mr. Waugh, from the county of York.

Mr. WAUGH. Thank you, Mr. Speaker.

On the resolution, HR 256. Very quickly, I would like to rise to support Representative Maitland on this effort and also the efforts of our Congressman, Hon. Bill Goodling, who has been dealing with or, I should say, wrestling with this in Washington.

I have a letter with some comments to that effect I would like to submit for the record. Thank you.

The SPEAKER. The gentleman will submit the comments.

Mr. WAUGH submitted the following letter for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

August 3, 1995

The Honorable William F. Goodling
2263 Rayburn House Office Building
Washington DC 20515

Dear Congressman Goodling:

I am writing to express my concern over a situation recently brought to my attention by Mr. Jay K. Crist, Chairman of The Brethren Home Foundation in New Oxford. Mr. Crist informs me that the United States Department of Labor recently initiated an investigation of the Student Volunteer Program being operated by the Home. The investigation has caused the Home to cease operations of the program pending the outcome of the investigation.

I understand the Wage and Hour Division of the Department of Labor has taken the position that youth who actively volunteer their services to the Home should be considered employees and, therefore, entitled to pay for their services. I find this interpretation by the Department of Labor to be quite threatening to the continual success of many charitable, civic and community sponsored organizations throughout our community, state and country. I hope this situation is nothing more than a misunderstanding on behalf of the department and that the Brethren Home will soon be able to continue this beneficial program for their residents. Further, a positive

resolution would bode well with the hundreds of thousands of citizens in our country who answer the call of true americanism through volunteerism.

Please help to support The Brethren Home and American volunteers by putting an end to this extremism. If I can be of any assistance, please feel free to contact me.

Sincerely,
Mike Waugh
93rd Legislative District

MLW:wk
cc: Jay K. Crist

The SPEAKER. The gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I would like to make some comments on HR 256.

The SPEAKER. The gentleman is in order.

Mr. HERSHEY. We want to support and honor volunteerism.

That is what made this country – people helping people. Now the Department of Labor came up into Adams County and said that the candy strippers and the volunteers in this Brethren Home were contributing more to the home than they were to the patients. That is just a judgment call that they made.

Now, in relationship to that call, they do not have volunteers anymore, so it is just going to create shock waves all through the industry, and then the next thing, we will not have volunteer firemen. Of course they contribute to our community, but this is a good resolution, and I think we should support it. Thank you.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I think it was appropriate that you mentioned that this is the ninth day that this resolution has been on the calendar. That would take it back to December 11 or 12. We do not really currently have any correspondence from anybody saying they needed more time for this piece of legislation, Mr. Speaker.

We did want to mention that the Brethren Home faces penalties in excess of \$100,000 plus wages to be paid to all the student volunteers in this program. So we are just trying to resolve a problem – whether or not they are volunteers, Mr. Speaker, not whether or not they are wage-an-hour employees; whether or not they are volunteers. That is all this is about. Nobody is trying to hurt anybody, Mr. Speaker.

And again, you have had almost 2 months to look at it, so I would urge a concurrence vote on the resolution, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Belfanti, for the second time on the question.

Mr. BELFANTI. Thank you, Mr. Speaker.

First of all, Mr. Speaker, I first found out about this resolution today in caucus. This resolution did not run through the Labor Relations Committee. It was placed into Federal-State Relations or something else, so it is new to me.

Today was the day that we placed a call to the Federal Government to find out if we could get some background on this issue. I would like to remind some of the previous speakers that candy strippers are not 10-year-old kids, nor are volunteer firemen. The people that we are talking about, volunteers, that is one thing. If you are a 17-, 18-, 19-, 20-year-old person who wants to volunteer in this nursing home, there is nothing wrong with that, and I am not even sure the nursing home is not right here. But since we were not given the opportunity to get the background on

this, I believe that we are in direct contradiction to the stand that we all have taken on child labor laws in this chamber in the past.

A few years ago the newspaper industry came to us and said, how about letting kids get up a little earlier than the law allows now and allow them to deliver papers earlier? I stood and supported that legislation, and if I find that there was no coercion and that these 10-, 11-, 12-year-old kids really want to do this and there was no indication given that they were coerced into doing this, that is one thing.

But, Mr. Speaker, they were not about to speak to us on the telephone about the background of this, and all we have is knowledge that the Congressman of the area thinks it is terrible that these people are being fined and so do the legislators from that immediate area, and they might be right. But it is unconscionable for us to vote on this without any information from the other side. I do not believe the Wage and Hour people would have found these people in violation of Federal law without there being something to it.

So I am asking for a "no" vote if the gentleman is not willing to wait for a few days until we get a copy of the report. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to support this resolution.

I am speaking from a background having worked in a nursing home and worked with candy strippers. They do not help the home. They enrich the patients, and that is what they are there for.

I think volunteerism has been the backbone of our society, and we lose something very valuable if we think that this is not important. We are not competing with people who are hired to do the job with nurses' aides; we are helping the patients.

I urge your support of this resolution.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I might tell the gentleman from Northumberland County that I have had a trail of communication with the U.S. Department of Labor dating back to the summer of 1995 and have yet to receive a response, nor has the U.S. Department of Labor chosen to respond to the local media on calls for information. If he thinks he can get their reaction in 2 days, I would be very interested to see that. Thank you.

The SPEAKER. The lady from Luzerne, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

With all due respect to one of the previous speakers, this issue is not volunteerism. We are in favor of volunteerism over here. Many of us are volunteers. Many of our children are volunteers. We promote and encourage volunteerism. This is an issue of, is this coercion; is this child labor in violation of the law? That is the issue.

And with an absence of response from the prime sponsor of the resolution, how do we make that determination and what right do we have to sit here and pass judgment on what the Department of Labor has done without any of that information? We cannot vote in a vacuum. I cannot, and I, frankly, resent the attempt to force me to vote in a vacuum with no information available to me.

I am going to vote "no," not because I am not for volunteers, but because I do not know enough to cast an informed vote in this matter.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. I am sorry to be up again, Mr. Speaker.

Mr. Speaker, again, we are worried and concerned about the issue now when it has been on the calendar since the 12th of December. We are not trying to push anything on anybody. We are not trying to ramrod anything, Mr. Speaker. It has been on what we are told nine different calendars that have been printed, Mr. Speaker, and the first opposition to it appeared here today. No one said anything about this until here today, and now we are supposed to get numbers from the Federal Government. Mr. Speaker, we could wait 3, 4, 5, 6 months for that, Mr. Speaker, and in the meantime, this home could face a fine of \$100,000 and they cannot have the volunteers coming in and helping these people.

So I would like to vote a "yes" on the House resolution, Mr. Speaker.

The SPEAKER. The lady from Chester, Mrs. Taylor, is recognized.

Mrs. TAYLOR. Mr. Speaker, I rise in support of this resolution.

I think that those who have tried to make a case against this resolution are really making a case against our committee system. This was referred to the committee in November. There are members of that committee on both sides of the aisle. Perhaps we should take a little bit more heed in whether or not our committee system is working. If you did not know about it until today, you might ask some of the people who serve that committee whether or not they had an opportunity to report back to you the findings or if they were interested in getting the findings on this resolution.

This resolution is a good resolution. This resolution brings to that home a relationship, an intergenerational opportunity. And I would hope that everyone who goes out and makes these great speeches about volunteerism and intergenerational relationships, I hope that you will put up a great big "yes" for this vote.

The SPEAKER. The gentleman, Mr. Cappabianca, from Erie.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

In all fairness, let us put this in the proper perspective. This House resolution was in the Intergovernmental Affairs Committee. I do not recall at this point in time even when it left the committee, to be honest with you, and I believe there was one negative vote in the committee. There were no negative votes. I stand corrected. At that time it was not controversial, but in the meantime it has become controversial, and some members on this side have legitimate questions. They do not want to vote in a vacuum; that has been made clear.

I do not understand why there cannot be some courtesy on the floor to give a little time to find out what the controversy is all about. If it is an innocuous House resolution, we should spare the time, allow the members to know what is going on here. I would support the motion that originally was done to table. That was defeated.

The SPEAKER. Will the gentleman yield.

Mr. CAPPABIANCA. Is there another motion, Mr. Speaker, is what I am asking for.

The SPEAKER. Will the gentleman yield.

The question to table or postpone is behind us.

Mr. CAPPABIANCA. I am asking for your indulgence.

The SPEAKER. The question before us is the final passage of this resolution.

Mr. CAPPABIANCA. How about third consideration postponed, Mr. Speaker?

**MOTION TO PLACE RESOLUTION
ON POSTPONED CALENDAR**

The SPEAKER. A motion to postpone would be in order.

Mr. CAPPABIANCA. Then I would so move.

The SPEAKER. The gentleman, Mr. Cappabianca, moves that concurrent resolution 256 be postponed.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I do not know what effect this concurrent resolution will have when it goes to the Internal Revenue Service. I suspect that if it passes, I suspect if this passes by one vote, it is going to have even less of an impact than the sponsor hopes it will have, but it could go there with a unanimous vote if the members of the House—

The SPEAKER. Will the gentleman yield.

The question before the House is one of postponement.

Mr. BLAUM. I understand that, Mr. Speaker.

You know, it could go to the Internal Revenue Service with a unanimous vote if the member would just allow the House to see this report, to see what goes on at this nursing home. Much of it could be fine. Perhaps all of it is fine and the Internal Revenue Service is wrong in its assessment, and the House can speak with a unanimous voice to them that—

The SPEAKER. Will the gentleman yield, if I may. Otherwise, we are going to go on all night the way you are going on now.

Mr. BLAUM. Okay.

The SPEAKER. "Debate on the motion to postpone shall be confined to the question of the postponement—"

Mr. BLAUM. And I am rising to—

The SPEAKER. Please. "—and shall not include discussion of the main question."

Mr. BLAUM. I am rising—

The SPEAKER. Now, I am going to ride herd on that portion of the rule.

Mr. BLAUM. I understand.

I am rising to ask that this be postponed so that the members can have a copy of the report to make an informed decision and hopefully send this resolution to Washington with a unanimous vote, and not by voting "no" on postponement, send it to Washington having passed by only one or two votes. I do not think that is what the gentleman wants, and I think if we postpone it for a short period of time, we can see what the matter is and hopefully resolve it.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-97

Battisto	Donatucci	Manderino	Sainato
Bebko-Jones	Fajt	Markosek	Santoni
Belardi	Gamble	Mayernik	Scrimenti
Belfanti	George	McCall	Shaner
Bishop	Gigliotti	McGeehan	Staback
Blaum	Gordner	Melio	Steelman

Boscola	Gruitza	Michlovic	Stetler
Butkovitz	Haluska	Mihalich	Sturla
Buxton	Hanna	Mundy	Surra
Caltagirone	Itkin	Myers	Tangretti
Cappabianca	James	Olasz	Thomas
Carn	Jarolin	Oliver	Tigue
Cawley	Josephs	Pesci	Travaglio
Cohen, M.	Kaiser	Petrarca	Trello
Colafiglia	Keller	Petrone	Trich
Colaizzo	Kirkland	Preston	Van Horne
Corpora	Kukovich	Ramos	Veon
Corrigan	LaGrotta	Readshaw	Vitali
Cowell	Laughlin	Rieger	Walko
Coy	Lederer	Roberts	Washington
Curry	Lescovitz	Robinson	Wozniak
Daley	Levdansky	Roebuck	Wright, D. R.
DeLuca	Lloyd	Rooney	Yewcic
Dermody	Lucyk	Rudy	Youngblood
DeWeese			

NAYS-99

Adolph	Farmer	Maitland	Schuler
Allen	Feese	Major	Semmel
Argall	Fichter	Marsico	Serafini
Armstrong	Fleagle	Masland	Sheehan
Baker	Flick	McGill	Smith, B.
Bard	Gannon	Merry	Smith, S. H.
Barley	Geist	Micozzie	Snyder, D. W.
Birmelin	Gladeck	Miller	Stairs
Boyes	Godshall	Nailor	Steil
Brown	Gruppo	Nickol	Stern
Browne	Habay	Nyce	Stish
Bunt	Harhart	O'Brien	Strittmatter
Carone	Hasay	Perzel	Taylor, E. Z.
Chadwick	Hennessey	Pettit	Taylor, J.
Civera	Herman	Phillips	Truc
Clark	Hershey	Pitts	Tulli
Clymer	Hess	Platts	Vance
Cohen, L. I.	Hutchinson	Raymond	Waugh
Conti	Jadlowiec	Reber	Wogan
Cornell	Kenny	Reinard	Wright, M. N.
Dempsey	King	Rohrer	Zimmerman
DiGirolamo	Krebs	Rubley	Zug
Druce	Lawless	Sather	
Egolf	Leh	Saylor	Ryan,
Fairchild	Lynch	Schroder	Speaker
Fargo			

NOT VOTING-1

Williams

EXCUSED-5

Dent	Evans	Horsey	Pistella
Durham			

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—128

Adolph	Fichter	Major	Semmel
Allen	Fleagle	Marsico	Serafini
Argall	Flick	Masland	Sheehan
Armstrong	Gamble	Mayermik	Smith, B.
Baker	Gannon	McGill	Smith, S. H.
Bard	Geist	Merry	Snyder, D. W.
Barley	George	Michlovic	Stairs
Battisto	Gigliotti	Micozzie	Steelman
Birmelin	Gladeck	Miller	Steil
Boscola	Godshall	Nailor	Stern
Boyes	Gruitza	Nickol	Stetler
Brown	Gruppo	Nyce	Stish
Browne	Habay	O'Brien	Strittmatter
Bunt	Haluska	Perzel	Sturla
Carone	Hanna	Petrone	Taylor, E. Z.
Cawley	Harhart	Petit	Taylor, J.
Chadwick	Hasay	Phillips	Tigue
Civera	Hennessey	Pitts	Trich
Clark	Herman	Platts	True
Clymer	Hershey	Raymond	Tulli
Cohen, L. I.	Hess	Readshaw	Vance
Conti	Hutchinson	Reber	Waugh
Cornell	Jadlowiec	Reinard	Williams
Coy	Jarolin	Rohrer	Wogan
Dempsey	Kenney	Rubley	Wozniak
DiGirolamo	King	Rudy	Wright, M. N.
Druce	Krebs	Sainato	Yewcic
Egolf	Kukovich	Sather	Zimmerman
Fairchild	Lawless	Saylor	Zug
Fajt	Leh	Schroder	
Fargo	Lloyd	Schuler	Ryan,
Farmer	Lynch	Scrimenti	Speaker
Feese	Maitland		

NAYS—66

Bebko-Jones	Daley	Manderino	Robinson
Belardi	DeLuca	Markosek	Roebuck
Belfanti	Dermody	McCall	Rooney
Bishop	DeWeese	McGeehan	Santoni
Blaum	Donatucci	Melio	Shaner
Butkovitz	Gordner	Mihalich	Staback
Buxton	Itkin	Mundy	Surra
Caltagirone	James	Myers	Tangretti
Cappabianca	Josephs	Olasz	Thomas
Carn	Kaiser	Oliver	Travaglio
Cohen, M.	Keller	Pesci	Trello
Colafella	Kirkland	Petrarca	Veon
Colaizzo	LaGrotta	Preston	Walko
Corpora	Laughlin	Ramos	Washington
Corrigan	Lederer	Rieger	Wright, D. R.
Cowell	Lescovitz	Roberts	Youngblood
Curry	Lucy		

NOT VOTING—3

Levdansky	Van Horne	Vitali
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EXCUSED—5

Dent	Evans	Horsey	Pistella
Durham			

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

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

FORMER MEMBER WELCOMED

The SPEAKER. Today we have with us, as a guest of Representative Herman Mihalich, a former member, Paul Suchko, from Westmoreland County. Paul? There he is over here. Welcome back. Paul served in the 1965-66 session, as I recall.

There will be no further votes other than some of a housekeeping nature.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 751, PN 830, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 751 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1939, PN 2395, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1939 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

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

HB 2140, PN 2674; HB 2339, PN 3052; HB 2275, PN 2934; HB 2048, PN 2547; HB 2360, PN 2989; SB 684, PN 1728; HB 26, PN 2946; HB 950, PN 3072; HB 2205, PN 2789; and HB 2305, PN 3073.

ADJOURNMENT

The SPEAKER. Does the majority floor leader or Democratic floor leader have any further business?

Are there any announcements, any corrections to the record?

Hearing none, the Chair recognizes the gentleman from Westmoreland County, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 6, 1996, 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 5:26 p.m., e.s.t., the House adjourned.