

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 10, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 78

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O Lord God, Heavenly Father, Thou who hast revealed to us through Thy Word that heaven and earth shall pass away, we beseech Thee to keep us steadfast in Thy Word and in the true faith. Graciously guard us from all sin and preserve us amid all temptations, so that our hearts may not be overcharged with the cares of this life, but at all times in watchfulness and prayer we may await Thy gracious coming and joyfully cherish the expectation of our eternal salvation. Through Thy eternal power, Thy continued presence, and Thy blessed peace, we humbly pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, December 9, 1985, will be postponed until that Journal is in print, and the Chair hears no such objection.

FILMING PERMISSION

The SPEAKER. Mackenzie Carpenter has been granted leave to film on the floor of the House for "The People's Business."

HOUSE BILLS INTRODUCED AND REFERRED

No. 1958 By Representatives LETTERMAN, GODSHALL, PETRONE, BOWLEY, MAYERNIK, MARKOSEK, DOMBROWSKI, HAYES, NOYE, MOWERY, HERMAN and DeVERTER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," imposing certain restrictions on the Environmental Quality Board; and reducing certain fees.

Referred to Committee on CONSERVATION, December 10, 1985.

No. 1959 By Representatives SWEET, RUDY, PICCOLA and BORTNER

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

Referred to Committee on JUDICIARY, December 10, 1985.

No. 1960 By Representatives REINARD, PRATT, NOYE, BOWSER, BELFANTI, STABACK, MRKONIC, BELARDI, D. W. SNYDER, MERRY, GREENWOOD, WESTON, PERZEL, SEMMEL, HERMAN, MICOZZIE, BIRMELIN, LANGTRY, CIVERA, DISTLER and CLYMER

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," providing that no lottery funds shall be used for the benefit of persons who are not citizens of the United States.

Referred to Committee on FINANCE, December 10, 1985.

No. 1961 By Representatives PRATT, RYBAK, GODSHALL, LIVENGOOD, REINARD, MOWERY, DeVERTER, ROBBINS and DURHAM

A Supplement to the act of _____, 1986 (P. L. _____, No. _____), entitled "An act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding provisions relating to insurance; and making repeals," making revisions, corrections and additions relating to insurance.

Referred to Committee on INSURANCE, December 10, 1985.

No. 1962 By Representatives PRATT, RYBAK, GODSHALL, LIVENGOOD, REINARD, MOWERY, DeVERTER, ROBBINS and DURHAM

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding provisions relating to insurance; and making repeals.

Referred to Committee on INSURANCE, December 10, 1985.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 211 By Representatives LAUGHLIN, WAMBACH, BURNS, TRUMAN, DURHAM, DEAL, GLADECK, McHALE, COY, BLAUM, DeWEESE, HARPER, CAWLEY, VAN HORNE, BELARDI, GRUITZA, FREEMAN, KUKOVICH and DeLUCA

Urging the Federal Communications Commission to adopt the Flexible Transition Plan for restructuring the recovery of the Carrier Common Line portion of interstate non-traffic sensitive costs assigned to telephone access charges.

Referred to Committee on RULES, December 10, 1985.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

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

APPROVAL OF HB No. 1207.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

December 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 1207, Printer's No. 2459, entitled "AN ACT AMENDING THE ACT OF JULY 3, 1985 (P.L. 139, NO. 40), ENTITLED 'AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF TRANSPORTATION, WITH THE APPROVAL OF THE GOVERNOR, TO CONVEY TO THE CORPS OF ENGINEERS OF THE UNITED STATES ARMY A TRACT OF LAND SITUATE IN FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA,' FURTHER PROVIDING FOR THE DESCRIPTION OF THE TRACT OF LAND."

Dick Thornburgh
Governor

BILL SIGNED BY SPEAKER

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

SB 1102, PN 1414

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing for the reestablishment and continuation of the Pennsylvania Drug, Device and Cosmetic Board; and further providing for the terms of office, meetings and compensation of members of the board.

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence. Mr. Coy, are there any leaves of absence as far as you know?

Mr. COY. I see none here, Mr. Speaker.

The SPEAKER. Not at this time.

Mr. Hayes, do you have any requests?

The gentleman indicates he has no such requests.

WELCOME

The SPEAKER. Al and Sandy Boerner, together with Walt Yoder and Sondra Scherrer, are here as the guests of Representative Fox. Welcome to the hall of the House.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Civera. For what purpose does the gentleman rise?

Mr. CIVERA. Mr. Speaker, on SB 964, the motion to revert to the prior printer's number, in yesterday's vote I was not recorded as voting. I would like to be recorded in the negative.

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

WELCOME

The SPEAKER. The Chair is delighted to welcome, in the gallery and to the Speaker's Office, the fourth grade students of St. Theresa's School. They are here as the guests of the Speaker. They are a particularly alert and bright group, and the Speaker was delighted to have them in his office before they came to the gallery. The Speaker warns the members that the members of this fourth grade class from St. Theresa's School want to see some action on the floor. They do not want quiet debate; they want loud and noisy and continuous debate, and I told them they came to the right place. Welcome to the hall of the House, children. Sit quietly for a while and you will hear the debate.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—202

Acosta	Dininni	Laughlin	Rieger
Afflerbach	Distler	Lescovitz	Robbins
Angstadt	Dombrowski	Letterman	Roebuck
Argall	Donatucci	Levdansky	Rudy
Arty	Dorr	Levin	Ryan
Baldwin	Duffy	Linton	Rybak
Barber	Durham	Livengood	Saloom
Barley	Evans	Lloyd	Saurman
Battisto	Fargo	Lucyk	Scheetz
Belardi	Fattah	McCall	Schuler
Belfanti	Fee	McClatchy	Semmel

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

ADDITIONS—1

Cohen

NOT VOTING—0

EXCUSED—0

CALENDAR

BILLS ON SECOND CONSIDERATION

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

SB 1204, PN 1684; SB 1248, PN 1640; SB 290, PN 449; and SB 370, PN 1554.

* * *

The House proceeded to second consideration of **HB 1650, PN 2611**, entitled:

An Act establishing a Commission for Children.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1650 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1651, PN 2103**, entitled:

An Act establishing a Children's Trust Fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1651 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

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

SB 1158, PN 1682.

REPORT OF JOINT STATE GOVERNMENT COMMISSION

The SPEAKER. Why does the gentleman from Luzerne, Mr. Stevens, rise?

Mr. STEVENS. Mr. Speaker, it is my pleasure to transmit the publication "Proposed Eminent Domain Code With Comments - 1985," from the Joint State Government Commission.

The SPEAKER. The gentleman will send the report to the desk for the clerk to file. The Chair thanks the gentleman.

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

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Ned Kauffman, David Aumiller, Jr., Matt Conaway, James Platzer III, and Erica Knable, as guest pages of Representative Ruth Rudy and Representative DeVerter. The Chair welcomes the children to the hall of the House.

CITATION PRESENTED

The SPEAKER. The Chair invites the gentleman from Montgomery, Mr. Fox, to come to the podium.

Mr. FOX. Thank you, Mr. Speaker.

It is my honor and pleasure to introduce to the House of Representatives of the Commonwealth of Pennsylvania this morning the American conference winners, State champions, the Abington High School Marching Band. Please, a round of applause. They are under the direction of Joseph Mauro and John Musica, and at this time they are going to give you a musical interlude, which I think you will find enjoyable, and it helped win them the State championship. Thank you, Mr. Speaker.

(A musical program was presented.)

Mr. FOX. Mr. Speaker, I want to congratulate this band, along with the other House members and all the leadership. At this time I would call down to the front the supervisor of music, June Hyndman; musical director, Joseph Mauro; assistant, John Musica; drum majors, Karen Macauley and Maria Timm. Please come forward. I wish to present to you a citation from the House of Representatives of the Commonwealth of Pennsylvania.

WHEREAS, The Abington High School Marching Band, under the guidance of Band Director Joseph Mauro and Assistant Band Director John Musica, won all preliminary 1985 competitions held at Plymouth Meeting, Wissahickon, Upper Moreland and Upper Dublin High Schools....

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania salutes the Abington High School Marching Ghosts Band, its student members, band front, and directors on winning the State Championship; and further directs that a copy of this citation be delivered to The Abington High School Marching Band.

Mr. Speaker, we also have for you the Abington High School pennant, which won at the championship, and a sun visor in case it gets too bright in the hall of the House. Congratulations.

The SPEAKER. The Chair thanks the Abington Band. You are absolutely, incomparably marvelous. The Speaker wishes he could equal your charm with the members of the House. They were very quiet while you were here. Unfortunately, I cannot quite equal your volume. Thank you for coming; we are honored. Congratulations to all of you.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 964, PN 1637**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the powers and duties of the Pennsylvania Liquor Control Board; adding provisions relating to payment of State taxes; further providing for penalties; and making editorial changes.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. LANGTRY offered the following amendments No. A4365:

Amend Title, page 1, line 21, by inserting after duties;" providing for a referendum on private sale of wine and liquor;

Amend Sec. 1 (Table of Contents), page 3, by inserting between lines 28 and 29

Section 307. Procedure for Referendum.

Amend Bill, page 31, by inserting between lines 21 and 22

Section 307. Procedure for Referendum.—(a) The Secretary of the Commonwealth shall cause to be placed on the ballot at the next municipal election a question to determine the will of the electors of the Commonwealth with respect to the continuance of the Pennsylvania Liquor Stores system. The referendum shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L. 1333, No.320), known as the "Pennsylvania Election Code."

(b) The question on the ballot shall be phrased in substantially the following form:

Shall the State store system for the sale of wine and liquor be replaced by privately-owned stores?

(c) The county boards of elections shall canvass the votes and make their returns to the Secretary of the Commonwealth who shall certify the results to the General Assembly.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Amendment A4365 is really a straightforward amendment to put the question of divestiture of the State liquor system up for a referendum at the next municipal election. Mr. Speaker, the reason I am offering this amendment is that in my district and several other districts in the South Hills area of Pittsburgh, in poll after poll after poll, 70 to 30 percent—70 for—have indicated approval of divestiture to the private sector of the State liquor control system.

Mr. Speaker, to those who are concerned about divestiture, to assuage their fears, based on a review of studies across the Nation, there is no evidence that the degree of alcohol-related problems is related to a State liquor distribution system. In addition, the sunset auditors found that the rates of alcohol-related crime and alcohol-related accidents are somewhat higher for controlled States than for private States. As the research indicated by the auditors made clear, there is no apparent relationship between alcohol abuse and a given State's liquor distribution system, be it public or private.

As for teenage drinking, according to this study, it is clear that the State's drinking age is the most critical factor in determining the extent to which underage drinking occurs. If the drinking age is 18, for example, one will find a considerable amount of drinking in the 3 years below that. If the drinking age is 21, there will be many persons drinking at ages 18, 19, and 20. States such as Pennsylvania have taken an important step toward reducing the severity of alcohol-related problems by requiring people to be 21 before they can legally purchase alcoholic beverages.

Mr. Speaker, we have an Office of Alcohol and Drug Control Programs actively involved in establishing prevention and education programs through our schools, colleges, and community organizations. In addition, Mr. Speaker, to repeat from another study, the Research Triangle Institute National Survey of Adolescent Drinking Practices indicates that the patterns of adolescent drinking appear to have remained relatively stable in the last half century. Drinking and drunkenness continue to be an age- and sex-related phenomena. Teenagers in the survey reported that their favorite alcoholic beverage is beer - already sold in the private retail system in Pennsylvania. Less than one-fifth of the surveyed teens reported drinking wines or spirits—this is the question that would be on the ballot.

The legal drinking age of a State was found to be one of the few documented variables that has a measurable effect on the degree of teenage drinking, and in States like Pennsylvania with a 21-year drinking law, teenagers reported drinking less alcohol than in States with a lower drinking age.

In 1982, Pennsylvania had an almost identical juvenile DUI (driving under the influence) arrest rate as Maryland and New Jersey - two other States with a 21-year drinking law. Maryland and New Jersey, however, have open liquor control systems. Mr. Speaker, I mention that to assuage the fears of teenage drinking.

In addition, Mr. Speaker, another reason I would like to see this become a ballot question, which is, of course, to raise the issue and discuss the questions, is the question of prices of spirits in the State of Pennsylvania. Let me read to you some figures, not to mention my own poll between the prices in Pennsylvania stores and the prices in Chicago, Illinois, where I found from 25 to 35 percent higher prices in Pennsylvania. Here are some figures as relates to New York City versus Pennsylvania prices. These are like commodities, like wine, like spirits: Gallo Vin Rose, \$8.99 in Pennsylvania, \$4.99 in New York; Italian Lambrusco, \$6.08 in Pennsylvania, \$2.96 in New York—\$1.96 if you mail in the coupon, and we have an amendment to that effect; Blue Nun Liebfraumilch, \$9.72 for an average, everyday bottle of wine in Pennsylvania, \$5.70 in Yonkers, New York—\$4.20 with a rebate; Portuguese Lancers, Mr. Speaker, \$2.99 in New York, \$4.99 in a State store; Bristol Creme Sherry, \$6.99 in New York, \$9.56 in the State of Pennsylvania; Mr. Speaker, a simple bottle of Carlo Rossi, \$7.99 in a State store, \$4.25 in New York. In essence, what we are saying here is that I believe the wine consumers in Pennsylvania are, to put it bluntly, being ripped off.

In addition, Mr. Speaker, I have a letter from the county commissioners in Allegheny County asking for additional State funding for alcohol education, to prevent abuse and for education. In that letter, Mr. Speaker, it was stated that in the county of Allegheny, 1 out of 10 individuals are alcoholics or have alcohol-related problems. Mr. Speaker, we are under a liquor control system at the present time, and yet we have to cite those statistics.

Mr. Speaker, there are two States in the Union with total liquor control - one is Utah and the other one is Pennsylvania.

Iowa this year, 1985, deregulated its wines. Their wines are now sold in grocery stores. The immediate effect of that deregulation for the first month or two was a 400-percent increase in the sales of wine in the stores, but we attribute that to stocking and so on. In July the figure went to 90 percent but seems to have stabilized at a 50-percent increase in sales in the State of Iowa. After speaking to Mr. Cavanaugh in Iowa concerned with this problem, although they have not documented it yet, he feels that they have recaptured these sales from surrounding States.

So, in essence, Mr. Speaker, it is my contention that the public is ill served and ripped off on prices in the State of Pennsylvania. There is no evidence to prove that there would be an increase in teenage drinking; as a matter of fact, the evidence is contrary to that.

I think we have an archaic, arbitrary system. We have a system in which the LCB is charged with selling liquor and, at the same time, with controlling liquor. That is a dichotomy that cannot be resolved except to separate out the duties. The answer so far from the legislature seems to be to create a larger bureaucracy and to throw more money at it. So I would urge that the members of this House be proconsumer and at least put the question on the ballot for the voters to state their preference. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the Langtry amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, the previous speaker and the offerer of the amendment went far afield from the amendment that she is offering here today. She wants to put on the ballot a referendum of whether or not we should divest the State of the liquor store system. Mr. Speaker, I am objecting to her amendment, and if I may go a little far afield as she has done, I wish to.

Mr. Speaker, she has alluded to the price of wine and liquor and spirits in other States compared to the prices in Pennsylvania. Mr. Speaker, in the State of Pennsylvania, if we would divest ourselves of the State store system, I doubt very much if anybody would buy liquor or wine or spirits for any less money than what they are now. In fact, they might pay more with a smaller supply in the stores or a smaller variety.

In the State system today, we have an 18-percent tax that was put on many years ago that remains there. That 18-percent tax brings in over \$106 million, almost \$107 million annually to the Commonwealth of Pennsylvania. Also, we have a 6-percent sales tax which brings in approximately \$41 to \$42 million a year. Our net income from the State store system is \$34 million, and that is coming in to the Treasurer of Pennsylvania, this money to run the store system. We have employed in our State store system 3,880 employees. Now, Mr. Speaker, to become an employee of the State system, the civil service system, they are civil service employees, and most of these 3,880 employees are veterans - people who fought for our freedom and our Commonwealth.

I ask that we defeat this amendment and continue with the State store system that we do now have. Thank you, Mr. Speaker.

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

I rise in opposition to the Langtry amendment. It is not that I am so much against a referendum, but I am against an unjust, an unfair referendum. Many of us have seen over the past few weeks the power and money of the special interest on this particular issue. Can you imagine during a referendum the amounts of money that would be spent trying to convince the Pennsylvania public that they would be better off under a divested State store system?

There are a few hidden issues here, a few issues that would not get out in that referendum. Number one, under the current State store system, Pennsylvania is sure to get its taxes back. Our employment taxes from the workers in those State stores we get back. The taxes on the liquors themselves we get back. There is no incentive for cheating.

There is also the profit motive involved. Under the current system, underage drinkers come in; they will not get served, because that State store clerk does not make any money from the transaction. The bottom line also in this particular instance, as we have seen in the independent review of the liquor system, is that Pennsylvania makes out and Pennsylvania will continue to make out under the liquor control system.

Now, Mrs. Langtry does have a few excellent arguments, but why cannot we—

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Point of order, Mr. Speaker.

Is this gentleman not arguing the merits of the entire bill and not just the referendum?

The SPEAKER. Mr. Vroon, the lady, Mrs. Langtry, raised many of these points in her argument and the Chair did not interrupt her. Mr. Kosinski is attempting to answer the points raised by Mrs. Langtry. If your question is, were they both out of order, the answer is, yes, they are both out of order, but in fairness to Mr. Kosinski, I will allow him to continue with a warning that the Chair would be a little more tolerant if he would get to the point a little more rapidly.

The Chair recognizes the gentleman, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

The one way that we could address many of the arguments that Mrs. Langtry raised is by making our State store managers more autonomous. It is they who know the consumptions of their particular neighborhoods and areas. So by doing that, by making them more autonomous, maybe they could know what to discount, what would be better off being sold in that neighborhood, and at what price, of course under specified guidelines.

So I am rising in opposition to the Langtry amendment for those points, and I ask my colleagues to do so and vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen's name will be added to the master roll.

WELCOMES

The SPEAKER. The Chair welcomes to the left of the Speaker Dr. Herman Rice of the Wharton School of the University of Pennsylvania; Mr. Len Ward, who is a Pennsylvania State Police trooper; and Mr. Andy Garr, University of Pennsylvania, Wharton School. They are the guests of the gentleman, Mr. Barber. Welcome to the hall of the House.

Let it be noted for the record that the fourth grade students from St. Theresa's School, who are in the balcony, include the grandson of one of our employees. Mr. Richard Dodd has his grandson in that group. His grandson's name is Joshua Dodd, and we give him a special welcome.

The Chair also welcomes to the hall of the House Mr. Jeffrey Zarbo from Virginia. He is an 11th grade student at Chantilly High School completing a class assignment, and he has chosen his uncle, Representative Peter Wambach, as the subject of the class assignment. Welcome to the hall of the House, Jeff.

Nancy Bonk is here to the left of the Speaker as the guest of Representative Fee and Representative O'Brien.

Susan Eckert is also there to the left of the Speaker as the guest of Representatives Reinard, O'Brien, and Cessar. Welcome to the hall of the House. We are glad to have you here.

CONSIDERATION OF SB 964 CONTINUED

The SPEAKER. Now we will return to the debate on the amendment.

The Chair recognizes the gentleman from Montgomery, Mr. Reber, on the Langtry amendment.

Mr. REBER. Thank you, Mr. Speaker.

Would the chairman of the Liquor Control Committee please stand for interrogation?

The SPEAKER. Mr. Saloom has indicated that he will stand for interrogation. You may proceed, Mr. Reber.

Mr. REBER. Thank you.

Mr. Speaker, the printer's number on the bill that is before us, to which the Langtry amendment is being offered, is there anything in that bill that has to do with the issue or the question of divestiture of the State store system?

Mr. SALOOM. No.

Mr. REBER. Mr. Speaker, yesterday there was a motion to revert to a prior printer's number. Under that prior printer's number, was there anything in that prior printer's number that had to do with divestiture of the State store system?

Mr. SALOOM. No; there would not have been.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, could I please speak on the bill?

The SPEAKER. You may not speak on the bill but on the amendment.

Mr. REBER. On the amendment, Mr. Speaker.

The SPEAKER. On the amendment, the gentleman is in order.

Mr. REBER. Mr. Speaker, I think all the members of the House have just heard what the responses were to the question of divestiture of the State store system to a private system. None of the bills which have been considered have touched on that issue.

More importantly, I think it is important that an amendment such as this be entered to this bill or entered to any bill on this particular subject at this time. I think the House is doing a disservice to the Commonwealth of Pennsylvania by not taking up this particular issue.

I think we ought to recognize the bill in its current form as it currently is or the prior printer's number as it currently was. I think what we are talking about there is simply enforcement issues. It is really, in my mind, a distinction of whether we are going to give it to the "Keystone Cops" or "Car 54, Where Are You?" I do not think it is a situation where we are spending time on the issue that is probably of the utmost concern to the citizenry of Pennsylvania.

I think the public has the perception that we are up here today and yesterday and over the past few weeks dealing on this particular issue, the particular issue as set forth in the Langtry amendment. I think this is the biggest con job that I have seen in the 5 years that I have been here, where we are up here talking about the entire liquor control system, taking a hard look at all the issues that the public wants us to take a look at, but as the chairman has just said, neither the prior printer's number or the printer's number presently before us addresses that issue, the issue of whether there can be better enforcement of the entire liquor issue by putting it in the private sector.

I think if we are going to cop out and not do anything, we at least ought to give it back to those people who sent us here to make that decision, vis-a-vis a referendum, vis-a-vis the Langtry amendment, and let us get to the jugular on this particular issue that the people want us to address. I think we owe them at least a vote "yes" on the Langtry amendment. Thank you, Mr. Speaker.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for brief—

The SPEAKER. Just yield a moment.

Why does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. HUTCHINSON. I want to rebut Mr. Reber.

The SPEAKER. Well, we will put you on the list.

The Chair recognizes the gentleman, Mr. Jarolin.

Mr. JAROLIN. Would the maker of the amendment please stand for brief interrogation?

Mrs. LANGTRY. Yes.

The SPEAKER. The lady, Mrs. Langtry, indicates she will stand for interrogation.

Mr. JAROLIN. Obviously the speaker had mentioned the fact that if in the event the liquor store system had gone over to private enterprise, that there is no circumstantial proof whatsoever pertaining to the easy obtaining of alcoholic beverages by teenagers. On what do you base your research?

Mrs. LANGTRY. On testimony before the Senate Law and Justice Committee and the sunset performance audit.

Mr. JAROLIN. Thank you.

On that particular issue, I have conducted the investigation throughout the—

The SPEAKER. Do you wish to continue the interrogation or make a statement?

Mr. JAROLIN. Yes; I do.

The SPEAKER. All right. The interrogation will continue.

Mr. JAROLIN. During that particular past year and a half, I had conducted investigations into teenage alcohol abuse, and it is a proven fact that, mainly, teenagers are deriving their drinks and everything—

The SPEAKER. Just a moment, Mr. Jarolin. Maybe you did not understand the Chair.

Are you now making a statement on your own? Have you finished the questioning?

Mr. JAROLIN. No. I am going to question her answers, Mr. Speaker.

The SPEAKER. All right. Go ahead.

Mr. JAROLIN. In a contradictory effort to your statement, Mr. Speaker, the House of Representatives has also had their investigations, and it seems to contradict your statement. Do you have an answer to that?

Mrs. LANGTRY. Mr. Speaker, I am just taking the statement from the sunset performance audit.

Mr. JAROLIN. Thank you.

I would like to comment on the amendment.

The SPEAKER. The gentleman is in order and may make his comment on the amendment.

Mr. JAROLIN. Mr. Speaker, in all of my investigations, it is a proven fact that the alcoholic beverages were actually, in reality, obtained to the private industry by way of liquor licensees. If in the event we open up the wine and the liquor sales into private industry, I am afraid that the substantial increase in the obtaining of the alcoholic beverages by teenagers is going to increase dramatically.

I believe each and every Representative up here has got the obligation to their constituents and to their constituents' children to vote "no" for this particular amendment. Let us not try to close a barn door after a horse runs away. Let us close it right now and keep the Liquor Control Board exactly as it is. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, in response to my colleague, Mrs. Langtry, throwing out statistics on selective items, let us

look at a bottle of Johnnie Walker, Black Label. It sells for \$17.58. Those States that you were quoting, do they have an 18-percent flood tax that we are still paying off from 1936? Were they hit by the 1936 flood? Or are you going to have special legislation when they would go private to eliminate that?

We also have the State markup; we have the Federal tax, just to skim a few. I am asking you, do these other States have these same taxes, or are we going to by law eliminate these taxes from a private individual store?

Would you care to respond?

Mrs. LANGTRY. Yes. I am sorry. I did not realize you were asking me the question.

The SPEAKER. The Chair apologizes. The Chair did not know that either.

Mr. OLASZ. I am sorry. Let me continue on, Mr. Speaker.

The SPEAKER. No. If you wish to interrogate, you may. Repeat the question so the lady can hear it.

Mr. OLASZ. Under your plan and your referendum, would you propose also that these taxes be eliminated?

Mrs. LANGTRY. Of course not. Mr. Speaker, my referendum is merely to place the question on the ballot for the public to make its choice, and I feel that these issues will be discussed under those circumstances. I would say to you, however, that I am sure the other States also have their liquor taxes.

Mr. OLASZ. Well, I wonder if they have a 1936 flood tax in the amount of 18 percent that still is in place.

But I bring that out, Mr. Speaker, to show—

The SPEAKER. Is the gentleman finished with the interrogation?

Mr. OLASZ. Yes, sir.

The SPEAKER. The gentleman is finished, Mrs. Langtry.

You are recognized to make a statement on the amendment.

Mr. OLASZ. —how easily the whole story can be muddled in the manner in which it is presented to the general public.

We hear about the statistics of sales. What about the statistics of the holdups in the liquor stores in Miami and New York City? Where are those statistics?

The name of the game is control, Mr. Speaker. I know that liquor stores are closed on Sundays; I also know that they are not available for sales, say, after 9 o'clock in the evening. Who in the world is looking for a bottle of wine at 1 o'clock in the morning? It is someone who has obviously had too much to drink already.

What about the demand on the local judicial systems? They have to go to court on the drunken driving charges, the holdups. Who pays for the added costs of the policemen appearing in court? That goes back to the taxpayer.

Are we that desperate for tax moneys that we want to sell and have a 400-percent increase in alcoholic beverages in the State of Pennsylvania? If we are that desperate for money, why do you not then propose reducing the drinking age to 18? We would open up a new market. Is that what you desire? That is what the whole name of the game is about - control.

I have heard this argument for years and years and years that the State store system is operating in the same old way. That is correct. For 50 years they have continually shown a profit year after year. You show me any other industry in Pennsylvania that showed a profit for 50 consecutive years.

I submit the name of the game is control. Certainly, if we may be one of a few that have controlled stores, let us be the leader. Every day we have legislation coming before us for drug control - this group needs more money; that group needs more money. What we certainly do not need in this Commonwealth is an increase in drinking. We certainly do not need someone going out and buying a bottle at 1 or 2 o'clock in the morning. We certainly do not need an increase in teenage drinking, and I feel that the statistics will prove, if you would dig deep enough, that this is the prime purchaser in the wee hours of the morning. We certainly do not need an increase in armed robberies and holdups of liquor stores in the wee hours of the morning.

I ask my colleagues to remember that the name of the game is control. That is what it is all about. I would ask a defeat of your amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Reference to the fact that revenue is the objective, I think, is entirely inappropriate. We are talking here about the principle of privatization. That way the private sector can provide the same service at a reduced cost. I think that is the issue here, Mr. Speaker. The fact that control and service are not mutually exclusive, the fact that control and service cannot work in harmony, I think is in error.

I would also caution the members that any references to the illegal conduct of members of the business community or improper business practices by members of the business community, should we turn the sale of the liquor over to them, I think are shallow, and I think they are misdirected. We should be proud of our business community. It is the free enterprise system that drives our economy, that allows government to provide services to those who are either less fortunate or who need that service.

I think that we can show our support of the business community and maintain control by offering this amendment and allowing the voters, the people of Pennsylvania, to decide. We can have our control; we can have service; and we can turn the State store system into the hands of private enterprise.

I support this amendment. I think that I direct the members of the General Assembly here to consider the principle of privatization. Let the private sector do what they can do at a decreased cost and provide a better service. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Would the lady, Mrs. Langtry, stand for a brief period of interrogation?

Mrs. LANGTRY. Yes.

The SPEAKER. The lady indicates she will so stand. You are in order, and you may proceed, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

As I read the amendment, it is my impression that the ballot question would be nonbinding. Is that correct?

Mrs. LANGTRY. That is correct.

Mr. CHADWICK. Then as I understand it, if this amendment is to pass and the referendum is held and the people of the Commonwealth vote in the affirmative, there is still no legal consequence whatsoever. Is that not correct?

Mrs. LANGTRY. That is also correct.

Mr. CHADWICK. Thank you, Mr. Speaker.

Can I speak on the amendment?

The SPEAKER. The gentleman may indeed.

Mr. CHADWICK. Mr. Speaker, in my opinion, this amendment does not do anything. There are faster and less expensive ways to take public opinion surveys.

I think this is a waste of the taxpayers' money, and I urge a negative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. I do not know whether I am out of tune, but I am a little late. If I am allowed to mention Mr. Reber's name, he asked Mr. Saloom two questions about two different bills. He wanted to know if divestiture was mentioned. Divestiture was not mentioned. So what the heck are we talking about it for? Thank you.

The SPEAKER. The Chair is terribly tempted to give you an answer to that question but thinks it better not to put it on the record.

The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. I had to follow him, Mr. Speaker. Thank you.

Mr. Speaker, I think the real issue before this House in this referendum approach must be taken in stride as to the availability and price relationship to consumption in Pennsylvania. When you also take into consideration the markup profit plus the taxes on spirits in Pennsylvania, which amount to 24 percent, Mr. Speaker, that makes up a \$190-million contribution to the General Fund revenues of this Commonwealth. What happens when the markup profit is lost to the General Fund revenue? I think that is a real answer that must be given.

With all of the issues, with the referendum question here before us, I think it would be a much better approach, Mr. Speaker, once we put this issue before the House in the form of an amendment that calls for the establishment of privately owned liquor stores in this State, and then we can kill the issue once and for all.

We represent the people who have elected us to come and do that for them. I think it is about time we take the bull by the horn. Why adopt a nonbinding referendum, a nonbinding referendum with this issue? Let us make it real. Let us put some teeth in it. Let us bring an amendment forward that

establishes privately owned liquor stores, and let us tell the administration that this House of Representatives says no to that equation. Thank you, Mr. Speaker.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Langtry amendment. We were sent here to do a job by our constituents, and that job is to represent them in the best interest of the citizens of this Commonwealth. In the days coming in this session we will be voting on a very important issue that will be taking away—I personally feel that it will be taking away—people's rights with the seatbelt law. I am sure there will be no votes in this House or any resolutions to put it on the ballot to mandate that we ask the voters of this Commonwealth if they are in favor of seatbelts. We will be making that tough decision here in the House. This is a decision we also should be making here.

As far as private liquor stores and that, I went back to my district just last week and there were three young people who were killed - 23, 18, and 21 - in my district from alcohol-related accidents. Are we going to be hypocritical in this House of Representatives and pass strong drunk driving legislation and yet we are going to increase the outlets where we permit these liquor stores; we are going to increase the hours; we are going to try to make up the profit that is coming in with increased consumption; and we also are going to increase the liquor advertisements, as our newspaper editorials say that we should open it up to private enterprise?

If I had to stand to make the profit that the newspapers will be making from the liquor advertisements, then I surely would be in favor of that. But ask the poor families out there who have lost somebody very dear to them how they feel. That message has not gone across. You talk about that they are in favor of private liquor stores. Tell them the facts what happens when you lose control of a system; then ask them if they are in favor of private liquor stores.

Mr. Speaker, we are here to make that decision today. Let us make it and vote the way you want. A nonbinding referendum is not going to address the issue.

I ask for a "no" vote on the Langtry amendment. Thank you.

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

Mr. TRELLO. Mr. Speaker, just two issues.

Several years ago when this issue came up about the liquor stores, I asked LORL (Legislative Office for Research Liaison) to give me a report on States that have eliminated their State store system. They told me two things. Number one, the percentage of teenage deaths related to alcohol in States that have eliminated their State stores is as high as 400 percent higher than Pennsylvania. Number two, and I think one of the most important factors, is simply that in States where the private sector has taken over the liquor stores, in time the criminal element has owned them all, and remember that.

That is all I have to say, and I recommend a negative vote.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think that we need to be very careful about what again we are doing here and what we are saying in terms of if we are going to continue with a controlled system.

The distribution of alcohol is not the cause of the drunk driving which has been referred to. It is the individual who drinks and then drives, and it does not really matter whether he gets it from a private store or whether he gets it from a State-controlled store. As a matter of fact, if you were to check back from where the drunk driver got his drink, he probably got it from the corner tavern, and he will continue to do that.

There is not an incident where a teenager wants to get a drink today that he is not able to get it. Under our present system we had a teenager who purchased or was along with another teenager who purchased beer under the controlled system—not from a State store but under the liquor control system—and that boy was then found by his parents to have done this, and they suggested that he ought to report it. He reported it to the Liquor Control Board, which said, let us get this distributor. They brought an action against this distributor and found him guilty. Subsequently, there was an appeal made. When the appeal was made, the court proved that the boy who reported this was not actually the one who purchased, even though he was there, and the other boy was out of the State. At this point the Liquor Control Board abandoned the case, leaving the boy to attempt to defend himself, and he was ultimately found guilty of false arrest. This is the system of control and enforcement that we currently have - an example of how it works with our teenagers.

This is the cry that I hear from my people: Stop the teenagers from getting beer and alcohol. Our system of control has not done that and, therefore, there needs to be a separation. The cry of our people is to get rid of the State store and to put an enforcement system in that is not enforcing itself and separate these two things.

But do not let us confuse the distribution system with the alcohol problem, which is not only drunk driving but the abuse and all of the other ailments. If we cannot bring ourselves to act with what we really know the public to be, let us put it on a referendum and once again assure ourselves that the people of Pennsylvania want the State stores abolished and put into private enterprise, but let us not lose sight of the fact that wherever they are distributed, we need to work on this problem of alcohol abuse and the drunk driver. The distribution system is not going to address it; let us not confuse ourselves. If we cannot make a decision to act on behalf of our people, let us at least then put it out on a referendum and let them speak again, because they have spoken to us privately; they have spoken through the press, and they do not like what they have. Thank you.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Langtry amendment. I am in strong support of the State stores. In fact, we have too much availability of alcoholic beverages now. I have seen men and women stand on the corners and beg for money to buy alcohol up until 6 o'clock when the State stores close, and I have said to myself, thank God that they close at 6 so that they cannot purchase more alcoholic beverages. If we put alcoholic beverages into the stores, they will sell wine and liquor until 11 and 12 o'clock at night.

Let us keep the State stores and get on with voting this legislation. Thank you.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I have heard very few people discuss the Langtry amendment today. I have heard an awful lot of talk about teenage drinking, an awful lot of talk about crime, but I have heard nobody talk specifically about the Langtry amendment, which says, let us put this in front of the voters; let us find out what the people in Pennsylvania really believe.

I have to believe from the conversations that we all are of one mind here. We all are firmly convinced that the people of Pennsylvania no longer want the State store system. So if we put it out for binding referendum or for a referendum, we know it is going to be eliminated. Is that what we are afraid of? Are we afraid to let the people of Pennsylvania choose to eliminate an antiquated system? Are we afraid of their opinions? Are we afraid of running with this issue in election time? I, for one, would be more than happy to run with this as an issue, and I think all the rest of us of the same mind that I am would be happy to run with this as an issue. I think those who say "no referendum" are afraid to find out what the voters of Pennsylvania are going to say, and they are going to say, we have had enough. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

First, a brief comment. I was getting to the point over the past three terms and read so many newspaper articles speaking to the divestiture issue that I started to believe it myself that the people of Pennsylvania really wanted to get rid of this so-called antiquated system. I took the liberty of taking two polls. Both were targeted mailings going to Democrats and Republicans across the parameter of my district, and in both cases—and one was just recently conducted—the individuals in my district are over 4 to 1 against privatization of the liquor store system. Newspaper editorials are one thing; what the people really feel is another. Some of the best points made today were made regarding the availability of alcohol to teenagers.

I would like at this point to interrogate the maker of the amendment for one question.

The SPEAKER. The lady, Mrs. Langtry, indicates she will stand for further interrogation. You may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

I would like the maker of the amendment to determine or answer me, when was the last time a newspaper article stated that a liquor store clerk was arrested for furnishing alcohol to a minor? When was the last time she ever read an article like that?

Mrs. LANGTRY. Mr. Speaker, I have not read an article like that, but that is not relevant to this amendment.

Mr. BELFANTI. I believe it is. We are talking about privatization or divestiture of the liquor store system under the proposition before us. The referendum is directly related to this and these arguments were built—

The SPEAKER. *Mr. Belfanti, it appears to the Chair that you are arguing with the lady rather than interrogating. If you are through with interrogation, then it is proper for you to make a comment on it. Are you through interrogating?*

Mr. BELFANTI. Thank you, Mr. Speaker. Yes; I am through.

The SPEAKER. All right. You may now comment on the amendment.

Mr. BELFANTI. The arguments raised by the proponents of this amendment categorically state that there would be no increase in teenage alcoholism if the State store system goes private. That is blatantly untrue. Mr. Saurman probably made the best point for those of us who are opposed to this amendment when he said that teenagers are currently buying their booze down at the local tavern, down at the privately owned local tavern, and that is what we want to do with 80-, 96-, and 144-proof alcohol. Instead of making the unscrupulous business people who have made a living off selling beer to teenagers, we now want to put hard alcohol into their hands.

I think that the whole idea of a referendum is bad. I think that the odds are stacked against the public in that private industry and big dollars will be spent like never seen before if a referendum is ever placed, and the LCB will not have the money to combat it.

In addition, the editorials will run 4, 5, and maybe 10 to 1 in favor of privatization because of the point Representative DeLuca raised, which I am sure will not be carried in any of the newspaper accounts tomorrow regarding this debate - that the newspaper industry stands to make a fortune on advertising dollars if free enterprise gets their hands on the liquor business. I would like to read that, but I am sure I will not. I oppose this amendment.

Mrs. LANGTRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is the lady from Allegheny, Mrs. Langtry's parliamentary inquiry?

Mrs. LANGTRY. *Am I still under interrogation by the last speaker?*

The SPEAKER. No. Apparently you could not hear. The Speaker stopped it after the first question. The gentleman was making a statement. You are not under interrogation now.

Mrs. LANGTRY. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment. You know, Mr. Speaker, this debate reminds me of the debate we had in the very late hours on December 9, 1981, when an amendment was run to the Abortion Control Act to put it up for a referendum. I opposed that amendment on the same grounds I oppose this one.

Most of the debate has focused on whether or not we ought to go private or keep the system. I submit that that debate with respect to this amendment is irrelevant. The relevant factor is why we are here. We are elected officials given a job and the job is to take a stand on the difficult issues. If when a tough issue comes up we are going to dump it out for a referendum, we are doing a disservice not only to our constituents but to this body and to each one of us. We also set a horrible precedent. Do we take a referendum anytime there is a tax vote; anytime there is a welfare increase; anytime there is a pay raise? I certainly hope not.

Regardless of how you feel about the issue, Mr. Speaker, of private or public, I think this is a very bad idea and I think it hurts this body if we pass it. I ask for its rejection. Thank you.

The SPEAKER. Does the lady wish to be recognized for the second time on the amendment?

Mrs. LANGTRY. Thank you, I do, Mr. Speaker.

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

Mrs. LANGTRY. Mr. Speaker, this is simply an amendment to put the question of liquor control on the ballot for the voters to speak. Are we so afraid that we cannot ask our public what they think on this subject? There is very, very little expense in putting this question on the ballot. As a matter of fact, counties put questions on the ballot all the time. We have done that in this House for various issues in this 1 year that I have been here. I am asking this House to vote for this referendum to give the voters a chance to speak. I think we will find that the voters will be proconsumer; they will agree that the State should not be in the liquor business. That is not the job of the State. I think we need to devote our time here to other important issues instead of continually fighting this liquor battle which has gone on for years and years.

Mr. Speaker, on behalf of the consumers of the State of Pennsylvania, who I feel are being ripped off by this system, I urge support for my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, this may be a comment, but I would also like to address it to the lady. Perhaps she could answer it.

The SPEAKER. The lady indicates she will stand for further interrogation. You may proceed.

Mr. CAPPABIANCA. I understand the lady is from Allegheny County and she is concerned about a statewide referendum. Is she aware of the fact that her county would have the right to have its own nonbinding referendum?

Mrs. LANGTRY. That is a wonderful idea - all the referendums we can get.

Mr. CAPPABIANCA. Not only is it a wonderful idea, Mr. Speaker, but it is also the privilege of the voters of Allegheny County if the county commissioners so desire to put it on the ballot. And if the county commissioners do not want to put it on the ballot—

The SPEAKER. Just a moment, Mr. Cappabianca. She has answered your question, and the Chair does not follow your argument as it relates to her amendment.

Mr. CAPPABIANCA. May I have permission to make a comment then?

The SPEAKER. You may make a comment on the amendment.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I oppose the amendment, of course, because Allegheny County and most every other county within this Commonwealth has the right to direct a question to the county commissioners to put such a nonbinding question on the ballot in the next election. If the county commissioners do not so wish to put it on the ballot, then the voters of that particular county may use the method of obtaining so many signatures - 25 percent or whatever it may be in that particular county - and they can have it placed on the ballot as a nonbinding referendum. Therefore, Mr. Speaker, I ask for a negative vote on this amendment.

Mrs. LANGTRY. Mr. Speaker, may I respond to that?

The SPEAKER. No; you may not. You have been recognized under the rules of the House twice. You may not be so recognized again.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I rise in opposition to the Langtry amendment.

Mr. Speaker, a few weeks ago we had some debate on the floor of the House about public utility commissioners and the election of those commissioners. We talked about the money that would be spent by utilities in an election of the public utility commissioner. I think that there would be much more money spent in this kind of a referendum by the wine institutes and the distilleries in favor of merchandising more liquor in Pennsylvania.

The only arguments that can be put forth for divestiture or for changing the system to a private system in Pennsylvania all rest upon the fact that none of the plans will work unless more liquor is merchandised. It just is not financially feasible. Those of us who oppose the merchandising of liquor must oppose not only the Langtry amendment but any other amendment that comes along that is based on the merchandising of more liquor or the hope that liquor will be merchandised to a greater extent in Pennsylvania.

The woman, Mrs. Langtry, who reads in these reports of the Budget and Finance Committee or any of the other reports that were done in the sunset audit process and comes to the conclusion that there is no difference between alcohol-related deaths, no difference between alcohol-related disease in the controlled States and in the other States, just is not reading all

of these reports. The reports are replete with conclusions after study that in controlled States there is a lesser consumption per capita, and when there is a lesser consumption per capita, there are less alcohol-related deaths; there is less alcohol-related disease; and there is less money spent by the State to correct the abuse that takes place, not only in wife abuse and child abuse but personal abuse of the person who is abusing the alcohol.

Mr. Speaker, if we were sure that the public would have a fair representation of the facts as they were found by our audit committee, I would not be concerned with the decision they would make. If they had all of the facts about the cost of privatization to the State, if they had all of the facts about the alcohol-related deaths and disease that these reports have brought forth, I would not be concerned. But we would get the wine institute, we would get the distilleries spending their many millions of dollars, and we would get the editorial writers protecting the possibility that they would have the fabulous, lucrative advertising that would come from privatization.

I have seen more editorial writers in this Commonwealth on the side of privatization and on the side of divestiture, when those newspapers in every other social area and social-problem area would be on the other side of that kind of an issue, that it makes me wonder about their motives. I have publicly expressed my opinion that their motives have to do with economic considerations for the newspaper rather than the social and moral implications for the people of this Commonwealth.

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

Mrs. LANGTRY. Mr. Speaker?

The SPEAKER. Mrs. Langtry, under the rules of the House the Speaker cannot recognize you again.

Mrs. LANGTRY. Thank you.

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

The following roll call was recorded:

YEAS—44

Argall	Fox	McVerry	Reinard
Book	Gladeck	Mayernik	Saurman
Bowser	Greenwood	Merry	Semmel
Boyes	Hagarty	Miller	Snyder, D. W.
Brandt	Honaman	Moehlmann	Snyder, G. M.
Burd	Itkin	Morris	Sweet
Cawley	Johnson	Mrkonic	Swift
Cessar	Kennedy	Murphy	Wass
Cornell	Kenney	Nahill	Wilson
Evans	Langtry	Pott	Wogan
Flick	McClatchy	Reber	Wright, J. L.

NAYS—158

Acosta	Dawida	Kukovich	Robbins
Afflerbach	Deal	Lashingier	Roebuck
Angstadt	Dietz	Laughlin	Rudy
Arty	Diminni	Lescovitz	Ryan
Baldwin	Distler	Letterman	Rybak
Barber	Dombrowski	Levdansky	Saloom
Barley	Donatucci	Levin	Scheetz
Battisto	Dorr	Linton	Schuler
Belardi	Duffy	Livengood	Serafini

Belfanti	Durham	Lloyd	Seventy
Birmelin	Fargo	Lucyk	Showers
Black	Fattah	McCall	Sirianni
Blaum	Fee	McHale	Smith, B.
Bortner	Fischer	Mackowski	Smith, L. E.
Bowley	Foster, Jr., A.	Majale	Staback
Broujos	Freeman	Manderino	Stairs
Bunt	Freind	Manmiller	Steighner
Burns	Fryer	Markosek	Stevens
Bush	Gallagher	Michlovic	Stewart
Caltagirone	Gallen	Micozzie	Stuban
Cappabianca	Gamble	Mowery	Taylor, E. Z.
Carlson	Gannon	Noye	Taylor, F. E.
Carn	Geist	O'Brien	Taylor, J.
Chadwick	George	O'Donnell	Telek
Cimini	Godshall	Olasz	Tigue
Civera	Gruitza	Oliver	Trello
Clark	Gruppo	Petrarca	Truman
Clymer	Haluska	Petrone	Van Horne
Cohen	Harper	Phillips	Veon
Colafella	Hasay	Piccola	Vroon
Cole	Hayes	Pievsky	Wambach
Cordisco	Herman	Pistella	Weston
Coslett	Hershey	Pitts	Wiggins
Cowell	Howlett	Pratt	Wozniak
Coy	Hutchinson	Pressmann	Wright, D. R.
Deluca	Jackson	Preston	Wright, R. C.
DeVerter	Jarolin	Punt	Yandrisevits
DeWeese	Josephs	Raymond	
Daley	Kasunic	Richardson	Irvis,
Davies	Kosinski	Rieger	Speaker

NOT VOTING—1

Perzel

EXCUSED—0

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

The SPEAKER. Why does the lady from Delaware, Mrs. Durham, rise in place?

Mrs. DURHAM. Mr. Speaker, I did not want to rise during the last debate because I understand your kindness in letting people sway from the issue, but I am going to ask the members, when we continue debate on this issue, that we keep to the issue at hand. Thank you.

The SPEAKER. The Chair apologizes to the members. It was the flaw of the Chair in allowing Mrs. Langtry to go so far afield that it opened the door for the others to answer. The Chair will attempt to correct that error and will see to it that that does not happen again. The lady's point is well taken.

BILLS ON SECOND CONSIDERATION CONTINUED

The House proceeded to second consideration of **HB 1731, PN 2619**, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), known as the "Home Rule Charter and Optional Plans Law," providing for election district amendments; and making a repeal.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1731, PN 2619, be recommitted to the Committee on Appropriations for a fiscal note.

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

ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. Why does the gentleman from Philadelphia, Mr. O'Donnell, rise in place?

Mr. O'DONNELL. For an announcement, Mr. Speaker. The SPEAKER. The gentleman may make the announcement.

Mr. O'DONNELL. Mr. Speaker, I just wanted to remind those members who have accepted our invitation to lunch with Consul General James Flavin that we will be convening immediately upon the recess in the majority caucus room. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, to announce a committee meeting. Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting at the rear of the chamber of the House Appropriations Committee. Thank you, Mr. Speaker.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. OLIVER. Thank you, Mr. Speaker. There will be a meeting of the State Government Committee at the rear of the House at the call of the recess.

FINANCE COMMITTEE MEETING

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

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately in the back of the House.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the House Democrats will convene in the majority caucus room to do their business at 1:15.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will also caucus at 1:15. Republicans at 1:15.

STATEMENT BY MR. LAUGHLIN

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, under unanimous consent.

Mr. LAUGHLIN. Mr. Speaker, very briefly.

Over the past few years the members of this House have consistently voted to protect the interests of jobs in the State of Pennsylvania. Mr. Speaker, we have passed legislation requiring the purchase of Pennsylvania products and United States-produced manufactured products.

Mr. Speaker, just recently I have come into the information that indicates that the Secretary of Revenue has been purchasing foreign-made computers for the lottery purposes of distribution of prizes. He has also been purchasing china that is made in Japan. Mr. Speaker, I believe that this flies in the face of the legislative intent of this House and also requires an investigation of the lottery.

For that purpose, Mr. Speaker, the Consumer Affairs Committee today has impaneled a special select committee to handle such an investigation, and we will be introducing legislation to correct the practices of the Department of Revenue as it specifically relates to the lottery.

Thank you, Mr. Speaker.

The SPEAKER. There will be no further business conducted on the floor of the House until 2 o'clock. The Chair will remain open to receive reports of committees. The members are free to leave the floor until 2 p.m. The House will stand in recess until 2 p.m. when the gavel is dropped. Members are free to leave the floor.

SENATE MESSAGE**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 954, PN 2614**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 902, PN 1628**, and has appointed Senators SHUMAKER, CORMAN and STOUT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representa-

tives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to SB 902, PN 1628, and that a committee of conference on the part of the House be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 902, PN 1628:

Messrs. HUTCHINSON, BROUJOS and PICCOLA.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE**HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 901, PN 1627**, and has appointed Senators SHUMAKER, CORMAN and STOUT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to SB 901, PN 1627, and that a committee of conference on the part of the House be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 901, PN 1627:

Messrs. HUTCHINSON, BROUJOS and PICCOLA.

Ordered, That the clerk inform the Senate accordingly.

BILL REREPORTED FROM COMMITTEE

HB 1731, PN 2619

By Rep. PIEVSKY

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), known as the "Home Rule Charter and Optional Plans Law," providing for election district amendments; and making a repeal.

APPROPRIATIONS.

BILL ON SECOND CONSIDERATION

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

HB 1731, PN 2619.

RECESS

The SPEAKER. The House will stand in recess until 2 p.m.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

CALENDAR CONTINUED**BILL ON FINAL PASSAGE POSTPONED**

The House proceeded to **HB 982, PN 2554**, on final passage postponed, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing handicapped parking provisions; requiring rear window defrosters in certain vehicles; and further providing for rear lighting equipment.

On the question recurring,
Shall the bill pass finally?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 982, PN 2554, be placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 982, PN 2554, be lifted from the tabled calendar and placed on the active calendar.

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

REPORT SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the following report, which was submitted pursuant to Act 142 of 1981, the Sunset Act.

The following report was read:

Report of House State Government Committee on the Pennsylvania Commission on Charitable Organizations.

(Copy of report is on file with the Chief Clerk.)

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 560, PN 1429

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing a limited one-time exclusion from taxation of certain gains made on the sale of a principal residence by aged persons; and providing an exclusion for individual retirement accounts.

FINANCE.

SB 1080, PN 1329

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the deposit and investment of moneys and the issuance of replacement checks, bonds or certificates.

FINANCE.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House, as the guests of Robert Godshall, Clair and Arlayna Clemens. Good luck on your confirmation, Mr. Clemens. Welcome to the hall of the House.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. To fill the unexpired term of Representative Stephen Levin on the Legislative Audit Advisory Commission, the Chair has today appointed the gentleman from Philadelphia, Mr. Kosinski.

BILLS REMOVED FROM TABLE

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

HB 520;
SB 693;
SB 934;
SB 935; and
SB 936.

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

Motion was agreed to.

REMARKS ON VOTE

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

Mr. EVANS. Mr. Speaker, I would like to be recorded in the negative on amendment A4365 to SB 964.

The SPEAKER. Let the record so show.

The Chair does not have a rule to turn to to limit the order of debate. The Chair would suggest that you listen to this.

Obviously, if you hope to go home for the Christmas season, we will have to move much more rapidly than we have so far done. We spent all morning on one amendment. The Chair is in receipt of 12 other members who have amendments - some have one, some have two, some have three - to the liquor control bill. May the Chair advise you that you will speed up the process if you will speak only if you feel constrained to and if you will restrain yourself to saying only a few words on each amendment, rather than dragging out the debate for 45 minutes on one amendment. Now, the Chair cannot enforce that, but the Chair would suggest that that would be the better part of wisdom on your part.

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. I would like to suggest that we turn that camera off. I think it would go a lot faster, too.

The SPEAKER. Mr. Letterman, if the Chair believed that turning the camera off would improve anything in this House of Representatives, there would be no camera there, but the Chair does not think the camera has anything to do with it.

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman from Berks, Mr. Davies, request attention?

Mr. DAVIES. No; mine is merely a parliamentary inquiry, Mr. Speaker, as to whether or not they had been extended time—

The SPEAKER. They have been, and, Mackenzie, I had one of our pages move your camera tripod back. I know it is not your fault, but tell the man who sets it up that I do not want him impeding the progress of the recorders. He brings it too close to their desk.

Miss SIRIANNI. Mr. Speaker, how much time do they have? The cameras.

The SPEAKER. Unlimited.

Miss SIRIANNI. Oh.

The SPEAKER. Was that a groan that I heard over in that direction?

Miss SIRIANNI. Yes.

The SPEAKER. I thought it was.

FILMING PERMISSION

The SPEAKER. UPI has asked for 10 minutes. The 10 minutes are granted to Terry Way to film on the floor of the House. How many UPI's are there? Tom Swarr and Terry Way. Does it take two of you to film? All right; one for UPI. Make up your choice, whether it is Terry or Tom.

CONSIDERATION OF SB 964 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments No. A4572:

Amend Title, page 1, line 21, by inserting after "duties;" further providing for hearings;

Amend Bill, page 31, by inserting between lines 21 and 22

Section 5.1. Section 402 of the act is amended to read:

Section 402. License Districts; License Year; Hearings.—

(a) The board shall, by regulation, divide the State into convenient license districts and shall hold hearings on applications for licenses and renewals thereof, as it deems necessary, at a convenient place or places in each of said districts, at such times as it shall fix, by regulation, for the purpose of hearing testimony for and against applications for new licenses and renewals thereof. The board shall hold a hearing on any application for a new hotel, club or restaurant liquor license or the transfer of any such license to a new location, upon the request of any person with standing to testify under subsection (b) if the request is filed with the board within the first fifteen (15) days of posting of the notice of application pursuant to section 403(g). The board may provide for the holding of such hearings by examiners learned in the law, to be appointed by the Governor, who shall not be subject to the "Civil Service Act." Such examiners shall make report to the board in each case with their recommendations. The board shall, by regulation, fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State.

(b) Where a hearing is held in the case of an application for a new hotel, club or restaurant liquor license or an application for the transfer of a hotel, club or restaurant liquor license to a new location, the board shall permit any person residing or having a place of business within a radius of five hundred feet of the premises to testify at the hearing. Testimony of such resident shall be given the same weight in accordance with the same standards applied to all other witnesses.

Amend Sec. 6 (Sec. 464), page 31, line 24, by striking out the bracket before "Refusal"

Amend Sec. 6 (Sec. 464), page 31, line 24, by striking out "Applications for"

Amend Sec. 6 (Sec. 464), page 31, line 25, by striking out "and Refusals of Applications"

Amend Sec. 6 (Sec. 464), page 31, lines 27 through 29, by striking out "A PERSON WHO RESIDES" in line 27, all of line 28 and "LOCATION OF THE PREMISES APPLIED FOR OR" in line 29

Amend Sec. 6 (Sec. 464), page 32, line 14, by inserting brackets before and after "The"

Amend Sec. 6 (Sec. 464), page 32, lines 14 and 15, by striking out "PERSON WITHIN FIVE HUNDRED FEET OF THE PREMISES APPLIED FOR OR" and inserting

Any person with a standing to testify pursuant to section 402(b) and the

Amend Sec. 6 (Sec. 464), page 34, lines 6 and 7, by striking out "THE PERSON WITHIN FIVE HUNDRED FEET OF THE PREMISES APPLIED FOR" and inserting

any person with a standing to testify pursuant to section 402(b)

Amend Sec. 12 (Sec. 507), page 69, line 27, by striking out the bracket before "Upon"

Amend Sec. 12 (Sec. 507), page 69, lines 27 and 28, by striking out "'] on Licenses and Refusals'"

Amend Sec. 12 (Sec. 507), page 69, lines 29 and 30; page 70, line 1, by striking out "of A PERSON WHO RESIDES" in line 29; all of line 30, page 69, "LOCATION OF THE PREMISES APPLIED FOR OR", line 1, page 70

Amend Sec. 12 (Sec. 507), page 70, lines 5 and 6, by striking out "PERSON WITHIN FIVE HUNDRED FEET OF THE PREMISES APPLIED FOR and to the"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, this amendment is an attempt to limit nuisance bars by having citizen participation in hearings. The people who would have the opportunity to testify would be people who are residents or who own a business within 500 feet of the premises that are sought to be licensed.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

Deluca	Josephs	Pitts	Wozniak
DeVerter	Kasunic	Pott	Wright, D. R.
DeWeese	Kennedy	Pratt	Wright, R. C.
Daley	Kenney	Pressmann	Yandrisevits
Davies	Kosinski	Preston	
Dawida	Kukovich	Punt	Irvis,
Deal	Langtry	Raymond	Speaker

NAYS—1

Wright, J. L.

NOT VOTING—8

Angstadt	Evans	Rieger	Weston
Barber	Greenwood	Smith, L. E.	Wiggins

EXCUSED—0

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

On the question,

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

Mr. O'DONNELL offered the following amendment No. A4470:

Amend Bill, page 43, by inserting between lines 15 and 16

Section 8.1. Section 471 of the act, amended January 13, 1966 (1965 P.L.1301, No.518) and repealed in part June 3, 1971 (P.L.118, No.6), is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.—(a) Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient cause shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than sixty days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked or a fine imposed. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), notifying the licensee by registered letter addressed to his licensed premises. In the event the fine is not paid within twenty days of the order the board shall suspend or revoke the license, notifying the licensee by registered mail addressed to his licensed premises. Suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said

year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person who was fined or whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. No penalty provided by this section shall be imposed by the board or any court for any violations provided for in this act unless the enforcement officer or the board notifies the licensee of its nature and of the date of the alleged violation within ten days of the completion of the investigation which in no event shall exceed ninety days.

(b) If [the violation in question] a violation committed by a licensee or a transferee of the same license within two years of the transfer is a third or subsequent violation of this act or [the act of June 24, 1939 (P.L.872), known as "The Penal Code,"] Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) occurring within a period of four years the board shall impose a suspension or revocation.

[The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.]

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, this amendment is an attempt to combat the problem of washing a license clean by paper transfers.

Frequently a licensee is a corporation, and when violations are found against the license, the license can be transferred to a subsequent corporation, and that corporation as a licensee starts with a clean record in terms of violations. So you can, by a very clever series of transfers, avoid the cumulative penalty that accrues from subsequent violations.

What this amendment says, essentially, is that the violations follow the license. So if you have two violations and then a transfer of the license, those two violations stay with the license for a period of 2 years, so that if a third violation then occurs within that 2-year period, the mandatory sanctions for third violations would still accrue.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the amendment.

Mr. SALOOM. Mr. Speaker, I have some reservations on this amendment. If someone is an owner of an establishment and they would like to sell their business and their liquor license and get out of business, if that person had a bad record and somebody who was coming in to take over this business had a good record and a clean record, they would have to carry on the business that the previous owner had.

I think at this particular time I have to object to this amendment and would ask the members to vote it down.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic, on the amendment.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman Mr. O'Donnell, stand for interrogation?

The SPEAKER. Mr. O'Donnell indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, would this amendment apply to a husband transferring a license to a wife or somebody in the immediate family?

Mr. O'DONNELL. Yes.

Mr. MICHLOVIC. Okay. Thank you.

Mr. Speaker, may I speak on the amendment?

The SPEAKER. You may indeed.

Mr. MICHLOVIC. Mr. Speaker, I strongly endorse the O'Donnell amendment not only as it pertains to corporate exchanges and transfers of the license, but the more common practice, as I found in my own district, is an exchange between a husband or wife or somebody in the family to get rid of violations. In fact, I have just received correspondence within the last week about this very problem.

I find the gentleman, Mr. Saloom's arguments against this amendment rather thin, to say the least, and I would encourage everybody to adopt the amendment.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, could I question the maker of the amendment, please?

The SPEAKER. Mr. O'Donnell indicates he will stand for further interrogation. You may proceed, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, would you briefly tell me what would happen if three violations occurred and a license had not been transferred?

Mr. O'DONNELL. If three violations had occurred—and I missed the last phrase.

Mr. SERAFINI. Mr. Speaker, I am just curious to determine what would happen if three violations on an individual liquor license occurred. What would be the penalty to the owner of that establishment with the license?

Mr. O'DONNELL. I am getting different indications from different counsel. It is my understanding that after three violations of a certain level, there is a mandatory suspension, the extent of which is up to the board. Revocation is then possible after three violations.

I am probably not expert counsel on that point.

Mr. SERAFINI. I was just curious, because I do not know myself.

Those violations, when you say violations of a certain nature, I am wondering whether those violations would be the violations of no glass covering over the license and the license not being framed, or are they major violations of the type of minors or after-hours drinking?

Mr. O'DONNELL. Mr. Speaker, I cannot honestly give you a competent answer on that point.

Mr. SERAFINI. Okay. Well, if your amendment passes, would the result of those accumulated violations be a suspension of the license permanently or just a suspension for a number of days?

Mr. O'DONNELL. It is within the discretion of the board.

Mr. SERAFINI. It would be within the discretion of the board.

Mr. O'DONNELL. Yes.

Mr. SERAFINI. So you are not changing that particular aspect. You are just accumulating the number of violations.

Mr. O'DONNELL. Right. Making no change whatsoever in the penalty scheme.

Mr. SERAFINI. All right. Thank you very much, Mr. Speaker.

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

Mr. CLARK. Thank you, Mr. Speaker.

I just want to try to frame what is happening here. I agree with the intent that Mr. O'Donnell has here, and that is when people do a transfer from, say, me to my wife just to wash the license to get two violations off my record so that I do not have a suspension. But I think the problem with the way this amendment is drafted is it happens regardless of whether I sell it to someone unrelated or to someone related to me. I think there should be a refinement in the amendment so that we make a difference between related corporations and related individuals and unrelated individuals. That is the only concern I would express with this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger, on the amendment.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in opposition to the amendment. I start to agree initially with Representative O'Donnell, but I share some of the concerns that Representative Clark just indicated.

If you look at the amendment and the way it is drafted, one could take as an example the fact that a licensee, under this hypothetical, did not have a sufficient number of chairs in their establishment—according to the size of the establishment, you have to have a certain number of chairs and tables—and they could receive a citation from the Liquor Board and be found guilty on that citation. That would be one of the cumulative citations that would carry over. I am not sure, number one, that we want to apply this sanction to all citations, to all licensees. I think, and I will use Representative Clark's terms, there is a need for some further refinement, that this does not apply across the board to all citations.

If you look at the other section, it also talks about the Crimes Code. It applies to all of the Crimes Code, despite that section that it might apply to in the Crimes Code. Again I think there is a need for further refinement. The way it is drafted, it is certainly too broad.

Representative Clark also talked about occasions where one corporation will move into another skeleton corporation in order to try to escape some liability from the Liquor Board. I think those are the kinds of cases that we want to be covering, but I do not think we want to be covering instances where there has been a transfer to a bona fide buyer, a valid transfer where the board has done an investigation and found that the transferee is a new buyer, possibly a new corporation, possi-

bly a new individual, whatever. Where that transfer does occur to a bona fide buyer, there is no reason why the buyer or the transferee should be responsible for the past sins or the past violations of the previous licensee.

To give you an example, in a lot of instances the transfer of a license occurs due to pressure from the Liquor Board against one licensee, the promotion of a new buyer into a license, not necessarily by the board but maybe by the community where there has been a problem license, and the new licensee takes over just for the purpose of cleaning up that location or that part of town and cleaning up the establishment. In those cases, I cannot understand why we, as a General Assembly, would want to punish the transferee or the new licensee, and I appreciate part of the intent of the sponsor of the amendment, but I am not sure that the drafting or the way that it is currently drafted takes care of that problem. It is overly broad and I think we are penalizing people whom we do not want penalized. Therefore, I oppose the amendment, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

In keeping with the Speaker's earlier admonishment, I think I am just going to say that I strongly agree with the remarks of the two prior speakers. I do not believe that the maker of the amendment can say this per se, but I think there is a serious drafting problem to accomplish the initial end that I tended to agree with with the maker when he first spoke and was introducing the amendment. I think a serious injustice would be effectuated to legitimate transferees if this particular language went into the Liquor Code. For that reason, I certainly would request a negative vote on this. Thank you.

The SPEAKER. Mr. O'Donnell, do you wish to speak for a second time on the amendment?

The Chair recognizes the majority whip.

Mr. O'DONNELL. Yes, Mr. Speaker. I think there are a couple of arguments that have been raised that are very, very substantial.

One is that the language is overly broad and perhaps not well enough drafted. The answer to that is, the gentlemen are absolutely correct. The language is overly broad and poorly drafted. It is the language of the existing law. The cumulative penalty scheme that fails to make a distinction in this case between not enough chairs and somebody selling drugs, that entire penalty scheme, which is overly broad and poorly drafted, is the existing law. My amendment has no impact on that whatsoever.

The heart of the issue is really the second objection, and that is the innocent transferee. The innocent transferee of this license comes on the scene with full knowledge of what violations would be outstanding against the license, and that innocent licensee will be able to pay less money for the license because it will be encumbered by those previous violations and, therefore, be of less value. That maximizes the opportunity for somebody to come in and clean it up. Thank you.

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

The following roll call was recorded:

YEAS—115

Acosta	Dombrowski	Levdansky	Reinard
Argall	Dorr	Levin	Rieger
Baldwin	Evans	Livengood	Roebuck
Battisto	Fattah	Lucyk	Rybak
Birmelin	Fischer	McClatchy	Saurman
Black	Foster, Jr., A.	McHale	Scheetz
Blaum	Fox	Manderino	Serafini
Bortner	Freeman	Manmiller	Showers
Bowser	Freind	Markosek	Sirianni
Brandt	Gallagher	Mayernik	Smith, B.
Bunt	Gamble	Merry	Smith, L. E.
Burns	Geist	Michlovic	Snyder, G. M.
Caltagirone	George	Miller	Stairs
Cappabianca	Gladeck	Moehlmann	Stevens
Carn	Godshall	Mowery	Stuban
Cawley	Greenwood	Mrkoncic	Sweet
Cimini	Gruppo	Murphy	Taylor, E. Z.
Clymer	Hagarty	Nahill	Taylor, J.
Cohen	Harper	Noye	Telek
Cole	Hasay	O'Donnell	Tigue
Cornell	Hayes	Oliver	Truman
Cowell	Herman	Perzel	Van Horne
Coy	Honaman	Phillips	Veon
DeWeese	Itkin	Piccola	Vroon
Daley	Jackson	Pievsky	Wambach
Dawida	Johnson	Pistella	Wass
Dietz	Josephs	Pressmann	Weston
Dininni	Kosinski	Preston	Wright, D. R.
Distler	Kukovich	Punt	

NAYS—82

Afflerbach	Davies	Laughlin	Saloom
Angstadt	Deal	Lescovitz	Schuler
Arty	Donatucci	Letterman	Semmel
Barber	Duffy	Lloyd	Seventy
Barley	Durham	McCall	Snyder, D. W.
Belardi	Fargo	McVerry	Staback
Belfanti	Fee	Mackowski	Steighner
Book	Flick	Maiale	Stewart
Bowley	Fryer	Micozzie	Swift
Boyes	Gallen	Olasz	Taylor, F. E.
Broujos	Gannon	Petrarca	Trello
Burd	Gruitza	Petrone	Wiggins
Bush	Haluska	Pitts	Wilson
Carlson	Hershey	Pott	Wogan
Chadwick	Hutchinson	Pratt	Wozniak
Civera	Jarolin	Raymond	Wright, J. L.
Clark	Kasunic	Reber	Wright, R. C.
Colafella	Kennedy	Richardson	Yandrisevits
Coslett	Kenney	Robbins	
Deluca	Langtry	Rudy	Irvis,
DeVerter	Lashinger	Ryan	Speaker

NOT VOTING—6

Cessar	Howlett	Morris	O'Brien
Cordisco	Linton		

EXCUSED—0

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. CAWLEY offered the following amendments No. A4378:

Amend Sec. 10, page 51, line 27, by inserting after "493"
(20) and

Amend Sec. 10 (Sec. 493), page 63, by inserting between lines 14 and 15

(20) (i) Retail Liquor and Retail Malt or Brewed Beverages Licensee's Inside Advertisements. For any retail liquor or retail malt or brewed beverages licensee, to display or permit the display in the show window or doorways of his licensed premises, any placard or sign advertising the brands of liquor or malt or brewed beverages produced by any one manufacturer, if the total display area of any such placard or sign advertising the products of any one manufacturer exceeds three hundred square inches. Nothing herein shall prohibit a licensee from displaying inside his licensed premises point of sale displays advertising brand names of products sold by him, other than a window or door display: Provided, That the total cost of all such point of sale advertising matter relating to any one brand of any one manufacturer shall not exceed the sum of seventy dollars (\$70) at any one time, and no single piece of advertising shall exceed a cost of thirty-five dollars (\$35) or such higher dollar amounts as may be provided by regulation found in 27 CFR 6.85B. All such advertising material, including the window and door signs, may be furnished by a manufacturer, distributor or importing distributor. The restrictions on advertising set forth in subclause (ii) and in clauses (20.1) and (20.2) shall also apply to this subclause.

(ii) Cooperative Advertising. No distributor or importing distributor, directly or indirectly, independent or otherwise, shall, except by prior written agreement, be required to participate with a manufacturer in the purchase of any advertising of a brand name product in any name, in any form, whether it be radio, television, newspaper, magazine or otherwise.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

What amendment A3953 basically does is this: Under current State law, point-of-sale items have a limit of \$70 per brand with a \$35—

The SPEAKER. Just a moment, Mr. Cawley.

Now try it.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, what this will do is reduce the \$70 limit on any brand of advertising in your establishment to \$60. However, there will be no dollar amount limit per item. So in other words, instead of having a lamp in your establishment now that cannot exceed \$70, you may have a lamp in your establishment now that will not exceed \$60. However, it eliminates the State law now that has a \$35 limit on each item. Instead of having two items for \$35, you now may have one item at \$60. That is it, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I see nothing wrong with the amendment other than it is going to help Christmas-tree the bill a little bit, and that is about it.

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

Mr. WAMBACH. Mr. Speaker, I am a little confused with the reading of the amendment that is on the board and what Mr. Cawley has said.

The SPEAKER. Would you like to interrogate Mr. Cawley?

Mr. WAMBACH. Yes; I would like to interrogate Mr. Cawley.

The SPEAKER. Mr. Cawley will stand for interrogation.

Mr. WAMBACH. Mr. Speaker, what is the number of the amendment that you are proposing?

Mr. CAWLEY. 39—

Mr. WAMBACH. I thought it was 39-something.

Mr. CAWLEY. 4378.

Mr. WAMBACH. Would you explain that amendment to the House then, Mr. Speaker?

Mr. CAWLEY. Yes. It is exactly what I had explained previously, Mr. Speaker. What it will do is this; here is what the amendment will do: It will make the State regulations the same as the Federal regulations, which is the Code of Federal Regulations. That is what "CFR" means on your amendment - the Code of Federal Regulations. Under those Federal regulations, there is a \$60 limit on the items in your establishment for one particular brand. The present State law states that there is a \$70 limit on the amount of brands in your establishment. What this will do is reduce the \$70 limit to \$60. However, you will not be limited for any item in your establishment that costs less than \$60. Is that perfectly understood now, Mr. Speaker?

Mr. WAMBACH. Not really, but I will accept the explanation, Mr. Speaker. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

Acosta	Deal	Laughlin	Roebuck
Angstadt	Dininni	Lescovitz	Rudy
Arty	Distler	Letterman	Ryan
Baldwin	Dombrowski	Levdansky	Rybak
Barber	Donatucci	Levin	Saloom
Barley	Duffy	Linton	Saurman
Battisto	Durham	Livengood	Scheetz
Belardi	Evans	McCall	Schuler
Belfanti	Fattah	McClatchy	Semmel
Birmelin	Fee	McHale	Serafini
Black	Flick	Mackowski	Seventy
Blaum	Fox	Maiale	Showers
Book	Freeman	Manderino	Snyder, D. W.
Bortner	Freind	Manmiller	Staback
Boyes	Fryer	Markosek	Steighner
Brandt	Gallagher	Merry	Stevens
Broujos	Gallen	Michlovic	Stewart
Bunt	Gamble	Micozzie	Stuban
Burd	Gannon	Miller	Sweet
Burns	Gladeck	Morris	Swift
Bush	Godshall	Mrkonic	Taylor, E. Z.
Caltagirone	Greenwood	Murphy	Taylor, F. E.
Cappabianca	Gruitza	Nahill	Taylor, J.
Carlson	Gruppo	O'Brien	Telek
Carn	Hagarty	O'Donnell	Tigue
Cawley	Haluska	Olasz	Trello
Chadwick	Harper	Oliver	Truman

Cimini	Hasay	Perzel	Van Horne
Civera	Herman	Petrarca	Veon
Clark	Hershey	Petrone	Vroon
Clymer	Honaman	Piccola	Wambach
Cohen	Howlett	Pievsky	Wass
Colafella	Hutchinson	Pistella	Weston
Cole	Itkin	Pitts	Wiggins
Cordisco	Jackson	Pratt	Wilson
Cornell	Jarolin	Pressmann	Wogan
Coslett	Josephs	Preston	Wozniak
Cowell	Kasunic	Punt	Wright, D. R.
Coy	Kennedy	Raymond	Wright, J. L.
Deluca	Kenney	Reber	Wright, R. C.
DeWeese	Kosinski	Reinard	Yandrisevits
Daley	Kukovich	Richardson	
Davies	Langtry	Rieger	Irvis,
Dawida	Lashingier	Robbins	Speaker

NAYS—29

Afflerbach	Fargo	Lloyd	Phillips
Argall	Fischer	Lucy	Pott
Bowley	Foster, Jr., A.	McVerry	Sirianni
Bowser	Geist	Mayernik	Smith, B.
Cessar	George	Moehlmann	Smith, L. E.
DeVerter	Hayes	Mowery	Snyder, G. M.
Dietz	Johnson	Noye	Stairs
Dorr			

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

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

Mr. TIGUE offered the following amendments No. A4573:

Amend Sec. 5 (Sec. 211), page 27, lines 25 through 27, by striking out "THERE SHALL BE AT LEAST TWO HUNDRED FIFTY APPOINTED" in line 25 and all of lines 26 and 27

Amend Sec. 5 (Sec. 212), page 31, lines 2 and 3, by striking out "THE NUMBER OF APPOINTED LICENSING" in line 2 and all of line 3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Mr. Speaker, this is amendment 4573, for those of you who are following.

Currently in the bill it sets a minimum number for hiring licensing personnel, enforcement officers, and auditors. In the bill it sets the minimums at 250, with 75 licensing agents and 25 auditors. All this amendment does is eliminate those minimum numbers. According to the LCB, they do not know how many people they will need if they divide the licensing and enforcement activities into two separate divisions. Therefore, since we do not set an upper limit, I see no reason to set a lower limit and tell them that they must hire in fact 350 people.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, we would like to object to this amendment. The intent of the Liquor Control Committee was to set a minimum number of employees for the liquor control enforcement agency, and this, we feel, they must have to do the job that we want them to do throughout the Commonwealth. We ask you to vote this amendment down.

The SPEAKER. The Chair recognizes the gentleman, Mr. Tigie, for the second time on his amendment.

Mr. TIGUE. Mr. Speaker, I just want to add to what Mr. Saloom said. This in fact does not limit them in any way, shape, or manner. They can hire however many they determine necessary. What I am saying is we should allow them to determine how many they need. We should not sit here and arbitrarily pull a number out of the sky. Thank you.

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

Mr. CLARK. Thank you, Mr. Speaker.

This amendment would gut a very important part of this bill. One of the things that we, the Task Force on Enforcement, found in our review of enforcement was that they did not have enough bodies to do the work, and one of the problems we had there was that the administration would not approve any new hirings, and they in fact have been abolishing positions on a regular basis. You saw something recently where they abolished 29 enforcement positions in the last few weeks, and that hampers the ability of the enforcement and licensing division to do their job on an accurate and timely basis.

One of the problems is we have developed a backlog in licensing applications. Well, in meeting with the Liquor Board's director of enforcement, we were able to establish the work force that they feel they need on a daily basis to do this. We adjusted that downward, somewhat less than what they need, and established these numbers in the Liquor Code so that they would not hire less. If we are concerned with this, under this bill we have control over the Liquor Control Board's budget, and we can change that complement at that time on an annual basis, as well as the budget that is set for enforcement agents.

I believe that by taking this out, what you are telling the Liquor Board is we do not want that many enforcement agents; we do not want you to have the complement you need, and I think we need this number in there so that they know how many people we want on the streets doing enforcement work. Thank you, Mr. Speaker.

The SPEAKER. On the Tigie amendment, the Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

I would just like to echo Representative Clark's comments. When we came up with the 250 figure, the 75, and the 25, this was based upon actual need with our licensees throughout the Commonwealth. If we are saying, do the job and do it effectively, then I would ask for the defeat of the Tigie amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—61

Acosta	DeVerter	Hayes	Mrkonic
Argall	DeWeese	Honaman	O'Brien
Battisto	Dombrowski	Howlett	Pott
Belardi	Dorr	Itkin	Reber
Black	Fargo	Jackson	Ryan
Blaum	Fee	Johnson	Saurman
Book	Flick	Kenney	Serafini
Bortner	Foster, Jr., A.	Kukovich	Sirianni
Bowser	Fox	Langtry	Snyder, G. M.
Boyes	Fryer	Lashingier	Staback
Burns	Geist	Linton	Stevens
Caltagirone	George	Lloyd	Sweet
Cappabianca	Godshall	Michlovic	Tigue
Cawley	Harper	Miller	Wogan
Cessar	Hasay	Moehlmann	Wright, J. L.
Coslett			

NAYS—139

Afflerbach	Durham	Mackowski	Rybak
Angstadt	Evans	Maiale	Saloom
Arty	Fattah	Manderino	Scheetz
Baldwin	Fischer	Manmiller	Schuler
Barber	Freeman	Markosek	Semmel
Barley	Freind	Mayernik	Seventy
Belfanti	Gallagher	Merry	Showers
Birmelin	Gallen	Micozzie	Smith, B.
Bowley	Gamble	Morris	Snyder, D. W.
Brandt	Gannon	Mowery	Stairs
Broujos	Gladeck	Murphy	Steighner
Bunt	Greenwood	Nahill	Stewart
Burd	Gruitza	Noye	Stuban
Bush	Gruppo	O'Donnell	Swift
Carlson	Hagarty	Olasz	Taylor, E. Z.
Carn	Haluska	Oliver	Taylor, F. E.
Chadwick	Herman	Perzel	Taylor, J.
Cimini	Hershey	Petrarca	Telek
Civera	Hutchinson	Petrone	Trello
Clark	Jarolin	Phillips	Truman
Clymer	Josephs	Piccola	Van Horne
Colafiglia	Kasunic	Pievsky	Veon
Cole	Kennedy	Pistella	Vroon
Cornell	Kosinski	Pitts	Wambach
Cowell	Laughlin	Pratt	Wass
Coy	Lescovitz	Pressmann	Weston
Deluca	Letterman	Preston	Wiggins
Daley	Levdansky	Punt	Wilson
Davies	Levin	Raymond	Wozniak
Dawida	Livengood	Reinard	Wright, D. R.
Deal	Lucyk	Richardson	Wright, R. C.
Dietz	McCall	Rieger	Yandrisevits
Dininni	McClatchy	Robbins	
Distler	McHale	Roebuck	Irvis,
Donatucci	McVerry	Rudy	Speaker
Duffy			

NOT VOTING—3

Cohen	Cordisco	Smith, L. E.
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EXCUSED—0

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

On the question recurring,

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

Mr. TIGUE offered the following amendments No. A4575:

Amend Sec. 5 (Sec. 211), page 27, lines 28 through 30; page 28, lines 1 through 16, by striking out all of said lines on said pages and inserting

(c) Field auditors appointed within the Liquor Code Enforcement Division shall have a minimum of a bachelor's degree in accounting.

Amend Sec. 5 (Sec. 212), page 31, lines 4 through 11, by striking out all of said lines and inserting

(c) Field auditors appointed within the Liquor Code Licensing Investigation Division shall have a minimum of a bachelor's degree in accounting.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Amendment 4575 amends the bill. Currently in the bill there is a section which sets up criteria for hiring, and it says that enforcement agents must have a minimum of an associate degree in police science or some related discipline. It also says the director of this new division which we set up must have a master's degree. In the bill it also says that the field auditors must have a minimum of a bachelor's degree in accounting. What this amendment does is eliminate all the requirements except for the field auditors having a degree in accounting.

Currently, even under the State Police, the only requirement is that you have a high school diploma or a GED (general educational development). So what you are saying, in essence, is that State troopers would not be qualified to be law enforcement agents. I think that these requirements that are set forth in the bill are kind of ironic in that enforcement agencies - State Police, local municipalities, and in fact the FBI - do not have any such requirements. So I do not see any reason for having them in the LCB.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I stand to oppose this amendment. I think if we are going to upgrade the law enforcement of the LCB, we have got to oppose this amendment, and I ask the membership to oppose it.

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

Mr. CLARK. Thank you, Mr. Speaker.

In the sunset review report that we based our decisions on when we drafted this legislation, they made a great deal of the fact that presently to become an enforcement agent you only need a driver's license, a high school diploma, and be 21 years old. There is a big difference between the Pennsylvania State Police and liquor enforcement agents, because when we take a State trooper, we put him through the enforcement academy, the State Police Academy, and if they are not going to make it as enforcement officers, they wash out at the academy. In the Liquor Control Board system, once you make it into the system, you go through some minor training programs. You do not go to the State Police Academy, you do not learn all of the law enforcement techniques, and you do not have the privilege of the academy to teach you.

One of the recommendations was that we come up with pre-1973 requirements. In 1973—I am reading from the sunset report—the minimum requirements necessary to become a liquor enforcement officer were a bachelor's degree in an appropriate field, 4 years of law enforcement or investigative work, or a 4-year combination of college and experience. So by requiring an associate degree, we have actually done less than they did pre-1973. So we are trying to bring some quality into the program without overhampering the new recruits.

As far as requiring a master's degree of the executive director of this division, I think it is important that the executive director of a division have some sense of administrative capabilities.

I would urge the defeat of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Mr. Speaker, again, great thought was given into the criteria outlined in the current version of SB 964. Much has been said about the lack of credibility, of incompetence, lack of knowledge of the laws, of enforcement procedures and skills. The way that we have currently worded it in SB 964 addresses not only all of those concerns but in addition places competent, professionally trained people with experience into those positions of law enforcement status.

I believe by adopting what Representative Tigue is proposing, we would be going regressively backwards and in fact not changing anything for the better but continuing on the same day-as-day-we-go basis.

I would ask for the defeat of the amendment. Thank you.

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

The following roll call was recorded:

YEAS—37

Acosta	Clymer	Haluska	Mrkonic
Belardi	Cohen	Harper	Serafini
Belfanti	DeWeese	Hutchinson	Staback
Blaum	Dombrowski	Jarolin	Steighner
Bortner	Fargo	Kukovich	Stevens
Bowser	Flick	Lashingier	Tigue
Burns	Foster, Jr., A.	Lloyd	Veon
Caltagirone	Godshall	Manderino	Wright, J. L.
Cappabianca	Gruitza	Michlovic	Yandrisevits
Cawley			

NAYS—163

Afflerbach	Duffy	Lucyk	Roebuck
Angstadt	Durham	McCall	Rudy
Argall	Evans	McClatchy	Ryan
Arty	Fee	McHale	Rybak
Baldwin	Fischer	McVerry	Saloom
Barber	Fox	Mackowski	Saurman
Barley	Freeman	Maiale	Scheetz
Battisto	Freind	Manmiller	Schuler
Birmelin	Fryer	Markosek	Semmel
Black	Gallagher	Mayernik	Seventy
Book	Gallen	Merry	Showers
Bowley	Gamble	Micozzie	Sirianni
Boyes	Gannon	Miller	Smith, B.
Brandt	Geist	Moehlmann	Smith, L. E.
Broujos	George	Morris	Snyder, D. W.
Bunt	Gladeck	Mowery	Snyder, G. M.
Burd	Greenwood	Murphy	Stairs
Bush	Gruppo	Nahill	Stewart

Carlson	Hagarty	Noye	Stuban
Carn	Hasay	O'Brien	Sweet
Cessar	Hayes	O'Donnell	Swift
Chadwick	Herman	Olasz	Taylor, E. Z.
Cimini	Hershey	Oliver	Taylor, F. E.
Civera	Honaman	Perzel	Taylor, J.
Clark	Howlett	Petrarca	Telek
Colafella	Itkin	Petrone	Trello
Cole	Jackson	Phillips	Truman
Cordisco	Johnson	Piccola	Van Horne
Cornell	Josephs	Pievsky	Vroon
Coslett	Kasunic	Pistella	Wambach
Cowell	Kennedy	Pitts	Wass
Coy	Kenney	Pott	Weston
Deluca	Kosinski	Pratt	Wiggins
DeVerter	Langtry	Pressmann	Wilson
Daley	Laughlin	Preston	Wogan
Davies	Lescovitz	Punt	Wozniak
Dawida	Letterman	Raymond	Wright, D. R.
Dietz	Levdansky	Reber	Wright, R. C.
Dininni	Levin	Reinard	
Distler	Linton	Rieger	Irvis,
Donatucci	Livengood	Robbins	Speaker
Dorr			

NOT VOTING—3

Deal	Fattah	Richardson
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EXCUSED—0

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

On the question recurring,

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

Mr. TIGUE offered the following amendments No. A4632:

Amend Title, page 1, line 21, by inserting after "duties;" permitting manufacturers to honor and offer certain coupons;

Amend Sec. 10, page 51, line 27, by inserting after "493" (24) and

Amend Sec. 10, page 51, line 29, by striking out the comma after "No.135)"

Amend Sec. 10, page 52, line 2, by striking out "is" and inserting

and March 9, 1982 (P.L.174, No.55), are

Amend Sec. 10 (Sec. 493), page 63, by inserting between lines 14 and 15

(24) Things of Value Offered as Inducement. For any licensee under the provisions of this article, or the board or any manufacturer, or any employe or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other inducement to purchase liquor or malt or brewed beverages, except advertising novelties of nominal value which the board shall define: Provided, however, That this]. This section shall not prevent any manufacturer or any agent of a manufacturer from offering and honoring coupons which offer monetary rebates on purchases of wines, spirits and malt or brewed beverages through Pennsylvania Liquor Stores or through any licensee in accordance with conditions or regulations established by the board. Further, no manufacturer or any agent of a manufacturer shall honor any coupons without proof of pur-

chase in the form of a sales slip or receipt attached to the coupons. This section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Amendment 4632 allows the use of rebates in the form of coupons for the sale of alcohol in Pennsylvania. Currently this is prohibited in Pennsylvania. Our consumers cannot go to a liquor store, buy a bottle of liquor, fill out a coupon with a receipt, mail it in to a distiller. What I am saying is, they should be allowed to do this. So it would help our consumers save a buck or two when they buy a case of beer or a bottle of booze.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the amendment.

Mr. SALOOM. Mr. Speaker, I am going to claim neutrality on this amendment. There have been many mixed feelings in the committee on it, people thinking that we should have coupons. If you are a strong advocate in promoting the sale of alcohol in Pennsylvania, I would say vote for it. If you are opposed to that concept, I would say vote against it. But it also is a consumer-oriented amendment, so make your decision on those bases. Thank you.

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

Mr. CLARK. Thank you, Mr. Speaker.

I would just point out that this amendment does not just permit rebates on purchases in Pennsylvania liquor stores; it permits rebates on purchases for many licensees of the board, including taverns and beer distributors, for purchases of malt beverages.

Personally, I have no objection to coupons in liquor stores, but when we try to put it in 25,000 licensees across the Commonwealth, I think you find a problem with that.

Further, if you have looked at some of the court cases recently in the eastern district courts, you found that many of the supermarket firms that handle the coupons, the agents for the firms have been indicted for coupon fraud. As far as the Liquor Control Board is concerned, we could control the use of coupons, but when we give it to 25,000 licensees, I do not think we can.

I would ask for a negative vote on this amendment.

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

Mr. TIGUE. One last item.

Mr. Speaker, we heard the arguments earlier about the price of alcoholic beverages in Pennsylvania. For those of you who think we are paying too much, this keeps the State store system and makes it cheaper in some items for the consumer, not only for alcohol or for liquor and spirits or wine, as Mr. Clark said, but also for beer. When you go to a distributorship, why should people in Maryland or New Jersey get a

buck off a case of Budweiser and we cannot in Pennsylvania? Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley, on the amendment.

Mr. CAWLEY. Mr. Speaker, I rise to support Representative Tigues' amendment, because with this amendment and with coupons, we may be able to purchase alcohol in the State stores for the same price we can get it for in Maryland, and that way we will not have to do away with our State stores. Thank you.

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

The following roll call was recorded:

YEAS—107

Afflerbach	Durham	Linton	Semmel
Angstadt	Evans	McCall	Serafini
Argall	Fee	McVerry	Sirianni
Barber	Flick	Markosek	Smith, B.
Belardi	Fryer	Mayermik	Snyder, D. W.
Belfanti	Gallen	Merry	Staback
Bortner	Gamble	Michlovic	Steighner
Brandt	Gannon	Micozzie	Stevens
Broujos	Gladeck	Mrkonic	Stewart
Burns	Godshall	Murphy	Swift
Caltagirone	Greenwood	Nahill	Taylor, F. E.
Cappabianca	Gruitza	O'Brien	Taylor, J.
Cawley	Hagarty	O'Donnell	Tigues
Chadwick	Harper	Petrarca	Trello
Civera	Hasay	Petrone	Truman
Cohen	Howlett	Pistella	Van Horne
Colafella	Hutchinson	Pott	Veon
Cole	Itkin	Preston	Vroon
Cornell	Jarolin	Punt	Wiggins
Cowell	Josephs	Raymond	Wilson
Deluca	Kasunic	Reber	Wogan
DeWeese	Kenney	Reinard	Wozniak
Daley	Langtry	Richardson	Wright, J. L.
Dawida	Lashingier	Rieger	Yandrisevits
Deal	Laughlin	Ryan	
Dombrowski	Lescovitz	Saloom	Irvis,
Dorr	Levdansky	Saurman	Speaker
Duffy			

NAYS—83

Acosta	Dininni	Kukovich	Pievsky
Baldwin	Donatucci	Letterman	Pitts
Barley	Fargo	Levin	Pressmann
Battisto	Fischer	Livengood	Robbins
Birmelin	Foster, Jr., A.	Lloyd	Rudy
Black	Fox	Lucyk	Rybak
Blaum	Freeman	McClatchy	Scheetz
Bowley	Freind	McHale	Schuler
Bowser	Gallagher	Mackowski	Seventy
Boyes	Geist	Maiale	Showers
Bunt	George	Manderino	Smith, L. E.
Burd	Gruppo	Manmiller	Snyder, G. M.
Bush	Haluska	Miller	Stairs
Carlson	Hayes	Moehlmann	Stuban
Cimini	Herman	Morris	Taylor, E. Z.
Clark	Hershey	Mowery	Telek
Clymer	Honaman	Noye	Wambach
Coslett	Jackson	Olasz	Wass
Coy	Johnson	Oliver	Wright, D. R.
DeVerter	Kennedy	Phillips	Wright, R. C.
Dietz	Kosinski	Piccola	

NOT VOTING—13

Arty	Cordisco	Fattah	Roebuck
Book	Davies	Perzel	Sweet
Carn	Distler	Pratt	Weston
Cessar			

EXCUSED—0

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

On the question recurring,

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

Mr. GREENWOOD offered the following amendments No. A4422:

Amend Title, page 1, line 22, by inserting after "taxes;" requiring notices of applications;

Amend Bill, page 31, by inserting between lines 21 and 22

Section 6. Section 403(g) of the act, amended November 19, 1959 (P.L. 1546, No. 553), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—* * *

(g) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of a least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or at the proposed new location for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. [Proof of the posting of such notice shall be filed with the board.] Simultaneous with posting of the notice of such application, the applicant shall send notice of the application to the governing body of the municipality in which the premises or proposed new location is located by certified mail, return receipt requested. Proof of the posting of such notice and mailing of notice to the municipality shall be filed with the board. Notwithstanding any other provision of law, the board shall take no action on an application until at least thirty (30) days have elapsed from the date of receipt of notice by the municipality.

* * *

Amend Sec. 6, page 31, line 22, by striking out "6" and inserting

7

Amend Sec. 7, page 34, line 16, by striking out "7" and inserting

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Amend Sec. 8, page 34, line 22, by striking out "8" and inserting

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Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

10

Amend Sec. 10, page 51, line 27, by striking out "10" and inserting

11

Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

12

Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

13

Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

14

Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

15

Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

16

Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

17

Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

18

Amend Sec. 17, page 83, line 20, by striking out "15" and inserting

16

Amend Sec. 17, page 83, line 23, by striking out "15" and inserting

16

Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

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Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

20

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This is language that this House has adopted before, and we are just trying to get it into this vehicle. It comes under the category of local government courtesy, and it simply requires that when an applicant to the LCB applies for a license or the renewal of a license, that the municipality in which that license is located or would be located shall be notified by the applicant. Then it further says that the LCB could not take action on that application until 30 days after the municipality has been notified.

This is to give our municipalities, our local government officials, the opportunity to know that an application has been filed and to comment if they choose to do so. Unfortunately, the case now is that the LCB approves licenses, and frequently it is the local government officials who are the last to even know that someone has applied.

I would appreciate the support of the House.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I support this type of legislation.

Representative Clark, my colleague who is on the Liquor Committee, has some question on the amendment, and I would yield to him.

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

Mr. CLARK. Would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Greenwood, indicates he will so stand. You are in order, and you may proceed, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

Mr. Speaker, the section dealing with "the board shall take no action on an application until at least thirty (30) days have elapsed from the date of receipt of notice by the municipality," is that important to this and does that mean every single application the board receives?

Mr. GREENWOOD. Yes; it does, and it is important, because the purpose of this amendment is to give the local government or to give the municipality, whether it be a large or small municipality, the opportunity to know about the application and to take action on it if they want to. If there is a tavern that is applying to have its license renewed and those local town fathers may have some thoughts about that tavern owner or about the way that tavern is operated, they certainly do need at least some amount of time to be notified and then respond to the LCB so that their comments can be part of the official record.

Mr. CLARK. Okay. Does the gentleman intend that this apply to every application before the board?

Mr. GREENWOOD. Well, the language is included in the amendment, and I will read it. "Every applicant for a new license or for the transfer of an existing license to another premises not then licensed...." Those are the applications that this language applies to.

Mr. CLARK. The bottom provision would appear to apply to any application.

Mr. GREENWOOD. Well, any application referred to in subsection (g) of section 403. I do not mind putting that on the record in terms of legislative intent. I am certainly only talking about the applications within section 403, subsection (g).

Mr. CLARK. Thank you, Mr. Speaker.

If I may make a comment.

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

Mr. CLARK. It is my experience that, at least in my legislative district, my local governments do not have a problem with the way transfers are transacted now. When you apply for a transfer of a liquor license, you post a notice on the door, and neighbors, community groups, anyone can see, and on special occasion permits we added language requiring that municipalities be notified.

My concern with this legislation is prohibiting the board from taking action until 30 days have elapsed. Many licensees have problems getting their renewals processed, getting transfers processed in a timely fashion, and sometimes they need to be done before 30 days have elapsed. I mean, if 15 days would suit the gentleman, I would be willing to support that kind of an amendment, but 30 days, I believe, is too long a period of time to be waiting for comments from a local government.

I would ask for a negative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Greenwood, on the amendment.

Mr. GREENWOOD. Very briefly, Mr. Speaker, the reason the 30 days, I think, is important is that most local governments have their regular meetings once a month, and this 30-

day period would enable the local governing body to have one of its regularly scheduled meetings to take comment from the public.

I would certainly urge those who support local government to support this amendment.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

I will be very brief. I think that in the time that I have been in the legislature, I have not gotten a single call from a local government on a liquor license transfer but many calls from transferors or transferees trying to expedite the process. I think if anything, the process is too drawn out already, and I would urge a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—123

Acosta	Dawida	Kukovich	Raymond
Afflerbach	Dininni	Langtry	Reber
Angstadt	Donatucci	Lashingier	Reinard
Argall	Durham	Lescovitz	Rieger
Arty	Fargo	Letterman	Rudy
Barley	Fattah	Linton	Ryan
Belardi	Fischer	McCall	Rybak
Belfanti	Flick	McClatchy	Saloom
Birmelin	Foster, Jr., A.	McVerry	Saurman
Black	Fox	Manmiller	Scheetz
Book	Freeman	Markosek	Schuler
Bortner	Freind	Mayermik	Serafini
Bowley	Gallagher	Merry	Sirianni
Bowser	Gallen	Michlovic	Smith, B.
Brandt	Gannon	Micozzie	Smith, L. E.
Broujos	Geist	Miller	Snyder, G. M.
Bunt	George	Mowery	Stairs
Burd	Gladeck	Mrkoncic	Stevens
Burns	Greenwood	Murphy	Stewart
Caltagirone	Gruppo	Nahill	Sweet
Cawley	Hagarty	Noye	Taylor, E. Z.
Cessar	Hasay	O'Donnell	Taylor, F. E.
Cimini	Hayes	Perzel	Telek
Civera	Herman	Phillips	Vroon
Clymer	Honaman	Piccola	Wambach
Cornell	Itkin	Pistella	Wass
Coslett	Johnson	Pitts	Weston
Cowell	Josephs	Pott	Wilson
Coy	Kasunic	Pratt	Wright, J. L.
DeVerter	Kennedy	Pressmann	Wright, R. C.
Davies	Kosinski	Punt	

NAYS—79

Baldwin	Dombrowski	Livengood	Showers
Barber	Dorr	Lloyd	Snyder, D. W.
Battisto	Duffy	Lucyk	Staback
Blaum	Evans	McHale	Steighner
Boyes	Fee	Mackowski	Stuban
Bush	Fryer	Maiale	Swift
Cappabianca	Gamble	Manderino	Taylor, J.
Carlson	Godshall	Moehlmann	Tigue
Carn	Gruitza	Morris	Trello
Chadwick	Haluska	O'Brien	Truman
Clark	Harper	Olasz	Van Horne
Cohen	Hershey	Oliver	Veon
Colafella	Howlett	Petrone	Wiggins
Cole	Hutchinson	Pievsky	Wogan
Cordisco	Jackson	Preston	Wozniak
Deluca	Jarolin	Richardson	Wright, D. R.
DeWeese	Kenney	Robbins	Yandrisevits

Daley	Laughlin	Roebuck	
Deal	Levdansky	Semmel	Irvis,
Dietz	Levin	Seventy	Speaker
Distler			

NOT VOTING—1

Petrarca

EXCUSED—0

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

On the question recurring,

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

Mr. BRANDT offered the following amendments No. A4459:

Amend Title, page 1, line 21, by inserting after "~~duties~~;" further expanding the local option;

Amend Bill, page 43, by inserting between lines 15 and 16 Section 8. Section 472 of the act, amended July 11, 1980 (P.L. 558, No. 117), is amended to read:

Section 472. Local Option.—(a) In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not [oftener] more than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not [oftener] more than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not [oftener] more than once in four years with respect to granting or renewal of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting or renewal of liquor licenses; and that an election on the question of granting or renewal of wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting or renewal of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting or renewal of any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

(b) When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in..... Yes

of.....? No
When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the... Yes

of.....? No
When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the..... Yes

of.....? No
When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the..... Yes

of.....? No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

(c) When the question is in respect to the renewal of liquor licenses, it shall be in the following form:

Do you favor continuing licenses of those businesses presently serving liquor in..... Yes
of.....? No

When the question is in respect to the renewal of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor continuing the licenses of malt and brewed beverage retail dispensers where sold in..... Yes

of.....? No
When the question is in respect to the renewal of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor continuing the licenses of malt and brewed beverage wholesale distributors' and importing distributors' licenses not for consumption on premises where sold in the... Yes

of.....? No

In case of tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be renewed by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be renewed by the board, or the board may continue to operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act, but if a majority of the electors voting on any such question vote "no," then the board shall have no power to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the continued operation and maintenance of Pennsylvania liquor stores, the board shall not continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

10

Amend Sec. 10, page 51, line 27, by striking out "10" and inserting

11

Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

12

Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

13

Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

14

Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

15

Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

16

Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

17

Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

18

Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

19

Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

20

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

This amendment goes to the issue of when the question appears on the ballot for a municipality to allow liquor. Under current law the same language applies whether the municipality is going wet or going dry. What I intend to do with this amendment is to add clarifying language when the question is for the municipality to go from wet to dry.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the Brandt amendment.

Mr. SALOOM. Mr. Speaker, this amendment was prepared by the maker, I understand, just so his constituency can better understand the English language, and I have no objection to it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

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

Cordisco	Itkin	Pievsky	Weston
Cornell	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Davies	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashinger	Rieger	Speaker
Dietz	Laughlin		

NAYS—2

Birmelin Foster, Jr., A.

NOT VOTING—1

Richardson

EXCUSED—0

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

REMARKS ON VOTE

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

Mr. DAVIES. On the Tigue amendment 4632 to SB 964, my switch failed to record the vote. I would like to be recorded in the affirmative.

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

CONSIDERATION OF SB 964 CONTINUED

On the question recurring,

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

Mr. FREIND offered the following amendments No. A4624:

Amend Title, page 1, line 16, by inserting after "laws," "establishing the board as an executive department;

Amend Title, page 1, line 24, by inserting after "appropriations;" "transferring personnel, equipment and appropriations;

Amend Table of Contents, page 2, line 30, by inserting a bracket before "Section"

Amend Table of Contents, page 3, line 4, by inserting a bracket after "Secretary." and inserting immediately thereafter Section 201.1. Department of Liquor Control.

Amend Bill, page 20, by inserting between lines 15 and 16

Section 2. Sections 201, 202, 203, 204 and 205 of the act are repealed.

Section 3. The act is amended by adding a section to read:

Section 201.1. Department of Liquor Control.—(a) The Department of Liquor Control is hereby established as an executive department of the executive branch of the Commonwealth.

(b) The Governor shall, in accordance with the provisions of section 207.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," appoint a Secretary of Liquor Control who shall serve as a cabinet officer at his pleasure.

(c) The Secretary of Liquor Control shall, either personally or by deputy, or by duly authorized agent or employe of the board exercise the powers and perform the duties of the board.

(d) The salary of the Secretary of Liquor Control shall be sixty five thousand dollars (\$65,000) annually.

Amend Sec. 2, page 20, line 16, by striking out "2" and inserting

4

Amend Sec. 3, page 21, line 15, by striking out "3" and inserting

5

Amend Sec. 4, page 21, line 23, by striking out "4" and inserting

6

Amend Bill, page 26, by inserting between lines 18 and 19

Section 7. Section 210 of the act is amended to read:

Section 210. Restrictions on Members of the [Board] Department and Employes of Commonwealth.—(a) [A member or employe] The Secretary of Liquor Control and the officers and employes of the [board] department shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employe, and whether for his own benefit or in a fiduciary capacity for some other person.

(b) [No member or employe] The Secretary of Liquor Control and the officers and employes of the [board nor] department and any employe of the Commonwealth shall not solicit or receive, directly or indirectly, any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale to the [board] department for use in Pennsylvania Liquor Stores.

Amend Sec. 5, page 26, line 19, by striking out "5" and inserting

8

Amend Sec. 6, page 31, line 22, by striking out "6" and inserting

9

Amend Sec. 7, page 34, line 16, by striking out "7" and inserting

10

Amend Sec. 8, page 34, line 22, by striking out "8" and inserting

11

Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

12

Amend Sec. 10, page 51, line 27, by striking out "10" and inserting

13

Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

14

Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

15

Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

16

Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

17

Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

18

Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

19

Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

20

Amend Sec. 17, page 83, line 20, by striking out "15" and inserting

18

Amend Sec. 17, page 83, line 23, by striking out "15" and inserting

18

Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

21

Amend Bill, page 84, by inserting between lines 2 and 3

Section 22. (a) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions of the Pennsylvania Liquor Control Board are hereby transferred to the Department of Liquor Control established by this act with the same force and effect as if the allocations and appropriations had been made to and said items had been the personnel and property of the department in the first instance and if the contracts, agreements and obligations had been incurred or entered into by the department.

(b) All present employees of the Pennsylvania Liquor Control Board shall be transferred to the Department of Liquor Control established by this act. All such employees are to continue in their employment with the same pay scales, salaries, wages, seniority benefits, pension rights and other incidents of employment, including, but not limited to, civil service status, as if this act had not been effective.

(c) All references in statutes to the Pennsylvania Liquor Control Board abolished by this act shall be deemed to be references to the Department of Liquor Control established by this act.

Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

23

Amend Sec. 19, page 84, line 3, by striking out "immediately" and inserting

February 1, 1987

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

This amendment is sponsored by myself and Representative Civera. Not surprising, it is somewhat controversial.

This amendment provides an alternative between those who are not pleased with the operation of the Liquor Control Board but do not want to see the liquor industry go private. I for one have consistently opposed going private, because I think, although we made a mistake 52 years ago getting involved, there would be enormous problems now going private, including a loss of revenue, corruption, and the infiltration of organized crime. However, I have not at all been pleased about the way the operation has functioned. Accordingly, what this amendment does is this: It abolishes the Liquor Control Board as we know it and takes the entire operation of the board and makes it a Cabinet department headed by a Secretary of the new Department of Liquor Control appointed by the elected Governor, by the newly elected Governor—this would not take effect until February 1, 1987.

One of the problems which occurred 52 years ago, probably through very worthwhile goals, was the fact that in an effort to insulate the board members from political interference, what the legislature also did was insulate them from responsiveness. One of the reasons each one of us is very diligent in our jobs up here, but even more importantly back home, is that every 2 years we want to maintain gainful employment. We want to get reelected, and we have to be responsive, and we have to be on our toes. You do not have the same responsiveness with the Liquor Control Board. If, however, you make it a Cabinet appointment, you will have the Secretary running the operation, appointed by the elected Governor who must run for reelection. If that department functions properly, it is going to redound to the benefit of that elected Governor. If in fact they drop the ball, it is going to work to the detriment of that elected Governor. Regardless of who the Governor is going to be and regardless of what political party he is, he is going to have an interest in making doggone sure that the liquor system in Pennsylvania is more marketable and is run more efficiently and gives the taxpayers a better bang for its buck.

What we are attempting to do is bring accountability into this. I think it is a good idea, Mr. Speaker; I sincerely ask for the support of my colleagues. Thank you.

The SPEAKER. On the Freind amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I must stand and ask for opposition to this particular amendment. If we would have a Governor in Pennsylvania who was bent over to rid ourselves of the liquor control system that we have today, I am certain that he would use his Cabinet officer to destroy the system that we now have.

I would ask the members to allow this bill that we have to pass without such an amendment of this sort in it, and I would therefore ask for a negative vote. Thank you, Mr. Speaker.

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

Mr. CIVERA. Thank you, Mr. Speaker.

I rise to support this amendment, and the reason is this: It is that I am sure that whether it would be a Republican Governor or a Democratic Governor, the gentleman who would be in the executive office would not destroy the Secretary of Liquor Control; and it would keep control in the State as we have it now.

The issue is this: Every 4 years the Governor who is elected to this Commonwealth, if it is not his party that is over in that LCB—and let us face it and let us call a spade a spade here—that the Senate, if it is controlled by the opposite party or whatever and it has the two-thirds majority to put those board members, and whatever party controls that is what is going to be on that board, and if that Governor is not of the same party, there is going to be always a conflict, and there is always going to be the subject of those people who work for that LCB - whether they are going to be here next year, whether they are going to lose their jobs, whether the enforcement agents are going to be still employed by the Commonwealth.

Now, each and every one of us knows what it is to run every 2 years and each and every one of us knows what we have to do to keep this job, and we do our best, and that is what the situation here is. Nobody is trying to do away with the control of the liquor industry in the Commonwealth of Pennsylvania as it is right now. What we are attempting to do here is to give the control to the executive power where it rightfully belongs. Nobody is saying that the LCB, the current LCB, has done a bad job or the enforcement has done a bad job, but what has happened here is this, that because at the moment we have a Governor as one political party and that LCB as another, we have a conflict, and we want to do away with this. It protects the agency, it protects employment, and it does not do anything to harm the citizens of the Commonwealth.

Mr. Speaker, this amendment would definitely be a move forward in the Commonwealth if it is passed. It is not a move backwards. All it does is give the people of this State a more effective say.

I urge for support. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I rise in opposition to the amendment, and Mr. Civera highlighted the very reason. He probably did not wish to do so. But I would like to say that in my three terms here in the General Assembly, this Governor has tried in three separate avenues to dismantle or tear apart three agencies - one of which is the Pennsylvania Turnpike Commission, which he was not able to do effectively; the second is the Liquor Control Board; and the third that comes to mind, and it will to the other members representing districts in the northeast, is the State general hospital system. That was the only one of the three that was under the direct control of the administration.

The SPEAKER. Mr. Belfanti, let us get to the amendment now, not the Governor's record, but the amendment.

Mr. BELFANTI. Well, the amendment speaks to— I believe I am speaking on the amendment since it speaks to reverting control from the Liquor Control Board to the administration. In only one instance has the Governor been completely successful in dismantling a State agency to a great degree and that is the State general hospital system, and he has been able to accomplish that because, under orders, his Secretary of Welfare has done any—

The SPEAKER. Mr. Belfanti, the Chair disagrees with you. Adhere to the amendment, sir.

Mr. BELFANTI. I think I made my point, Mr. Speaker. I oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader on the Freind amendment.

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

There are agencies of State Government, the Liquor Control Board being one, that it seems to me it is wise to have a continuity of purpose, a continuity of policy that transcends the political climate of the very moment. The Liquor Control

Board ought to be in the hands of people who have a philosophy that this Commonwealth has developed over many years of controlling the consumption of alcohol in the community. If this present administration had had this law in effect, what do you think the Liquor Control Board would have done for the past 6 or 7 years? It would have merchandised liquor; it would have put more liquor in the community, because that is what this Governor has stood for since the time he took over.

I do not think that our special commissions that we set up to handle special problems ought to change in policy and direction each time a Governor changes. That is the reason that we make their terms staggered; that is the reason that we have their appointments continuing sometimes beyond the terms of the appointing Governor; and, yes, that is why the General Assembly has kept to itself through the Senate's exercise of advice and confirmation, some say over the philosophy that those board members have towards the running of that agency and, of course, towards the merchandising of liquor in this Commonwealth.

I think it ought to stay that way, and to keep it that way, you must oppose this amendment. It is very, very important that this amendment be defeated.

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

Mr. D. W. SNYDER. Mr. Speaker, just a short interrogation of the maker of the amendment.

The SPEAKER. The gentleman, Mr. Freind, will stand for interrogation. You may proceed.

Mr. D. W. SNYDER. Mr. Speaker, under our current law and under the proposal in the Senate bill, the Liquor Control Board acts basically with judicial responsibilities with reviewing the license applications and with appeals. Who would perform that function under your amendment?

Mr. FREIND. The Secretary, in precisely the same fashion that the Secretary of the Department of Public Welfare served for child abuse cases and cases like that and even more directly the way the Secretary of Education serves with respect to appeals for the myriad due-process situations in education. It is not new and it is not unique and it works in those departments.

Mr. D. W. SNYDER. It would not be in the same manner as, say, the Department of Environmental Resources where we have an Environmental Hearing Board to take appeals.

Mr. FREIND. That is correct. They have a board; Education does not, and neither does DPW (Department of Public Welfare).

Mr. D. W. SNYDER. So under your proposal there would be no separate judicial hearing board.

Mr. FREIND. Oh, sure, you would still have your hearing examiners. You have to understand that the board has the power to overrule the hearing examiner, but the board does not on every case get involved with respect to every liquor control case, the same way the Secretary does not get involved in education in every case.

Mr. D. W. SNYDER. But under your amendment then, all the powers of the Liquor Control Board would now be in the hands of the Secretary.

Mr. FREIND. That is correct.

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

The following roll call was recorded:

YEAS—43

Acosta	Durham	Lashinger	Ryan
Argall	Flick	McClatchy	Saurman
Arty	Fox	McVerry	Schuler
Barley	Freind	Merry	Sirianni
Book	Gladeck	Moehlmann	Smith, B.
Brandt	Greenwood	Murphy	Taylor, E. Z.
Burns	Hershey	Noye	Vroon
Civera	Honaman	Pott	Wass
Clymer	Jackson	Raymond	Wilson
Distler	Johnson	Reber	Wright, R. C.
Dorr	Langtry	Reinard	

NAYS—159

Afflerbach	Deal	Lescovitz	Robbins
Angstadt	Dietz	Letterman	Roebuck
Baldwin	Dininni	Levdansky	Rudy
Barber	Dombrowski	Levin	Rybak
Battisto	Donatucci	Linton	Saloom
Belardi	Duffy	Livengood	Scheetz
Belfanti	Evans	Lloyd	Semmel
Birmelin	Fargo	Lucyk	Serafini
Black	Fattah	McCall	Seventy
Blaum	Fee	McHale	Showers
Bortner	Fischer	Mackowski	Smith, L. E.
Bowley	Foster, Jr., A.	Maiale	Snyder, D. W.
Bowser	Freeman	Manderino	Snyder, G. M.
Boyes	Fryer	Manmiller	Staback
Broujos	Gallagher	Markosek	Stairs
Bunt	Gallen	Mayernik	Steighner
Burd	Gamble	Michlovic	Stevens
Bush	Gannon	Micozzie	Stewart
Caltagirone	Geist	Miller	Stuban
Cappabianca	George	Morris	Sweet
Carlson	Godshall	Mowery	Swift
Carn	Gruitza	Mrkonic	Taylor, F. E.
Cawley	Gruppo	Nahill	Taylor, J.
Cessar	Hagarty	O'Donnell	Telek
Chadwick	Haluska	Olasz	Tigue
Cimini	Harper	Oliver	Trello
Clark	Hasay	Perzel	Truman
Cohen	Hayes	Petrarca	Van Horne
Colafella	Herman	Petrone	Veon
Cole	Howlett	Phillips	Wambach
Cordisco	Hutchinson	Piccola	Weston
Cornell	Itkin	Pievsky	Wiggins
Coslett	Jarolin	Pistella	Wogan
Cowell	Josephs	Pitts	Wozniak
Coy	Kasunic	Pratt	Wright, D. R.
Deluca	Kennedy	Pressmann	Wright, J. L.
DeVerter	Kenney	Preston	Yandrisevits
DeWeese	Kosinski	Punt	
Daley	Kukovich	Richardson	Irvis,
Davies	Laughlin	Rieger	Speaker
Dawida			

NOT VOTING—1

O'Brien

EXCUSED—0

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

On the question recurring,

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

Mr. GRUITZA offered the following amendments No. A4539:

Amend Title, page 1, line 22, by inserting after "taxes;" providing for special provisions for exchange of hotel liquor licenses;

Amend Bill, page 34, by inserting between lines 21 and 22 Section 8. The act is amended by adding a section to read:

Section 470.2. Exchange of Hotel Liquor License; Special Provisions.—In any case where the board finds that the holder of a hotel liquor license cannot comply with the provisions of section 461(c) because during 1985 the premises for which said license was issued was destroyed or substantially damaged by a natural disaster, the board shall, notwithstanding the quota provisions of this act, upon receipt of an application for a restaurant liquor license together with appropriate fees and bond, receive the hotel liquor license and issue in exchange for said license a restaurant liquor license.

Amend Sec. 8, page 34, line 22, by striking out "8" and inserting

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Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

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Amend Sec. 10, page 51, line 27, by striking out "10" and inserting

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Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

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Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

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Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

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Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

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Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

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Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

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Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

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Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

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Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

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On the question,

Will the House agree to the amendments?

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

Mr. GRUITZA. Thank you, Mr. Speaker.

This is an amendment identical to one that we passed several months back in an effort to help out a couple of hotel owners whose premises were destroyed as a result of the tornado on May 31. I know this is a little bit unusual to go

into a bill of this nature; however, we have had difficulty in helping these people out because of the LCB crisis, if you would, and so I would ask for your support. It has been going on 7 months now, and these people need to get back in business. I would appreciate your help with this amendment so that we can hopefully get a bill to the Governor that would help these tornado victims.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, we have no objection to this amendment. The House committee had passed this previously; the House passed it previously, and the Senate has also acted on it. However, it is in a bill and it is tied up and may be tied up for quite a long period of time, and we ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski, on the amendment.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I urge the members of the General Assembly to support this very thoughtful, very considerate amendment, well drawn, and doing the thing that should be recognized, because he understands that people are unemployed. There are many reasons for such an amendment to be passed, and I wholeheartedly support it.

The SPEAKER. With that appeal, I think he cannot fail.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

Colafella	Honaman	Petrone	Wambach
Cole	Howlett	Phillips	Wass
Cordisco	Hutchinson	Piccola	Weston
Cornell	Itkin	Pievsky	Wiggins
Coslett	Jackson	Pistella	Wilson
Cowell	Jarolin	Pott	Wogan
Coy	Johnson	Pratt	Wozniak
Deluca	Josephs	Pressmann	Wright, D. R.
DeVerter	Kasunic	Preston	Wright, J. L.
DeWeese	Kennedy	Punt	Wright, R. C.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker

NAYS—4

Clymer	Foster, Jr., A.	Pitts	Vroon
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NOT VOTING—1

Levin

EXCUSED—0

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

On the question recurring,

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

Mr. WOGAN offered the following amendments No. A4377:

Amend Bill, page 20, by inserting between lines 15 and 16

Section 2. Section 102 of the act is amended by adding definitions to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

“Malt coolers” shall mean a malt or brewed beverage with an alcohol content of less than eight per centum consisting of a blend of a barley-based malt or brewed beverage, fruit pulp and/or fruit juices and other ingredients.

“Wine coolers” shall mean a wine-based beverage with an alcohol content of less than eight per centum consisting of a blend of wine, fruit pulp and/or fruit juices and other ingredients.

Amend Sec. 2, page 20, line 16, by striking out “2” and inserting

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Amend Sec. 3, page 21, line 15, by striking out “3” and inserting

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Amend Sec. 4, page 21, line 23, by striking out “4” and inserting

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Amend Sec. 5, page 26, line 19, by striking out “5” and inserting

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Amend Bill, page 31, by inserting between lines 21 and 22

Section 7. Section 305(a) of the act, amended October 4, 1974 (P.L.672, No.224), is amended to read:

Section 305. Sales by Pennsylvania Liquor Stores.—
 (a) Every Pennsylvania Liquor Store shall keep in stock for sale such classes, varieties and brands of liquor and alcohol malt coolers as the board shall prescribe. If any person shall desire to purchase any class, variety or brand of liquor or alcohol which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a rea-

sonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board. The customer shall be notified immediately upon the arrival of the goods.

In computing the retail price of such special orders for liquor or alcohol, the board shall not include the cost of freight or shipping before applying the mark-up and taxes but shall add the freight or shipping charges to the price after the mark-up and taxes have been applied.

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival, the store may place it in stock for general sale and the customer’s deposit shall be forfeited.

Section 8. Section 431(a) and (b) of the act, amended August 17, 1965 (P.L.346, No.182) and October 9, 1967 (P.L.395, No.179), are amended to read:

Section 431. Malt and Brewed Beverages Manufacturers’, Distributors’ and Importing Distributors’ Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer’s license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages or wine coolers at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor’s or importing distributor’s license for the place which such person desires to maintain for the sale of malt or brewed beverages or wine coolers, not for consumption on the premises where sold, and in quantities of not less than twenty-four containers, each container

holding seven fluid ounces or more, or twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages or wine coolers in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or wine coolers or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages or wine coolers whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages or wine coolers manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages or wine coolers licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected. All wine coolers shall be subject to the same rate of taxation as wines and spirits for sale in this Commonwealth.

Amend Sec. 6, page 31, line 22, by striking out "6" and inserting

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Amend Sec. 7, page 34, line 16, by striking out "7" and inserting

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Amend Sec. 8, page 34, line 22, by striking out "8" and inserting

11

Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

12

Amend Sec. 10, page 51, line 27, by striking out "10" and inserting

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Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

14

Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

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Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

16

Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

17

Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

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Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

19

Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

20

Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

21

Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

22

On the question,

Will the House agree to the amendments?

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

Mr. WOGAN. Thank you, Mr. Speaker.

This amendment very simply would permit the sale of wine coolers by those holding malt and brewed beverage distributor licenses. Wine coolers are a relatively new development in an industry which is responding to a growing public demand for items with lower alcohol content. Wine coolers generally have less than 7 percent alcohol content. Wine-cooler drinkers typically happen to be beer drinkers. This generally means that wine coolers have not attracted new drinkers but have, on the contrary, caused a reduction in the sale of malt or brewed beverages. This is having a noticeable effect on the sales of distributors. Under existing law, of course, beer coolers may be sold by beer distributors but wine coolers may not. On the other hand, wine coolers are sold in State stores but not through distributors. This amendment would permit all such products to be sold through both systems.

The extremely important issue of whether or not wine should be distributed apart from the State store system is a separate and distinct issue, and it should be considered separately and distinctly from this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, these items called malt coolers and wine coolers would probably be losing items to be handled by our State store system. Although this loosens the law, the percentage of alcohol in this particular drink is only 8 percent. Beer we find is now 7 percent and down.

I see no problems with the wine coolers in our distributors. However, this is my opinion and not the opinion of our complete Liquor Control Committee, which is mixed. So this, I again have a neutral part in it but will be voting in the affirmative on this amendment.

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

The following roll call was recorded:

YEAS—141

Afflerbach	Deal	Levdansky	Saloom
Angstadt	Dombrowski	Lucyk	Saurman
Argall	Donatucci	McCall	Semmel
Baldwin	Dorr	McClatchy	Serafini
Battisto	Durham	McHale	Seventy
Belfanti	Evans	McVerry	Sirianni
Black	Fargo	Maiale	Smith, B.
Book	Fattah	Markosek	Snyder, D. W.
Bortner	Fee	Mayernik	Snyder, G. M.
Bowley	Flick	Merry	Staback
Bowser	Fox	Michlovic	Steighner
Boyes	Freeman	Miller	Stevens
Brandt	Gallagher	Morris	Stewart
Broujos	Gallen	Mrkonic	Stuban
Bunt	Gamble	Murphy	Sweet
Burd	Gladeck	Nahill	Swift
Burns	Greenwood	O'Brien	Taylor, E. Z.
Bush	Gruitza	O'Donnell	Taylor, F. E.
Caltagirone	Gruppo	Olasz	Taylor, J.
Cappabianca	Hagarty	Oliver	Trello
Carlson	Haluska	Perzel	Truman
Carn	Harper	Petrone	Van Horne
Cessar	Hershey	Pievsky	Veon
Chadwick	Howlett	Pistella	Weston
Clark	Itkin	Pott	Wiggins
Cohen	Josephs	Pratt	Wilson
Colafella	Kasunic	Pressmann	Wogan
Cole	Kennedy	Preston	Wozniak
Cordisco	Kenney	Punt	Wright, D. R.
Cornell	Kosinski	Raymond	Wright, J. L.
Cowell	Kukovich	Reber	Wright, R. C.
Deluca	Langtry	Reinard	Yandrisevits
DeWeese	Lashingier	Richardson	
Daley	Laughlin	Rieger	Irvis,
Davies	Lescovitz	Roebuck	Speaker
Dawida	Letterman	Rybak	

NAYS—59

Acosta	Dininni	Jackson	Piccola
Arty	Distler	Jarolin	Pitts
Barber	Duffy	Johnson	Robbins
Barley	Fischer	Linton	Rudy
Belardi	Foster, Jr., A.	Livengood	Ryan
Birmelin	Freind	Lloyd	Scheetz
Blaum	Fryer	Mackowski	Schuler
Cawley	Gannon	Manderino	Showers
Cimini	Geist	Manmiller	Smith, L. E.
Civera	George	Micozzie	Stairs

Clymer	Godshall	Moehlmann	Tigue
Coslett	Hasay	Mowery	Vroon
Coy	Hayes	Noye	Wambach
DeVerter	Herman	Petrarca	Wass
Dietz	Honaman	Phillips	

NOT VOTING—3

Hutchinson	Levin	Telek
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EXCUSED—0

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

RULES SUSPENDED

The SPEAKER. Temporarily we will step away from this debate so that we may take up on special order of business a House resolution, provided the House agrees to temporarily suspend the rules.

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

Mr. BROUJOS. Mr. Speaker, I move that the rules be temporarily suspended.

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

The following roll call was recorded:

YEAS—199

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

Coslett	Johnson	Pratt	Wogan
Cowell	Josephs	Pressmann	Wozniak
Coy	Kasunic	Preston	Wright, D. R.
Deluca	Kennedy	Punt	Wright, J. L.
DeVerter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Davies	Langtry	Richardson	Irvis,
Dawida	Lashingner	Rieger	Speaker
Deal			

NAYS—0

NOT VOTING—4

Fattah	Hutchinson	Levin	Linton
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EXCUSED—0

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

The SPEAKER. The gentleman from Cumberland, Mr. Broujos, offers the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 213

A RESOLUTION

Recognizing December 10, 1985, as "Human Rights Day"; and expressing commitment to human rights and opposition to the practice of torture.

WHEREAS, All persons have the right freely to hold and express their convictions and an obligation to recognize a like freedom in others; and

WHEREAS, These rights are recognized both in the United States Constitution and in many international agreements; and

WHEREAS, December 10, 1985, marks the 37th Anniversary of the passage of the Universal Declaration of Human Rights by the General Assembly of the United Nations; and

WHEREAS, Basic human rights—including freedom of speech, freedom of religion, freedom of assembly, freedom from arbitrary arrest, and freedom from cruel and degrading punishments—are routinely violated in many countries of the world; and

WHEREAS, The practice of torture is a brutal and unambiguous violation of human rights; and

WHEREAS, The credibility and impartiality of Amnesty International, a nonpolitical humanitarian body, was recognized by award of the Nobel Peace Prize in 1974; and

WHEREAS, Amnesty International reports that more than one-third of the governments of the world engage in the practice of torturing their own citizens; and

WHEREAS, In 1984 the Congress of the United States passed a Joint Resolution, signed by the President of the United States, pledging that the United States "would make every effort to work cooperatively with other governments and with nongovernmental organizations to combat the practice of torture worldwide"; therefore be it

RESOLVED, That the House of Representatives recognize December 10, 1985, as "Human Rights Day" and express its commitment to human rights and its opposition to the practice of torture.

Thomas A. Michlovic
John H. Broujos
Allen Kukovich
James C. Greenwood
Robert D. Reber, Jr.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—4

Evans	Laughlin	Letterman	Levin
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EXCUSED—0

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

CONSIDERATION OF SB 964 CONTINUED

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

Mr. CLARK offered the following amendments No. A4570:

Amend Sec. 6 (Sec. 464), page 32, line 22, by striking out the bracket before "In"

Amend Sec. 6 (Sec. 464), page 33, line 10, by inserting brackets before and after "twenty" and inserting immediately thereafter

thirty

Amend Sec. 6 (Sec. 464), page 33, line 11, by inserting brackets before and after "quarter sessions" and inserting immediately thereafter

common pleas

Amend Sec. 6 (Sec. 464), page 33, lines 12 and 13, by inserting brackets before and after "or the county court of Allegheny County"

Amend Sec. 6, (Sec. 464), page 33, lines 17 and 18, by inserting brackets before and after "Department of Justice" and inserting immediately thereafter

Office of Attorney General

Amend Sec. 6 (Sec. 464), page 33, line 27, by inserting a bracket before "The"

Amend Sec. 6 (Sec. 464), page 34, lines 3 through 15, by striking out all of said lines

Amend Sec. 12 (Sec. 507), page 70, lines 26 through 28, by striking out all of said lines

Amend Sec. 12 (Sec. 514), page 72, lines 7 through 10, by striking out "Such hearing before and" in line 7 and all of lines 8 through 10

Amend Sec. 13 (Sec. 515), page 72, line 23, by striking out the bracket before "upon"

Amend Sec. 13 (Sec. 515), page 73, line 1, by inserting a period after "applicant"

Amend Sec. 13 (Sec. 515), page 73, lines 1 and 2, by striking out "J in accordance with 2 Pa.C.S. Ch. 7 Subch. A (relating" in line 1 and all of line 2

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

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

Mr. CLARK. Thank you, Mr. Speaker.

This would change the provisions as they appear in the bill now concerning hearings. You will see "Office of Attorney General" on the face of the amendment; that is just a technical change where the bill referred to the Department of Justice, which no longer exists.

What this does is restore de novo hearings on appeals of Liquor Control Board decisions and restore them to the provisions they had before. A de novo hearing permits a new hearing on the appeal of all the facts considered and not just errors that may have occurred on the original decision. That is the way the Liquor Control Board proceeds with business now, and I want to return to that. Thank you.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—4

Dorr	Evans	Letterman	Levin
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EXCUSED—0

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

On the question recurring,

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

Mr. CLARK offered the following amendments No. A4620:

Amend Sec. 4, page 21, line 26, by inserting after "amended"

and the section is amended by adding a subsection Amend Sec. 4 (Sec. 207), page 26, by inserting between lines 18 and 19

(k) To issue subpoenas, requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the board and to examine such witnesses, books and papers. Any witness, who refuses to obey a subpoena issued hereunder, or who refuses to be sworn or affirmed, or to testify, or who is guilty of any contempt after summons to appear, may be punished for contempt of court, and, for this purpose, an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed, for which purpose, such court is hereby given jurisdiction.

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

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

Mr. CLARK. Thank you, Mr. Speaker.

As Mr. Ryan pointed out yesterday, this restores the subpoena power to the Liquor Control Board. I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS—198

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

Coy	Kasunic	Pressmann	Wright, D. R.
Deluca	Kennedy	Preston	Wright, J. L.
DeVerter	Kenney	Punt	Wright, R. C.
DeWeese	Kosinski	Raymond	Yandrisevits
Daley	Kukovich	Reber	
Davies	Langtry	Reinard	Irvis,
Dawida	Lashingner	Richardson	Speaker

NAYS—1

Dombrowski

NOT VOTING—4

Evans Fattah Levin Truman

EXCUSED—0

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

On the question recurring,

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

Mr. LINTON offered the following amendment No. A4630:

Amend Sec. 5, page 31, by inserting between lines 21 and 22 Section 306. Establishment or Relocation of Pennsylvania Liquor Stores.—Notwithstanding any provision of this act, a hearing shall be held prior to the establishment of a new Pennsylvania Liquor Store or the relocation of an existing Pennsylvania Liquor Store. This hearing shall be a public hearing conducted by the local zoning board. Any resident living within 1,000 feet of the proposed location shall be entitled to testify. Hearings shall be conducted in the same manner as are hearings on retail liquor licenses. A decision of the zoning board shall have the same force and effect as a decision of the Liquor Control Board.

On the question,

Will the House agree to the amendment?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, this is pretty much a very simple amendment. What it does is establish the rights of residents to be able to testify on the establishment or relocation of a Pennsylvania liquor store, similar to what happens when in fact a liquor transfer is done in the Commonwealth where in fact those residents who live within 1,000 feet of that establishment will be able to testify before the zoning board in their neighborhood about whether or not the health and welfare of their neighborhood is being affected by the establishment or relocation of that liquor store.

I would ask for an affirmative vote, Mr. Speaker.

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

Mr. RYAN. Mr. Speaker, would the gentleman consent to brief interrogation?

The SPEAKER. Mr. Linton indicates he will so stand. You are in order, Mr. Ryan, and you may proceed.

Mr. RYAN. Mr. Speaker, I am curious as to why the gentleman is providing that the hearing be held by a local municipal zoning board. The zoning board, as I understand the law, is a creature of the municipality, be it a township, city, or

whatever. If there is no zoning problem with the establishment of a liquor store by the State, I do not understand why you would then give jurisdiction to a municipal group that really wants no jurisdiction, has no responsibility under it. I just do not understand why you are doing it this way. Would you explain that?

Mr. LINTON. Quite clearly, the zoning board takes under consideration those matters that deal with the local municipality, and it is my opinion that they would in fact be able to have more understanding of the local concerns of that constituency and, therefore, would be able to make a recommendation that would have the effect of a decision of the Liquor Control Board. I understand the question in regards to the Liquor Control Board having that authority—being a State agency—but the zoning board, in this situation, their decision would have the same force or effect as a decision of the Liquor Control Board.

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

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

Mr. RYAN. Mr. Speaker, I oppose this amendment. It just makes no sense whatsoever to me.

If a local community is concerned about the location of liquor establishments - be they retail or wholesale liquor stores, taverns, beer distributors, and the like - they have it within their power to zone that municipality. Here the gentleman would impose on a local zoning board an obligation that it does not have any interest in. It imposes the cost on the community of having a hearing but yet gives them no authority to change zoning.

I mean, it is absolutely a senseless provision, in my judgment. As a matter of law, it is a senseless provision. It is illogical under any municipal planning act law I have ever seen or any local government law I have ever seen, that all of a sudden we in the General Assembly say to a local community, like it or not, you have jurisdiction to have a hearing on whether a liquor store should be in your district. They already have that right; they can change the zoning. That is what they are; they are a local government, and a local government, if it is important, can change the zoning. They do it regularly. Why do we want to impose on them this new obligation that really is unasked for and probably is of little, if any, effect from a legal standpoint? Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I stand in opposition, also, to this amendment and would like to thank the previous speaker for his opposition to it.

You know, we have some State stores in dry municipalities and dry counties, and this would take the authority away from the Liquor Control Board to place stores in municipalities for convenience of the residents who wish to have the stores there.

I would oppose this amendment. Thank you.

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

Mr. CLARK. Mr. Speaker, I agree with Mr. Ryan and Mr. Saloom and oppose this amendment. In addition to the powers enumerated by Mr. Ryan, a local zoning hearing board can simply refuse an occupancy permit for someone to locate in their facility. But to allow a local zoning hearing board or to ask them to interpret the licensing requirements and spatial requirements of putting a State store in and the lease requirements is ridiculous, in my opinion. I would urge the defeat of this amendment.

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

The following roll call was recorded:

YEAS—36

Acosta	Dawida	Josephs	Rieger
Afflerbach	Durham	Kosinski	Roebuck
Belardi	Evans	Kukovich	Rybak
Blaum	Fattah	McHale	Snyder, G. M.
Caltagirone	Fischer	Miller	Stewart
Carn	Freeman	O'Donnell	Tigue
Cawley	Harper	Oliver	Truman
Cohen	Hayes	Pressmann	Veon
Daley	Itkin	Richardson	Wilson

NAYS—162

Angstadt	Dietz	Laughlin	Robbins
Argall	Dininni	Lescovitz	Rudy
Arty	Distler	Letterman	Ryan
Baldwin	Dombrowski	Levdansky	Saloom
Barber	Donatucci	Livengood	Saurman
Barley	Dorr	Lloyd	Scheetz
Battisto	Duffy	Lucyk	Schuler
Belfanti	Fargo	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini
Black	Flick	McVerry	Seventy
Book	Foster, Jr., A.	Mackowski	Showers
Bortner	Fox	Maiale	Sirianni
Bowley	Freind	Manderino	Smith, B.
Bowser	Fryer	Manmiller	Smith, L. E.
Boyes	Gallagher	Markosek	Snyder, D. W.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Steighner
Burd	Geist	Micozzie	Stevens
Burns	George	Moehlmann	Stuban
Bush	Gladeck	Morris	Sweet
Cappabianca	Godshall	Mowery	Swift
Carlson	Greenwood	Mrkonic	Taylor, E. Z.
Cessar	Gruitza	Nahill	Taylor, F. E.
Chadwick	Gruppo	O'Brien	Taylor, J.
Cimini	Hagarty	Olasz	Telek
Civera	Hafuska	Perzel	Van Horne
Clark	Hasay	Petrarca	Vroon
Clymer	Herman	Petrone	Wambach
Colafella	Hershey	Phillips	Wass
Cole	Honaman	Piccola	Weston
Cordisco	Howlett	Pievsky	Wiggins
Cornell	Hutchinson	Pistella	Wogan
Coslett	Jackson	Pitts	Wozniak
Cowell	Jarolin	Pott	Wright, D. R.
Coy	Johnson	Pratt	Wright, J. L.
Deluca	Kasunic	Preston	Wright, R. C.
DeVerter	Kennedy	Punt	Yandrisevits
DeWeese	Kenney	Raymond	
Davies	Langtry	Reber	Irvis,
Deal	Lashinger	Reinard	Speaker

NOT VOTING—5

Levin Murphy Noye Trello
Linton

EXCUSED—0

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

On the question recurring,

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

Mr. FATTAH offered the following amendments No. A4597:

Amend Table of Contents, page 3, by inserting between lines 28 and 29

Section 307. Neighborhood Preservation.

Amend Sec. 5, page 31, by inserting between lines 21 and 22

Section 307. Neighborhood Preservation.—(a) The Secretary of Community Affairs may certify a neighborhood as transitional and vulnerable, based upon entrepreneurial and residential flight, building abandonment and neighborhood deterioration.

(b) Upon issuance of such certification to the board, the Department of Community Affairs shall receive ten percentum (10%) of the net revenue of any liquor store located in the certified neighborhood, the amount of which shall be paid by the board to the department on a quarterly basis. Any moneys so received by the department shall be deposited in the State Store Community Conservation Fund as provided for in subsection (c).

(c) There is hereby established a separate revolving account in the State Treasury to be known as the State Store Community Conservation Fund. The fund shall be administered by the Department of Community Affairs. All moneys in the fund are hereby appropriated to the Department of Community Affairs on a continuing basis to carry out this section.

(d) The Department of Community Affairs may make grants from the fund to neighborhood development corporations for community conservation purposes, including, but not limited to:

- (1) Street and sidewalk maintenance.
- (2) Neighborhood watch activities.

(3) Community improvement committees composed of business and residential members for the purpose of neighborhood preservation.

(e) The Secretary of Community Affairs may recommend to the board that a State store located in a certified neighborhood be relocated.

On the question,

Will the House agree to the amendments?

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

Mr. FATTAH. Mr. Speaker, this amendment would provide for some assistance to neighborhoods in the Commonwealth where State stores are located and where those State stores have contributed to some extent to the decline of that neighborhood. It would allow for a percentage of the proceeds from the State stores located in particular neighborhoods to be returned to those neighborhoods for community development efforts. You will note that many of the State stores that return the greatest amount of revenues, situated in some of the most depressed neighborhoods in the State, are located in four areas. So this amendment would provide for

10 percent of the net revenues to be returned via the Secretary of Community Affairs for self-development efforts in those neighborhoods. Thank you.

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

Mr. RYAN. Mr. Speaker, I oppose this amendment. I mean, here we go again—to coin a phrase of one of the better politicians in the United States today. We are trying to make inroads in a brand-new way into the revenues of the liquor system. We have, Mr. Speaker, any number of programs available to take care of distressed areas. We have program after program funded, for the most part, out of the General Fund. To now arbitrarily take 10 percent of the liquor revenues and send them to an area that, as best I can determine, is undefined, simply by sending it through Community Affairs, is a brand-new concept that at the very least would require some study on the part of a committee or at least some discussion in caucus, perhaps. This is an amendment that is being offered that is brand new, taking money from what ultimately would be General Fund money, but prior to its being General Fund money taking money and putting it into program areas. I think this is a new road that we dare not tread, and I would ask that this be rejected.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the amendment.

Mr. SALOOM. Mr. Speaker, I stand, also, in opposition to this amendment. Seven percent of our liquor stores in Pennsylvania are making profits of \$400 and less. If we had to share that profit out of that particular liquor store, it may just close up a convenience area in that neighborhood or municipality, and I ask for a negative vote.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Fattah, stand for interrogation?

Mr. FATTAH. Yes; I will.

The SPEAKER. The gentleman, Mr. Fattah, will stand for interrogation. You may proceed.

Mr. PRESTON. Mr. Speaker, in your amendment what percentage of the net profits would go back to the community as far as the revenues?

Mr. FATTAH. Ten percent of the net profits of the particular State store located in that neighborhood.

Mr. PRESTON. Let us just say, for example, that the city of Media was going through an enormous amount of repairs as far as downtown and restructuring downtown because maybe buildings were old and had to be redone. Is it possible they may fall under this situation?

Mr. FATTAH. Absolutely.

Mr. PRESTON. Would you also say that this may be true whether it was in Scranton or in Erie or in York, Pennsylvania?

Mr. FATTAH. It would be wherever we have State stores located and wherever the Secretary of Community Affairs deems it appropriate based on the criteria that has been outlined in the amendment, and those areas could in fact be considered, yes.

Mr. PRESTON. So what you are saying is possibly this amendment would give the funds that the community itself had spent. Instead of them maybe possibly going whether it was to Pittsburgh or to Philadelphia, they would go back into the area that the store actually represented. Is that what it says?

Mr. FATTAH. That is correct.

Mr. PRESTON. Thank you, Mr. Speaker.

May I speak on the amendment?

The SPEAKER. The gentleman may speak on the amendment.

Mr. PRESTON. I just sat down and I heard the minority leader speak that we would possibly be defeating ourselves by passing this amendment. But you know, I am looking at here where there is a current trend. Right now we already have in the law what the banking industry is already doing - that if you invest money within a community, we are going to spend a certain percentage of that money right back in the community. I would encourage the minority leader to spend some of the money that is spent on liquor right in his own area. That is some of the things that we would be doing.

If you want to see some of your money circulated back in your community, you would have an opportunity if you vote for the Fattah amendment. To not vote for the Fattah amendment, possibly you may be voting where the money that comes from the proceeds for liquor may go outside of your area. So here you will also just be voting for yourself, for your own money, for people who are spending and buying packaged beverages within the district. So I would ask you to support the Fattah amendment. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the gentleman has tried to incite me into a debate by referring to the city of Media. I quickly looked at the map of Delaware County and could not find it. I guess perhaps he was mixing it up with the borough of Media, which is the county seat. But in any event, here the gentleman would turn over to the Department of Community Affairs the right to certify a neighborhood as transitional and vulnerable. I am not so sure that I want my Media—which you are going to give me 10 percent of the action out of that liquor store—I am not so sure they want to be classified as transitional and vulnerable based upon entrepreneurial and residential flight. I am not so sure that, even if some of this had a smattering of truth, I want the Department of Community Affairs in its discretion to make that decision based on these wavy guidelines of transitional, residential, and entrepreneurial flight.

We have tried over the years that we have been here to see to it that each of us gets a piece of the action when we are starting to divide up a pie. You notice that particularly in June when printout after printout out of our wonderful computers comes out showing what each and every one of us is going to get. We do not have that here. We have instead some well-meaning words—and I am not quarreling with that; they are well meaning—but I do not think it accomplishes the purpose that you are looking for, that you take 10 percent of the action out of a liquor store in any neighborhood to pour it

back into pavements, which is one of the things you have. How do you do it in the city of Philadelphia - is it by neighborhood, by ward, by district, by city?

This is something that may be a good idea for a general grant program, but I do not believe it is the thing to put into the Liquor Code, and I daresay that the Liquor Board would be very upset with it as well.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Wright.

Mr. R. C. WRIGHT. Mr. Speaker, I rise to support the Fattah amendment as a Representative of a neighborhood that is transitional and vulnerable based upon entrepreneurial and residential flight, building abandonment, and neighborhood deterioration.

Just this past weekend I moved my district office. One of the main reasons why I moved my district office was that right across the street from the office is a State store. The office happens to be located in an enterprise development zone, but that has not helped. I have had problems with people who hang around on the street corners. I have complained to the police department, and when they come, they disperse but come back readily. There is foul language, urinating in the streets. I have had situations where drunks were sitting on the doorstep. I think that to take money from a State store that is located in an area where it is causing a decline and turn that money back around to improve the neighborhood is a very good idea.

I would urge all of you to support the Fattah amendment, because I can tell you personally, it is something that is needed. I know that in certain instances if the landlord of the State store is collecting his rent and the municipality is being paid its taxes, many times then that is all they are satisfied with. But as far as the residents are concerned, many residents do not like what is happening to their neighborhoods because of these State stores. I have talked to a number of landlords in the area who have properties to rent, and they say they cannot even get a decent tenant because no one wants to come and live in that area. So again I urge everyone to support the Fattah amendment as something that is definitely needed.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

I did not mean in any way and if anything I was speaking as far as the town of Media, to which I have been quite a few times. I remember at one time when down in the shopping area a lot of the older stores were becoming vacant. I can also remember before they built the new courthouse that some of the restaurants were complaining, and I remember the chamber of commerce, which got together and came together with a very interesting package plan to redevelop it. There also happens to be a liquor store in that area.

Now, maybe at that particular time, if we would have had this in a piece of legislation, there would have been additional funds that would have been put together to do the proper surveys, to help as far as the Facade Easement Program, to help as far as redoing some of the sidewalks, which they did.

Things like that might have helped back then. But what we are saying now with this piece of legislation and this amendment is that we can do this today, and some of you in your communities may be able to have the same chance that Media does without having to look at all the different financial resources and be able to have the dollars actually spent within your community.

So I think this is a good idea. All we are doing is circulating the money that is spent within the community that goes to the State, and some of it will actually come back to the districts that you represent. I think that is what we as legislators are voted in for, because the people want to say, what did we bring back to our districts? You are just simply saying to the people there that if you spend money there, some of your dollars are going to be coming back to the community where you spent your dollars. So I think it is a good effort. Let us vote for the Fattah amendment. Thank you.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham, on the amendment.

Mrs. DURHAM. Mr. Speaker, I rise to support the amendment. I want to echo exactly what Mr. Wright said. There was a shoe store that was in the city of Chester, and I used to take my little boy there to get his shoes. Two doors from there was a liquor store. The man who owned the shoe store bought vacant ground, made a parking lot, and I was happy because I thought he was going to expand his business. But he did not; he changed his mind. When I asked him why he was leaving the city of Chester, he said that his customers were afraid to take their children there to buy their shoes because of the people who stood in front of the liquor store.

I think this is exactly the kind of help that these areas are asking for. Let us try to bring business back to the areas where the liquor stores are. Earlier this morning you heard Mrs. Harper speak about, in the city of Philadelphia, people standing in front of the liquor stores begging for money. In certain neighborhoods liquor stores are a detriment, so I think that it is our responsibility to try to help those neighborhoods, and I urge support of the amendment.

The SPEAKER. For the second time, the Chair recognizes the gentleman, Mr. Fattah.

Mr. FATTAH. I was just conferring with my colleague, Mr. Ryan. I would just hope that we could give favorable consideration to this amendment. I think that we dare do try this new road that the minority leader suggested that we should not. We should try something new. We should try to rebuild some of the neighborhoods in this Commonwealth that have been deteriorating over time, and I would hope all of you will give due consideration to this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini, on the amendment.

Mr. SERAFINI. Mr. Speaker, would the sponsor of the amendment answer a few brief questions?

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

Mr. SERAFINI. Mr. Speaker, when you mention 10 percent of the net revenue of any liquor store located in the

certified area, how would the net revenue be determined? Net of taxes and overhead?

Mr. FATTAH. Those are net after all other expenses.

Mr. SERAFINI. Would those expenses include all of the taxes, et cetera?

Mr. FATTAH. Absolutely.

Mr. SERAFINI. When you state that the Secretary of the Department of Community Affairs may certify a neighborhood as transitional and vulnerable, based upon entrepreneurial and residential flight, what if there is no liquor store in that area?

Mr. FATTAH. Then it would have no bearing on this amendment, and there would be no ability for the Secretary to do such a certification. The certification is dependent upon the fact that the store is located there, Mr. Speaker.

Mr. SERAFINI. So then you are only discussing with this amendment areas that are found transitionally needy of funds with a liquor store?

Mr. FATTAH. That is correct.

Mr. SERAFINI. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I rise in opposition to the amendment. Again, I see living in an area like I live, we just do not benefit by this kind of stuff, and I think there are enough programs to take care of the kinds of situations they are talking about. So I would like to see all the money returned and put in the General Fund and handed out the general way it is now. If it is done that way, I at least have a fair shake at it. If it is done the way he wants it, I do not get any of it. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott, on the amendment.

Mr. POTT. Thank you, Mr. Speaker.

While the motives of the supporters of this amendment are good indeed, attempting to help their districts, I think they may ultimately hurt their districts if this amendment is inserted into the legislation. Think for a second. If you are going to have to spend 10 percent more to have a store in a certain area, as a manager, are you going to put the store in that area or are you going to choose another place to put the store? I think it will cause an even greater exodus of commercial establishments from blighted areas that are already there, because the Liquor Control Board will not want to keep a store where they have to pay a 10-percent premium on their revenues to keep it there.

So I would urge you to consider voting against the Fattah amendment and consider the additional detrimental economic impacts which this amendment may cause in already blighted neighborhoods.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—51

Acosta	Dombrowski	Kukovich	Rieger
Afflerbach	Durham	Levin	Roebuck
Barber	Evans	Linton	Rybak
Belardi	Fattah	McHale	Steighner
Caltagirone	Fischer	Miller	Tigue
Carn	Fox	Morris	Truman
Cawley	Freeman	O'Donnell	Veon
Cohen	Gallagher	Oliver	Wambach
Colafella	Gruitza	Pistella	Wiggins
Cole	Harper	Pressmann	Wright, R. C.
DeWeese	Howlett	Preston	
Daley	Itkin	Raymond	Irvis,
Dawida	Josephs	Richardson	Speaker
Deal			

NAYS—148

Angstadt	Dininni	Lescovitz	Robbins
Argall	Distler	Letterman	Rudy
Arty	Donatucci	Levdansky	Ryan
Baldwin	Dorr	Livengood	Saloom
Barley	Duffy	Lloyd	Saurman
Battisto	Fargo	Lucyk	Scheetz
Belfanti	Fee	McCall	Schuler
Birmelin	Flick	McClatchy	Semmel
Black	Foster, Jr., A.	McVerry	Serafini
Blaum	Freind	Mackowski	Seventy
Book	Gallen	Maiale	Showers
Bortner	Gamble	Manderino	Sirianni
Bowley	Gannon	Manmiller	Smith, B.
Bowser	Geist	Markosek	Smith, L. E.
Boyes	George	Mayernik	Snyder, D. W.
Brandt	Gladeck	Merry	Snyder, G. M.
Broujos	Godshall	Michlovic	Staback
Bunt	Greenwood	Micozzie	Stairs
Burd	Gruppo	Moehlmann	Stevens
Burns	Hagarty	Mowery	Stewart
Bush	Haluska	Mrkonic	Stuban
Cappabianca	Hasay	Nahill	Swift
Carlson	Hayes	Noye	Taylor, E. Z.
Cessar	Herman	O'Brien	Taylor, F. E.
Chadwick	Hershey	Olasz	Taylor, J.
Cimini	Honaman	Perzel	Telek
Civera	Hutchinson	Petrarca	Trello
Clark	Jackson	Petrone	Van Horne
Clymer	Jarolin	Phillips	Vroon
Cordisco	Johnson	Piccola	Wass
Cornell	Kasunic	Pievsky	Weston
Coslett	Kennedy	Pitts	Wilson
Cowell	Kenney	Pott	Wogan
Coy	Kosinski	Pratt	Wozniak
Deluca	Langtry	Punt	Wright, D. R.
DeVerter	Lashinger	Reber	Wright, J. L.
Dietz	Laughlin	Reinard	Yandrisevits

NOT VOTING—4

Davies	Fryer	Murphy	Sweet
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EXCUSED—0

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

On the question recurring,

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

Mr. TRUMAN offered the following amendments No. A4629:

Amend Title, page 1, line 22, by inserting after "appropriations;"

granting rights to private citizens and community groups to seek injunctions barring nuisances;

Amend Sec. 14 (Sec. 611), page 78, line 13, by inserting after "nuisance."

A community group, civic organization or neighborhood association having a membership of at least fifty persons, all of whom live within a one-fourth mile radius of the alleged nuisance, may make a written request to the Attorney General of the Commonwealth and the district attorney of the proper county to bring such action. If a negative response is returned or no response is received within 60 days, the group making the request shall have standing to bring a suit in its own name under this section.

Amend Sec. 14 (Sec. 611), page 78, line 27, by striking out "or" and inserting a comma

Amend Sec. 14 (Sec. 611), page 78, line 28, by inserting after "attorney"

or by a group given standing under this section

On the question,

Will the House agree to the amendments?

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

Mr. TRUMAN. Thank you, Mr. Speaker.

This amendment would grant to community groups the right to seek injunctive relief from the so-called nuisance bars. Under present law, community groups must post a substantial bond before they can seek injunctive relief. This amendment will remove that requirement. I would ask for your support on this measure. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the amendment.

Mr. SALOOM. May I interrogate the maker of this amendment, please?

The SPEAKER. The gentleman, Mr. Truman, indicates he will stand for interrogation. You may proceed, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, is this the same amendment that you presented in Pittsburgh to the Pittsburgh Neighborhood Alliance?

Mr. TRUMAN. That is correct.

Mr. SALOOM. Mr. Speaker, this amendment is quite drastic. Of course, it has wide support. I think the distance, perhaps, is a little far, but it will go a long way in helping to rid neighborhoods of nuisance bars, and I would therefore vote on this with much caution, being with the distance. I sort of reserve some thinking that it might do more harm than maybe some good. I would ask all the members to read this. I would advise them probably at this time to vote against it.

The SPEAKER. Mr. Truman, do you wish to speak a second time?

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

Mr. TRUMAN. Thank you, Mr. Speaker.

We all have the problem of nuisance bars in our areas, and many times the district attorney's staff or the Attorney General is just a little too busy to deal with a problem that they do not consider serious. This is an opportunity for the people in the community to petition the court for injunctive relief for a nuisance that is plaguing them. I think we all—most of us anyway—have this problem in our districts, and I think this is a very simple answer to it. It gives the court the discretion over this matter, and I ask you to support this amendment.

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

Mr. ACOSTA. Thank you, Mr. Speaker.

Mr. Speaker, when I got elected to the House of Representatives, one of my goals was to be a member of the Liquor Control Committee, and it seems to me that I cannot respond to my people back home when they ask me what kind of laws we pass here in the House of Representatives when we continue to have nuisance bars all over the place. I will work as hard as I can within the Liquor Control Committee and I will do what I have to do to continue putting pressure on the Liquor Control Board to do something about nuisance bars. Therefore, I rise to vote for Mr. Truman's amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I wonder if someone would stand for interrogation who knows a little bit more about the law in this area than I apparently do. The gentleman, Mr. Truman, perhaps. May I ask my question, and perhaps someone can give me an answer to it, Mr. Speaker, by way of interrogation.

I am under the impression that no special legislation is needed for any person or group to bring an action on the basis of nuisance. Is this wrong? Do we have to clothe a civic group with the mantle of respectability from the legislature in order to allow them to sue? If that is the case, I agree with Mr. Truman that we should do something about it.

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

Mr. CLARK. Mr. Speaker, no, we do not have to give that authority to anyone. Anyone within 500 feet of the establishment, under this legislation, has standing - either if they reside there or have a place of business - and may bring an action in court. The Attorney General may bring an action, the district attorney may bring an action, and the LCB may bring an action under 611, dealing with public nuisances.

Mr. RYAN. Mr. Speaker, to continue my question, if I may. Is the gentleman saying that under today's law, a person who lives a quarter of a mile from a bar which is a nuisance bar has no standing to go into court on that basis?

Mr. CLARK. Under today's law, no. The provisions I laid out to you are under the bill and not under current law. Under current law, the only people with standing to bring an action in nuisance are the Attorney General and the district attorney, and that has been the problem, because both parties have been reluctant to bring actions under a nuisance.

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

Mr. MURPHY. Thank you, Mr. Speaker.

I think Mr. Clark's response to Mr. Ryan's question hit the nail right on the head. In fact, a community group just does not have any standing before the Liquor Control Board presently, nor under this existing law will it have any standing before the Liquor Control Board.

As somebody who represents an urban district and who has worked with neighborhood revitalization efforts for the last 15 years in urban districts, I can speak from experience to the

problem community groups have had in dealing with problem bars in their neighborhoods. And let me just tell you that problem bars are probably the single biggest reason and the single biggest problem that undercuts the efforts of revitalizing urban neighborhoods. You cannot get over the fact and cannot encourage young families to move into a neighborhood when you have problem bars in that neighborhood. You can look at the city of Pittsburgh, you can look at Philadelphia, you can look at Erie and Reading and all the other cities, and it is very easy to drive through neighborhoods and to say where those problem bars are located without knowing that particular neighborhood, only because of the deterioration surrounding those bars.

So this particular amendment is critical, because neighborhood groups have taken on real importance in the efforts to revitalize neighborhoods, and those neighborhood groups, those community groups, have no standing before the LCB now and under this present legislation will have no standing. Often 500 feet might mean that no members of that neighborhood group are there, the neighborhood group has no office within 500 feet; it might be a commercial corridor that we are talking about, so they would have no legal standing. This amendment is critical to provide those groups that we have entrusted with millions of dollars to revitalize neighborhoods through the Department of Community Affairs and the Department of Commerce and enterprise zones to give them some standing to fight one of the most difficult and biggest problems that we face in revitalizing urban areas. I urge your support for this amendment. Thank you.

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

Mr. CLARK. Thank you, Mr. Speaker.

When we drafted this legislation, one of the things that we looked at very hard was the problem with nuisance bars in major cities. We have heard from different community groups around the State. One group that we worked with in particular was the Pittsburgh Neighborhood Alliance, which I talked with yesterday, and they informed me that they support the bill in its current form.

The problem we had with current law, the way current law is today, only the Attorney General or the district attorney could bring an action for a nuisance under section 611, so we increased that to include people who live within 500 feet of a bar that they feel is a nuisance, that they may bring an action by posting a bond and going into civil court, much the same as a zoning dispute is resolved. We also gave standing to the LCB to bring this kind of complaint, because they have been blamed with the problem but never had the tool to correct it, other than the citation process. Also, we have taken away the automatic supersedeas on suspensions and revocations that kept taverns and clubs open after the LCB revoked their license. Now the court has to determine that.

I really do not know if we need this additional language. The community groups seemed satisfied prior to this amendment, and I do not know what kind of problems it would have. The sponsor of the amendment informs me that this

amendment would remove the requirement that these community groups post a bond to bring a complaint, and I have a problem with removing the bond because I believe a bond shows good faith that you are going in there for good reason. For that reason, I would oppose this amendment.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the Truman amendment. I think one of the most difficult tasks that I have as a legislator in my district is trying to deal with the problems of nuisance bars. There is no question that one of the problems results from the fact that community groups are not recognized in terms of coming before the courts to file injunctions to get relief from problems with nuisance bars. As my colleague, Representative Murphy, said, so often in middle-class and revitalized neighborhoods when you are making an effort to in fact attract families and you are making an effort to try to maintain neighborhoods, that the problems with nuisance bars are ones that keep the good families away and make parents very concerned about their particular children going throughout that neighborhood. It seems to me that the Truman amendment deals with that problem in a very good way.

I would suggest that all the members of the House, particularly those who are in urban neighborhoods and neighborhoods where you have the problems of nuisance bars, support this amendment so that you allow community groups, not just residents who live within 500 feet, but I understand in my neighborhood where we have a tremendous amount of community groups that are organized to protect and to enhance the neighborhoods, that fight on a volunteer basis to try to maintain those neighborhoods, should have an opportunity to come before the courts to file and to seek grievance relief against nuisance bars. I encourage the members of the House to support and vote for the Truman amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Truman amendment. We certainly need this amendment, because community groups do not have the power to close these nuisance bars, and with this amendment, hopefully they can do something about them. I would like to see the amendment go a step further and do something about the nuisance State stores. There are State stores in certain communities that should be closed or have better protection. So I wholeheartedly support this amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker.

I am trying to want to support Mr. Truman's amendment, Mr. Speaker. I need to know, by what criterion is a nuisance? Who determines what is a nuisance? And could not a nuisance bar be a target for harassment? I would hope that Mr. Truman could quiet my quandary.

The SPEAKER. The gentleman, Mr. Truman, indicates he will stand for interrogation. The lady's question is, what is a nuisance bar and how is a nuisance determined? Did you hear the question, Mr. Truman?

Mr. TRUMAN. I heard the question, Mr. Speaker, but I am not sure that all the legal minds in here together can answer what truly constitutes a nuisance bar. I think we know that a problem is in the neighborhood when old people are afraid to walk past it, when you have teenagers who are frequenting the place, when you have crime that is running rampant in that community, and it is all pinpointed to the retail liquor establishment. I think when it is operated to the detriment of a community, then it definitely becomes a nuisance bar.

Mrs. ARTY. And who is to make that determination? The neighborhood group?

Mr. TRUMAN. I would say that any constituted neighborhood group of 50 people or more living within a quarter mile of that would certainly know what kind of establishment was operating within their neighborhood.

Mrs. ARTY. May I ask the maker of the amendment, please, could this possibly be a tool for harassing a bar owner or a property owner?

Mr. TRUMAN. I doubt that.

Mrs. ARTY. Does that likelihood exist?

Mr. TRUMAN. I think not, because it is difficult to get 50 individuals in a community who will sign on a petition to harass a bar owner. There would have to be some legitimate reason. It is difficult to get 50 people to sign almost any petition, and I am sure they would not just do it because they did not like the color of his eyes, or something of that nature.

Mrs. ARTY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Langtry, on the amendment.

Mrs. LANGTRY. Yes, Mr. Speaker. Thank you very much.

Mr. Speaker, I strongly support this amendment. I admire these neighborhood groups that are trying to clean up their own neighborhoods. The Neighborhood Alliance in Pittsburgh has contacted this suburban legislator to tell me that they need this help desperately, that the liquor control enforcement has not done its job, and so I strongly support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Dawida, on the amendment.

Mr. DAWIDA. Mr. Speaker, I support this amendment, and if the lady, Mrs. Arty, would allow me to quiet her quandary, I believe the Truman amendment clearly does not expand the word "nuisance" at all but rather expands the persons or groups that can go in and ask that a bar be declared a nuisance. So "nuisance" is already in the bill, and it just allows neighborhood groups that have been battling these problem bars to have standing. So I do not believe we expand the concept of nuisance at all but rather who can fight the bars that are blighting some of our neighborhoods. And I speak from personal experience because I live two doors down from

a nuisance bar, and I know how hard, even as a State legislator, it is to do something about these bars which are really hurting our neighborhoods.

I support the bill and suggest that this does not truly expand anything in regard to nuisance but rather expands the groups that rightfully should deal with the problem.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, for the second time.

Mr. SALOOM. Mr. Speaker, the concept of this amendment is well intended, and I support the concept of it. The only question I had was the quarter-of-a-mile distance. In an urban area, that could take in many, many people. If it was in a place like Potter County, perhaps they could not find 50 people in a quarter-mile area, but in Pittsburgh or Philadelphia they could.

I am withdrawing my objection to the amendment and ask for approval of it, and perhaps we can take care of the distance at some future time. Thank you, Mr. Speaker.

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

Mr. CLARK. Mr. Speaker, maybe it will shorten the debate, if we can.

In looking at the bill and the definition of "person" under the code, the community group would still be required to post a bond, and the way the amendment is worded requires all 50 people to reside within a quarter mile. Under the language in the bill now, you only need 1 within 500 feet, which means you would only have to add 49 more people in a 1,300-foot radius of the establishment. This may not be as good as what we have in the bill now, but I will agree to the amendment because it does not harm anything.

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

Mr. ACOSTA. Mr. Speaker, again, I would like to tell my colleagues here that in my particular district the bars not only are a nuisance to the community, but most of the bars are involved in drug pushing. Most of them are dealers for big drug pushers. On top of that, we have a lot of prostitution at those bars, and again, I have to agree with Mr. Truman's amendment. I wish we would clean up all these nuisance bars.

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

The following roll call was recorded:

YEAS—188

Acosta	Duffy	Levin	Roebuck
Afflerbach	Durham	Linton	Rudy
Angstadt	Evans	Livengood	Ryan
Argall	Fargo	Lloyd	Rybak
Arty	Fattah	Lucyk	Saloom
Baldwin	Fee	McCall	Saurman
Barber	Fischer	McClatchy	Scheetz
Barley	Flick	McHale	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Fox	Mackowski	Serafini
Belfanti	Freeman	Maiale	Seventy
Birmelin	Fryer	Manderino	Showers
Black	Gallagher	Manmiller	Sirianni
Blaum	Gallen	Markosek	Smith, B.
Book	Gamble	Mayernik	Snyder, D. W.
Bowser	Gannon	Merry	Snyder, G. M.

Brandt	Geist	Michlovic	Staback
Broujos	George	Micozzie	Stairs
Burd	Gladeck	Miller	Steighner
Burns	Godshall	Moehlmann	Stevens
Bush	Greenwood	Morris	Stewart
Caltagirone	Gruitza	Mowery	Stuban
Cappabianca	Gruppo	Mrkonic	Sweet
Carlson	Hagarty	Murphy	Taylor, E. Z.
Carn	Haluska	Nahill	Taylor, F. E.
Cawley	Harper	Noye	Taylor, J.
Cessar	Hasay	O'Brien	Telek
Chadwick	Hayes	O'Donnell	Tigue
Clark	Herman	Olasz	Trello
Clymer	Hershey	Oliver	Truman
Cohen	Honaman	Perzel	Van Horne
Colafella	Howlett	Petrarca	Veon
Cole	Hutchinson	Petrone	Vroon
Cordisco	Itkin	Phillips	Wambach
Cornell	Jackson	Pievsky	Wass
Cowell	Jarolin	Pistella	Weston
Coy	Johnson	Pitts	Wiggins
Deluca	Josephs	Pratt	Wilson
DeVerter	Kasunic	Pressmann	Wogan
DeWeese	Kennedy	Preston	Wozniak
Daley	Kenney	Punt	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dawida	Kukovich	Reber	Wright, R. C.
Deal	Langtry	Reinard	Yandrisevits
Distler	Lashinger	Richardson	
Dombrowski	Laughlin	Rieger	Irvis,
Donatucci	Lescovitz	Robbins	Speaker
Dorr	Levdansky		

NAYS—10

Bortner	Bunt	Dininni	Piccola
Bowley	Coslett	Letterman	Smith, L. E.
Boyes	Dietz		

NOT VOTING—5

Cimini	Freind	Pott	Swift
Civera			

EXCUSED—0

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

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

Mr. GLADECK offered the following amendments No. A4590:

- Amend Title, page 1, line 21, by inserting after "duties," establishing a private wine system; imposing a tax;
- Amend Sec. 1 (Table of Contents), page 5, by inserting between lines 29 and 30

(B.1) Private Wholesale and Retail Sale of Wine and Specialty Wine Shop.

Section 445. Private Retail Wine Licenses.

Section 446. Private Wholesale Wine Licenses.

Section 447. Specialty Wine Shop License.

Section 448. Rules and Procedures for Private Retail Wine Licenses, Wholesale Wine Licenses and Specialty Wine Shop Licenses.

Section 449. Taxation.

Amend Bill, page 20, by inserting between lines 15 and 16

Section 2. Section 102 of the act is amended by adding a definition to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

“Wine” shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. Wine shall not include malt or brewed beverages, nor shall wine include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.

Amend Sec. 2, page 20, line 16, by striking out “2” and inserting

3

Amend Sec. 3, page 21, line 15, by striking out “3” and inserting

4

Amend Sec. 4, page 21, line 23, by striking out “4” and inserting

5

Amend Sec. 5, page 26, line 19, by striking out “5” and inserting

6

Amend Bill, page 31, by inserting between lines 21 and 22

Section 7. Section 411 of the act, amended July 9, 1976 (P.L. 963, No. 188), is amended to read:

Section 411. Interlocking Business Prohibited.—(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel, restaurant [or], club liquor license, or private wholesale wine or retail wine or specialty wine shop license, nor be the owner, proprietor or lessor of any place covered by any hotel, restaurant or club liquor license or private wholesale wine or retail wine or specialty wine shop license.

(b) No manufacturer, importer or sacramental wine licensee, and no officer or director of a manufacturer, importer or sacramental wine licensee shall own any stock or have any financial interest in any hotel or restaurant or private wholesale wine or retail wine or specialty wine shop licensed under this act.

(c) Excepting as herein provided, no manufacturer, or officer, director, stockholder, agent or employe of a manufacturer shall in any [wise be interested] way have an interest in, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, for which a hotel, restaurant or club license or private wholesale wine or retail wine or specialty wine shop license is granted; nor shall a manufacturer, importer or sacramental wine licensee, or officer, director, stockholder, agent or employe of a manufacturer, importer or sacramental wine licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any hotel, restaurant or club licensee, or private wholesale wine or retail wine or specialty wine shop license, his servant, agent or employe, for equipping, fitting out, or maintaining and conducting, either in whole or in part, a hotel, restaurant or club licensed for the selling of liquor for use and consumption upon the premises.

(d) Excepting as herein provided, no hotel licensee, restaurant licensee [or], club licensee, or private wholesale wine or retail wine or specialty wine shop licensee, and no officer, director, stockholder, agent or employe of any such licensee shall in any [wise] way be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a manufacturer in manufacturing liquor or malt or brewed beverages; nor shall any hotel, restaurant [or], club licensee, or private wholesale wine or retail wine specialty wine shop licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any manufacturer, for equipping, fitting out, or maintaining and conducting, either in

whole or in part, an establishment used for the manufacture of liquor or malt or brewed beverages.

(e) Except as herein provided, no hotel, restaurant, retail dispenser [or], club licensee or private wholesale wine or retail wine or specialty wine shop licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in [any wise] any way be interested, directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a distributor, importing distributor, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any hotel, restaurant, retail dispenser [or], club licensee or private wholesale wine or retail wine or specialty wine shop licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.

(f) The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant liquor licenses or private wholesale wine or retail wine or specialty wine shop licenses and, as herein provided, of club licenses, issued under this article, and no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July eighteenth, one thousand nine hundred thirty-five: Provided, however, That this clause shall not prohibit any hotel, restaurant or club liquor licensee or private wholesale wine or retail wine or specialty wine shop licensee from owning land which is leased to, and the buildings thereon owned by, a holder of a retail dispenser's license; and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon: And, provided further, That nothing contained in this section shall be construed to prohibit any hotel, restaurant, retail dispenser or club licensee or private wholesale wine or retail wine or specialty wine shop licensee or any officer, director or stockholder, agent or employe of any such licensee from having a financial or other interest, directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against same, used, leased by an importer or sacramental wine licensee for the exclusive purpose of maintaining commercial offices and on the condition that said property is not used for the storage or sale of liquor or malt or brewed beverages in any quantity.

(g) Notwithstanding any other provisions of this section, a person or corporation who holds an importers liquor license or an importers warehouse license for liquor shall be allowed to hold a private wholesale wine license.

Section 8. Section 443 of the act is amended to read:

Section 443. Interlocking Business Prohibited.—(a) No manufacturer of malt or brewed beverages and no officer or director of any such manufacturer shall at the same time be a distributor, importing distributor or retail dispenser, or an officer, director or stockholder or creditor of any distributor, importing distributor or retail dispenser, nor, except as hereinafter provided, be the owner, proprietor or lessor of any place for which a license has been issued for any importing distributor, distributor or retail dispenser, or for which a hotel, restaurant or club liquor license or private wholesale wine or retail wine or specialty wine shop has been issued.

(b) No distributor or importing distributor or private wholesale wine or retail wine or specialty wine shop licensee and no officer or director of any distributor or importing distributor or private wholesale wine or retail wine or specialty wine shop licensee shall at the same time be a manufacturer, a retail dispenser or a liquor licensee, or be an officer, director, stockholder or creditor of a manufacturer, a retail dispenser or a liquor licensee, or, directly or indirectly, own any stock of, or have any financial interest in, or be the owner, proprietor or lessor of, any place covered by any other malt or brewed beverage or liquor or private wholesale wine or retail wine or specialty wine shop license.

(c) No licensee licensed under this subdivision (B) of Article IV or subdivision (B.1) of Article IV and no officer or director of such licensee shall, directly or indirectly, own any stock of, or have any financial interest in, any other class of business licensed under this subdivision.

(d) Excepting as hereinafter provided, no malt or brewed beverage manufacturer, importing distributor or distributor shall in any [wise] way be interested, either directly or indirectly, in the ownership or leasehold of any property or in any mortgage against the same, for which a liquor or retail dispenser's or private wholesale wine or retail wine or specialty wine shop license is granted; nor shall any such manufacturer, importing distributor or distributor, either directly or indirectly, lend any moneys, credit or equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any liquor licensee or retail dispenser, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business operated under a liquor or retail dispenser's or private wholesale wine or retail wine or specialty wine shop license, excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages were packaged for market by the manufacturer at the place of manufacture.

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages shall in any [wise] way be interested, either directly or indirectly, in the ownership or leasehold of any property or any mortgage lien against the same, for which a distributor's or importing distributor's or private wholesale wine or retail wine or specialty wine shop license is granted; nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages or private wholesale wines or retail wines or specialty wines are licensed for sale by a distributor or importing distributor, excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture.

(f) No distributor, importing distributor or retail dispenser shall in [anywise] any way receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture.

(g) The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by [subdivision] subdivisions (B) and (B.1) of this article, and no person or corporation shall, by any device whatsoever, directly or indirectly, evade the provisions of this section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a malt or brewed beverage manufacturer of any place occupied by a distributor, importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the eighteenth day of July, one thousand nine hundred thirty-five.

(h) The term "manufacturer" as used in this section shall include manufacturers of malt or brewed beverages as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

(i) Notwithstanding any other provision of this section, a person or corporation who holds a malt and brewed beverage distributors or importing distributors license shall be allowed to hold a private wholesale wine license.

Section 9. Article IV of the act is amended by adding a subdivision to read:

ARTICLE IV.
LICENSES AND REGULATIONS; LIQUOR, ALCOHOL
AND
MALT AND BREWED BEVERAGES.
* * *

(B.1) Private Wholesale and Retail Sale of
Wine and Specialty Wine Shop.

Section 445. Private Retail Wine Licenses.—(a) Subject to the provisions of this article and the regulations promulgated under this article, the board shall have the authority to issue a private retail wine license to a person, corporation or association for any premises having a storeroom with not less than one thousand five hundred square feet of floor space and gross sales of food products or supplies for the table or household of not less than five hundred thousand dollars (\$500,000) for the purpose of establishing, operating and maintaining a private retail wine store. The license shall entitle the private retail wine store to purchase wine in containers of four liters or less, from private wholesale wine licensees and to keep on the premises such wine, subject to the provisions of this act and the regulations made thereunder, and to sell the same for off-premises consumption. In addition to any other requirements imposed by this article, to qualify for a private retail wine license, the applicant must be a retail food store or supermarket primarily engaged in selling food, food products and any other articles for preparation, consumption or use in the home. Applicants must have a retail selling space of at least one thousand five hundred square feet and a minimum of five hundred thousand dollars (\$500,000) in annual sales, excluding wine and liquid fuel and oil sales.

(b) Resale may take place at all times when food and food products are sold and as permitted by the board. Wine shall be sold in a separate section of the store wherein wine purchases shall be made and paid for. The person making such sales shall be twenty-one years of age or older. The licensee shall secure the wine section from public access during hours when its resale is not permitted. In no event shall the board fail or refuse to permit the sale of wine by private retail wine licensees during any hours or time when State Liquor Stores are permitted to sell liquor.

(c) No wine package shall be opened on the premises of a private retail wine licensee. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises, nor shall any person consume wine on the premises.

(d) Notwithstanding any provision of this section, a license for a private retail wine store may also be issued to any distributor.

Section 446. Private Wholesale Wine Licenses.—

(a) (1) Subject to the provisions of this article, and the regulations promulgated thereunder, the board shall have the authority to issue any person, corporation or association a private wholesale wine license.

(2) In addition to other requirements imposed by this article, to qualify for a private wholesale wine license, the applicant must be either: a corporation, partnership or cooperative warehouse that annually distributes at least fifty million dollars (\$50,000,000) of food products to retail food stores; a person, partnership or corporation who, at the effective date of this provision, holds a bonded warehouse license, issued pursuant to Article V of this act, with a warehouse facility of at least four thousand square feet; or a person or corporation who holds an importer's liquor license and/or holds an importer's warehouse license for liquor; or a person or corporation who holds a malt and brewed beverage distributors or importing distributors license.

(b) The license shall entitle the licensee to sell and deliver wine to any private retail store or specialty wine shop licensed pursuant to this article and to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act.

(c) The license shall entitle the licensee to purchase wine from any Pennsylvania or nonresident manufacturer, from any out-of-State retail store, from any out-of-State wholesaler or from any wholesale distributor licensed under this section.

(d) Each licensed wholesaler shall establish one or more warehouses for the storage and distribution of wine or liquor at locations approved by the board. A separate application shall be submitted, and a separate application fee paid, for each warehouse licensed pursuant to this section. All wine sold to private retail wine stores and specialty wine shop licensed pursuant to this article shall be distributed through a warehouse located within this Commonwealth.

(e) No wine package shall be opened on the premises of a private wholesale wine licensee. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises, nor shall any person consume any wine on the premises.

(f) No person may offer for sale or sell wine for resale at wholesale in this Commonwealth, or offer wine for shipment into this Commonwealth, except to the board or to a wholesale wine licensee. Every person who is engaged in or desires to engage in the sale or shipment of wine to the board or to a wholesale wine licensee for resale at wholesale under this article shall, prior to engaging in the activities, register the brand of wine with the board. As part of registration, the registrant shall include the name of each wholesale wine licensee to whom the registrant is granting the right to sell at wholesale, each brand of wine being registered, and the geographical area for which the right is granted for each brand or brands to each wholesale wine licensee. The registrant may add to, revoke or amend its registration. Only a private wholesale wine licensee registered by a registrant as having the right to do so may sell a brand of wine at wholesale in this Commonwealth, and the sale may be made only in the geographical area set forth in an effective registration. No wine may be imported into this Commonwealth or purchased by a private wholesale wine or retail wine licensee unless it is registered with the board pursuant to this subsection.

(g) Before the tenth day of each month, the registrant shall submit notarized written reports to the board showing all wine orders for the preceding month. The report shall state the identity of each wholesale wine licensee and the quantity, label and alcoholic content of each brand of wine sold, shipped and delivered and shall be in the form and contain such other information as the board may require by regulation.

(h) No person other than a wholesale wine licensee may purchase wine for resale at wholesale to private retail wine licensees

in this Commonwealth. No wholesale wine licensee may purchase or acquire any brand of wine except from the owner of the brand or from a person registered with the board under subsection (f) and designated to supply the brand by its owner in a writing filed with the board. The board may, upon written authorization by the registrant of the brand and upon good cause shown, permit a wholesale wine licensee to acquire the brand from someone other than the owner or owner's designee.

(i) All dealings between a registrant and a wholesale wine licensee shall be pursuant to written agreements of distributorship.

(j) Wholesale wine licensees shall maintain records of all wine sales, shipments and deliveries, including invoices, receipts, bills of lading and other pertinent papers required by the board. Such records shall be preserved for at least two (2) years and shall be subject to examination by the board upon request during business hours.

(k) No wholesale wine licensee may sell or deliver any brand of wine purchased or acquired from a source other than a registrant which has granted the wholesale wine licensee the right to sell the brand at wholesale. No private retail wine licensee or specialty wine shop licensee may sell any wine purchased or acquired from a source other than a wholesale wine licensee, nor may any wholesale wine licensee sell or deliver any wine to anyone other than a private retail wine licensee, specialty wine shop, or other establishment authorized to sell wine for on-premises consumption.

(l) Any wholesaling of wine by the board shall be restricted to supplying wine to its State Liquor Stores and to all persons, corporations or associations licensed to sell liquor at retail for on-premises consumption only, including, but not limited to, hotels, restaurants, clubs, stadium licensees, special occasion permittees, art museum licensees and performing art facility licensees. The distribution of wine to private retail wine licensees or specialty wine shop licensees shall be restricted to and performed exclusively by wholesale wine licensees described in this section.

Section 447. Specialty Wine Shop License.—(a) Subject to the provisions of this article and the regulations promulgated thereunder, the board shall issue to a person, corporation or association a license for the purposes of establishing a specialty wine shop for the exclusive sale of wine. In addition to any other requirements imposed by this article, to qualify for a specialty wine shop license, the applicant must have as a minimum, a monthly wine inventory of seven thousand five hundred dollars (\$7,500). The license shall entitle the specialty wine shop licensee to purchase wine in containers of four liters or less from private wine wholesale licensees and to keep on the premises such wine subject to the provisions of this article and the regulations made thereunder, and to sell the same for off-premises consumption pursuant to this article.

(b) Resale may take place at all times permitted by the board. In no event shall the board fail or refuse to permit the sale of wine by specialty wine shops during any hours or time when State Liquor Stores are permitted to sell liquor.

(c) No wine package shall be opened on the premises of a specialty wine shop. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises nor shall any person consume wine on the premises.

Section 448. Rules and Procedures for Private Retail Wine Licenses, Wholesale Wine Licenses and Specialty Wine Shop Licenses.—(a) An applicant for a private retail wine license, a wholesale wine license or a specialty wine shop license or for the transfer of an existing license to other premises shall file a written application with the board in such form and containing such information as the board shall prescribe by regulation. The application shall be accompanied by a filing fee in an amount determined by the board, by regulation, sufficient to cover related costs; the prescribed license fee; the bond specified in subsection (q).

(b) With the initial application and each application for renewal, the applicant shall provide a financial statement or other documents in the form and containing such information as the board shall prescribe by regulation to indicate the applicant's financial capability.

(c) With each initial application and each application for renewal, the applicant shall identify the location and ownership of the proposed site for the private retail wine license or wholesale wine license or specialty wine shop license as proof that the place of business conforms to applicable health and fire statutes and regulations.

(d) If the applicant is a natural person, the application shall show that the applicant is a citizen of the United States and a resident of this Commonwealth and is not less than twenty-one (21) years of age.

(e) If the applicant is a corporation, the application shall show that the corporation was created under the laws of this Commonwealth or holds a certificate of authority to transact business in this Commonwealth.

(f) The application shall be signed and verified by oath or affirmation by the owner in the case of a natural person, by a member or partner in the case of an association or by an executive officer or person specifically authorized in the case of a corporation. If the applicant is an association, including a fraternal organization or club, the application shall set forth the names and addresses of all directors of the association, organization or club and the names and addresses of the principal officers.

(g) False statements intentionally made in the application shall be deemed sufficient reason for denial of the license.

(h) Applications for licenses shall be thoroughly reviewed by the board before approval or disapproval.

(i) The board may decline to grant a license to an applicant:

(1) Who has been convicted of a felony within five (5) years immediately preceding the date of the application.

(2) Who is an institutional applicant which has more than ten per centum of its beneficial ownership owned by any individual who has been convicted of a felony within five (5) years immediately preceding the date of the application.

(3) In an instance in which a license applicant or person with more than ten per centum beneficial ownership in the license applicant is under indictment for a felony or under investigation by a legally constituted grand jury, the board may withhold approval or disapproval of the license until legal proceedings relating to the felony are resolved.

(j) The board shall issue a license to the applicant upon review of the application; receipt of the proper fees and bonds; and being satisfied of the truth of the statements in the application that the applicant is a person of good repute, that the premises applied for meet all the requirements of the law, and that the issuance of the license is not prohibited by this act.

(k) Licenses shall be revocable by the board for cause. In the case of sales to minors, penalties shall be: first conviction - mandatory ninety-day suspension; second conviction - mandatory one year suspension; and third conviction - license revocation.

(l) In no event shall the board issue a private retail wine license or a wholesale wine license or specialty wine shop license for a site situated in a municipality where the sale of alcoholic beverages is prohibited under section 472.

(m) In the case of any new license or the transfer of a license to a new location, the board may, in its discretion, grant or refuse the new license or transfer if the place proposed to be licensed is within three hundred feet of a church, hospital, charitable institution, school or public playground.

(n) The board shall refuse an application for a new license or the transfer of a license to a new location if the board has determined, pursuant to grounds specified in a regulation, that the new license or transfer would be detrimental to the welfare, health, peace or morals of the inhabitants of the neighborhood

within a radius of five hundred feet of the place proposed to be licensed.

(o) In the case of a private retail wine or specialty wine shop license, the annual fee for each license shall be five hundred dollars (\$500). In the case of a private wholesale wine license, the annual fee for each license shall be ten thousand dollars (\$10,000). The board, through regulation, may levy additional fees in a manner to ensure that license revenues are sufficient so that costs of the board for the enforcement and licensing, including advertising by the board, are reimbursed.

(p) The board may not promulgate a regulation nor issue a statement of policy applicable to private wholesale wine licenses or private retail wine licenses or specialty wine shop licenses without a public hearing, notice of which shall be published in the Pennsylvania Bulletin at least thirty (30) days prior to the date of the hearing. This section shall apply even if notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(q) The penal sum of the bond filed by an applicant for a private wholesale wine license shall be twenty thousand dollars (\$20,000). The penal sum of the bond filed by an applicant for a private retail wine license or specialty wine shop license shall be one thousand dollars (\$1,000). The bond shall be promptly returned to the applicant if the board refuses to grant and issue a wholesale wine license, a private retail wine license or the specialty wine shop license.

(r) Private retail wine licensees, specialty wine shop licensees and wholesale wine licensees shall keep on the licensed premises, for a period of at least two (2) years, complete records showing the date of purchases of wine and the actual price paid. It shall be unlawful for any private retail wine licensee, specialty wine shop licensee or wholesale wine licensee, or its servants, agents or employes, to refuse the board or an authorized employe of the board access to such records or the opportunity to make copies of such records when the request is made during business hours.

(s) It shall be unlawful for a private retail licensee or specialty wine shop licensee to display on the outside of its licensed premises, or to display any place within its licensed premises where it can be seen from the outside, an advertisement referring, directly or indirectly, to the price at which the licensee will sell wine: Provided, however, That a registrant, wholesale wine licensee, private retail wine licensee or specialty wine shop licensee shall have the right to advertise the price and brand of wine by means of recognized advertising media, including, but not limited to, newspapers, magazines, shopping guides, radio, television, fliers and handbills. In advertising the price of wine, the advertiser may, if it is not misleading, include in connection with the price, words or phrases such as "special," "introductory," "sale," or "as-is-sale" or their abbreviations.

(t) It shall be unlawful for a private retail wine licensee or specialty wine shop licensee to display, on the outside of its licensed premises, on a lot of ground on which the licensed premises are suitable, or on a building of which the licensed premises are a part, a sign advertising a brand of wine.

(u) Private retail wine licensees and specialty wine shop licensees shall be permitted to use produce displays, inside signs, retailer advertising specialties, consumer advertising specialties and wine lists to the extent permitted by applicable regulations of the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department. This advertising material may be furnished without charge by the manufacturer, registrant or wholesale wine licensee.

(v) Registrants and wholesale wine licensees may stock, rotate and affix the price to wine they sell at the premises of a private retail wine licensee or specialty wine shop licensee if wines purchased from other wholesale wine licensees are not altered or disturbed.

(w) A private wholesale wine licensee shall not extend credit to any licensee on the sale and purchase of wine. All wine sales by a private retail wine licensee or specialty wine shop licensee shall be only for cash or check.

(x) It shall be unlawful for a retail wine licensee or specialty wine shop licensee to permit a person under the age of eighteen (18) to sell wine.

(y) The provisions of section 468(a) regarding a place or property upon which is located as a business the sale of liquid fuels and oils shall not apply to private retail wine licensees and the provisions of section 491(2)(7) and (11) regarding the sale, possession, transportation and importation of wine shall not apply to private retail wine licensees, specialty wine shop licensees, and wholesale wine licensees during the ordinary course of doing business.

(z) Except as otherwise specifically provided in this article, the following Federal regulations, as the same may, from time to time, be amended, shall apply to the sale of wine in this Commonwealth: 27 CFR Parts 6, 8, 10 and 11 (relating to tied-house, exclusive outlets, commercial bribery and consignment sales).

Section 449. Taxation.—(a) The tax on wine imposed by the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the "Spirituous and Vinous Liquor Tax Law," shall be collected, reported and paid by the Pennsylvania manufacturer of wine, by the first wholesale wine licensee importing wine produced by a nonresident registrant into this Commonwealth or by the board. On or before the fifteenth of each month, reports shall be filed by the appropriate manufacturer, wholesale wine licensee, or the board, showing all wine delivered during the preceding month. All required State taxes on wine products delivered during the preceding month shall accompany the report.

(b) The tax imposed upon wine by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall be collected, reported and paid by the private retail wine licensee or specialty wine shop licensee and by the board for retail sales from the State Liquor Stores.

(c) There is hereby imposed a tax at the rate of eighteen per centum of the net price of all wine products sold by private wine wholesalers. The tax shall be collected, reported and paid by such wholesale wine licensee at its first sale of such wine products at wholesale in this Commonwealth. Taxes shall be collected, reported and paid as described in subsection (a).

Amend Sec. 6, page 31, line 22, by striking out "6" and inserting

10

Amend Sec. 7, page 34, line 16, by striking out "7" and inserting

11

Amend Sec. 8, page 34, line 22, by striking out "8" and inserting

12

Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

13

Amend Sec. 10, page 51, lines 27 through 30; page 52, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 14. The heading and clauses (22), (25), (26) and (27) of section 493 of the act, amended June 15, 1961 (P.L.423, No.211), September 25, 1967 (P.L.307, No.135), August 1, 1975 (P.L.161, No.83) and March 9, 1982 (P.L.174, No.55), are amended and the section is amended by adding clauses to read:

Amend Sec. 10 (Sec. 493), page 52, line 3, by inserting after "Liquor,"

Wine,

Amend Sec. 10 (Sec. 493), page 63, by inserting between lines 14 and 15

(22) Allowance or Rebate to Induce Purchases. For any registrant, licensee, or person, or his servants, agents or

employees, to offer, pay, make or allow, or for any registrant, licensee, or person, or his servants, agents or employees, to solicit or receive any allowance or rebate, refunds, coupons, or concessions, whether in the form of money or otherwise, in connection with or to induce directly the purchase of liquor, wine or malt or brewed beverages: Provided, however, That nothing contained in this clause shall prohibit a discount based on quantity of purchase on deliveries of the same brand of wine delivered to a licensee in a single delivery, or the extension of credit by a registrant to a wholesale wine licensee.

Amend Sec. 10 (Sec. 493), page 65, line 3, by striking out all of said line and inserting

(26) Worthless Checks. For any retail liquor licensee or private retail wine licensee or specialty wine shop licensee or any retail dispenser, distributor, wholesale wine licensee, or importing distributor, to make, draw, utter, issue or deliver, or cause to be made, drawn, uttered, issued or delivered, any check, draft or similar order, for the payment of money in payment for any purchase of malt or brewed beverages or wine, when such retail liquor licensee, private retail wine licensee, specialty wine shop licensee, retail dispenser, distributor, wine wholesale licensee or importing distributor, has not sufficient funds in, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check. Any person who is a licensee under the provisions of this article, who shall receive in payment for malt or brewed beverages or wine sold by him any check, draft or similar order for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository, upon which drawn, for any reason whatsoever, shall, within five days of receipt of notice of such dishonor, notify by certified mail the person who presented the said worthless check, draft or similar order.

(27) Distributors, Wine Wholesale Licensees and Importing Distributors Employing Minors. For any distributor, Wine Wholesale Licensee or importing distributor to employ minors under the age of eighteen but persons eighteen and over may be employed to sell and deliver malt and brewed beverages and wine.

(28) Off-Premises Deliveries of Wine. For private retail wine licensees or specialty wine shop licensees to make deliveries of wine off the premises.

(29) Prohibited Deliveries of Wine. For a wholesale wine licensee to deliver wine to a private retail wine licensee, specialty wine shop licensee or other establishment authorized to sell wine for on-premises consumption or for a private retail wine licensee or specialty wine shop licensee or other establishment authorized to sell wine for on-premises consumption to accept delivery of wine from a wholesale wine licensee, unless the wine comes from the wine inventory of the wholesale wine licensee stored at its licensed premises and the delivery is made in full unopened cases at the private retail wine licensee's licensed premises, specialty wine shop licensee's licensed premises or at a wholesale wine licensee's licensed premises. A private retail wine licensee, specialty wine shop licensee, or other establishment authorized to sell wine for on-premises consumption, accepting delivery of wine at a wholesale wine licensee's licensed premises shall immediately cause the wine to be delivered to the licensee's own licensed premises and shall not permit such wine to be disposed of in any manner except as authorized by the licensee's license. Delivery or transfer of wine from an unlicensed premises to a licensed retail premises or from one licensed retail premises to another licensed retail premises, even where there is common ownership of all of the premises by one retailer or person, is prohibited.

(30) Sales Below Cost By Private Retail Wine Licensees. For a private retail wine licensee or specialty wine shop licensee to sell wine for a price which is less than what the private retail wine licensee paid for such wine.

Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

15

Amend Bill, page 69, by inserting between lines 19 and 20

Section 16. Section 505.2 of the act, amended November 5, 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319), is amended to read:

Section 505.2. Limited Wineries.—Holders of a limited winery license may:

(1) Produce wines only from fruits grown in Pennsylvania in an amount not to exceed one hundred thousand (100,000) gallons per year.

(2) Sell wine produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase wine produced by other limited wineries in an amount in excess of fifty per centum of the wine produced by the purchasing limited winery in the preceding calendar year.

(3) Sell wine produced by the limited winery on no more than three board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees.

(4) Sell at retail to individuals at the board-approved off-premises locations any wine or wine product.

Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

17

Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

18

Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

19

Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

20

Amend Bill, page 83, by inserting between lines 10 and 11

Section 21. In the event there is any inconsistency between the provisions of the sections added to Article IV by this act and section 493 of Article IV as amended by this act with provisions of any other article or section of this chapter or code, the provisions of the section as added and amended herein shall prevail to the extent of any such inconsistency.

Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

22

Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

23

Amend Sec. 17, page 83, line 20, by striking out "15" and inserting

20

Amend Sec. 17, page 83, line 23, by striking out "15" and inserting

20

Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

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Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

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On the question,

Will the House agree to the amendments?

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

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, I will try and keep it brief, in the essence of time.

This amendment basically provides for private wine shops, private wine to be sold in grocery stores and beer distributors. It also permits Pennsylvania limited wineries to sell U.S. domestic wines as well as foreign wines. Some of the stipulations of the bill are that the grocery stores must have \$500,000 in gross sales, which excludes liquid fuel and oil service moneys and also any wine sales that they may have. Also, they must have 1,500 square feet of space. The sales in the grocery store must be in a separate section of the store and it must be sold by someone over 21 years of age.

The amendment also allows that beer distributors can get retail wine licenses as well as, as I stated previously, that Pennsylvania limited wineries that currently have the right to sell Pennsylvania wines will be able to sell the other wines. The LCB would set the hours of operation for the wine shops, including the wine that would be sold in the grocery stores.

This amendment also provides for private wholesalers, and the fees for the retail outlets would be \$500, and \$10,000 for a wholesale license. Also, a \$1,000 bond would be required for a retail license, and a \$20,000 bond would be required for a wholesale license. Any private wine shops that would be established must have, as another criterion, \$7,500 of monthly inventory on hand at all times. There is also a local option that is included in the bill that would allow municipalities to either stay dry or to go dry, and they could also regulate the hours according to what they would like to do locally.

I think that the amendment presents a compromise to total divestiture. I think that it is a good amendment. It provides for better service, better selection, pricing, and convenience for the people in Pennsylvania who have been denied the right to buy quality wines at competitive prices for so long.

There is one aspect of this amendment - it does not take anything away from the Liquor Control Board. That operation would remain as it is. So from that standpoint, I would say that it is an employment amendment and it certainly will not cause anyone to become unemployed, at least because of layoffs from the State store system. Thank you.

The SPEAKER. On the Gladeck amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I rise to oppose this amendment. Wine sold in our liquor store system today generates 50 percent of the business done by the stores, and I am afraid if we would take the wine out of the liquor stores, it would be the beginning of the end of the liquor store system that we have now in Pennsylvania.

Also, Mr. Speaker, when he is trying to sell the wine here, it is only by businesses doing large volumes of business. The small businessman and the small merchant would be cheated again.

I would ask you to oppose this amendment, Mr. Speaker. Thank you.

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

Mr. KOSINSKI. Would the gentleman, Mr. Gladeck, rise for interrogation?

The SPEAKER. Mr. Gladeck indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. KOSINSKI. Thank you, Mr. Speaker.

Mr. Speaker, you said this is an employment amendment. Could you tell me what happens to a number of my constituents ages 16 through 21 who currently work in grocery stores under this amendment?

Mr. GLADECK. I am sorry. I could not hear the last part of your question.

Mr. KOSINSKI. Could you tell me what happens to my constituents ages 16 through 21 who would work in grocery outlets that would sell wine?

Mr. GLADECK. Those individuals would not be permitted to sell wine, under the provisions of this amendment, in grocery stores.

Mr. KOSINSKI. Thank you, Mr. Speaker.

May I take the floor?

The SPEAKER. You may comment on the amendment.

Mr. KOSINSKI. I rise against the Gladeck amendment for a number of reasons. Number one, in my district a number of grocery outlets employ 16- to 21-year-old people. These people rely on their jobs in the grocery outlets to finance their college education and some pocket money after high school.

But more importantly, I live in an area where we are not as fortunate as some of the Representatives who live in suburban areas. We do not have planned unit developments. That means our convenience stores are right next to large residential neighborhoods. Can you imagine the problems that selling wine and other malted beverages in these outlets would cause? We have a problem right now with a number of these gangs of youths hanging around the convenience stores. If sales were permitted in those convenience stores, the situation would be intolerable.

For those reasons I ask my colleagues to vote "no" on the Gladeck amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, on the amendment.

Mr. TRELLO. Mr. Speaker, I rise to oppose the amendment. My colleague on the other side of the aisle indicates that this will not create any unemployment. As a matter of fact, about 52 percent of all the liquor sold in the liquor stores are wine products, and I can assure you that will create unemployment.

You talk about the grocery stores and the 7-Elevens. You look at your fast-food stores or your small convenience stores in your neighborhood, and who loafs around there? Teenagers and young people, and he tells me that this will not add to the drinking problem we have with teenagers. What next? Maybe the gift shops or the restaurants or the card stores or a number of small outlets will cry discrimination. If the grocery stores can sell it, why cannot I sell it?

I oppose the amendment, and I encourage everybody to vote "no."

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise against the Gladeck amendment. Mr. Speaker, Mr. Gladeck had indicated that this does not take anything away from the Liquor Control Board, but what it does take away from the Liquor Control Board, as far as I am concerned, is the control that must remain in their hands.

Accessibility to wine; accessibility to liquor: As far as the way I read this bill with the conditions that are in it for groceries to be permitted to have a wine specialty shop, this would add probably 7,000 to 15,000 outlets to the present 20,000-plus outlets, making availability and access highly increased to our young folks, et cetera. This is a detriment to the exposure through availability and would just exacerbate the problem that we have currently as far as the downside of the liquor industry is concerned.

I do not object to free private enterprise, Mr. Speaker. I would just wish that one of these amendments that would come by would actually say that so we can defeat it overwhelmingly. The Senate had this amendment before them yesterday. They only had six votes in favor of it. Let us show the same indication in the House of Representatives and defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Clymer, on the amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. Gladeck indicates he will so stand. You are in order, and you may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, under your amendment is there a restriction on the total number of private wine houses to be established?

Mr. GLADECK. No.

Mr. CLYMER. Therefore, in an urban area where you have many taverns and bars, it is possible to have a newly established wine retail outlet. Is that correct?

Mr. GLADECK. Yes; but it is also subject to local control. If a local government would wish to limit the amount of private outlets that would be permitted, they would be able to do that. So local government would have the option as to how many there would be in a municipality. They could limit it.

Mr. CLYMER. And the enforcement of the regulations—I think that was just answered a few minutes ago—would be under the Liquor Control Board. The enforcement of the Liquor Code would be under the LCB.

Mr. GLADECK. That is right. There would be no change in that. The enforcement of the Liquor Code is under the LCB now.

Mr. CLYMER. Mr. Speaker, would there be a limit as to the number of private wine stores that could be owned by a person or a corporation?

Mr. GLADECK. No; there would not.

Mr. CLYMER. Thank you.

Mr. GLADECK. It would be limited only again by local option and by the criteria that is set down in the bill as far as the dollar figures go.

Mr. CLYMER. Mr. Speaker, would the gentleman turn to his amendment, and on page 9, section (i), (1) and (2), it says that "The board may"—which is a "may" provision—"decline to grant a license to an applicant:" and it says as follows under (1) and (2), "Who has been convicted of a felony within five (5) years immediately preceding the date of the application." That is for the individual, and for the corporation, "Who is an institutional applicant which has more than ten per centum of its beneficial ownership owned by any individual who has been convicted of a felony within five (5) years immediately preceding the date of the application." Would the gentleman explain that to me?

Mr. GLADECK. Well, Mr. Speaker, I think that the explanation is very clear. It is exactly as you read. I would imagine you understand the words that you just spoke to me, and it says that the board may decline to grant a license to an applicant who has been convicted of a felony for 5 years or who has more than 10 percent ownership in a certain corporation.

There is also a third section that you decline to elaborate under that same section, and that says that the board may also decline to grant a license to an individual who is under indictment or who is the subject of a grand jury investigation. That also would be at the discretion of the board, which I believe is consistent pretty much with what they have now.

Mr. CLYMER. Thank you.

Mr. Speaker, it has been mentioned to me that the Southland Corporation, which owns the 7-Eleven stores, was recently convicted for trying to bribe New York State officials. To your knowledge, would they be allowed to have licenses for those stores under the provisions of your amendment?

Mr. GLADECK. It would be up to the Liquor Control Board.

Quite honestly, I do not know what you are referring to, but hypothetically, as you have said, it is up to the Liquor Control Board as it is today currently in law.

Mr. CLYMER. Mr. Speaker, I think what bothers me with the language of this amendment is why in the world are we putting in an allowance for convicted felons to have the opportunity to obtain a liquor license, the opportunity to obtain a wine retail outlet in Pennsylvania? My thinking is that the Liquor Control Board's efforts are to keep those kinds of persons out of the industry. Could the maker of the amendment respond to that inquiry?

Mr. GLADECK. You asked me why we are allowing organized crime figures and people who have committed felonies to get licenses under this amendment? Is that what you asked me?

Mr. CLYMER. Yes.

Mr. GLADECK. My answer to you is that nowhere in this amendment does it state that. And for you to insinuate that, I

think, is ludicrous. It does not say that, and I would suggest that I would like to say that while I do not support the LCB, I certainly think that they are not about to permit licensees who have the kinds of backgrounds that you have described to get either wholesale or retail licensing under this particular amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have finished my interrogation. I would like to speak on the amendment.

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

Mr. CLYMER. Thank you.

Mr. Speaker, we recognize the seriousness of teenage drinking and alcoholism not only in this Commonwealth but throughout the United States. We have passed legislation that would impose severe penalties on teenagers who violate the Liquor Code and other related laws, and this General Assembly has on many occasions brought forth legislation which I have supported that would help those who have been afflicted with alcoholism and to try to rehabilitate them, bring them back into society. And yet, here we are today on this floor looking at ways to expand the availability of liquor, via the selling of wine in the grocery stores, supermarkets, and establishing what could amount to 4,000 to 5,000 new wine outlets. The maker of the amendment could not respond as to how many new outlets would be available, but I think that is a fairly conservative figure - 4,000 to 5,000 new outlets.

You have heard the members on both sides of the aisle express apprehension about this kind of availability of alcoholic beverages for Pennsylvanians and, in particular, for our youth, for our teenagers. Mr. Speaker, this seems to be totally counterproductive to what this General Assembly has done in the past months in trying to bring about a way for all of us to help those who have been alcoholics.

Mr. Speaker, it has also been mentioned by previous members that there are 22,000 liquor license establishments in this Commonwealth, and if we add 4,000 to 5,000 more, we are putting an extreme burden on the Liquor Control Board in their efforts to try and enforce the laws across this Commonwealth. I have been told there are approximately 212 positions of enforcement, of which 180 are actually in the field.

Mr. Speaker, the maker of the amendment did not satisfactorily respond to my question in the fact that we are allowing convicted felons, an individual or corporation—we will take the example of a corporation—where if there are 20 members of that corporation and 2 of them are convicted felons, and if they control less than 10 percent of that corporation— Mr. Speaker, the point I am making is that it is possible under this legislation that those who have been convicted felons can indeed be part of a corporation, because the law says that it is a "may" provision, that the corporation can be issued a license if the ownership is 10 percent or less. I trust the members would have looked at that particular piece of the amendment.

Finally, Mr. Speaker, the majority leader, as he concluded his remarks on some legislation on an amendment earlier this

morning, had alluded to the fact of the problems that increased alcoholism will bring to the Commonwealth. He mentioned—and I agree with him; that is why I am bringing up the point—child abuse, spousal abuse, the loss of careers of many hundreds of Pennsylvanians, and the fact that we do have a serious problem. What we are doing today, if we were to pass this particular amendment before us, is to only compound that situation.

Mr. Speaker, I, along with others who have spoken on this floor within the last few minutes, urge a negative vote on this amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Would the maker of the amendment stand for brief interrogation?

Mr. GLADECK. Yes.

The SPEAKER. The gentleman, Mr. Gladeck, indicates that he will so stand. You are in order, and you may proceed.

Mr. McVERRY. Mr. Speaker, would you please enumerate the types of retail outlets that would be permitted to sell wine under your proposal?

Mr. GLADECK. The grocery stores would be permitted, private specialty wine shops, and the Pennsylvania limited wineries that currently sell wine would also be permitted to sell U.S. domestic wines and foreign wines, and also beer distributors.

Mr. McVERRY. And those retail establishments would be subject to the rules and regulations of the Liquor Control Board. Is that correct?

Mr. GLADECK. Certainly.

Mr. McVERRY. Would the current Liquor Control Board retail outlet stores be restricted from the sale of wine under this proposal?

Mr. GLADECK. No; not at all. They would be permitted to operate exactly the way they do right now. They would be permitted to sell wine exactly as they do now.

Mr. McVERRY. What are the restrictions that are applicable to grocery stores as far as the limitations on the types of stores that could sell wine?

Mr. GLADECK. Grocery stores would have to have a separate section that would be set up. That separate section would be staffed by someone over the age of 21 so you would not have the problem existing whereby a minor would sell wine to his friends. It would not necessarily cause the unemployment of anybody. What it would do is it would just simply shift their help around, and those who were 21 years of age and up would be permitted to sell the wine.

Also, a grocery would have to sell \$500,000 in gross sales in a calendar year, and that would not include liquid fuel and oil service and wine sales. The reason for that section is because that way the convenience stores, such as 7-Elevens that have gas pumps and auto service facilities at their disposal, would not be able to pad their sales from those figures, because it would be relatively easy if you did not include the liquid fuel prohibition in here to arrive at the \$500,000 figure. Also,

there would be a 1,500-square-foot-of-space requirement as a minimum.

Mr. McVERRY. If a retail grocery store was permitted to sell wine under your proposal, would they be able to continue to employ persons under the age of 21 so long as they were not engaged in the actual retailing of the wine?

Mr. GLADECK. Certainly.

Mr. McVERRY. Do you have any idea whether neighborhood convenience stores fit the categorization of \$500,000 sales or more or 1,500 square feet?

Mr. GLADECK. As far as the 1,500 square feet are concerned, it would depend on what convenience stores. The only convenience stores that we have in my area are the Wawas and the 7-Elevens, and for the most part I do not know if they fit the 1,500 square feet, but it would depend on their location and what their volume of sales would be as to whether or not they would hit the \$500,000 figure.

Mr. McVERRY. Thank you, Mr. Speaker.

May I make a comment on the amendment?

The SPEAKER. The gentleman may comment on the amendment.

Mr. McVERRY. Mr. Speaker, I rise in support of this amendment. I believe that it would be a proconsumer vote. The voters in the 42d Legislative District have advised me on numerous occasions that they would wish to have wine available in retail outlets such as grocery stores and specialty stores and the like.

I also think that it would not be directly harmful to the Liquor Control Board's operation of its retail outlets, because it could continue to do as it is now doing. If competition required that they enhance their retailing and merchandising, as it were, then they would do so; if not, those products would be available to consumers as they wish they would be.

I urge a positive vote.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I spoke this morning against a proposal and the same remarks stand right now, but I would just like to add a couple items to it.

In July of 1985, the State of Iowa legalized the sale of wine in grocery stores. Traffic fatalities for that month totaled 67. For the month of July 1984 when only Iowa State stores sold wine, traffic fatalities were only 40. Before private wine sales went into supermarkets, traffic fatalities in 1985 never exceeded 44. So anybody here who thinks increasing outlets for wine or other alcoholic beverages has no relationship to deaths or traffic accidents is badly mistaken.

Secondly, it has been alluded to that this is a proconsumer bill. Let me tell you, in 1978 the State of Alabama went to private wine stores. They wanted to give the consumers a choice of buying wine. As we know, supermarkets will only stock what they feel will move. They are not going to stock all the brands that we presently have in our State stores today. In 1983 the State of Alabama went back to State stores selling wine because of that issue.

So, Mr. Speaker, the two facts that are alluded to here today are false, and I ask you to vote against the Gladeck amendment. Thank you, Mr. Speaker.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Just two comments that I would like to make. First of all, we now distribute beer through private industry. Secondly, 1 1/2 ounces of hard liquor, 5 ounces of wine, and 7 ounces of beer contain the same amount of alcohol. So we are only kidding ourselves if we talk about someone drinking beer or drinking hard liquor or wine. The popular beverage of our teenagers is beer, and in this State we sell it through private enterprise. So I just want you to keep that in mind. Beer is the thing, and we make it available through private enterprise.

So I think we are not being consistent when we deny adults the opportunity to purchase, and under the plan that Mr. Gladeck has presented, there is a separate control; there is an adult that must be there. There are the same restrictions that apply to liquor sales or to wine sales in a State-controlled store, and therefore, the only real difference can be in the revenue coming to the State. I think that is what you have to base your decision on - whether you want to lose, if there is going to be a loss of money to the State store system, or whether it threatens that system, or whether you want to have the convenience for your constituents. Thank you.

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

Mr. RICHARDSON. Mr. Speaker, would the gentleman consent to brief interrogation?

The SPEAKER. Mr. Gladeck indicates he will so stand. You are in order, and you may proceed, Mr. Richardson.

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

Mr. Speaker, could you tell us whether or not your area or your district is an urban area or not?

Mr. GLADECK. Did you ask me if my district was an urban area? Did you ask me if my area was an urban area?

Mr. RICHARDSON. Yes. Could you tell—

Mr. GLADECK. No. I would suggest that my area is a suburban area, but I do have an urban area located within my constituency or a part of it, and that would be the borough of Norristown.

Mr. RICHARDSON. Would you be familiar with any of the problems concerning that urban community?

Mr. GLADECK. I am sorry. Could you repeat that? I cannot understand you.

The SPEAKER. Repeat the question now, please.

Mr. RICHARDSON. Yes, Mr. Speaker. Could you tell us whether or not in your area you are familiar with the problems concerning State stores and bars in your community?

Mr. GLADECK. I would say I am very familiar with the problems that are presented in my constituency with respect to bars and liquor stores.

Mr. RICHARDSON. Has there been an overwhelming expression of great concern concerning private sales of wine and beer out of grocery stores in that urban area?

Mr. GLADECK. The public opinion polls that I have done in my district are overwhelmingly in support of not just wine sales but the total divestiture of the State store system, and I might suggest to you, Mr. Speaker, that the polls in my district are in excess of 75 percent. By the way, there was recently a congressional poll done in my area, which included my entire legislative district, that indicated that 83 percent of the people in that area would like to see the privatization of State stores and not simply wine sales, and that did include the 13th Congressional District, which takes in approximately 90,000 residents in the city of Philadelphia.

Mr. RICHARDSON. Did that also include the Norristown community, which is what I am asking?

Mr. GLADECK. I am sorry; I cannot understand you.

Mr. RICHARDSON. Did that include the Norristown community? You said it was 83 percent from the Norristown community that wanted these—

Mr. GLADECK. No. I said that was part of the congressional district poll that was done recently, and that would include Norristown.

Mr. RICHARDSON. That was not my question. My question specifically, Mr. Speaker, is whether or not in the borough of Norristown the residents of that community were overwhelmingly in favor of liquor sales for wine—

The SPEAKER. Mr. Richardson—

Mr. GLADECK. To my understanding, Mr. Speaker, my entire district is in favor of that.

The SPEAKER. Mr. Gladeck, yield.

Mr. Richardson, the Chair does not follow your argument and interrogation on how it bears on the question in front of the House.

Mr. RICHARDSON. Okay, Mr. Speaker. I will dispense with my interrogation. I would like to be recognized on the bill.

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

Mr. RICHARDSON. On the amendment.

Mr. Speaker, thank you very much.

I just wanted to rise and indicate that in most urban sections across this Commonwealth, the communities are opposed to individual retail sales in grocery stores of wine and beer because of the problems that have occurred as a result of people getting beat up. It is wonderful to talk about the suburban community and what happens in suburban areas for people to be able to go and buy wine and other specialties out of those stores, but it is not applicable in the urban centers.

We have found an overwhelming amount of individuals in surveys taken that people not only stand on the outside of the liquor stores to ask for people to give them money to in fact buy wine for them, but the same thing will also apply wherever there is liquor being sold, whether it is in a grocery store or other departments where that is also being sold.

It is commendable to talk about how great a plan is for one area of Pennsylvania but not talk about the in-depth area where we could not even get the same attitude given toward revitalizing the community. The revitalization of a commu-

nity is dependent upon where one lives. If the moneys come back into the community to help revitalize that where there is decay, the support could be given, as was in this case, to alcoholism. The rising growth of alcoholism amongst our young people is so prevalent at this moment that we have not done anything at all other than to support measures that would not give at least a 2-percent increase for revenues that are taken from the State stores to be given to alcoholism programs to be able to deal with those problems that we have amongst our youngsters.

This measure I oppose. I oppose it because it is a dangerous amendment to this Commonwealth and particularly in urban areas. It seems to me that there is no consideration at all given to the people who are living in areas where they are complaining to us daily. I have letters as well as community meetings where people have come to us and said, we want to get rid of the State stores because we believe that the problems we are having are centered around people coming there and being mugged and being shot at because they are at the State stores. It does not change under private stores; it does not change under whether you put them in grocery stores. The problem is that wherever liquor is being sold in certain areas of this Commonwealth, whether you want to recognize it or not, you are going to have problems. And unless there are some people conscious of that, you are going to continue to have those who will try to superimpose this will of themselves upon the people of the State of Pennsylvania.

A number of us are deeply opposed to this legislation and this amendment, and I would advise that those who have particularly urban areas where we have third-class cities where people are talking about problems, as well as in our second-class city as well as in our first-class city, will recognize that there is a very serious problem centering around these stores individually being taken on in a community where the people of the Commonwealth are diametrically opposed to such action.

I ask for a "no" vote.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Langtry, on the amendment.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment, obviously; my name is on it.

Mr. Speaker, this amendment does not deal with getting rid of State stores. This amendment deals with permitting wine sales in additional outlets.

Mr. Speaker, this would certainly be a proconsumer vote to support this amendment. This is a freedom-of-choice bill for the consumers. I think it would create a little competition in the wine business and hopefully bring down some of those outrageous prices.

Pennsylvania and Utah are the last two States in this great United States to have complete control of their liquor system. Iowa recently deregulated its wine sales. I spoke about those numbers this morning.

Mr. Speaker, I do not know what it is about the State of Pennsylvania that this House seems to have so little faith in

the intelligence and the ability of the adults in this State to handle their own wine purchases and their own wine habits. We seem to be overly concerned—although I agree that we need to help these people—we seem to be overly concerned with the minority who cannot seem to handle the problems they have. But the vast majority of Pennsylvanians, millions, enjoy wine. They handle it with care; they are perfectly adult and intelligent enough to handle it, and I think it would not hurt to offer a little competition in wine sales. I therefore support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Will the gentleman from Montgomery, Mr. Gladeck, answer a couple of questions?

Mr. GLADECK. Yes.

The SPEAKER. Mr. Gladeck will stand for further interrogation. You are in order. You may proceed, Mr. Wilson.

Mr. WILSON. Thank you.

To clarify a couple of items by the gentleman, Mr. Speaker. The Truman amendment, which passed 188 to 10, speaks to a nuisance outlet, I would call it in this case, in the community. Would it in fact have purview over the outlets that you propose in your amendment?

Mr. GLADECK. Mr. Speaker, I do not think I am qualified to answer that. I think that requires a legal interpretation.

As I understand the amendment, I think he referred specifically to bars. I do not think he referred to private retail outlets.

Mr. WILSON. If I may, Mr. Speaker, it says it grants rights to private citizens and community groups to seek injunctions barring nuisances. If in fact they considered one of your outlets of wine to be a nuisance, would in fact this community group, civic organization, or neighborhood association have that power to bring suit, as the Truman amendment suggests?

Mr. GLADECK. I think he refers specifically to nuisance bars. If you look at the beginning part of the—

The SPEAKER. Mr. Gladeck, the Chair will read the language adopted by the House: "A community group, civic organization or neighborhood association having a membership of at least fifty persons, all of whom live within a one-fourth mile radius of the alleged nuisance, may make a written request to the Attorney General of the Commonwealth and the district attorney of the proper county to bring such action. If a negative response is returned or no response is received within 60 days, the group making the request shall have standing to bring a suit in its own name under this section."

Mr. GLADECK. Yes; I would suggest it would.

Mr. WILSON. I thank the gentleman.

Just to clarify the hours, as I read it here, the hours that you permit the establishment to sell wine would be any hours permitted by the board, the board being the Liquor Control Board. Is that correct?

Mr. GLADECK. Yes.

Mr. WILSON. Could that in fact be 24 hours a day?

Mr. GLADECK. No; it would not. As I intend, the Liquor Control Board cannot stop private retail wine outlets and wine sold in the grocery stores, they cannot stop them from selling the wine during the hours that the State stores are normally open. But it is my intent and the intent of that section that they would be able to regulate it past the normal hours of operation of the liquor stores, which would preclude 24 hours.

Mr. WILSON. The question I have, Mr. Speaker, is, could in fact they permit it to be 24 hours a day?

Mr. GLADECK. Sir, could you repeat that?

Mr. WILSON. Could in fact the Liquor Control Board permit the operation, the sale of wine, and these outlets to be 24 hours a day?

Mr. GLADECK. If the board wants to.

Mr. WILSON. If the board wants to.

One more question, Mr. Speaker. In regard to the comingling, if you would, of the wine, the alcoholic beverage, with the foods, am I clear in reading this amendment to state that those selling the wine would have to be 21 years of age?

Mr. GLADECK. Yes. The salesperson in the grocery store would have to be 21 years of age.

Mr. WILSON. The person could not comingle their groceries with the wine or the alcoholic beverage at the same time to check out.

Mr. GLADECK. That is correct, sir.

Mr. WILSON. They would have to check out separately for their groceries and separately for the wine.

Mr. GLADECK. That is right. They would have to have a separate section where the wine is sold from.

Mr. WILSON. Could they go from one to the other?

Mr. GLADECK. They could go from one to the other. After they purchase their wine, they could certainly go back into the grocery store, I would think.

Mr. WILSON. They could check out of the one and go to the other, but they could not transmit from one side of this store to the other - into the wine store and back to the grocery store.

Mr. GLADECK. I would think it could go both ways, sir. They can go from the wine store to the grocery store after they buy their wine.

Mr. WILSON. But they would still have to check out there.

Mr. GLADECK. Yes.

Mr. WILSON. Could they take their wine back into the grocery store, or would that be a regulation promulgated by the LCB?

Mr. GLADECK. That would be a regulation, I would think.

Mr. WILSON. I thank the gentleman. Thank you, Mr. Speaker.

The SPEAKER. Do you wish to speak the second time, Mr. Gladeck? The gentleman has the right to speak twice on the same subject matter. The Chair recognizes the gentleman, Mr. Gladeck.

Mr. GLADECK. I will keep it very brief. I know you all want to go elsewhere.

The intent of this amendment is very clear. You have raised a lot of questions about juvenile drinking; you have raised questions about the propriety of selling wine in the grocery stores, but I would like for you to keep this in mind: The bottom line is that you have also raised the question about whether or not we are going to lose revenue. But I think that you should probably keep in mind the fact that this amendment will, for the first time, encourage Pennsylvania residents to buy their wine in Pennsylvania rather than buying it outside the State of Pennsylvania. That, I would think, would add revenues to the coffers of the General Fund.

It seems to me that the citizens in Pennsylvania deserve the same service, convenience, selection, and pricing mechanism that is enjoyed by our surrounding States, such as Maryland, the District of Columbia, New York, and New Jersey. It seems to me that we are doing our constituents a disservice and we are saying to them that we think you are second-class citizens by denying them the right to buy their wine in a competitive environment. Based on that, I would ask your support of this amendment. Thank you.

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

Mr. WAMBACH. Mr. Speaker, I will present my remarks and they will be very brief. There are just some things I cannot just let fly by without being commented on, Mr. Speaker, and one of the things I have heard today is that beer is the choice drink of teenagers, and I would say naturally it is the choice drink of teenagers because they can get it. You know, if you pass this amendment, you will see a great deal more consumption of wine by our youth, and that is what I am afraid of as well.

In the Greater Harrisburg area, I think by the formula expressed in the amendment, some 50 to 100 more liquor outlets would appear, and I say for the wine connoisseur, if you will. If only two or three of these were lax and sold wine to underage drinkers, how long do you think it would take for every kid in the neighborhood or every kid in high school or in middle school to find out where these stores are? It only takes two or three. If there is only a small chance of increased abuse of alcohol or alcoholism, is it worth the risk? I think that is the bottom line for all of us.

Quite frankly, if someone went to the airport tonight, was boarding a plane to Pittsburgh, and the mechanic said, you know, there is a 10-percent chance, only a small risk, that that plane is going to crash, are you going to get on it? I do not think you are going to. I think quite frankly we can stop the increased abuse and the increased alcoholism in this State by keeping the outlets at the liquor stores.

Thank you, Mr. Speaker, and I oppose the amendment.

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

The following roll call was recorded:

YEAS—22

Book	Fargo	Hagarty	Reber
Boyes	Flick	Kennedy	Ryan
Bunt	Fox	Langtry	Saurman
Burd	Gladeck	Nahill	Snyder, D. W.

Cornell Dininni	Greenwood Gruitza	Pott	Wilson
NAYS—180			
Acosta	Dietz	Linton	Roebuck
Afflerbach	Distler	Livengood	Rudy
Angstadt	Dombrowski	Lloyd	Rybak
Argall	Donatucci	Lucyk	Saloom
Arty	Dorr	McCall	Scheetz
Baldwin	Duffy	McClatchy	Schuler
Barber	Durham	McHale	Semmel
Barley	Evans	McVerry	Serafini
Battisto	Fattah	Mackowski	Seventy
Belardi	Fee	Maiale	Showers
Belfanti	Fischer	Manderino	Sirrianni
Birmelin	Foster, Jr., A.	Manmiller	Smith, B.
Black	Freeman	Markosek	Smith, L. E.
Blaum	Freind	Mayernik	Snyder, G. M.
Bortner	Fryer	Merry	Staback
Bowley	Gallagher	Michlovic	Stairs
Bowser	Gallen	Micozzie	Steighner
Brandt	Gamble	Miller	Stevens
Broujos	Gannon	Moehlmann	Stewart
Burns	Geist	Morris	Stuban
Bush	George	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Gruppo	Murphy	Taylor, E. Z.
Carlson	Haluska	Noye	Taylor, F. E.
Carn	Harper	O'Brien	Taylor, J.
Cawley	Hasay	O'Donnell	Telek
Cessar	Hayes	Olasz	Tigue
Chadwick	Herman	Oliver	Trello
Cimini	Hershey	Perzel	Truman
Civera	Honaman	Petrarca	Van Horne
Clark	Howlett	Petrone	Veon
Clymer	Hutchinson	Phillips	Vroon
Cohen	Itkin	Piccola	Wambach
Colafella	Jackson	Pievsky	Wass
Cole	Jarolin	Pistella	Weston
Cordisco	Johnson	Pitts	Wiggins
Coslets	Josephs	Pratt	Wogan
Cowell	Kasunic	Pressmann	Wozniak
Coy	Kenney	Preston	Wright, D. R.
Deluca	Kosinski	Punt	Wright, J. L.
DeVerter	Kukovich	Raymond	Wright, R. C.
DeWeese	Lashingier	Reinard	Yandrisevits
Daley	Laughlin	Richardson	
Davies	Lescovitz	Rieger	Irvis,
Dawida	Letterman	Robbins	Speaker
Deal	Levdansky		

NOT VOTING—1

Levin

EXCUSED—0

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

On the question recurring,

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

Mr. GLADECK offered the following amendments No. A4591:

Amend Title, page 1, line 21, by inserting after "duties;" establishing a private wine system; imposing a tax;

Amend Sec. 1 (Table of Contents), page 5, by inserting between lines 29 and 30

(B.1) Private Wholesale and Retail Sale of Wine and Specialty Wine Shop.

Section 445. Private Retail Wine Licenses.

Section 446. Private Wholesale Wine Licenses.

Section 447. Specialty Wine Shop License.

Section 448. Rules and Procedures for Private Retail Wine Licenses, Wholesale Wine Licenses and Specialty Wine Shop Licenses.

Section 449. Taxation.

Amend Bill, page 20, by inserting between lines 15 and 16

Section 2. Section 102 of the act is amended by adding a definition to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Wine" shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. Wine shall not include malt or brewed beverages, nor shall wine include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.

Amend Sec. 2, page 20, line 16, by striking out "2" and inserting

3

Amend Sec. 3, page 21, line 15, by striking out "3" and inserting

4

Amend Sec. 4, page 21, line 23, by striking out "4" and inserting

5

Amend Sec. 5, page 26, line 19, by striking out "5" and inserting

6

Amend Bill, page 31, by inserting between lines 21 and 22

Section 7. Section 411 of the act, amended July 9, 1976 (P.L.963, No.188), is amended to read:

Section 411. Interlocking Business Prohibited.—(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel, restaurant [or], club liquor license, or private wholesale wine or retail wine or specialty wine shop license, nor be the owner, proprietor or lessor of any place covered by any hotel, restaurant or club liquor license or private wholesale wine or retail wine or specialty wine shop license.

(b) No manufacturer, importer or sacramental wine licensee, and no officer or director of a manufacturer, importer or sacramental wine licensee shall own any stock or have any financial interest in any hotel or restaurant or private wholesale wine or retail wine or specialty wine shop licensed under this act.

(c) Excepting as herein provided, no manufacturer, or officer, director, stockholder, agent or employe of a manufacturer shall in any [wise be interested] way have an interest in, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, for which a hotel, restaurant or club license or private wholesale wine or retail wine or specialty wine shop license is granted; nor shall a manufacturer, importer or sacramental wine licensee, or officer, director, stockholder, agent or employe of a manufacturer, importer or sacramental wine licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any hotel, restaurant or club licensee, or private wholesale wine or retail wine or specialty wine shop licensee, his servant, agent or employe, for equipping, fitting out, or maintaining and conducting, either in whole or in part, a hotel, restaurant or club licensed for the selling of liquor for use and consumption upon the premises.

(d) Excepting as herein provided, no hotel licensee, restaurant licensee [or], club licensee, or private wholesale wine or retail

wine or specialty wine shop licensee, and no officer, director, stockholder, agent or employe of any such licensee shall in any [wise] way be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a manufacturer in manufacturing liquor or malt or brewed beverages; nor shall any hotel, restaurant [or], club licensee, or private wholesale wine or retail wine specialty wine shop licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any manufacturer, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used for the manufacture of liquor or malt or brewed beverages.

(e) Except as herein provided, no hotel, restaurant, retail dispenser [or], club licensee or private wholesale wine or retail wine or specialty wine shop licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in [any wise] any way be interested, directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a distributor, importing distributor, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any hotel, restaurant, retail dispenser [or], club licensee or private wholesale wine or retail wine or specialty wine shop licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.

(f) The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant liquor licenses or private wholesale wine or retail wine or specialty wine shop licenses and, as herein provided, of club licenses, issued under this article, and no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July eighteenth, one thousand nine hundred thirty-five: Provided, however, That this clause shall not prohibit any hotel, restaurant or club liquor licensee or private wholesale wine or retail wine or specialty wine shop licensee from owning land which is leased to, and the buildings thereon owned by, a holder of a retail dispenser's license; and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon: And, provided further, That nothing contained in this section shall be construed to prohibit any hotel, restaurant, retail dispenser or club licensee or private wholesale wine or retail wine or specialty wine shop licensee or any officer, director or stockholder, agent or employe of any such licensee from having a financial or other interest, directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against same, used, leased by an importer or sacramental wine licensee for the exclusive purpose of maintaining commercial offices and on the condition that said property is not used for the storage or sale of liquor or malt or brewed beverages in any quantity.

(g) Notwithstanding any other provisions of this section, a person or corporation who holds an importers liquor license or an importers warehouse license for liquor shall be allowed to hold a private wholesale wine license.

Section 8. Section 443 of the act is amended to read:

Section 443. Interlocking Business Prohibited.—(a) No manufacturer of malt or brewed beverages and no officer or director of any such manufacturer shall at the same time be a distributor, importing distributor or retail dispenser, or an officer, director or stockholder or creditor of any distributor, importing distributor or retail dispenser, nor, except as hereinafter provided, be the owner, proprietor or lessor of any place for which a license has been issued for any importing distributor, distributor or retail dispenser, or for which a hotel, restaurant or club liquor license or private wholesale wine or retail wine or specialty wine shop has been issued.

(b) No distributor or importing distributor or private wholesale wine or retail wine or specialty wine shop licensee and no officer or director of any distributor or importing distributor or private wholesale wine or retail wine or specialty wine shop licensee shall at the same time be a manufacturer, a retail dispenser or a liquor licensee, or be an officer, director, stockholder or creditor of a manufacturer, a retail dispenser or a liquor licensee, or, directly or indirectly, own any stock of, or have any financial interest in, or be the owner, proprietor or lessor of, any place covered by any other malt or brewed beverage or liquor or private wholesale wine or retail wine or specialty wine shop license.

(c) No licensee licensed under this subdivision (B) of Article IV or subdivision (B.1) of Article IV and no officer or director of such licensee shall, directly or indirectly, own any stock of, or have any financial interest in, any other class of business licensed under this subdivision.

(d) Excepting as hereinafter provided, no malt or brewed beverage manufacturer, importing distributor or distributor shall in any [wise] way be interested, either directly or indirectly, in the ownership or leasehold of any property or in any mortgage against the same, for which a liquor or retail dispenser's or private wholesale wine or retail wine or specialty wine shop license is granted; nor shall any such manufacturer, importing distributor or distributor, either directly or indirectly, lend any moneys, credit or equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any liquor licensee or retail dispenser, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business operated under a liquor or retail dispenser's or private wholesale wine or retail wine or specialty wine shop license, excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages were packaged for market by the manufacturer at the place of manufacture.

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages shall in any [wise] way be interested, either directly or indirectly, in the ownership or leasehold of any property or any mortgage lien against the same, for which a distributor's or importing distributor's or private wholesale wine or retail wine or specialty wine shop license is granted; nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages or private wholesale wines or retail wines or specialty wines are licensed for sale by a distributor or importing distributor, excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture.

(f) No distributor, importing distributor or retail dispenser shall in [anywise] any way receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any

other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture.

(g) The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by [subdivision] subdivisions (B) and (B.1) of this article, and no person or corporation shall, by any device whatsoever, directly or indirectly, evade the provisions of this section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a malt or brewed beverage manufacturer of any place occupied by a distributor, importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the eighteenth day of July, one thousand nine hundred thirty-five.

(h) The term "manufacturer" as used in this section shall include manufacturers of malt or brewed beverages as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

(i) Notwithstanding any other provision of this section, a person or corporation who holds a malt and brewed beverage distributors or importing distributors license shall be allowed to hold a private wholesale wine license.

Section 9. Article IV of the act is amended by adding a subdivision to read:

ARTICLE IV.

LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES.

* * *

(B.1) Private Wholesale and Retail Sale of Wine and Specialty Wine Shop.

Section 445. Private Retail Wine Licenses.—(a) Subject to the provisions of this article and the regulations promulgated under this article, the board shall have the authority to issue a private retail wine license to a person, corporation or association for any premises having a storeroom with not less than one thousand five hundred square feet of floor space and gross sales of not less than five hundred thousand dollars (\$500,000) for the purpose of establishing, operating and maintaining a private retail wine store. The license shall entitle the private retail wine store to purchase wine in containers of four liters or less, from private wholesale wine licensees and to keep on the premises such wine, subject to the provisions of this act and the regulations made thereunder, and to sell the same for off-premises consumption. In addition to any other requirements imposed by this article, to qualify for a private retail wine license, the applicant shall not be a retail food store or supermarket primarily engaged in selling food, food products and any other articles for preparation, consumption or use in the home. Applicants must have a retail selling space of at least one thousand five hundred square feet and a minimum of five hundred thousand dollars (\$500,000) in annual sales, excluding wine and liquid fuel and oil sales.

(b) Resale may take place at times as permitted by the board. The licensee shall secure the wine section from public access during hours when its resale is not permitted. In no event shall the board fail or refuse to permit the sale of wine by private retail wine licensees during any hours or time when State Liquor Stores are permitted to sell liquor.

(c) No wine package shall be opened on the premises of a private retail wine licensee. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises, nor shall any person consume wine on the premises.

(d) Notwithstanding any provision of this section, a license for a private retail wine store may also be issued to any distributor.

Section 446. Private Wholesale Wine Licenses.—

(a) (1) Subject to the provisions of this article, and the regulations promulgated thereunder, the board shall have the authority to issue any person, corporation or association a private wholesale wine license.

(2) In addition to other requirements imposed by this article, to qualify for a private wholesale wine license, the applicant must be either: a corporation, partnership or cooperative warehouse that annually distributes at least fifty million dollars (\$50,000,000) of food products to retail food stores; a person, partnership or corporation who, at the effective date of this provision, holds a bonded warehouse license, issued pursuant to Article V of this act, with a warehouse facility of at least four thousand square feet; or a person or corporation who holds an importer's liquor license and/or holds an importer's warehouse license for liquor; or a person or corporation who holds a malt and brewed beverage distributors or importing distributors license.

(b) The license shall entitle the licensee to sell and deliver wine to any private retail store or specialty wine shop licensed pursuant to this article and to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act.

(c) The license shall entitle the licensee to purchase wine from any Pennsylvania or nonresident manufacturer, from any out-of-State retail store, from any out-of-State wholesaler or from any wholesale distributor licensed under this section.

(d) Each licensed wholesaler shall establish one or more warehouses for the storage and distribution of wine or liquor at locations approved by the board. A separate application shall be submitted, and a separate application fee paid, for each warehouse licensed pursuant to this section. All wine sold to private retail wine stores and specialty wine shop licensed pursuant to this article shall be distributed through a warehouse located within this Commonwealth.

(e) No wine package shall be opened on the premises of a private wholesale wine licensee. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises, nor shall any person consume any wine on the premises.

(f) No person may offer for sale or sell wine for resale at wholesale in this Commonwealth, or offer wine for shipment into this Commonwealth, except to the board or to a wholesale wine licensee. Every person who is engaged in or desires to engage in the sale or shipment of wine to the board or to a wholesale wine licensee for resale at wholesale under this article shall, prior to engaging in the activities, register the brand of wine with the board. As part of registration, the registrant shall include the name of each wholesale wine licensee to whom the registrant is granting the right to sell at wholesale, each brand of wine being registered, and the geographical area for which the right is granted for each brand or brands to each wholesale wine licensee. The registrant may add to, revoke or amend its registration. Only a private wholesale wine licensee registered by a registrant as having the right to do so may sell a brand of wine at wholesale in this Commonwealth, and the sale may be made only in the geographical area set forth in an effective registration. No wine may be imported into this Commonwealth or purchased by a private wholesale wine or retail wine licensee unless it is registered with the board pursuant to this subsection.

(g) Before the tenth day of each month, the registrant shall submit notarized written reports to the board showing all wine

orders for the preceding month. The report shall state the identity of each wholesale wine licensee and the quantity, label and alcoholic content of each brand of wine sold, shipped and delivered and shall be in the form and contain such other information as the board may require by regulation.

(h) No person other than a wholesale wine licensee may purchase wine for resale at wholesale to private retail wine licensees in this Commonwealth. No wholesale wine licensee may purchase or acquire any brand of wine except from the owner of the brand or from a person registered with the board under subsection (f) and designated to supply the brand by its owner in a writing filed with the board. The board may, upon written authorization by the registrant of the brand and upon good cause shown, permit a wholesale wine licensee to acquire the brand from someone other than the owner or owner's designee.

(i) All dealings between a registrant and a wholesale wine licensee shall be pursuant to written agreements of distributorship.

(j) Wholesale wine licensees shall maintain records of all wine sales, shipments and deliveries, including invoices, receipts, bills of lading and other pertinent papers required by the board. Such records shall be preserved for at least two (2) years and shall be subject to examination by the board upon request during business hours.

(k) No wholesale wine licensee may sell or deliver any brand of wine purchased or acquired from a source other than a registrant which has granted the wholesale wine licensee the right to sell the brand at wholesale. No private retail wine licensee or specialty wine shop licensee may sell any wine purchased or acquired from a source other than a wholesale wine licensee, nor may any wholesale wine licensee sell or deliver any wine to anyone other than a private retail wine licensee, specialty wine shop, or other establishment authorized to sell wine for on-premises consumption.

(l) Any wholesaling of wine by the board shall be restricted to supplying wine to its State Liquor Stores and to all persons, corporations or associations licensed to sell liquor at retail for on-premises consumption only, including, but not limited to, hotels, restaurants, clubs, stadium licensees, special occasion permittees, art museum licensees and performing art facility licensees. The distribution of wine to private retail wine licensees or specialty wine shop licensees shall be restricted to and performed exclusively by wholesale wine licensees described in this section.

Section 447. Specialty Wine Shop License.—(a) Subject to the provisions of this article and the regulations promulgated thereunder, the board shall issue to a person, corporation or association a license for the purposes of establishing a specialty wine shop for the exclusive sale of wine. In addition to any other requirements imposed by this article, to qualify for a specialty wine shop license, the applicant must have as a minimum, a monthly wine inventory of seven thousand five hundred dollars (\$7,500). The license shall entitle the specialty wine shop licensee to purchase wine in containers of four liters or less from private wine wholesale licensees and to keep on the premises such wine subject to the provisions of this article and the regulations made thereunder, and to sell the same for off-premises consumption pursuant to this article.

(b) Resale may take place at all times permitted by the board. In no event shall the board fail or refuse to permit the sale of wine by specialty wine shops during any hours or time when State Liquor Stores are permitted to sell liquor.

(c) No wine package shall be opened on the premises of a specialty wine shop. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises nor shall any person consume wine on the premises.

Section 448. Rules and Procedures for Private Retail Wine Licenses, Wholesale Wine Licenses and Specialty Wine Shop Licenses.—(a) An applicant for a private retail wine license, a

wholesale wine license or a specialty wine shop license or for the transfer of an existing license to other premises shall file a written application with the board in such form and containing such information as the board shall prescribe by regulation. The application shall be accompanied by a filing fee in an amount determined by the board, by regulation, sufficient to cover related costs; the prescribed license fee; the bond specified in subsection (g).

(b) With the initial application and each application for renewal, the applicant shall provide a financial statement or other documents in the form and containing such information as the board shall prescribe by regulation to indicate the applicant's financial capability.

(c) With each initial application and each application for renewal, the applicant shall identify the location and ownership of the proposed site for the private retail wine license or wholesale wine license or specialty wine shop license as proof that the place of business conforms to applicable health and fire statutes and regulations.

(d) If the applicant is a natural person, the application shall show that the applicant is a citizen of the United States and a resident of this Commonwealth and is not less than twenty-one (21) years of age.

(e) If the applicant is a corporation, the application shall show that the corporation was created under the laws of this Commonwealth or holds a certificate of authority to transact business in this Commonwealth.

(f) The application shall be signed and verified by oath or affirmation by the owner in the case of a natural person, by a member or partner in the case of an association or by an executive officer or person specifically authorized in the case of a corporation. If the applicant is an association, including a fraternal organization or club, the application shall set forth the names and addresses of all directors of the association, organization or club and the names and addresses of the principal officers.

(g) False statements intentionally made in the application shall be deemed sufficient reason for denial of the license.

(h) Applications for licenses shall be thoroughly reviewed by the board before approval or disapproval.

(i) The board may decline to grant a license to an applicant:

(1) Who has been convicted of a felony within five (5) years immediately preceding the date of the application.

(2) Who is an institutional applicant which has more than ten per centum of its beneficial ownership owned by any individual who has been convicted of a felony within five (5) years immediately preceding the date of the application.

(3) In an instance in which a license applicant or person with more than ten per centum beneficial ownership in the license applicant is under indictment for a felony or under investigation by a legally constituted grand jury, the board may withhold approval or disapproval of the license until legal proceedings relating to the felony are resolved.

(j) The board shall issue a license to the applicant upon review of the application; receipt of the proper fees and bonds; and being satisfied of the truth of the statements in the application that the applicant is a person of good repute, that the premises applied for meet all the requirements of the law, and that the issuance of the license is not prohibited by this act.

(k) Licenses shall be revocable by the board for cause. In the case of sales to minors, penalties shall be: first conviction - mandatory ninety-day suspension; second conviction - mandatory one year suspension; and third conviction - license revocation.

(l) In no event shall the board issue a private retail wine license or a wholesale wine license or specialty wine shop license for a site situated in a municipality where the sale of alcoholic beverages is prohibited under section 472.

(m) In the case of any new license or the transfer of a license to a new location, the board may, in its discretion, grant or refuse

the new license or transfer if the place proposed to be licensed is within three hundred feet of a church, hospital, charitable institution, school or public playground.

(n) The board shall refuse an application for a new license or the transfer of a license to a new location if the board has determined, pursuant to grounds specified in a regulation, that the new license or transfer would be detrimental to the welfare, health, peace or morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed.

(o) In the case of a private retail wine or specialty wine shop license, the annual fee for each license shall be five hundred dollars (\$500). In the case of a private wholesale wine license, the annual fee for each license shall be ten thousand dollars (\$10,000). The board, through regulation, may levy additional fees in a manner to ensure that license revenues are sufficient so that costs of the board for the enforcement and licensing, including advertising by the board, are reimbursed.

(p) The board may not promulgate a regulation nor issue a statement of policy applicable to private wholesale wine licenses or private retail wine licenses or specialty wine shop licenses without a public hearing, notice of which shall be published in the Pennsylvania Bulletin at least thirty (30) days prior to the date of the hearing. This section shall apply even if notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.

(q) The penal sum of the bond filed by an applicant for a private wholesale wine license shall be twenty thousand dollars (\$20,000). The penal sum of the bond filed by an applicant for a private retail wine license or specialty wine shop license shall be one thousand dollars (\$1,000). The bond shall be promptly returned to the applicant if the board refuses to grant and issue a wholesale wine license, a private retail wine license or the specialty wine shop license.

(r) Private retail wine licensees, specialty wine shop licensees and wholesale wine licensees shall keep on the licensed premises, for a period of at least two (2) years, complete records showing the date of purchases of wine and the actual price paid. It shall be unlawful for any private retail wine licensee, specialty wine shop licensee or wholesale wine licensee, or its servants, agents or employes, to refuse the board or an authorized employe of the board access to such records or the opportunity to make copies of such records when the request is made during business hours.

(s) It shall be unlawful for a private retail licensee or specialty wine shop licensee to display on the outside of its licensed premises, or to display any place within its licensed premises where it can be seen from the outside, an advertisement referring, directly or indirectly, to the price at which the licensee will sell wine: Provided, however, That a registrant, wholesale wine licensee, private retail wine licensee or specialty wine shop licensee shall have the right to advertise the price and brand of wine by means of recognized advertising media, including, but not limited to, newspapers, magazines, shopping guides, radio, television, fliers and handbills. In advertising the price of wine, the advertiser may, if it is not misleading, include in connection with the price, words or phrases such as "special," "introductory," "sale," or "as-is-sale" or their abbreviations.

(t) It shall be unlawful for a private retail wine licensee or specialty wine shop licensee to display, on the outside of its licensed premises, on a lot of ground on which the licensed premises are suitable, or on a building of which the licensed premises are a part, a sign advertising a brand of wine.

(u) Private retail wine licensees and specialty wine shop licensees shall be permitted to use produce displays, inside signs, retailer advertising specialties, consumer advertising specialties and wine lists to the extent permitted by applicable regulations of the Bureau of Alcohol, Tobacco and Firearms of the Treasury

Department. This advertising material may be furnished without charge by the manufacturer, registrant or wholesale wine licensee.

(v) Registrants and wholesale wine licensees may stock, rotate and affix the price to wine they sell at the premises of a private retail wine licensee or specialty wine shop licensee if wines purchased from other wholesale wine licensees are not altered or disturbed.

(w) A private wholesale wine licensee shall not extend credit to any licensee on the sale and purchase of wine. All wine sales by a private retail wine licensee or specialty wine shop licensee shall be only for cash or check.

(x) It shall be unlawful for a retail wine licensee or specialty wine shop licensee to permit a person under the age of eighteen (18) to sell wine.

(y) The provisions of section 468(a) regarding a place or property upon which is located as a business the sale of liquid fuels and oils shall not apply to private retail wine licensees and the provisions of section 491(2)(7) and (11) regarding the sale, possession, transportation and importation of wine shall not apply to private retail wine licensees, specialty wine shop licensees, and wholesale wine licensees during the ordinary course of doing business.

(z) Except as otherwise specifically provided in this article, the following Federal regulations, as the same may, from time to time, be amended, shall apply to the sale of wine in this Commonwealth: 27 CFR Parts 6, 8, 10 and 11 (relating to tied-house, exclusive outlets, commercial bribery and consignment sales).

Section 449. Taxation.—(a) The tax on wine imposed by the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the "Spirituous and Vinous Liquor Tax Law," shall be collected, reported and paid by the Pennsylvania manufacturer of wine, by the first wholesale wine licensee importing wine produced by a nonresident registrant into this Commonwealth or by the board. On or before the fifteenth of each month, reports shall be filed by the appropriate manufacturer, wholesale wine licensee, or the board, showing all wine delivered during the preceding month. All required State taxes on wine products delivered during the preceding month shall accompany the report.

(b) The tax imposed upon wine by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall be collected, reported and paid by the private retail wine licensee or specialty wine shop licensee and by the board for retail sales from the State Liquor Stores.

(c) There is hereby imposed a tax at the rate of eighteen per centum of the net price of all wine products sold by private wine wholesalers. The tax shall be collected, reported and paid by such wholesale wine licensee at its first sale of such wine products at wholesale in this Commonwealth. Taxes shall be collected, reported and paid as described in subsection (a).

Amend Sec. 6, page 31, line 22, by striking out "6" and inserting

10

Amend Sec. 7, page 34, line 16, by striking out "7" and inserting

11

Amend Sec. 8, page 34, line 22, by striking out "8" and inserting

12

Amend Sec. 9, page 43, line 16, by striking out "9" and inserting

13

Amend Sec. 10, page 51, lines 27 through 30; page 52, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 14. The heading and clauses (22), (25), (26) and (27) of section 493 of the act, amended June 15, 1961 (P.L.423, No.211), September 25, 1967 (P.L.307, No.135), August 1, 1975 (P.L.161, No.83) and March 9, 1982 (P.L.174, No.55), are amended and the section is amended by adding clauses to read:

Amend Sec. 10 (Sec. 493), page 52, line 3, by inserting after "Liquor,"

Wine,

Amend Sec. 10 (Sec. 493), page 63, by inserting between lines 14 and 15

(22) Allowance or Rebate to Induce Purchases. For any registrant, licensee, or person, or his servants, agents or employes, to offer, pay, make or allow, or for any registrant, licensee, or person, or his servants, agents or employes, to solicit or receive any allowance or rebate, refunds, coupons, or concessions, whether in the form of money or otherwise, in connection with or to induce directly the purchase of liquor, wine or malt or brewed beverages: Provided, however, That nothing contained in this clause shall prohibit a discount based on quantity of purchase on deliveries of the same brand of wine delivered to a licensee in a single delivery, or the extension of credit by a registrant to a wholesale wine licensee.

Amend Sec. 10 (Sec. 493), page 65, line 3, by striking out all of said line and inserting

(26) Worthless Checks. For any retail liquor licensee or private retail wine licensee or specialty wine shop licensee or any retail dispenser, distributor, wholesale wine licensee, or importing distributor, to make, draw, utter, issue or deliver, or cause to be made, drawn, uttered, issued or delivered, any check, draft or similar order, for the payment of money in payment for any purchase of malt or brewed beverages or wine, when such retail liquor licensee, private retail wine licensee, specialty wine shop licensee, retail dispenser, distributor, wine wholesale licensee or importing distributor, has not sufficient funds in, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check. Any person who is a licensee under the provisions of this article, who shall receive in payment for malt or brewed beverages or wine sold by him any check, draft or similar order for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository, upon which drawn, for any reason whatsoever, shall, within five days of receipt of notice of such dishonor, notify by certified mail the person who presented the said worthless check, draft or similar order.

(27) Distributors, Wine Wholesale Licensees and Importing Distributors Employing Minors. For any distributor, Wine Wholesale Licensee or importing distributor to employ minors under the age of eighteen but persons eighteen and over may be employed to sell and deliver malt and brewed beverages and wine.

(28) Off-Premises Deliveries of Wine. For private retail wine licensees or specialty wine shop licensees to make deliveries of wine off the premises.

(29) Prohibited Deliveries of Wine. For a wholesale wine licensee to deliver wine to a private retail wine licensee, specialty wine shop licensee or other establishment authorized to sell wine for on-premises consumption or for a private retail wine licensee or specialty wine shop licensee or other establishment authorized to sell wine for on-premises consumption to accept delivery of wine from a wholesale wine licensee, unless the wine comes from the wine inventory of the wholesale wine licensee stored at its licensed premises and the delivery is made in full unopened cases at the private retail wine licensee's licensed premises, specialty wine shop licensee's licensed premises or at a wholesale wine licensee's licensed premises. A private retail wine licensee, specialty wine shop licensee, or other establishment authorized to sell wine for on-premises consumption, accepting delivery of wine at a wholesale wine licensee's licensed premises shall immediately cause the wine to be delivered to the licensee's own licensed premises and shall not permit such wine to be disposed of in any manner except as authorized by the licensee's license. Delivery or transfer of wine from an unlicensed premises to a licensed retail premises or from one licensed retail premises to another licensed

retail premises, even where there is common ownership of all of the premises by one retailer or person, is prohibited.

(30) Sales Below Cost By Private Retail Wine Licensees. For a private retail wine licensee or specialty wine shop licensee to sell wine for a price which is less than what the private retail wine licensee paid for such wine.

Amend Sec. 11, page 65, line 4, by striking out "11" and inserting

15

Amend Bill, page 69, by inserting between lines 19 and 20

Section 16. Section 505.2 of the act, amended November 5, 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319), is amended to read:

Section 505.2. Limited Wineries.—Holders of a limited winery license may:

(1) Produce wines only from fruits grown in Pennsylvania in an amount not to exceed one hundred thousand (100,000) gallons per year.

(2) Sell wine produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase wine produced by other limited wineries in an amount in excess of fifty per centum of the wine produced by the purchasing limited winery in the preceding calendar year.

(3) Sell wine produced by the limited winery on no more than three board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees.

(4) Sell at retail to individuals at the board-approved off-premises locations any wine or wine product.

Amend Sec. 12, page 69, line 20, by striking out "12" and inserting

17

Amend Sec. 13, page 72, line 11, by striking out "13" and inserting

18

Amend Sec. 14, page 77, line 18, by striking out "14" and inserting

19

Amend Sec. 15, page 82, line 15, by striking out "15" and inserting

20

Amend Bill, page 83, by inserting between lines 10 and 11

Section 21. In the event there is any inconsistency between the provisions of the sections added to Article IV by this act and section 493 of Article IV as amended by this act with provisions of any other article or section of this chapter or code, the provisions of the section as added and amended herein shall prevail to the extent of any such inconsistency.

Amend Sec. 16, page 83, line 11, by striking out "16" and inserting

22

Amend Sec. 17, page 83, line 20, by striking out "17" and inserting

23

Amend Sec. 17, page 83, line 20, by striking out "15" and inserting

20

Amend Sec. 17, page 83, line 23, by striking out "15" and inserting

20

Amend Sec. 18, page 83, line 25, by striking out "18" and inserting

24

Amend Sec. 19, page 84, line 3, by striking out "19" and inserting

25

On the question,

Will the House agree to the amendments?

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

Mr. GLADECK. Thank you.

Mr. Speaker, this amendment is not quite as controversial, but as I have seen from the result of that vote, it will be just as controversial from the members on the other side, and my side. But this amendment would simply remove grocery stores from the bill, and the other provisions as we have discussed them previously would stand.

Again, the reasons that I asked you to vote for the first bill would stand, as I ask you to vote for this amendment. I would suggest that you may not have quite the problem and concern with juvenile drinking and perhaps consumption because of the fact you will not be able to disperse the wine through the grocery stores.

I might add, Mr. Speaker, in response to one of my colleagues' earlier remarks about the promulgation of juvenile drinking, if anyone on this floor really thinks that juveniles cannot get beer, wine, or hard liquor any time that they want it, they are sadly mistaken, and I think that is a pie-in-the-sky attitude.

I think the people in this Commonwealth have indicated time and time again that they would like to see the State store system changed. On the basis of that, I would again ask for your affirmative vote on this amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I just say, move the amendment.

Mr. Speaker, I do oppose it, but I, you know—

The SPEAKER. The Chair understands.

The Chair recognizes the gentleman from Dauphin, Mr. Wambach. Your position on the amendment?

Mr. WAMBACH. Very briefly, Mr. Speaker. I would hopefully request the same vote for this amendment. Let us not forget that the motivation of a liquor store clerk is service. The motivation of a clerk in a specialty wine store is sales. Let us defeat this amendment. I feel that by just taking the grocery provision out does not go far enough. It should not be offered, period. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—21

Book	Gladeck	McVerry	Ryan
Bunt	Greenwood	Moehlmann	Saurman
Burd	Hagarty	Nahill	Serafini
Cornell	Langtry	Pott	Snyder, D. W.
Flick	McClatchy	Reber	Wilson
Fox			

NAYS—181

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

NOT VOTING—1

Mrkonic

EXCUSED—0

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

On the question recurring,

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

Mr. LINTON offered the following amendment No. A4653:

Amend Sec. 5, page 31, by inserting between lines 21 and 22 Section 306. Establishment or Relocation of Pennsylvania Liquor Stores.—Notwithstanding any provision of this act, a hearing shall be held prior to the establishment of a new Pennsylvania Liquor Store or the relocation of an existing Pennsylvania Liquor Store. This hearing shall be a public hearing conducted by the board. Any resident living within 1,000 feet of the proposed location shall be entitled to testify. Hearings shall be conducted in the same manner as are hearings on retail liquor licenses.

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

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, it is obvious from the remarks of the minority leader that there was in fact an error in the drafting of the previous amendment, and this is in fact an attempt to correct that.

What I have in fact done is allowed the Liquor Control Board to use the same hearing conditions that they currently use for retail liquor licenses and use those same hearings even for State stores when they move or are established in a new neighborhood.

I would ask for an affirmative vote on this amendment.

The SPEAKER. On the Linton amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I see that this amendment does nothing except sets up a hearing, maybe wastes some time. The same person who wants to object, who lives within 1,000 or 2,000 feet or wherever they live, can write to the board and express their objection in writing. I would therefore ask that this amendment be objected to and voted down.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns, on the amendment.

Mr. BURNS. Mr. Speaker, I would like to ask the maker of the amendment a question, if I could.

The SPEAKER. Mr. Linton indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. BURNS. Thank you, Mr. Speaker.

If you are dealing with the zoning board, and I think that is what you are dealing with here. Is that correct, Mr. Speaker?

Mr. LINTON. Excuse me, Mr. Speaker. I cannot hear the gentleman.

Mr. BURNS. I believe this amendment deals with the zoning hearing board. Is that correct, Mr. Speaker?

Mr. LINTON. That is incorrect. This particular amendment deals with the Liquor Control Board.

Mr. BURNS. All right, Mr. Speaker. I am sorry. My question is more directed toward an amendment that would have dealt with the zoning hearing board, and I apologize to the gentleman.

The SPEAKER. All right. No apology is necessary, Mr. Burns. If that is the first mistake that is made on the floor of the House today, mirabile dictu. I will spell that for you a little later.

The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment. All that Mr. Linton is asking is that the Commonwealth of Pennsylvania be equal to every other citizen in the Commonwealth. If John Q. Citizen applied for a liquor license, he would have to go through this procedure. I do not think that the Commonwealth should think that they are above the rest of the citizenry, and if a State store is warranted in that area, then I am

sure that the hearing will bear that out. So I strongly support Mr. Linton's amendment.

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

Mr. CLARK. Thank you, Mr. Speaker.

I would just point out that this mandates a hearing on any move of any liquor store or the opening of any new liquor store and does not require an objection to require that the hearing be held. So I would object to this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Linton, for the second time on the amendment.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I think the gentleman, Representative Fattah, and some others who stood up earlier were dealing with the issue that many State stores in many neighborhoods have created a number of problems. I have had the experience of having a number of neighbors trying to deal with some of the loitering problems and some of the other problems that occur around State stores and not having an opportunity to in fact be able to come before the Liquor Control Board in an organized fashion and be able to present their views. Currently under the liquor control statutes, when there is a liquor license transfer or the establishment of a retail establishment, those residents would be able to have an opportunity to do that. All I am asking is that this body allow those residents who live within 1,000 feet of a State store or a proposed State store to be able to come before the Liquor Control Board and have their viewpoint heard in regard to the health, safety, and welfare impact on their neighborhood and its residents by the presence of that State store.

I ask for an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—129

Acosta	Dawida	Kosinski	Rieger
Afflerbach	Deal	Kukovich	Robbins
Arty	Distler	Lashingner	Roebuck
Baldwin	Dombrowski	Laughlin	Rudy
Barber	Duffy	Levdansky	Rybak
Barley	Durham	Levin	Schuler
Battisto	Evans	Linton	Semmel
Belardi	Fattah	Lloyd	Serafini
Belfanti	Fee	Lucyk	Smith, B.
Birmelin	Fischer	McCall	Smith, L. E.
Black	Flick	McClatchy	Snyder, G. M.
Blaum	Fox	McHale	Staback
Bortner	Freeman	Manderino	Stevens
Bowley	Fryer	Markosek	Sweet
Brandt	Gallagher	Mayernik	Taylor, E. Z.
Broujos	Gallen	Michlovic	Taylor, J.
Burns	Gamble	Miller	Telek
Caltagirone	Geist	Morris	Tigue
Cappabianca	George	Mowery	Trello
Carn	Greenwood	Mrkonic	Truman
Cawley	Gruitza	Murphy	Van Horne
Cessar	Gruppo	Nahill	Veon
Cimini	Hagarty	Noye	Vroon
Clymer	Haluska	O'Donnell	Wambach
Cohen	Harper	Oliver	Wass
Cofarella	Hayes	Petrone	Wiggins
Cole	Herman	Phillips	Wozniak

Cordisco	Hershey	Pitts	Wright, J. L.
Cowell	Honaman	Pressmann	Wright, R. C.
Deluca	Itkin	Preston	
DeVerter	Johnson	Raymond	Irvis,
DeWeese	Josephs	Reinard	Speaker
Daley	Kennedy	Richardson	

NAYS—70

Angstadt	Fargo	Mackowski	Saurman
Argall	Foster, Jr., A.	Maiale	Scheetz
Book	Freind	Manmiller	Seventy
Bowser	Gannon	Merry	Showers
Boyes	Gladeck	Micozzie	Sirianni
Bunt	Godshall	Moehlmann	Snyder, D. W.
Burd	Hasay	O'Brien	Stairs
Bush	Howlett	Olasz	Steighner
Carlson	Hutchinson	Petrarca	Stewart
Chadwick	Jackson	Piccola	Stuban
Civera	Jarolin	Pievsky	Swift
Clark	Kasunic	Pott	Taylor, F. E.
Cornell	Kenney	Pratt	Weston
Coslett	Langtry	Punt	Wilson
Coy	Lescovitz	Reber	Wogan
Dietz	Letterman	Ryan	Wright, D. R.
Dininni	Livengood	Saloom	Yandrisevits
Dorr	McVerry		

NOT VOTING—4

Davies	Donatucci	Perzel	Pistella
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EXCUSED—0

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—184

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

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

NAYS—19

Boyes	Hagarty	Moehlmann	Ryan
Burd	Herman	Nahill	Saurman
Cornell	Langtry	Pott	Swift
Gladeck	McHale	Reber	Wright, J. L.
Greenwood	McVerry	Reinard	

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

WELCOME

The SPEAKER. The Gary Fleming family from Greenville, Pennsylvania, is in the gallery. Welcome to the hall of the House. They are the guests of Representative Robbins.

COMMITTEE MEETING CANCELED AND REMARKS ON VOTE

The SPEAKER. For an announcement, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker. I also want to correct a vote, but I will have the announcement first.

To the members of the House Agriculture Committee, the hearing and meeting on Thursday of this week has been canceled.

Mr. Speaker, I intended to vote in the affirmative on Mr. O'Donnell's amendment 4470 to SB 964. I did not reach quick enough or you cut me off or something. Anyway, I was not recorded.

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

CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, to announce a meeting.

Mr. LAUGHLIN. Mr. Speaker, we will have the continuation of the meeting on Consumer Affairs that was held this morning that was recessed in the back of the House immediately upon the adjournment of the House, Mr. Speaker.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on SB 964, amendment A4591, my switch is recorded in the positive. I would like to be recorded in the negative.

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

COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, the Mines and Energy Management Committee meeting will be canceled for tomorrow. Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, on SB 964 I voted in the affirmative. It should have been in the negative. Thank you.

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

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

Mr. KOSINSKI. A correction of the record, Mr. Speaker.

On SB 964, amendment 4632, the Tigie coupon amendment, I was inadvertently cast in the negative. Since I am a coupon clipper, I wish to be cast in the affirmative.

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

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. On SB 964, amendment 4597, I wish to be cast in the negative.

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

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

Mr. BROUJOS. Mr. Speaker, I would like to be recorded in the negative on amendment A4632 to SB 964.

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

The Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Mr. Speaker, on SB 964, PN 1637, amendment 4629, I was recorded in the negative. I would like to be recorded in the affirmative, please.

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

CONFERENCE COMMITTEE MEETING

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

Mr. LINTON. Mr. Speaker, may I be recognized when I can announce the meeting of a committee on conference?

The SPEAKER. The gentleman may make that announcement now.

Mr. LINTON. Thank you, Mr. Speaker.

I would like to announce that the Conference Committee on HB 1363 will meet at 8:30 tomorrow morning in room 401.

REMARKS ON VOTE

The SPEAKER. Are there any further corrections of the record before we go back?

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

Mr. NOYE. Thank you, Mr. Speaker.

On the Linton amendment 4630 to SB 964 I was not recorded. I would like the record to reflect I would have voted in the negative. Thank you, sir.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1945, PN 2593**, entitled:

An Act providing for the establishment, implementation and administration of a customized job training program; and imposing additional powers and duties on the Department of Education.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A4474:

Amend Sec. 3, page 2, line 13, by striking out "business" and inserting

private company

Amend Sec. 3, page 2, line 20, by inserting after "who" meets any one of the following conditions

Amend Sec. 3, page 3, line 16, by striking out "business" and inserting

private company

Amend Sec. 3, page 4, line 1, by inserting after "private" colleges or

Amend Sec. 3, page 4, line 5, by striking out "business" and inserting

private company

Amend Sec. 3, page 4, line 16, by striking out “and” and inserting

or

Amend Sec. 3, page 4, line 20, by striking out “business’s” and inserting

private company’s

Amend Sec. 3, page 4, line 22, by striking out “business” and inserting

private company

Amend Sec. 3, page 4, line 23, by striking out “business” and inserting

private company

Amend Sec. 4, page 5, line 4, by striking out “located or expanding” and inserting

locating, expanding or starting up

Amend Sec. 4, page 5, line 6, by striking out “policies” and inserting

regulations

Amend Sec. 5, page 5, line 17, by striking out “sponsor” and inserting

educational agency

Amend Sec. 5, page 5, lines 22 and 23, by striking out all of lines 22 and “not be conducted with any other available resources.” in line 23 and inserting

location of the private company, creation of jobs, expansion of positions or the preservation of otherwise lost jobs.

Amend Sec. 5, page 6, line 2, by striking out “business” and inserting

private company

Amend Sec. 5, page 6, line 12, by striking out “business” and inserting

private company

Amend Sec. 5, page 7, lines 4 and 5, by striking out “and audits”

Amend Sec. 5, page 7, line 5, by inserting after “documented”

and audits performed

Amend Sec. 5, page 7, line 9, by striking out “firm” and inserting

private company

Amend Sec. 5, page 7, line 14, by inserting after “available” within the private company

Amend Sec. 5, page 7, line 22, by striking out “firm” and inserting

private company

Amend Sec. 6, page 8, line 26, by striking out “Priority” and inserting

After the examination of the potential results of the training proposal, priority

Amend Sec. 6, page 8, line 27, by striking out “county” and inserting

community

Amend Sec. 7, page 9, line 10, by striking out “business” and inserting

private company

Amend Sec. 7, page 9, line 11, by striking out “provisions” and inserting

provision

Amend Sec. 8, page 9, line 18, by striking out “grant recipient” and inserting

private company

Amend Sec. 8, page 9, line 22, by striking out “grant recipient” and inserting

private company

Amend Sec. 8, page 9, line 24, by striking out “business” and inserting

private company

Amend Sec. 8, page 9, line 25, by inserting after “recognized” collective bargaining

Amend Sec. 9, page 10, line 3, by striking out “firms” and inserting

private companies

Amend Sec. 9, page 10, line 3, by inserting after “meet” one of

Amend Sec. 9, page 10, lines 11 and 12, by striking out “locate or”

Amend Sec. 9, page 10, lines 25 and 26, by striking out all of said line

Amend Sec. 9, page 11, line 8, by inserting after “for” entry-level

Amend Sec. 9, page 11, line 13, by striking out “business” and inserting

private company

Amend Sec. 10, page 12, line 3, by striking out “FIRMS” and inserting

private companies

Amend Sec. 10, page 12, line 4, by striking out “FIRMS” and inserting

private companies

Amend Sec. 10, page 12, line 5, by striking out “FIRMS” and inserting

private companies

Amend Sec. 11, page 13, line 3, by striking out “firm” and inserting

private company

Amend Sec. 11, page 13, line 4, by striking out “any employment” and inserting

a

Amend Sec. 11, page 13, line 5, by striking out “this act” and inserting

the training plan

Amend Sec. 11, page 13, line 8, by inserting after “or”

private

Amend Sec. 11, page 13, line 12, by inserting after “or”

private

Amend Sec. 11, page 13, line 15, by inserting after “the”

private

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this is an amendment that was developed and is cosponsored by the gentleman, Mr. Hayes, from the other side.

It contains a number of editorial changes which clarify language of legislative intent in the bill. It insures that a private company’s eligibility for customized job training as amended will read that the company seeking the grant must provide the department with information indicating that the training and the State funds are necessary for the location of the private company, for the creation of jobs, for the expansion of positions, or the preservation of jobs that might otherwise be lost.

Language is also added which requires the department to evaluate the merit of all applications, and if all else is equal, the priority should be given to a private company’s application that is located in the community with an above-average unemployment rate.

Those are the changes that the amendment makes, Mr. Speaker, and I ask for its adoption.

The SPEAKER. The Chair recognizes the minority whip.
Mr. HAYES. Thank you, Mr. Speaker.

I join the majority leader in the sponsorship of this amendment, and he and I have agreed to place on the record of today's proceedings some information which is of concern to Representative Ryan. I wonder if the majority leader would join me in a series of questions and answers.

Mr. MANDERINO. Mr. Speaker, would you think that that would be more properly—

Mr. HAYES. After the amendment? That is fine.

Mr. MANDERINO. Yes.

The SPEAKER. We will take it up after the passage of the amendment.

Mr. HAYES. That is fine, Mr. Speaker. I urge support of the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

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

Dawida Deal Langtry Lashinger Richardson Rieger Speaker

NAYS—0

NOT VOTING—2

Durham Pistella

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the minority whip is recognized to interrogate. The majority leader indicates he will stand for interrogation. The gentleman may proceed.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Ryan would like the majority leader and I to engage in a few questions and answers so that we can establish some legislative intent on today's record of proceedings.

The specific situation that Mr. Ryan has concern about deals with Scott Paper Company in the county of Delaware, where that industry is contemplating the investment of possibly \$100 million for cogeneration. The facility is located in an enterprise zone, and there will be jobs, both entry level and the upgrading of jobs, involved with this cogeneration facility. The gentleman, Mr. Ryan, would like to know—as far as legislative intent is concerned—as to whether Scott Paper would be an eligible applicant under the provisions of HB 1945.

Mr. MANDERINO. Mr. Speaker, I do not think that there is any question but that Scott Paper, under those circumstances that you described, would be an eligible applicant. They certainly are upgrading facilities. My understanding of the cogeneration process there is to preserve jobs, and those are two of the criteria that are in the bill for eligibility for funds, Mr. Speaker.

The SPEAKER. Any further questions?

Mr. HAYES. Thank you, Mr. Speaker.

I appreciate the majority leader's answer, and I, too, believe, as does the majority leader, that the instance brought to our attention by Representative Ryan will be covered under the provisions of HB 1945, and those persons who administer the Customized Job Training Program should adhere to those observations, which will be part of today's proceedings. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, the contents of this bill - customized job training - were arrived at through a process of negotiation and a process of give-and-take between myself, my office staff, and the gentleman, Mr.

Hayes, and his office staff. We think that the contents of the bill as it now stands is a fair representation of what the General Assembly would like to see in a Customized Job Training Program.

What has occurred, Mr. Speaker, is that the Job Training Program, the Customized Job Training Program, has been in existence in this Commonwealth for a number of years, and for a number of budget periods we approved moneys for customized job training. They were run, however, completely and exclusively as a program of the executive branch of government. And although many times the creation of jobs, the upgrading of positions, and the savings of jobs in the Commonwealth were what was contained in most of the news releases, a very hard look at the program left something to be desired in definitively stating for the record, and not only for the record, but definitively showing that the jobs would not have been created, preserved, or upgraded but for the money that the Commonwealth was putting in. We simply have asked the administration to work with us, and they have approved the language that is in the bill presently, to work with us so that we can set up a program where at least we could set up minimal standards that would indicate that we were either creating new jobs with the customized job training, upgrading jobs that may already exist but there would be an enhanced opportunity for wages by the persons who were being trained, or that we would retain jobs that might otherwise be lost. We simply were saying that spending \$12 million in State moneys, we ought not to spend the moneys unless we were getting something in return to the Commonwealth over and above what we would have gotten from those companies had we not placed the \$12 million into customized job training.

While this bill represents the product of that attempt, Mr. Speaker, I am not completely satisfied that we can walk away and forget about customized job training. I think it is going to take very close monitoring by the General Assembly, and I would pledge that we are going to have our committees looking very closely at the continued expenditure of money to make sure that it meets this very simple criteria that is set up in the bill. But be assured that we will not hesitate, as a General Assembly, to come back and ask for further criteria restriction, or perhaps even abandonment of the program if it is unable to be fixed, if we do not see an improvement through the legislation that we are asking to be enacted today.

REMARKS SUBMITTED FOR THE RECORD

Mr. MANDERINO. Mr. Speaker, I have more extensive remarks that I would like to submit for the record in conjunction with the bill that is before us.

The SPEAKER. The gentleman will send the remarks to the clerk. They will be filed for the record.

Mr. MANDERINO submitted the following remarks for the Legislative Journal:

Last June, I came before you to discuss the results of a program audit we completed of the Customized Job Training

Program and to tell you why we could not support funding for the program in the 1985/86 State budget. The continuation of the program, I argued, would only be supported if a substantive piece of legislation could be enacted which addressed our concerns with the program operation.

We found, not only through the results of our program audit which surveyed 168 of the firms which had participated in CJT, but through letters and visits from concerned businessmen, employees, and union officials that the State dollars funneled into the Customized Job Training Program have been abused.

We concluded that for the most part the State has been picking up businesses' training costs when the business would have and could have paid for the training themselves.

- We paid for upgrade training when the employees had no hopes of receiving better compensation.

- We paid to train retail clerks, security guards, and fast food workers - positions in businesses which offered no substantial economic gains to their communities.

- We paid to train management for jobs which would eventually displace existing union employees. We know of instances where CJT funds went to subsidize a training program for a multinational company who has been internally financing the same program at company plants throughout this country and other parts of the world. Furthermore, this same program contained training components which were in direct violation of standing union contracts.

Finally, we paid to train employees of companies where within 6 months of the training, the company had closed its doors and left the State. One training grant in particular, which was in excess of \$300,000, went to a company who trained only management level positions, shuttled most of the trainees to and from California and Nevada, and conducted training seminars with vendors who charged fees of more than \$750 per session per trainee.

This bill before you today has been our attempt at placing into law certain assurances to prevent these types of abuses from taking place in the future. Representative Hayes has worked along with me on this bill and I must commend him for his efforts and ideas which have helped to shape the legislation today.

This is a compromise piece of legislation which represents the concerns of all parties - those who do not want to infringe upon the program's use as an effective economic development tool and those who do not want the program to be the State's biggest giveaway.

Although I am asking you to support this legislation, I continue to have deep reservations about the program. My reservations with the program not only stem from the inherent weaknesses found in many economic development programs but they stem from the things I have heard and seen. I continue to see, despite assurances of the contrary, training projects approved for large retail chains and I continue to see faulty program management and too many activities occurring behind the scenes. Furthermore, no evidence exists to date that would lead us to believe that there is a systematic method employed by the Department of Education for analyzing requests for training grants.

We have tried to address these and other concerns with this legislation while at the same time we have also attempted to provide a more effective and efficient job training program, a program not buried in bureaucratic detail. We have not altered the program dramatically—we have only taken steps to assure that our State dollars are used to achieve a substantial economic gain to the Commonwealth and its citizens.

Any firm willing to locate in Pennsylvania and provide new jobs can participate in CJT -

Any firm already located in Pennsylvania but seeking to expand can participate in CJT -

And, any firm willing to make a social investment in the Commonwealth by training disadvantaged workers may also participate in CJT.

We have only tried to guarantee that if a firm receives training from the State that the State may, in return, receive something back from that firm.

We have tried to place into law the ingredients for an effective program but what we really need is effective leadership and a tightly managed program. I do not know whether we can expect that to occur so we have included a host of reporting requirements to which the Department of Education, the local educational agencies, and even the private companies must adhere. We will also continue to practice strict legislative oversight on CJT and demand a periodic accounting of all program activities.

My experience with CJT over its 3 1/2-year history has not been a good one, for the closer I looked at the program, the more problems I found. With the enactment of this legislation I am looking forward to seeing some positive results, but if the abuses of the past continue to reoccur, I will not hesitate to bring before you once again this issue.

On the question recurring,
Shall the bill pass finally?

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

Mr. LAUGHLIN. Mr. Speaker, would the gentleman, Mr. Hayes, stand for interrogation, please?

The SPEAKER. The gentleman, Mr. Hayes, indicates he will so stand. The gentleman, Mr. Laughlin, is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, I strongly agree with Representative Manderino's and your efforts to more adequately target programs and funding for the State of Pennsylvania. Many of us have fought for a number of years to secure additional targeting for those unemployed areas that really need help to bring back the economy there, and the actions that you have taken today certainly meet with favor here.

Mr. Speaker, however, I would like to ask one question along those lines, and the scenario will go like this: There are a number of companies in the State of Pennsylvania that had previously applied for a grant under the Customized Job Training Program. They had been reviewed, and their application, with the exception of some final work by the department, was prepared to be okayed for funding. Unfortunately, because of the shortfall of cash, which was approximately \$3 million that we had initially given, they could not then fund the projects that remained on that list, and there were some eight or nine of those projects, Mr. Speaker, and some of them had to be initiated immediately in order to take advantage of the banking and the rest of the funding that was available to them. Now, in this case, would that company that had their application in and had been prepared for final review and acceptance, would they now have the ability, if they have gone out and borrowed that money and provided that training in order to keep or to start the operation that is a \$20-million investment and is going to keep jobs in Pennsylvania, would they then be entitled to take part in the program under the present structure? Or could we depend on yourself and Representative Manderino in a conference to try to work that out? Two questions.

Mr. HAYES. I will do my best, Mr. Speaker.

When the General Assembly passed this year's general appropriation bill earlier this session, we placed language in that GA bill that said, essentially, the following: that the Department of Education could approve customized job training applications according to their guidelines up to the amount of \$3 million. Their authorization to further approve CJT applications would be contingent upon legislation passed by this General Assembly, and that is why we have brought before this body this evening HB 1945.

I am not at all certain, Mr. Speaker, as to what specific and definitive action the Department of Education may have made with regard to certain applications that have been previously filed with that department. I do know this, that the Department of Education will be able to move forward according to administrative provisions found in the latter portions of HB 1945 with regard to the promulgation of regulations and that sort of thing, which means that the department will now, with the passage of this legislation, be able to move forward, but they will have to move forward according to the statutory provisions of HB 1945 or whatever other legislation this General Assembly passes before the close of 1985.

For me to stand here and say that there can be a dual standard when in fact this General Assembly will have put in place a statute, I do not believe that I have the authority, as one member of this House of Representatives, to say that they will necessarily be able to approve each and every one of those applications. But to the extent that they have carefully screened these applications and have taken care to not only go by what previous guidelines may have been in place but also the genesis of HB 1945, if they were at all watchful of the process that Mr. Manderino outlined just a few moments ago, I would hope that I could say that they may very well still be eligible, but they will be bound by the statutory provisions of HB 1945 or whatever other piece of legislation this General Assembly passes and sends to the Governor. If you want me to work with you on specific projects, certainly I would offer myself in that regard, Mr. Speaker, and I would do so willingly. Obviously I cannot tell the Department of Education to break the law.

Mr. LAUGHLIN. Mr. Speaker, as a followup, I would never ask you to break the law, and I know you never would.

Mr. Speaker, what I am speaking to specifically is that an applicant who had previously been reviewed and was awaiting final funding, that application, under previous rule, would be now denied benefits if in fact they went out and borrowed the money and commenced the project. What I am saying, Mr. Speaker, is, an amendment to this bill, or when it goes to the Senate, and in discussions with yourself and Representative Manderino, if you could find your way clear to include language that says an applicant shall not be disqualified from receiving funding because a project has been initiated prior to final receipt of funding. What that means, Mr. Speaker, is that in some cases, some industries were required to start the project up even though the funds had run out at the department. What I am asking for is that that company or those companies, especially those in areas of 10, 12, and 14 percent

unemployment, not be denied the funding that has been made available.

That is my concern, Mr. Speaker, and I know that you and Representative Manderino worked extensively on this, but that particular section does not appear in the bill.

Mr. HAYES. I believe, Mr. Speaker, if I may, the gentleman may be asking whether or not there is the possibility of retroactive reimbursement?

Mr. LAUGHLIN. Yes.

Mr. HAYES. I would have to say, Mr. Speaker, that HB 1945 does not have contained in it a provision which provides statutorily for retroactive reimbursement. That is not to say that the Department of Education cannot, by their own rule-making, ask that these companies, while not having to go through the total and complete reapplication process, could in fact update their application. I do not believe that the law being proposed in HB 1945 would preclude the Department of Education from allowing these companies to provide an updated application.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

Mr. Speaker, could I make a few remarks on the bill?

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

Mr. LAUGHLIN. The minority whip, Mr. Speaker, has made very definite conclusions with regard to guarantees and with regard to those provisions that may or may not be able to be accomplished, and, Mr. Speaker, I would certainly, under normal circumstances, agree to those situations and depend on the majority leader and the minority leader to work out those situations. However, I would ask the majority leader and the minority whip, would it be agreeable to you that—I have an amendment right in front of me that has been drafted to be circulated, and I could read it on the floor to include that portion in HB 1945. Would you be agreeable to that, Mr. Speaker, or would the majority leader be agreeable?

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, my recommendation would be along the lines of what I just mentioned a moment ago. I think that rather than statutorily standing here trying to pass judgment on a particular application, which this General Assembly is not prepared to do, rather than do that, I believe that we should provide the Department of Education with direction and ask them to make it possible for those companies that have already applied but have not yet gained department approval during this hiatus between our budget enactment and the prospective enactment of CJT legislation, to allow these companies to make reapplication. I do not believe—at least I am not prepared to stand here and pass judgment on the applications, each and every one, as to whether they are eligible or not. I do not believe any member of this General Assembly is prepared to make those kinds of decisions tonight.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. I agree with the gentleman, Mr. Hayes, Mr. Speaker. I think that the General Assembly spoke in its budget bill when it told the department that it could

spend \$3 million of the \$12 million that we had appropriated prior to the enactment of legislation. We are attempting to enact that legislation now.

What Mr. Laughlin wants to do with his amendment, or is asking be done with the amendment, is precisely what Mr. Hayes has indicated. He does not want to add additional criteria, or he does not want to spell out any policy so far as CJT job moneys are concerned. He simply wants us to pass on applications that have been made that were unable to be funded because the \$3 million was spent before they got to those applications. Mr. Speaker, those applications, like a lot of other applications that are yet to come in this fiscal year, I think ought to be dealt with as Mr. Hayes indicated. They ought to be put to the department, meet the criteria of the bill, and be either accepted or rejected in the normal course of business.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, on final passage.

Mr. DAVIES. Thank you, Mr. Speaker.

Would either the majority leader or the minority whip stand for interrogation?

The SPEAKER. The minority whip is at the microphone. I am certain he will stand for interrogation. You may proceed, Mr. Davies.

Mr. DAVIES. What safeguards does this legislation have that were previously used in the previous application of these moneys that will avert something that happened where a large grant of \$1.2 million was given to a concern in a neighboring county and then the concern closed its doors some 6 months later? My constituents have a genuine concern about the fact that even though you have put in a 20-percent cap per county, there does not seem to be any particular cap per corporation in this bill. Are there other safeguards that will in some way or other draw out or bring out or alleviate this kind of concern?

The SPEAKER. The minority whip is recognized.

Mr. HAYES. Thank you, Mr. Speaker.

To answer the gentleman's question, I refer him to page 13 of the bill, section 11, which pertains to sanctions. It states there that if any company fails to carry out its part of the agreement with the Department of Education, the local educational agency must in fact pay back the sum of money which has been advanced to that company in the form of customized job training grants.

Mr. DAVIES. Mr. Speaker, just one other concern. In the event—if I am sure I have my facts straight—precluded by bankruptcy, what would be the scenario then?

Mr. HAYES. Did you say bankruptcy, Mr. Speaker?

Mr. DAVIES. Yes. If they go into one of the chapters in bankruptcy, is there any catchall or any status of claims to that funding?

Mr. HAYES. Well, at that point, Mr. Speaker, being the judiciary, in cooperation with the Department of Education there would be a legal determination as to how best to approach this public problem.

Obviously, in the law, you will not have placed into it language that takes into consideration every possible eventuality,

but section 11 does provide for sanctions. It provides for an administrative procedure, it provides for an appeal procedure, and if a company enters into bankruptcy, as is the case in most instances, everybody will be bound somewhat by whatever the court decrees.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—201

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

NAYS—0

NOT VOTING—2

Gallen	Pistella
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EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of **SB 774, PN 1683**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the payment of public assistance funds through electronic transfers.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

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

Deluca	Kasunic	Preston	Wright, D. R.
DeVerter	Kennedy	Punt	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashingner	Rieger	Speaker
Dietz	Laughlin		

NAYS—0

NOT VOTING—3

Cessar	Gallen	Pistella
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EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 House proceeded to third consideration of SB 927, PN 1641, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," increasing the amounts of Class III loans; and providing for apparel industry loans and for the establishment and operation of an apparel industry loan board.

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

Mr. DORR offered the following amendments No. A4649:

Amend Sec. 1 (Sec. 2), page 2, line 10, by inserting after "fabrics"

, leather

Amend Sec. 1 (Sec. 2), page 2, line 10, by inserting after "clothing"

, shoes

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

The SPEAKER. On the amendment, the gentleman from York, Mr. Dorr, is recognized.

Mr. DORR. Mr. Speaker, the amendment simply clarifies that the shoe industry would be a participant along with the apparel industry in the benefits of this legislation.

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

The following roll call was recorded:

YEAS—201

Acosta	Dietz	Lashingner	Robbins
Afflerbach	Dininni	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Levin	Saloom
Barber	Duffy	Linton	Saurman
Barley	Durham	Livengood	Scheetz
Battisto	Evans	Lloyd	Schuler
Belardi	Fargo	Lucyk	Semmel
Belfanti	Fattah	McCall	Serafini

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

NAYS—1

Richardson

NOT VOTING—1

Pistella

EXCUSED—0

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dietz	Langtry	Reinard
Afflerbach	Dininni	Lashingner	Richardson
Angstadt	Distler	Laughlin	Rieger
Argall	Dombrowski	Lescovitz	Robbins
Arty	Donatucci	Letterman	Roebuck
Baldwin	Dorr	Levdansky	Rudy
Barber	Duffy	Levin	Ryan
Barley	Durham	Linton	Rybak
Battisto	Evans	Livengood	Saloom

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

NAYS—0

NOT VOTING—2

Pistella Irvis, Speaker

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 House proceeded to third consideration of SB 1134, PN 1652, entitled:

An Act amending the act of March 23, 1972 (P. L. 136, No. 52), entitled "Psychologists License Act," reestablishing the State Board of Psychologist Examiners as the State Board of Psychologists; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4535:

Amend Sec. 3 (Sec. 3), page 9, line 7, by inserting brackets before and after "clause (3) of"

Amend Sec. 8 (Sec. 8.1), page 21, lines 7 and 8, by striking out "other states" and inserting any other state, territory or country

Amend Sec. 14 (Sec. 18), page 29, line 15, by inserting after "convicted"

of Amend Sec. 14 (Sec. 18), page 29, line 16, by striking out "of"

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is strictly a technical amendment that corrects a couple of errors in the bill.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

The Republican minority concurs with the amendment. It is agreed to.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

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

Clark	Herman	Perzel	Veon
Clymer	Hershey	Petrarca	Vroon
Cohen	Honaman	Petrone	Wambach
Colafella	Howlett	Phillips	Wass
Cole	Hutchinson	Piccola	Weston
Cornell	Itkin	Pievsky	Wiggins
Coslett	Jackson	Pitts	Wilson
Cowell	Jarolin	Pott	Wogan
Coy	Johnson	Pratt	Wozniak
Deluca	Josephs	Pressmann	Wright, D. R.
DeVerter	Kasunic	Preston	Wright, J. L.
DeWeese	Kennedy	Punt	Wright, R. C.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kosinski	Reinard	
Dawida	Kukovich	Richardson	Irvis,
Deal	Langtry	Rieger	Speaker
Dietz			

NAYS—1

McCall

NOT VOTING—3

Cordisco Pistella Reber

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

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

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

NAYS—1

McVerry

NOT VOTING—3

Kasunic Pistella Taylor, F. E.

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 House proceeded to third consideration of SB 1135, PN 1653, entitled:

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," reestablishing the State Board of Pharmacy; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the revocation and suspension of licenses; providing for fees; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. CESSAR offered the following amendments No. A4588:

Amend Sec. 2 (Sec. 3), page 5, line 29, by inserting a bracket before " , [that"

Amend Sec. 2 (Sec. 3), page 5, line 29, by striking out the bracket before "that"

Amend Sec. 2 (Sec. 3), page 5, line 30; page 6, lines 1 and 2, by striking out "that he" in line 30, page 5, all of line 1, and "misdemeanor in line 2, page 6

Amend Sec. 2 (Sec. 3), page 6, line 24, by inserting after "country"

unless:

(i) at least ten years have elapsed from the date of conviction;

(ii) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations; and

(iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this clause the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.

Amend Sec. 4, page 12, line 11, by striking out "5 and 6" and inserting

and 5

Amend Bill, page 23, by inserting between lines 22 and 23

(d) Any person whose license, certificate or registration has been suspended or revoked because of a felony conviction under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or similar law of another jurisdiction, may apply for reinstatement after a period of at least ten years has elapsed from the date of conviction. The board may reinstate the license if the board is satisfied that the person has made significant progress in personal rehabilitation since the conviction such that his reinstatement should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations and if the person meets all other licensing qualifications of this act.

Section 5. Section 5.1 of the act is repealed.

Section 6. Section 6 of the act is amended to read:

Amend Sec. 5, page 30, line 23, by striking out "5" and inserting

7

Amend Sec. 6, page 36, line 24, by striking out "6" and inserting

8

Amend Sec. 7, page 37, line 12, by striking out "7" and inserting

9

Amend Sec. 8, page 43, line 7, by striking out "8" and inserting

10

Amend Sec. 9, page 44, line 29, by striking out "9" and inserting

11

Amend Sec. 10, page 45, line 3, by striking out "10" and inserting

12

Amend Sec. 11, page 45, line 8, by striking out "11" and inserting

13

Amend Sec. 12, page 45, line 17, by striking out "12" and inserting

14

Amend Sec. 13, page 45, line 24, by striking out "13" and inserting

15

Amend Sec. 14, page 46, line 1, by striking out "14" and inserting

16

On the question,

Will the House agree to the amendments?

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

Mr. CESSAR. Thank you, Mr. Speaker.

This is the same amendment that I offered last week to three other bills dealing with the licensure of the medical profession. This one deals with the Pharmacy Board, and in effect it would say that anybody convicted of a felony drug conviction after 10 years could be considered for licensure by the examining board. I urge passage, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, this is similar to the amendments that we voted on last week. I would urge a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

NAYS—12

Argall	Dietz	Greenwood	Reinard
Blaum	Flick	Hayes	Richardson
Clymer	Foster, Jr., A.	McCall	Ryan

NOT VOTING—2

Letterman	Pistella
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EXCUSED—0

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

On the question,

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

Mr. BALDWIN offered the following amendments No. A4642:

Amend Sec. 4 (Sec. 4), page 14, line 13, by striking out the period after "REFILLS" and inserting a semicolon

Amend Sec. 4 (Sec. 4), page 14, lines 14 through 20, by striking out all of said lines inserting

(3.2) Maintains patient medication profiles in accordance with this clause. The board shall develop a model patient medication profile. The board shall further promulgate rules and regulations to establish the model patient medication profile within one year of the effective date of this legislation. The board shall conduct a public hearing to solicit input from interested parties prior to the promulgation of the rules and regulations. Implementation of the patient medication profile shall be mandatory thirty months following the effective date of this legislation. Said profiles shall be kept in strictest of confidence between the pharmacist, prescribing physician and patient. Said profiles and any information contained therein shall not be revealed to anyone without the permission of the patient unless the consumer is a member of a Federal or State-subsidized third party plan or the board has given its prior approval for the purposes of an audit to other third party programs. Nothing contained in this section shall prevent the sharing of information between pharmacies owned by the same person, partnership or corporation. The board shall, by regulation, make necessary revisions after the implementation of this policy pursuant to the established procedure;

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

This amendment would introduce the requirement of mandatory patient profiles. The bill as currently drafted requires that 3 years from now there would be a study conducted to determine the necessity of patient profiles and then the study would have to be reported back within a year after that. So we put off the whole thing for 4 years. The amendment would require that a model patient profile be developed by the Pharmacy Board within 1 year from the effective date of the act and then they be instituted within 30 months from the effective date of the act, giving an additional 18 months to work them into the process.

It is my feeling that we should require mandatory patient profiles for the pharmacists to maintain. We have already done this with respect to mail-order pharmacies in the PACE (Pharmaceutical Assistance Contract for the Elderly) Act. We voted funds to require our senior citizens to be educated on the dangers of drug interactions, and it seems to me it would be somewhat contradictory to require those things in the PACE Program and then not require them for pharmacists in general.

I would urge adoption of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller, on the amendment.

Mr. MILLER. I thank the Chair.

Mr. Speaker, I realize the hour is late. The gentleman proposes to replace current language in the bill in which there was heretofore an agreement authorizing a 3-year study of the problem. There are some practical problems that will be in place with this amendment.

Number one, the liability question for pharmacists is left wide open. Currently, if we adopt the language in the bill, that 3-year protection will clearly put the liability on the physician ordering the prescription in the interim while we study the issue.

Secondly, for your information, only seven States have had any track record at all with mandated patient profiles. One of those States, the State of New Jersey, is now retrenching from that position, and here is the problem: This legislature can mandate that pharmacies maintain patient profiles, but we have no control over the patient moving from pharmacy to pharmacy, and that has been the glitch in the problem. Your consumer's interest, your consumer's ability, to purchase at a price and shop at a pharmacy that he chooses is still the glitch in this program. Whether we mandate profiles or not, the consumer will nonetheless make his own choices.

I would encourage a negative vote on this to defer on the safe side of the issue. Let us come up with a little broader track record, broader board regulations, and have an opportunity to make the program work without mandating it immediately. Thank you, Mr. Speaker.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Baldwin amendment as well. On page 14 of the sunset review bill of the Pharmacy Board, there has been set up a clear avenue to follow within the restructured board to conduct a study for the need of a patient profile to be brought back before the next sunset review process. Also, as it was pointed out, mandating profiles in statutes increases potential liability and vulnerability of our pharmacists to suit, and that liability clearly is on the physician already required by law to maintain the profile. That was upheld by a district court in Illinois that said the role of the pharmacist is to fill a prescription of the professional doctor, who is in fact the physician who is ordering the prescription. That does not negate any pharmacy or pharmacists to contacting a physician when he or she sees a problem with it.

As indicated in the State of New Jersey, in a letter from John Paul Dizzia, who was then a Deputy Attorney General who worked very hard for the passage of patient profiles in New Jersey, his experience says, and I quote, "I found that the Patient Profile Rule was one of those well intentioned ideas that looked promising on paper, but which failed dramatically under field test conditions..Moreover, the rule imposes an extremely burdensome task upon pharmacists, grossly out of proportion to the benefits derived from the records that are required to be kept."

Also, Mr. Speaker, as Representative Miller indicated and one of the main reasons why in fact the seven States that cur-

rently have mandated profiles are finding it very difficult, is the fact that the patient does shop generally, and those who shop at more than one pharmacy, there would not be any complete profile on any one patient who shops at different pharmacies. I think clearly we must ask, is this an appropriate overall context to be brought about in sunset legislation when in fact there has been an agreed compromise within the bill to study the problem and to report back to the legislature on mandated profiles.

I ask the rejection of the Baldwin amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Lucyk, on the amendment.

Mr. LUCYK. Mr. Speaker, I rise to support the amendment. Some time ago and several times, I believe, we voted in the House on mail-order prescriptions. At that time I opposed, opposed allowing people of the Commonwealth to purchase prescriptions through the mail. My argument on this was safety reasons, the welfare of the patients concerned.

Today we do not have "mom and pop" pharmacies, if you want to call them that, the small pharmacy where the pharmacist knows every person coming in to purchase a prescription. I think this is a safety mechanism. A patient profile is simply that - to protect the person coming in that he does not mix prescriptions, that if he is visiting two or more doctors, which we often see, that they are not cross-prescribing medicine; it is simply that. This happened to me in the past where I was visiting two different doctors, and the pharmacist, whom I know, called my attention to the fact and checked, and I was grateful for that. But I think in this day and age where we do not have the local pharmacist, where we are dealing with chains, this is very important.

So I urge my colleagues for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska, on the Baldwin amendment.

Mr. HALUSKA. Mr. Speaker, I rise in support of the Baldwin amendment. I think we should not be concerned with the economics of the druggist or the physician. I think we should be concerned about the welfare of the patient, and this is a check and a countercheck for those people who have to call upon the pharmacist, where oftentimes the pharmacist even checks with the physician when he sees something in error.

As far as the patient going to different druggists, that should be immaterial. Each one of those druggists will have to have their respective profile card. And I think this is a very important thing when emergencies arise, that if a physician is not around, they can always contact the druggist in order to counteract the drugs that they have been taking.

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

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

Mr. BALDWIN. Thank you, Mr. Speaker.

First of all, on the issue of liability, the pharmacists tell me that they are already keeping patient profiles. I believe that

the courts in Pennsylvania have clearly established, with respect to every profession, that they are going to be held to the standards of care exercised in that profession. So if they are concerned about liability for not keeping the profile if they do not do it, they would be on the hook already.

Secondly, I am not setting forth in the amendment any criteria as to what has to be in the patient profile. The amendment calls for the Pharmaceutical Board to conduct a public hearing so that all the pharmacists would have input into what would be appropriate. The Pharmaceutical Board would develop the regulations within a year. That would be subject to the independent regulatory review that would not be implemented for 30 months from the effective date of the act.

The patient profiles, I think, are something that is needed to protect the patient. I believe it is much more likely for a patient to go to several different doctors and use the same pharmacy than it is for a patient to go to different pharmacies. I think most patients are going to find a favorite pharmacy, either because of convenience or because of price, and they are going to go to that pharmacy no matter how many different doctors they are seeing. The different doctors may not be aware of what the other doctor is doing, but if they go to the same pharmacist and the pharmacist keeps a patient profile, it adds just that much more protection for the patient from interaction of drugs.

The other thing is that, as I said, the pharmacists say that they are doing this already; it should not be a problem to them. I believe the patient believes that the pharmacists are doing this. I do not think very many patients are aware that there are pharmacies that are not maintaining patient profiles. Some of them who are doing it are advertising that they are doing it. The patients are going in there relying on it, but I think that most patients believe that all pharmacists are doing it, and I think we should mandate it for the sake of the patients.

I ask for an affirmative vote on the amendment. Thank you.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, there is an interesting point with this, and I think we should all take a very close look at it because it does not stick right out on the surface.

You know, the idea of maintaining these profiles may very well be a very good consumer idea, but I am afraid that what we are doing here is we are creating a new duty on the part of the pharmacists. Admittedly, apparently some of the pharmacist groups want this, but it seems to me that if we are mandating by law a new duty and a problem does come up where an individual goes in and maybe is being treated by several doctors and has an adverse reaction and this slips by the pharmacist, it would seem to me under current law, where we have not mandated this duty for them to keep these lists and monitor this, there would be no liability on their part. But by creating this new duty, we are going to expose our pharmacists across the State to a real good probability of being joined in lawsuits where this type of situation occurs.

So I just throw that out to you for your consideration, because I think that we could be really, without knowing it, creating some real legal headaches for our pharmacists.

The SPEAKER. On the Baldwin amendment for the second time, the Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Mr. Speaker, very briefly, I realize the hour is late, but two things to bear in mind on this issue. If you think you are voting for patient profiles with this amendment, please take a moment and consider the issue that patient profiles are not a highbred situation we can in fact mandate by law. We do not have a central computer recognizing every prescription purchase in this State, monitoring it on a minute-by-minute basis by individual. That does not exist. So in a practical sense, we cannot have it even if we vote for it.

Let us take our time with it. Let us study the errors we have with other States. We have gone over half the way by outlining a mechanism in this bill where in fact we can study it. It would be most detrimental on the consumer end of the issue from price shopping, which also, by going from pharmacy to pharmacy, damages your ability to track profiling. You by definition defeat profiles because we do not in fact have in place a way to do it. Let us study the issue. That is the hard consumer end of it. And do not forget your "mom and pop" pharmacists. I heard there were not any. That is all we have in our town—change just starting to come in—and out in rural Pennsylvania, if it were not for the "mom and pops," we would be in trouble. Let us not encumber them with this issue when we have in fact a mechanism to accomplish it, if that is what we decide as a policy matter down the road.

We have a 3-year time line. Let us study it. Let us let other States make mistakes and learn from them, and let us have a few moments of pause and a "no" vote on this bill. Thank you.

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

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

May I interrogate the maker of the amendment?

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

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

Do pharmacies right now provide a service that would do basically what you are requiring in this amendment, and that is, do pharmacies now provide patient medical profiles?

Mr. BALDWIN. The representatives of the Pennsylvania Pharmaceutical Association say that they do. Representatives from Rite Aid and from Thrift also have told me that they do. The Pharmaceutical Association is in favor of this amendment; Rite Aid and Thrift say that they are against it although they maintain patient profiles now.

Mr. D. W. SNYDER. I guess the question I have then is, why do we have to mandate patient profiles if pharmacies can on their own right now offer it as a service to their customers?

Mr. BALDWIN. I think the problem is that most patients assume that all pharmacies are doing it. Some pharmacies are actually advertising that we maintain patient profiles and

using it as a means of attracting patients, but I think that the average patient assumes it is being done. Although most of them are doing it, some of them are not. I think it is a degree of protection for the patient, and I do not think we can afford to wait 4 years, as the current bill would provide for, before we even get to that point.

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

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

Mr. FOX. Thank you, Mr. Speaker.

I would like to ask a question of the maker of the amendment.

The SPEAKER. Mr. Baldwin, you are being requested to stand for further interrogation. The gentleman will stand for interrogation. You may proceed, Mr. Fox.

Mr. FOX. Mr. Speaker, the question occurs regarding what cross-check in the system do we have to make sure that if a patient goes to an independent druggist to get drugs and then goes next week to a chain, what cross-check do we have there? Also, what do we do about a doctor who just gives out pills from the office? How are we going to have a central repository for all that information so that we can have the patient protection which you and the rest of the members, of course, of the House would like?

Mr. BALDWIN. Neither this bill nor my amendment would propose to make such an overall protection. I do not think that is possible. I think, as I stated before, it is more likely that a patient who goes to several different physicians is going to use the same pharmacy. To whatever extent that having a patient profile allows additional protection to the patient, I think it is worthwhile doing. To the extent that a patient uses more than one pharmacy, obviously a pharmacist in pharmacy A cannot be aware of what a pharmacist in pharmacy B is giving the patient and would not be liable to know that type of information. So there would not be any liability for that at all, as stated as a concern.

All I am asking for in the amendment is to require that the pharmacists maintain a profile for the prescriptions that they are giving to the patient who walks in their door.

Mr. FOX. Mr. Speaker, may I comment on the amendment?

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

Mr. FOX. Thank you, Mr. Speaker.

I am in favor of the amendment, but I would ask that the maker of the amendment meet with other members for the purpose of a long-range plan which would include at some point some central repository so that we can make even more safeguards for our patients. Thank you.

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

The following roll call was recorded:

YEAS—77

Afferbach	DeWeese	Laughlin	Roebuck
Argall	Daley	Lescovitz	Smith, B.
Baldwin	Dawida	Letterman	Snyder, G. M.
Battisto	Deal	Lloyd	Staback

Belardi	Dombrowski	Lucyk	Steighner
Belfanti	Donatucci	McCall	Stewart
Blaum	Dorr	McHale	Stuban
Bortner	Duffy	Manderino	Taylor, F. E.
Boyes	Fox	Mayernik	Tigue
Caltagirone	Freeman	Michlovic	Trello
Cappabianca	Gallagher	Mrkonic	Truman
Carn	Gamble	Nahill	Van Horne
Clark	Godshall	Olasz	Veon
Cohen	Haluska	Oliver	Wozniak
Colafella	Harper	Petrarca	Wright, D. R.
Cole	Hasay	Petrone	Wright, J. L.
Cordisco	Jarolin	Pievsky	
Cornell	Josephs	Pressmann	Irvis,
Cowell	Kasunic	Rieger	Speaker
Coy	Kukovich	Robbins	

NAYS—122

Angstadt	Fattah	Levin	Rudy
Arty	Fee	Linton	Ryan
Barber	Fischer	Livengood	Rybak
Barley	Flick	McClatchy	Saloom
Birmelin	Foster, Jr., A.	McVerry	Saurman
Black	Freind	Mackowski	Scheetz
Book	Fryer	Maiale	Schuler
Bowley	Gallen	Manmiller	Semmel
Bowser	Gannon	Markosek	Serafini
Brandt	Geist	Merry	Seventy
Broujos	George	Micozzie	Showers
Bunt	Gladeck	Miller	Sirianni
Burd	Greenwood	Moehlmann	Smith, L. E.
Burns	Gruitza	Morris	Snyder, D. W.
Bush	Gruppo	Mowery	Stairs
Carlson	Hagarty	Murphy	Stevens
Cawley	Hayes	Noye	Sweet
Cessar	Herman	O'Brien	Swift
Chadwick	Hershey	O'Donnell	Taylor, E. Z.
Civera	Honaman	Perzel	Taylor, J.
Clymer	Howlett	Phillips	Telek
Coslett	Hutchinson	Piccola	Vroon
Deluca	Itkin	Pitts	Wambach
DeVerter	Jackson	Pott	Wass
Davies	Johnson	Pratt	Weston
Dietz	Kennedy	Punt	Wiggins
Dininni	Kenney	Raymond	Wilson
Distler	Kosinski	Reber	Wogan
Durham	Langtry	Reinard	Wright, R. C.
Evans	Lashingner	Richardson	Yandrisevits
Fargo	Levdansky		

NOT VOTING—4

Acosta	Cimini	Pistella	Preston
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EXCUSED—0

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

On the question recurring,

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

Mr. MILLER offered the following amendment No. A4660:

Amend Sec. 4 (Sec. 6), page 26, line 25, by striking out "professional"

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller, on the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

The amendment we are offering is a last-minute correction to a bill. It was an error we made in the drafting process. It strikes out the word "professional" on line 25, page 26, of the bill, and I understand it is agreed to.

I would encourage the members to vote for it.

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

Mr. LLOYD. Mr. Speaker, this is agreed to. This is the same change that has been made in other bills, and we just forgot it in this one.

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—199

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

NAYS—0

NOT VOTING—4

Acosta Fattah Linton Pistella

EXCUSED—0

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. LLOYD offered the following amendments No. A4551:

Amend Sec. 3 (Sec. 3.2), page 12, line 3, by inserting after "must" , territories and countries

Amend Sec. 4 (Sec. 5), page 23, line 14, by inserting after "COUNSELING,"

or

Amend Sec. 4 (Sec. 6), page 28, line 20, by striking out "employe" and inserting

employ

Amend Sec. 5 (Sec. 7), page 36, line 14, by striking out "this"

Amend Sec. 5 (Sec. 7), page 36, line 15, by striking out "SUBSECTION" and inserting

subsections (d.3) through (d.8)

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is also a strictly technical amendment, which corrects a number of mistakes in the bill and which is agreed to, worked out with the other side.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—3

Fattah Pistella Sirianni
EXCUSED—0

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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

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

NAYS—1

George

NOT VOTING—1

Pistella

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 567, PN 2597**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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 computation of the capital stock or franchise tax on regulated investment companies and the tax on real estate transfers; and continuing the Employment Incentive Payment Program.

On the question,
Will the House concur in Senate amendments?

The **SPEAKER**. It has been moved by the gentleman from Allegheny, Mr. Trello, that the House do concur in the amendments inserted by the Senate to HB 567.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—201

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

NAYS—0

NOT VOTING—2

Pistella Roebuck

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1100, PN 2532**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding from the tax materials used by nonprofit organizations for purposes of commemoration and memorialization of historical events.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. It has been moved by the gentleman from Bucks, Mr. Wilson, that the House do concur in the amendments inserted by the Senate to HB 1100.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—201

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

NAYS—0

NOT VOTING—2

Baldwin Pistella

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1338, PN 2362**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of August 24, 1951 (P. L. 1304, No. 315), known as the "Local Health Administration Law," increasing the annual per capita grant for environmental health services.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. It has been moved by the gentleman from Philadelphia, Mr. Pievsky, that the House do concur in the amendments inserted by the Senate to HB 1338.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—202

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

Cohen	Hershey	Petrarca	Vroon
Colafella	Honaman	Petrone	Wambach
Cole	Howlett	Phillips	Wass
Cordisco	Hutchinson	Piccola	Weston
Cornell	Itkin	Pievsky	Wiggins
Coslett	Jackson	Pitts	Wilson
Cowell	Jarolin	Pott	Wogan
Coy	Johnson	Pratt	Wozniak
Deluca	Josephs	Pressmann	Wright, D. R.
DeVerter	Kasunic	Preston	Wright, J. L.
DeWeese	Kennedy	Punt	Wright, R. C.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—1

Pistella

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1685, PN 2598**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), known as the "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for powers and duties of the department and the council; and reestablishing and continuing the council.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It has been moved by the gentleman from Philadelphia, Mr. Barber, that the House do concur in amendments inserted by the Senate to **HB 1685**.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—201

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

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

NAYS—0

NOT VOTING—2

Pistella

Taylor, E. Z.

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. CESSAR. Thank you, Mr. Speaker.

I find that on SB 774, PN 1683, I was not recorded, and I desire to be recorded in the affirmative.

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

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

Mr. GEIST. Thank you, Mr. Speaker.

On the highly controversial Cessar amendment 4588 to SB 1135, I was recorded in the affirmative and had wished to vote in the negative and thought I had been recorded as such. At this time I would like the record to reflect that I would like to be voted in the negative.

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

The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, on amendment 4590 to SB 964, I was inadvertently recorded in the negative and would like to be voted in the affirmative.

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

The Chair recognizes the gentleman from Montgomery, Mr. Fox, to correct a vote.

Mr. FOX. Mr. Speaker, I wish to correct the record on SB 964. The vote should have been recorded in the negative. Thank you, Mr. Speaker.

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

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

Mr. RICHARDSON. Mr. Speaker, on amendment A4588 to SB 1135, I was recorded in the negative. I would like my vote to reflect a vote in the affirmative. My switch was malfunctioning.

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

The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, on SB 964 I was not recorded on the Clark amendment 4570. I would like to be recorded in the affirmative. On the Tigie amendment 4632 to SB 964, I would like to be recorded in the negative.

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

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I would like the opportunity for other members of the House to be sponsors of HR 213 on Human Rights Day.

The SPEAKER. The Chair hears no objection from any member.

The clerk is informed to affix the names of all present members of the House of Representatives to the resolution.

Mr. BROUJOS. Thank you.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, my switch failed to operate on the Truman amendment 4629 to SB 964. I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes the gentleman from Allegheny, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

On amendment 4642 to SB 1135, I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Fayette, Mr. Kasunic.

Mr. KASUNIC. Mr. Speaker, on final passage of SB 1134, I was not recorded. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, on the Lloyd amendment 4535 to SB 1134, I was recorded in the negative. I would like it to show in the record I would be recorded in the affirmative. On SB 1135, the Cessar amendment 4588, I would also like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, on SB 964, amendment 4653, I was not recorded. I would like to be recorded in the affirmative.

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

HOUSE BILL INTRODUCED AND REFERRED

No. 1971 By Representatives BARBER, MANDERINO, PISTELLA, COHEN, STEWART, LEVDANSKY, PETRONE, TRELLO, PRESTON, DAWIDA, McHALE, FREEMAN, WOZNIAK, CARN, JOSEPHS, KUKOVICH and GRUITZA

An Act providing for the creation of the Health Care Cost Containment Commission, for its powers and duties, for hospital cost containment through reporting requirements, for the collection and dissemination of data, for hospital efficiency guidelines, utilization controls, public accountability of health care costs, and for health care for the indigent; establishing the Indigent Care Pool and Indigent Care Fund; requiring certain contributions; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, December 10, 1985.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 212 By Representatives CORDISCO, MANDERINO, DALEY, KASUNIC, COLAFELLA, LESCOVITZ, VEON, BURNS and J. L. WRIGHT

Memorializing the Congress of the United States to investigate allegations of fraudulent steel imports by foreign steel suppliers.

Referred to Committee on RULES, December 10, 1985.

No. 214 By Representatives D. R. WRIGHT, MILLER, STEIGHNER, WAMBACH, CAPPABIANCA, ACOSTA, STEWART,

DeWEESE, LUCYK, PRESTON,
McHALE, BATTISTO, CALTAGIRONE,
OLASZ, COLE, MRKONIC,
VAN HORNE, MICHLOVIC,
PRESSMANN, DUFFY, DAWIDA,
KUKOVICH, ITKIN, JAROLIN,
BELARDI, DEAL, DALEY, KASUNIC,
OLIVER, FREEMAN, BARBER,
ROEBUCK, TRUMAN, COHEN,
STUBAN, RICHARDSON, WIGGINS,
MURPHY, JOSEPHS, LEVDANSKY,
DONATUCCI, RUDY, KOSINSKI,
RIEGER, COY, GALLAGHER,
DOMBROWSKI, VEON, YANDRISEVITS,
BORTNER, STABACK, McCALL,
PETRARCA, DeLUCA, AFFLERBACH,
COWELL, MARKOSEK, MAYERNIK,
BOWLEY, LETTERMAN, LIVENGOOD,
HUTCHINSON, LESCOVITZ, CLARK,
GAMBLE and COLAFELLA

Directing the Legislative Budget and Finance Committee to undertake a performance audit of the administration and implementation of the Commonwealth's surplus foods program.

Referred to Committee on RULES, December 10, 1985.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1892, PN 2490**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 316, PN 2622**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the *House of Representatives to SB 615, PN 1593; SB 1052, PN 1630; SB 1103, PN 1655; SB 1114, PN 1656; SB 1115, PN 1657; SB 1116, PN 1658; and SB 1117, PN 1659.*

BILLS SIGNED BY SPEAKER

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

HB 567, PN 2597

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 computation of the capital stock or franchise tax on regulated investment companies and the tax on real estate transfers; and continuing the Employment Incentive Payment Program.

HB 1100, PN 2532

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding from the tax materials used by nonprofit organizations for purposes of commemoration and memorialization of historical events.

HB 1338, PN 2362

An Act amending the act of August 24, 1951 (P. L. 1304, No. 315), known as the "Local Health Administration Law," increasing the annual per capita grant for environmental health services.

HB 1685, PN 2598

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), known as the "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for powers and duties of the department and the council; and reestablishing and continuing the council.

HB 1892, PN 2490

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the "Legal Holiday Law," further providing that the third Monday in January shall be known as Dr. Martin Luther King, Jr. Day and observed as a holiday.

SB 615, PN 1593

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the metering of electricity supplied to volunteer fire companies and nonprofit senior citizen centers; and prohibiting the use of coal mined in foreign countries by certain utilities.

SB 1052, PN 1630

An Act providing for the insurability of downhill ski area operators for punitive damages for unintentional tortious conduct.

SB 1103, PN 1655

An Act amending the act of June 22, 1970 (P. L. 378, No. 122), entitled "Nursing Home Administrators License Act," providing for the reestablishment and continuation of the State Board of Examiners of Nursing Home Administrators, for temporary and automatic suspensions of licenses, for reporting of multiple licensure, for civil penalties and for reports; further providing for the terms of office, meetings and compensation of members, for injunctions, for powers and duties of the board, for subpoenas, for examinations, for licenses, for suspension of licenses, for disciplinary proceedings and for restoration of licenses and registrations; providing for the fixing of fees; and making repeals.

SB 1114, PN 1656

An Act amending the act of March 2, 1956 (1955 P. L. 1206, No. 375), entitled, as reenacted and amended, "Podiatry Act of 1956," reestablishing the State Board of Podiatry Examiners as the State Board of Podiatry; providing for its composition, powers and duties; changing provisions relating to the issuance of

licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

SB 1115, PN 1657

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," reestablishing the State Board of Osteopathic Medical Examiners as the State Board of Osteopathic Medicine; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

SB 1116, PN 1658

An Act amending the act of May 22, 1951 (P. L. 317, No. 69), entitled, as amended, "The Professional Nursing Law," reestablishing the State Board of Nurse Examiners as the State Board of Nursing; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

SB 1117, PN 1659

An Act amending the act of March 2, 1956 (1955 P. L. 1211, No. 376), entitled "Practical Nurse Law," further providing for the practice of practical nursing; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the requisite sunshine notice for the session of the House of Representatives.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

Wednesday, December 11, 1985 at 10:00 a.m. instead of 11:00 a.m.

John J. Zubeck
Chief Clerk
House of Representatives

December 10, 1985

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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

Tuesday, December 10, 1985

John J. Zubeck
Chief Clerk
House of Representatives

December 10, 1985

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Philadelphia, Mr. Howlett.

Mr. HOWLETT. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 11, 1985, at 10 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 6:37 p.m., e.s.t., the House adjourned.