

Legislative Journal

MONDAY, DECEMBER 3, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 85

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE DAVID L. SHADDING, member of the House of Representatives and guest chaplain, offered the following prayer:

Our Father in heaven, we assembled in this chamber beseech Thy mercy and guidance in all that we think and do and say this day. Endow this representative body with wisdom and knowledge, individually and collectively, so that all the laws we make will be in the interest of all the citizens of our great state. God, bless our state and bless these United States. In the name of Jesus Christ, our Savior, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Thursday, November 29, 1979, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of September 26 and October 2 and 9, 1979?

If not, and without objection, the Journals are approved.

HOUSE BILLS INTRODUCED AND REFERRED

HB 2032 By Representatives RYAN, ZORD, E. Z. TAYLOR, GRUPPO, BURD, PETERSON, POTT, GLADECK, ARTY, KLINGAMAN, PYLES, JONES, GIAMMARCO, PUCCIARELLI, BROWN and BORSKI.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for the obtaining of child support payments for recipients whose eligibility for assistance is based on the absence of a parent from the home.

Referred to Health and Welfare, Nov. 29, 1979.

HB 2033 By Representatives MANMILLER and PICCOLA.

An Act declaring and adopting the song "Pennsylvania,"

music and lyrics by J. W. Yoder, as the State song of the Commonwealth.

Referred to State Government, Nov. 29, 1979.

HB 2034 By Representative WILSON.

An Act creating the Recreation Fund in the State Treasury, authorizing low interest loans from the fund to municipalities for the purpose of building recreation centers, and making an appropriation from the State Lottery Fund.

Referred to Appropriations, Nov. 29, 1979.

HB 2035 By Representatives EARLEY, MICOZZIE, ALDEN, WILLIAMS, SHADDING, OLIVER, DURHAM, SPITZ, STREET, BARBER, COHEN, WHITE, PRATT, CESSAR, KUKOVICH, McKELVEY, BOWSER, McVERRY, GRUPPO, LIVENGOD, DUFFY, C. GEORGE, MICHLOVIC, GRABOWSKI, FEE, DAWIDA, MUSTO, DOMBROWSKI, HOFFFEL, STEIGHNER, RODGERS, COLE, D. R. WRIGHT and CHESSE.

An Act requiring insurance companies to disclose certain information relating to business operations to the Insurance Department.

Referred to Insurance, Nov. 29, 1979.

HB 2036 By Representatives POTT, COCHRAN, TADDONIO, BURD, M. H. GEORGE, DeWEESE, ZORD, SWEET, F. TAYLOR, MADIGAN, LASHINGER, KANUCK, E. Z. TAYLOR and WILSON.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for Senate approval of certain State labor contracts.

Referred to State Government, Nov. 29, 1979.

HB 2037 By Representatives DININNI, DiCARLO and KOLTER.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing flashing or revolving yellow lights on snow plows.

Referred to Transportation, Nov. 29, 1979.

HB 2038 By Representatives REED and STEWART.

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the Municipal Police Pension Law, reducing age and service requirements for retirement.

Referred to Local Government, Nov. 29, 1979.

HB 2039 By Representative NOYE.

An Act declaring and adopting the song "Pennsylvania," music and lyrics by Helen Hall Bucher, as the State song of the Commonwealth.

Referred to State Government, Nov. 29, 1979.

HB 2040 By Representatives ALDEN, MILLER,
PN 2579 BRANDT, BOWSER, PETRARCA, REED,
ZELLER, SALVATORE, GIAMMARCO,
ARTY, CALTAGIRONE and GLADECK.

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further providing for certification and appointment.

Referred to State Government, Dec. 3, 1979.

HB 2041 By Representative SELTZER (BY REQUEST).
PN 2580

An Act declaring and adopting the song "Pennsylvania," music and lyrics by Mary E. Albert Attick of the City and County of Lebanon and Commonwealth of Pennsylvania, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

HB 2042 By Representative DeVERTER.
PN 2581

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting a route in Mifflin County.

Referred to Transportation, Dec. 3, 1979.

HB 2043 By Representative DeVERTER.
PN 2582

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting a route in Mifflin County.

Referred to Transportation, Dec. 3, 1979.

HB 2044 By Representatives PUNT, GLADECK,
PN 2583 ZORD, LASHINGER, SIRIANNI, NOYE,
ARTY, POTT, CESSAR, ZELLER, PERZEL,
GIAMMARCO, DeVERTER, ARMSTRONG,
MANMILLER, CIMINI, SCHEAFFER,
W. W. FOSTER, MADIGAN, COSLETT,
SIEMINSKI, McVERRY, GRUPPO,
FISCHER, LEVI, PYLES, E. Z. TAYLOR,
POLITE, CORNELL, LEWIS, NAHILL,
MOWERY, PRATT, BORSKI, DIETZ,
SWIFT, BOWSER, BITTLE, LETTERMAN,
BELARDI, M. H. GEORGE,
CAPPABIANCA, MILLER, LEHR, ALDEN,
PETERSON, GAMBLE, E. H. SMITH,
ZITTERMAN, COCHRAN, TELEK, S. E.
HAYES, JR., GEIST, E. G. JOHNSON,
PITTS, FREIND, DAVIES, McCLATCHY,
RYAN, MACKOWSKI, DUFFY,
MRKONIC, CHESS, COLE, SPITZ,
GRIECO, WASS, E. R. LYNCH,
MOEHLMANN, WENGER, ANDERSON,
DORR, HONAMAN, KLINGAMAN,

GATSKI, BROWN, ROCKS, SERAFINI,
McKELVEY, HASAY, CALTAGIRONE,
BRANDT, FISHER, McMONAGLE, BURD
and M. R. CLARK.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), limiting general assistance to chronically needy persons and transitionally needy persons.

Referred to Health and Welfare, Dec. 3, 1979.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. WAGNER and F. J. LYNCH for today's session, and for Mr. GRIECO for the week's session.

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

Mr. GREENFIELD. Mr. Speaker, I request leaves of absence for Mr. GATSKI for today's session and for Mrs. Kernick and Mr. Brunner for the week's session.

The SPEAKER. Without objection, leaves are granted.

ADDITIONS OF SPONSORS

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, in accordance with the rules, I submit herewith the addition of sponsors:

HB 1252, Caltagirone, T. R.; and HB 1933, Arty, M. A.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll call. Only those members in their seats will be recorded.

The following roll call was recorded:

YEAS—193

Alden	Foster, W.	Madigan	Scheaffer
Anderson	Freind	Manderino	Schmitt
Armstrong	Fryer	Manmiller	Schweder
Arty	Gallagher	McCall	Scirica
Austin	Gallen	McClatchy	Serafini
Barber	Gamble	McIntyre	Seventy
Belardi	Gannon	McKelvey	Shadding
Bennett	Geesey	McMonagle	Shupnik
Berson	Geist	McVerry	Sieminski
Bittle	George, C.	Michlovic	Sirianni
Borski	George, M.	Micozzie	Smith, E.
Bowser	Giammarco	Milanovich	Smith, L.
Brandt	Gladeck	Miller	Spencer
Brown	Goebel	Mochlmann	Spitz
Burd	Goodman	Mowery	Stairs
Burns	Grabowski	Mrkonc	Steighner
Caltagirone	Gray	Mullen, M. P.	Stewart
Cappabianca	Greenfield	Murphy	Street
Cessar	Gruppo	Musto	Stuban
Chess	Halverson	Nahill	Sweet
Cimini	Harper	Novak	Swift
Clark, B.	Hasay	Noye	Taddonio
Clark, R.	Hayes, S. E.	O'Brien, B.	Taylor, E.
Cochran	Helfrick	O'Brien, D.	Taylor, F.
Cohen	Hoeffel	O'Donnell	Telek
Cole	Honaman	Oliver	Thomas
Cornell	Hutchinson, A.	Perzel	Trello

Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Irvis	Petrarca	Wachob
Cunningham	Itkin	Piccola	Wargo
Davies	Johnson, E.	Pievsky	Wass
Dawida	Johnson, J.	Pistella	Weidner
DeMedio	Jones	Pitts	Wenger
DeVertter	Kanuck	Polite	White
DeWeese	Klingaman	Pott	Williams
DiCarlo	Knight	Pratt	Wilson
Dietz	Kolter	Pucciarelli	Wilt
Dininni	Kowalyszyn	Punt	Wright, D.
Dombrowski	Kukovich	Pyles	Wright, J. L.
Donatucci	Lashinger	Rappaport	Yahner
Dorr	Laughlin	Reed	Yohn
Duffy	Lehr	Rhodes	Zeller
Dumas	Letterman	Richardson	Zitterman
Durham	Levi	Rieger	Zord
Earley	Levin	Ritter	Zwinkl
Fee	Lewis	Rocks	
Fischer, R. R.	Livengood	Rodgers	Seltzer,
Fisher, D. M.	Lynch, E. R.	Ryan	Speaker
Foster, A.	Mackowski	Salvatore	

NAYS—0

NOT VOTING—9

Beloff	Grieco	Kernick	Lynch, F.
Brunner	Hayes, D. S.	Knepper	Wagner
Gatski			

The SPEAKER. One hundred ninety-three members having indicated their presence, a master roll is established.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 785, PN 2577 (Amended) By Mr. J. L. WRIGHT

An Act requiring political subdivisions to permit the use of solar energy and to make certain provisions relating to energy in local land-use controls; establishing requirements for solar skyspace easements; and requiring the Department of Community Affairs to publish guidelines and otherwise assist political subdivisions in energy matters.

Mines and Energy Management.

HB 1704, PN 2086 By Mr. J. L. WRIGHT

An Act amending the act of July 20, 1979 (No. 60), entitled "An act regulating the terms and conditions of certain leases regarding natural gas and oil," further providing for the completion date for an increased production procedure.

Mines and Energy Management.

CALENDAR BILL AGREED TO 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 1850, PN 2539.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 168, PN 2183**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for certain contracts.

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

HB 168 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 168 be laid on the table.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 552, PN 2432**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

CORRECTIVE REPRINT SENATE AMENDED

Prior Printer's Nos. 602, 1358, 1957, 2181, 2395
Printer's No. 2432

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 552

Session of 1979

INTRODUCED BY MESSRS. GLADECK, LASHINGER, GEIST, McCLATCHY, ZORD, ROCKS, MRS. DURHAM, MR. ALDEN, MRS. CLARK, MESSRS. D. M. O'BRIEN, LETTERMAN, VROON, NOYE, PUNT, MISS SIRIANNI, MESSRS. SPITZ, MILLER, POLITE, ZWIKL, HALVERSON, SALVATORE, HOFFEL AND McINTYRE, MARCH 7, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 30, 1979.

An Act
amending the act of June 13, 1967 (P. L. 31, No. 21), entitled, "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," prohibiting assistance to certain students, and limiting the exclusion of certain students from the employables program. FURTHER PROVIDING FOR IDENTIFICATION AND PROOF OF RESIDENCE, AND PROHIBITING COPAYMENT PLANS.
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 403, act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," is amended by adding a subsection to read:

Section 403. Uniformity in Administration of Assistance; Regulations as to Assistance.—***

(d) No cash assistance grants shall be provided to any full-time college student whose tuition, room or board is paid in whole or in substantial part by any grant, gift or loan. For the purpose of this subsection "substantial part" shall mean 50% or more.

(D) NO GENERAL ASSISTANCE SHALL BE PAID TO ANY FULL-TIME STUDENT AT A COLLEGE OR UNIVERSITY WHO HAS NOT PARTICIPATED IN A FEDERALLY SUBSIDIZED PROGRAM FOR DEPENDENT CHILDREN WITHIN THE PREVIOUS FIVE YEARS.

Section 2. Clause (1) of subsection (a) of section 405.1 of the

act, added July 15, 1976 (P. L. 993, No. 202), is amended to read:

Section 405.1. Pennsylvania Employables Program.—
(a) Every individual, within ten days after establishing eligibility for public assistance, as a condition of continuing eligibility for aid to families with dependent children or general assistance, shall register in accordance with regulations of the department for employment, training and manpower services, unless such individual is:

(1) a child who is attending school or college in the case of aid to families with dependent children or an approved program of vocational training on a full time basis or who is under the age of sixteen;

SECTION 2. SECTION 432.4 OF THE ACT, ADDED JULY 15, 1976 (P. L. 993, NO. 202), IS AMENDED TO READ:

SECTION 432.4. IDENTIFICATION AND PROOF OF RESIDENCE.—ALL PERSONS APPLYING FOR ASSISTANCE SHALL PROVIDE ACCEPTABLE IDENTIFICATION AND PROOF OF RESIDENCE BEFORE A DETERMINATION OF ELIGIBILITY FOR ASSISTANCE IS MADE; NO PERSON APPLYING FOR ASSISTANCE SHALL RECEIVE AID UNLESS SUCH IDENTIFICATION AND PROOF OF RESIDENCE IS SHOWN PRIOR TO THE DETERMINATION OF ELIGIBILITY FOR ASSISTANCE; THE DEPARTMENT SHALL BY REGULATIONS SPECIFY WHAT CONSTITUTES ACCEPTABLE IDENTIFICATION AND PROOF OF RESIDENCE.

FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR ASSISTANCE, THE CONTINUED ABSENCE OF A RECIPIENT FROM THE COMMONWEALTH FOR A PERIOD OF SIXTY DAYS OR LONGER SHALL BE PRIMA FACIE EVIDENCE OF THE INTENT OF THE RECIPIENT TO HAVE CHANGED HIS RESIDENCE TO A PLACE OUTSIDE THE COMMONWEALTH. THE DEPARTMENT SHALL MAKE INQUIRY FROM ALL RECIPIENTS WHO HAVE BEEN CONTINUOUSLY ABSENT FOR A PERIOD OF THIRTY DAYS TO DETERMINE WHETHER OR NOT IT IS THEIR INTENT TO REMAIN RESIDENTS OF THE COMMONWEALTH OR TO BECOME RESIDENTS ELSEWHERE, AND SHALL REDETERMINE THE RESIDENCE OF SUCH PERSONS. IN ANY CASE IN WHICH SUCH INQUIRY DOES NOT ESTABLISH THAT THE RECIPIENT REMAINS A RESIDENT OF THE COMMONWEALTH, HIS AID SHALL BE TERMINATED [AFTER PROVIDING TIMELY AND ADEQUATE NOTICE OF SUCH INTENDED ACTION].

IF A RECIPIENT IS PREVENTED BY ILLNESS OR OTHER GOOD CAUSE FROM RETURNING TO THE COMMONWEALTH AT THE END OF SIXTY DAYS, AND HAS NOT ACTED TO ESTABLISH RESIDENCE ELSEWHERE, HE SHALL NOT BE DEEMED TO HAVE LOST HIS RESIDENCE IN THE COMMONWEALTH.

WHEN A RECIPIENT OF AID TO FAMILIES WITH DEPENDENT CHILDREN OR GENERAL ASSISTANCE IS ABSENT FROM THE UNITED STATES FOR A PERIOD IN EXCESS OF THIRTY DAYS, HIS AID SHALL THEREAFTER BE SUSPENDED WHENEVER NEED CANNOT BE DETERMINED FOR THE ENSUING PERIOD OF HIS ABSENCE.

IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY, HOWEVER, IN ENACTING THIS SECTION TO CREATE ANY DURATIONAL RESIDENCE REQUIREMENT.

NO PERSON RECEIVING PUBLIC ASSISTANCE SHALL CONTINUE TO RECEIVE SUCH AID IF THAT PERSON CEASES TO BE A RESIDENT OF THE COMMONWEALTH.

SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 453. PROHIBITION ON COPAYMENTS.—THE DEPARTMENT OF PUBLIC WELFARE SHALL NOT UNDER ANY CIRCUMSTANCES OR CONDITIONS INITIATE OR IMPLEMENT ANY PLAN WHICH REQUIRES OR WOULD

REQUIRE ANY MEDICAID PRESCRIPTION CARD HOLDER TO PAY ANY PORTION OF THE COST OF ANY FILLED PRESCRIPTION WHICH IS COVERED BY THE MEDICAID PROGRAM.

Section 3. 2 4. This SECTION 1 OF THIS act shall take effect in 60 days AND SECTION 2 3 OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY AND BE RETROACTIVE TO OCTOBER 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. GLADECK. Mr. Speaker, I suggest that the House do nonconcur in the amendments inserted by the Senate.

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

Mr. COWELL. Mr. Speaker, would Mr. Gladeck or some other person please explain the amendments that were added by the Senate?

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

Mr. GLADECK. Mr. Speaker, the amendment added by the Senate is very simple. It simply prohibits copayment plans. It prohibits copayment plans by the Department of Public Welfare.

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

Mr. COWELL. Would Mr. Gladeck then submit to interrogation, please?

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

Mr. COWELL. Mr. Speaker, it is my recollection that this House passed other legislation sometime in the last several weeks that also prohibited copayment plans under the Department of Welfare. Is the language inserted by the Senate into this bill similar to the language in other legislation that we have passed here in the House?

Mr. GLADECK. I am not aware of that, no sir.

Mr. COWELL. Is the language that was inserted by the Senate intended to prohibit copayment plans along the lines of that which the Department of Welfare issued regulations about several weeks ago and then later withdrew?

Mr. GLADECK. Yes, sir, I believe so.

Mr. COWELL. And that is the only change that was inserted by the Senate?

Mr. GLADECK. To my knowledge, yes.

Mr. COWELL. Mr. Speaker, I would like permission to make a comment then, please.

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

Mr. COWELL. Mr. Speaker, this House debated the issue of copayment plans several weeks ago, and I cannot accurately recall the action that we took, but I remember at that time standing at this microphone and speaking in favor of an amendment or legislation that would prohibit the copayment plan for a variety of reasons. If that in fact is the only amendment that

was added by the Senate to this House bill, I would urge that we concur in the Senate amendments.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Will the gentleman, Mr. Gladeck, stand for interrogation, please?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Wright, may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, I understand your having said that the copayment was the only amendment added to the bill, the only change made?

Mr. GLADECK. To my knowledge, yes.

Mr. D. R. WRIGHT. I am looking at page 1 of the bill, section (d). Is it your understanding that section (d) has been eliminated from this bill?

Mr. GLADECK. Would you repeat that section, please, Mr. Speaker?

Mr. D. R. WRIGHT. Page 1, section (d), beginning on line 15.

Mr. GLADECK. Is it my knowledge that that section has been eliminated?

Mr. D. R. WRIGHT. Yes.

Mr. GLADECK. Yes; evidently it has, but it has been reprinted on page 2.

Mr. D. R. WRIGHT. I beg your pardon?

Mr. GLADECK. If you look at page 2, line 2, section (d).

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, for the second time.

Mr. COWELL. Mr. Speaker, I just received a copy of the amended bill, and there evidently are several places where the Senate has amended the bill. I was going to request that we hold it, but that evidently has been the decision. Thank you.

HB 552 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I respectfully suggest that we hold this bill until after we have had a chance to caucus on it. Many Representatives are uncertain as to how they should be voting on this measure.

Mr. Speaker, to restate my request, I would respectfully ask that we hold HB 552, go to the next bill on the calendar, HB 830, and in consultation with Representatives Berson and Miller, I concur with their recommendation that this House nonconcur in Senate amendments.

The SPEAKER. Without objection, HB 552 will be passed over temporarily.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 830, PN 2523**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 903, 1592, 1883, 2373, 2457
Printer's No. 2523

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 830

Session of 1979

INTRODUCED BY MESSRS: MILLER, WHITE, O'DONNELL, SPENCER, LASHINGER, ALDEN, CIMINI, FISHER, PICCOLA, BERSON, RHODES, WILLIAMS, DONATUCCI, LEVIN, WACHOB, JONES, ZORD, SEVENTY, NOYE, LETT, TERMAN, F. J. LYNCH, E. H. SMITH, WAGNER, VROON, SALVATORE, MCINTYRE AND GLADECK, MARCH 26, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 27, 1979.

An Act

amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probation AND FOR CRIMINAL HISTORY RECORDS.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (c) of section 1354 of Title 18, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 1354. Order of probation.

(c) Specific conditions.—The court may as a condition of its order require the defendant:

(1) To meet his family responsibilities.
(2) To devote himself to a specific occupation or employment.

(2.1) To participate in a public or nonprofit community service program unless the defendant was convicted of murder, rape, aggravated assault, arson, theft by extortion, terroristic threats, robbery or kidnapping.

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose.

(4) To pursue a prescribed secular course of study or vocational training.

(5) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons.

(7) To have in his possession no firearm or other dangerous weapon unless granted written permission.

(8) To make restitution of the fruits of his crime or to make reparations, in an amount he can afford to pay, for the loss or damage caused thereby.

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment.

(10) To report as directed to the court or the probation officer and to permit the probation officer to visit his home.

(11) To pay such fine as has been imposed.

(12) To participate in drug or alcohol treatment programs.

(13) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

SECTION 2. THE DEFINITIONS OF "CRIMINAL HISTORY RECORD INFORMATION" AND "SECONDARY DISSEMINATION" IN SECTION 9102 OF TITLE 18, ADDED JULY 16, 1979 (NO. 47), ARE AMENDED AND DEFINITIONS ARE ADDED TO READ:

§ 9102. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"CRIMINAL HISTORY RECORD INFORMATION." INFORMATION COLLECTED BY CRIMINAL JUSTICE AGEN-

CIES CONCERNING INDIVIDUALS, AND ARISING FROM THE INITIATION OF A CRIMINAL PROCEEDING, CONSISTING OF IDENTIFIABLE DESCRIPTIONS, DATES AND NOTATIONS OF ARRESTS, [DETENTIONS,] INDICTMENTS, INFORMATIONS OR OTHER FORMAL CRIMINAL CHARGES AND ANY DISPOSITIONS ARISING THEREFROM. THE TERM DOES NOT INCLUDE INTELLIGENCE INFORMATION, INVESTIGATIVE INFORMATION OR TREATMENT INFORMATION, INCLUDING MEDICAL AND PSYCHOLOGICAL INFORMATION, OR INFORMATION AND RECORDS SPECIFIED IN SECTION 9104 (RELATING TO SCOPE).

“INTELLIGENCE INFORMATION.” INFORMATION CONCERNING THE HABITS, PRACTICES, CHARACTERISTICS, HISTORY, POSSESSIONS, ASSOCIATIONS OR FINANCIAL STATUS OF ANY INDIVIDUAL.

“INVESTIGATIVE INFORMATION.” INFORMATION ASSEMBLED AS A RESULT OF THE PERFORMANCE OF ANY INQUIRY, FORMAL OR INFORMAL, INTO A CRIMINAL INCIDENT OR AN ALLEGATION OF CRIMINAL WRONGDOING.

“SECONDARY DISSEMINATION.” THE SUBSEQUENT TRANSMISSION OR DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM A REPOSITORY OR CONFIRMATION OF THE EXISTENCE OR NONEXISTENCE OF CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM A REPOSITORY.]

“TREATMENT INFORMATION.” INFORMATION CONCERNING MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR OTHER REHABILITATIVE TREATMENT PROVIDED, SUGGESTED OR PRESCRIBED FOR ANY INDIVIDUAL.

SECTION 3. SECTIONS 9104(D), (E) AND (F), 9106, 9112(B), 9121, 9123(A), 9124(B), 9125(B) AND 9182 OF TITLE 18, ADDED JULY 16, 1979 (NO. 47), ARE AMENDED TO READ:

§ 9104. SCOPE.

[(D) CASES IN PROGRESS.—NOTHING IN THIS CHAPTER MUST BE INTERPRETED TO LIMIT THE DISCLOSURE BY THE ARRESTING AUTHORITY, A COURT, OR OTHER CRIMINAL JUSTICE AGENCY HAVING LEGAL JURISDICTION OVER THE INDIVIDUAL TO ANY INDIVIDUAL OR AGENCY OF THE CURRENT STATUS OF AN INDIVIDUAL INVOLVED IN A CRIMINAL CASE IN PROGRESS OR FOR WHICH AN INDIVIDUAL IS CURRENTLY IN THE CRIMINAL JUSTICE SYSTEM SO LONG AS SUCH INFORMATION IS DISSEMINATED NO MORE THAN 180 DAYS FROM THE OCCURRENCE OF ANY FINAL OFFICIAL ACTION BY OR FINAL RELEASE FROM THE SUPERVISION, CUSTODY OR JURISDICTION OF THAT AGENCY.]

[(E)] (D) CERTAIN DISCLOSURES AUTHORIZED.—NOTHING IN THIS CHAPTER SHALL PROHIBIT A CRIMINAL JUSTICE AGENCY FROM DISCLOSING AN INDIVIDUAL'S PRIOR CRIMINAL ACTIVITY TO AN INDIVIDUAL OR AGENCY IF THE INFORMATION DISCLOSED IS BASED ON RECORDS SET FORTH IN SUBSECTION (A).

[(F)] (E) NONCRIMINAL JUSTICE AGENCIES.—INFORMATION COLLECTED BY NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS FROM THE SOURCES IDENTIFIED IN THIS SECTION SHALL NOT BE CONSIDERED CRIMINAL HISTORY RECORD INFORMATION.

§ 9106. PROHIBITED INFORMATION.

[THE FOLLOWING KINDS OF INFORMATION SHALL NOT BE COLLECTED IN THE CENTRAL REPOSITORY NOR IN ANY AUTOMATED OR ELECTRONIC CRIMINAL JUSTICE INFORMATION SYSTEM:

(1) INTELLIGENCE INFORMATION.

(2) INVESTIGATIVE INFORMATION.

(3) TREATMENT INFORMATION, INCLUDING BUT NOT LIMITED TO MEDICAL OR PSYCHOLOGICAL INFORMATION.]

INTELLIGENCE INFORMATION, INVESTIGATIVE INFORMATION AND TREATMENT INFORMATION SHALL NOT BE COLLECTED IN THE CENTRAL REPOSITORY NOR IN ANY AUTOMATED OR ELECTRONIC CRIMINAL JUSTICE INFORMATION SYSTEM. THIS PROHIBITION SHALL NOT PRECLUDE THE COLLECTION IN THE CENTRAL REPOSITORY OR IN ANY AUTOMATED OR ELECTRONIC CRIMINAL JUSTICE INFORMATION SYSTEM OF NAMES, WORDS, NUMBERS, PHRASES OR OTHER SIMILAR INDEX KEYS TO SERVE AS INDICES TO INTELLIGENCE OR INVESTIGATIVE REPORTS.

§ 9112. MANDATORY FINGERPRINTING.

(B) [RETAIL THEFT] OTHER CASES.—WHERE PRIVATE COMPLAINTS FOR A FELONY OR MISDEMEANOR RESULT IN A CONVICTION OR WHERE PERSONS ARE PROCEEDED AGAINST BY A SUMMONS, OR FOR OFFENSES UNDER SECTION 3929 (RELATING TO RETAIL THEFT), THE [ISSUING AUTHORITY] COURT OF PROPER JURISDICTION SHALL ORDER THE DEFENDANT TO SUBMIT FOR FINGERPRINTING BY THE MUNICIPAL POLICE OF THE JURISDICTION IN WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED OR, IN THE ABSENCE OF A POLICE DEPARTMENT, THE STATE POLICE. FINGERPRINTS SO OBTAINED SHALL BE FORWARDED IMMEDIATELY TO THE CENTRAL REPOSITORY.

§ 9121. GENERAL REGULATIONS.

[(A) PROMULGATION OF DISSEMINATION REGULATIONS.—THE ATTORNEY GENERAL SHALL ESTABLISH, IN ACCORDANCE WITH THE PROVISIONS OF THE COMMONWEALTH DOCUMENTS LAW, REGULATIONS CONCERNING THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION WHICH SHALL DISTINGUISH BETWEEN CONVICTION AND NONCONVICTION DATA.]

(A) DISSEMINATION.—CRIMINAL HISTORY RECORD INFORMATION MAINTAINED BY ANY CRIMINAL JUSTICE AGENCY SHALL BE DISSEMINATED TO ANY INDIVIDUAL UPON PAYMENT OF THE AUTHORIZED FEE.

(B) DATA REQUIRED TO BE KEPT.—ANY CRIMINAL JUSTICE AGENCY WHICH DISSEMINATES CRIMINAL HISTORY RECORD INFORMATION MUST INDICATE TO THE RECIPIENT THAT THE INFORMATION DISSEMINATED IS ONLY THAT INFORMATION CONTAINED IN ITS OWN FILE, THE DATE OF THE LAST ENTRY, AND THAT A SUMMARY OF THE STATEWIDE CRIMINAL HISTORY RECORD INFORMATION MAY BE OBTAINED FROM THE CENTRAL REPOSITORY.

[(C) SECONDARY DISSEMINATION.—EXCEPT DURING JOINT CRIMINAL INVESTIGATIONS, NO SECONDARY DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION IS PERMITTED EXCEPT AS PROVIDED FOR BY THIS CHAPTER.]

(C) EXTRACTING FROM THE RECORD.—WHEN CRIMINAL HISTORY RECORD INFORMATION IS MAINTAINED BY A CRIMINAL JUSTICE AGENCY IN RECORDS CONTAINING INVESTIGATIVE INFORMATION, INTELLIGENCE INFORMATION, TREATMENT INFORMATION OR OTHER NONPUBLIC INFORMATION, THE AGENCY MAY EXTRACT AND DISSEMINATE ONLY THE CRIMINAL HISTORY RECORD INFORMATION IF THE DISSEMINATION IS

TO BE MADE TO A NONCRIMINAL JUSTICE AGENCY OR INDIVIDUAL.

[(D) DUPLICATION.—NO DUPLICATION OF CRIMINAL HISTORY RECORD INFORMATION BY ANY CRIMINAL JUSTICE AGENCY EXCEPT FOR ITS OWN INTERNAL USE, OR BY ANY INDIVIDUAL RECEIVING CRIMINAL HISTORY RECORD INFORMATION, IS PERMITTED.]

(E) RETURN OR DESTRUCTION OF INFORMATION.—ALL NONCRIMINAL JUSTICE AGENCIES OR INDIVIDUALS OR AGENCIES RECEIVING CRIMINAL HISTORY RECORD INFORMATION MUST RETURN TO THE DISSEMINATING AGENCY OR DESTROY, IN ACCORDANCE WITH AN AGREEMENT WITH THE REPOSITORY, ALL SUCH INFORMATION RECEIVED UPON COMPLETION OF THE SPECIFIC PURPOSE FOR WHICH CRIMINAL HISTORY RECORD INFORMATION WAS RECEIVED. SUCH INFORMATION SHALL NOT BE PERMANENTLY INCORPORATED INTO THE FILES OR RECORDS OF THE AGENCY OR INDIVIDUAL RECEIVING IT.]

(D) DISSEMINATION PROCEDURES.—CRIMINAL JUSTICE AGENCIES MAY ESTABLISH REASONABLE PROCEDURES FOR THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION.

[(F)] (E) NOTATIONS ON RECORD.—REPOSITORIES MUST ENTER AS A PERMANENT PART OF AN INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION FILE, A LISTING OF ALL PERSONS AND AGENCIES TO WHOM THEY HAVE DISSEMINATED THAT PARTICULAR CRIMINAL HISTORY RECORD INFORMATION AND THE DATE AND PURPOSE FOR WHICH THE INFORMATION WAS DISSEMINATED. SUCH LISTING SHALL BE MAINTAINED SEPARATE FROM THE RECORD ITSELF.

[(G) NONCRIMINAL JUSTICE OFFICIALS, ETC.—ANY NONCRIMINAL JUSTICE OFFICIAL, AGENCY OR ORGANIZATION REQUESTING CRIMINAL HISTORY RECORD INFORMATION PRIOR TO RECEIPT OF ANY SUCH CRIMINAL HISTORY RECORD INFORMATION, MUST SIGN A CONTRACT WITH THE REPOSITORY FROM WHICH IT IS SEEKING CRIMINAL HISTORY RECORD INFORMATION, AGREEING TO ABIDE BY THE PROVISIONS OF THIS CHAPTER. ANY SUCH NONCRIMINAL JUSTICE OFFICIAL, AGENCY OR ORGANIZATION ENTERING INTO SUCH A CONTRACT WITH A REPOSITORY IS BOUND BY AND SUBJECT TO THE PROVISIONS OF THIS CHAPTER.]

(H) PROHIBITION ON INCORPORATION OF RECORDS.—EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, NO CRIMINAL HISTORY RECORD INFORMATION ACQUIRED FROM REPOSITORIES OTHER THAN THE CENTRAL REPOSITORY SHALL BE PERMANENTLY INCORPORATED INTO THE FILES OR RECORDS OF THE CRIMINAL JUSTICE AGENCY OR INDIVIDUAL AND MUST BE DESTROYED UPON COMPLETION OF THE SPECIFIC PURPOSE FOR WHICH SUCH INFORMATION WAS RECEIVED.]

§ 9123. JUVENILE RECORDS.

(A) EXPUNGEMENT OF JUVENILE RECORDS.—NOTWITHSTANDING THE PROVISIONS OF SECTION 9105 (RELATING TO OTHER CRIMINAL JUSTICE INFORMATION) AND EXCEPT UPON CAUSE SHOWN, EXPUNGEMENT OF RECORDS OF JUVENILE DELINQUENCY CASES WHEREVER KEPT OR RETAINED SHALL OCCUR AFTER TEN DAYS NOTICE TO THE DISTRICT ATTORNEY, WHENEVER THE COURT UPON ITS MOTION OR UPON THE MOTION OF A CHILD OR THE PARENTS OR GUARDIAN FINDS:

(1) A COMPLAINT IS FILED WHICH IS NOT SUBSTANTIATED OR THE PETITION WHICH IS FILED AS A RESULT OF A COMPLAINT IS DISMISSED BY THE COURT OTHER THAN AS A RESULT OF AN INFORMAL ADJUSTMENT;

(2) FIVE YEARS HAVE ELAPSED SINCE THE FINAL DISCHARGE OF THE PERSON FROM COMMITMENT, PLACEMENT, PROBATION OR ANY OTHER DISPOSITION AND REFERRAL AND SINCE SUCH FINAL DISCHARGE, THE

PERSON HAS NOT BEEN CONVICTED OF A FELONY, MISDEMEANOR OR ADJUDICATED DELINQUENT AND NO PROCEEDING IS PENDING SEEKING SUCH CONVICTION OR ADJUDICATION; OR

(3) THE INDIVIDUAL IS 21 YEARS OF AGE OR OLDER AND A COURT ORDERS THE EXPUNGEMENT.

§ 9124. USE OF RECORDS BY LICENSING AGENCIES.

(B) PROHIBITED USE OF INFORMATION.—THE FOLLOWING INFORMATION SHALL NOT BE USED IN CONSIDERATION OF AN APPLICATION FOR A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT:

(1) RECORDS OF ARREST IF THERE IS NO CONVICTION OF A CRIME BASED ON THE ARREST.

(2) CONVICTIONS WHICH HAVE BEEN ANNULLED OR EXPUNGED.

(3) CONVICTIONS OF A SUMMARY OFFENSE.

(4) [INFORMATION THAT] CONVICTIONS FOR WHICH THE INDIVIDUAL HAS RECEIVED A PARDON FROM THE GOVERNOR.

§ 9125. USE OF RECORDS FOR EMPLOYMENT.

(B) USE OF INFORMATION.—[CONVICTIONS FOR FELONIES, AS WELL AS MISDEMEANOR CONVICTIONS AND ARRESTS FOR OFFENSES, WHICH RELATE TO THE APPLICANT'S SUITABILITY FOR EMPLOYMENT IN THE POSITION FOR WHICH HE HAS APPLIED MAY BE CONSIDERED BY THE EMPLOYER. MISDEMEANOR CONVICTIONS AND ARRESTS FOR OFFENSES WHICH DO NOT] ARRESTS AND MISDEMEANOR CONVICTIONS MAY BE CONSIDERED BY THE EMPLOYER ONLY TO THE EXTENT

TO WHICH THEY RELATE TO THE APPLICANT'S SUITABILITY FOR EMPLOYMENT IN THE POSITION FOR WHICH HE HAS APPLIED [SHALL NOT BE CONSIDERED BY THE EMPLOYER].

§ 9182. CRIMINAL PENALTIES.

A PERSON EMPLOYED BY A GOVERNMENT AGENCY COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF SUCH PERSON:

(1) KNOWINGLY REQUESTS, OBTAINS OR SEEKS TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION IN VIOLATION OF THIS CHAPTER; OR

(2) DISSEMINATES, MAINTAINS OR USES CRIMINAL HISTORY RECORD INFORMATION KNOWING SUCH DISSEMINATION, MAINTENANCE OR USE TO BE IN VIOLATION OF THIS CHAPTER.]

Section 2: 4. This act shall take effect ~~in 60 days~~ IMMEDIATELY.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Mr. Speaker, I request that the House do non-concur in the amendments inserted by the Senate to HB 830.

On the question recurring,

Will the House concur in Senate amendments?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—6

Duffy
Giammarco

Jones
Salvatore

Thomas

White

NAYS—178

Alden	Fisher, D. M.	Livengood	Rocks
Anderson	Foster, A.	Lynch, E. R.	Rodgers
Armstrong	Foster, W.	Mackowski	Ryan
Arty	Freind	Madigan	Scheaffer
Austin	Fryer	Manderino	Schmitt
Barber	Gallagher	Manmiller	Schweder
Belardi	Gallen	McCall	Scirica
Bennett	Gamble	McClatchy	Serafini
Berson	Gannon	McIntyre	Seventy
Bittle	Geesey	McKelvey	Shadding
Borski	Geist	McMonagle	Shupnik
Bowser	George, C.	McVerry	Sieminski
Brandt	George, M.	Michlovic	Sirianni
Brown	Gladeck	Micozzie	Smith, E.
Burd	Goebel	Milanovich	Smith, L.
Burns	Goodman	Miller	Spencer
Caltagirone	Grabowski	Moehlmann	Spitz
Cappabianca	Gray	Mowery	Stairs
Cessar	Greenfield	Mrkonic	Steighner
Chess	Gruppo	Mullen, M. P.	Stuban
Cimini	Halverson	Murphy	Sweet
Clark, B.	Harper	Musto	Swift
Clark, R.	Hasay	Nahill	Taddonio
Cochran	Hayes, S. E.	Novak	Taylor, E.
Cohen	Helfrick	Noye	Taylor, F.
Cole	Hoeffel	O'Brien, B.	Telek
Cornell	Honaman	O'Brien, D.	Vroon
Coslett	Hutchinson, A.	O'Donnell	Wachob
Cowell	Hutchinson, W.	Oliver	Wargo
Cunningham	Irvis	Perzel	Wass
Davies	Itkin	Peterson	Weidner
Dawida	Johnson, E.	Petrarca	Wenger
DeMedio	Kanuck	Piccola	Wilson
DeVerter	Klingaman	Pievsky	Wilt
DeWeese	Knight	Pistella	Wright, D.
DiCarlo	Kolter	Pitts	Wright, J. L.
Dietz	Kowalshyn	Polite	Yahner
Dininni	Kukovich	Pott	Yohn
Dombrowski	Lashinger	Pucciarelli	Zeller
Dorr	Laughlin	Punt	Zitterman
Dumas	Lehr	Pyles	Zord
Durham	Letterman	Rappaport	Zwinkl
Earley	Levi	Reed	
Fee	Levin	Rieger	Seltzer,
Fischer, R. R.	Lewis	Ritter	Speaker

NOT VOTING—18

Beloff	Hayes, D. S.	Pratt	Street
Brunner	Johnson, J.	Rhodes	Trello
Donatucci	Kernick	Richardson	Wagner
Gatski	Knepper	Stewart	Williams
Grieco	Lynch, F.		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. SALVATORE. Mr. Speaker, on HB 830, I inadvertently voted "yes," and I would like the record to show that I vote "no."

STATEMENT BY MR. WASS

The SPEAKER. The Chair recognizes the gentleman from In-

diana, Mr. Wass, who asks for unanimous consent to make a very brief statement. The Chair hears no objection, and the gentleman may proceed.

Mr. WASS. Mr. Speaker, I am certainly pleased to announce today that the beautiful Douglas fir tree that is 30 feet in height that graces our rotunda through the Christmas season has been delivered here from the beautiful Indiana County, the Christmas Tree Capital of the World.

On behalf of my people, we thank you for this honor and we are certainly just thrilled that you will certainly see the product of one of Indiana County's own Christmas trees from the Christmas Tree Capital of the World, where we harvest approximately 2 million trees each season. So thank you very much.

The SPEAKER. Mr. Wass, on behalf of the 203 members of the House, we each accept our own personal tree that you are going to deliver to us this Christmas season.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. WILT. Mr. Speaker, I would like to call a meeting of the Labor Relations Committee in the anteroom in the back of the House immediately.

HEALTH AND WELFARE COMMITTEE MEETING

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

Mr. ZORD. Mr. Speaker, I am calling a meeting of the Health and Welfare Committee in room 245 at 3:30 p.m. All members please attend the meeting.

STATEMENT BY MR. TADDONIO

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Taddonio, rise?

Mr. TADDONIO. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Taddonio, asks for unanimous consent to make a very brief statement. The Chair hears no objection, and the gentleman may proceed.

Mr. TADDONIO. Mr. Speaker, for those members who are curious, I would like to announce that I agreed not to call up HB 1 today in order that the respective caucuses might caucus on it today, but I will insist that it be called up tomorrow first thing.

The SPEAKER. The gentleman from Mercer, Mr. Wilt, has called a meeting of the Labor Relations Committee on the call of the recess. The gentleman from Allegheny, Mr. Zord, the chairman of the Health and Welfare Committee, has called a meeting of his committee at 3:30 p.m.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask now that we recess until 4 o'clock for the purpose of caucusing. It would be my intention to come back on the floor at 4 o'clock and work on the calendar

until 6 or 6:30. SB 846, on page 5, on medical malpractice, will be the first vote at 4 o'clock.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. We, too, shall require a caucus, and I would advise the Democrats that if Mr. Taddonio is going to call up HB 1 tomorrow, it will be necessary for us to at least begin the caucusing on it today. It may be necessary that we caucus on it again tomorrow, but we shall start today. That means we will have a very extended caucus this afternoon, and I would ask that you report promptly to the caucus room on the declaration of the recess. Thank you, Mr. Speaker.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. GALLEN. Mr. Speaker, there will be a very brief meeting of the State Government Committee in room 402 immediately upon the call of the recess.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. There will be a short meeting of the Rules Committee on the declaration of the recess.

The SPEAKER. A short meeting of the Committee on Rules; a meeting of the State Government Committee immediately upon the call of the recess; the Labor Relations Committee in the rear of the House; and the Health and Welfare Committee at 3:30.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 4 p.m. The Chair hears none.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1998, PN 2509

By Mr. WILT

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for letters of assurance and severance pay in the case of certain employees.

Labor Relations.

HB 2044, PN 2583

By Mr. ZORD

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), limiting general assistance to chronically needy persons and transitionally needy persons.

Health and Welfare.

SB 137, PN 1402 (Amended)
(Unanimous)

By Mr. GALLEN

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Scranton Primary Health Care Center, Inc., a certain parcel of land together with a building erected thereon, situate in the City of Scranton, County of Lackawanna, Pennsylvania.

State Government.

SB 790, PN 1403 (Amended)
(Unanimous)

By Mr. GALLEN

An Act authorizing the Department of Environmental Resources, with the approval of the Governor, to transfer a right-of-way in that portion of the Boal Gap Road passing through the Rothrock State Forest situate in the Township of Potter, County of Centre and Commonwealth of Pennsylvania, to said Potter Township.

State Government.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move the following bills from the table to the active calendar in accordance with the decision of the Rules Committee:

HB 1856, PN 2298; SB 826, PN 1320; HB 1787, PN 2190 and HR 54, PN 1730.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I further move the following bill from the table and ask that it be recommitted to the Appropriations Committee:

HB 1921, PN 2455.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I further move that the following bills be removed from the table and rereferred to the Appropriations Committee for the purpose of a fiscal note:

HB 1933, PN 2535 and SB 546, PN 749.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1231, PN 2385**, entitled:

An Act amending the "Pharmacy Act," approved September 27, 1961 (P. L. 1700, No. 699), providing penalties for fraud by pharmacists.

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—183

Alden	Gallagher	Manmiller	Schmitt
Anderson	Gallen	McCall	Scirica
Armstrong	Gamble	McClatchy	Serafini
Arty	Gannon	McIntyre	Seventy
Austin	Geesey	McKelvey	Shadding
Belardi	Geist	McMonagle	Shupnik
Bennett	George, C.	McVerry	Sieminski
Berson	George, M.	Michlovic	Sirianni
Bittle	Giammarco	Micozzie	Smith, E.
Borski	Gladeck	Milanovich	Smith, L.
Bowser	Goebel	Miller	Spencer
Brandt	Goodman	Moehlmann	Spitz
Brown	Grabowski	Mowery	Stairs
Burd	Gray	Mrkonic	Steighner
Burns	Greenfield	Mullen, M. P.	Stewart
Caltagirone	Gruppo	Murphy	Street
Cappabianca	Halverson	Musto	Stuban
Cessar	Hasay	Nahill	Sweet
Chess	Hayes, S. E.	Novak	Swift
Cimini	Helfrick	Noye	Taddonio
Clark, B.	Hoeffel	O'Brien, B.	Taylor, E.
Clark, R.	Honaman	O'Brien, D.	Taylor, F.
Cochran	Hutchinson, A.	O'Donnell	Telek
Cohen	Hutchinson, W.	Oliver	Thomas
Cole	Irviss	Perzel	Trello
Cornell	Itkin	Peterson	Vroon
Coslett	Johnson, E.	Petrarca	Wachob
Cowell	Johnson, J.	Piccola	Wargo
Cunningham	Jones	Pievsky	Wass
Davies	Kanuck	Pistella	Weidner
Dawida	Klingaman	Pitts	Wenger
DeMedio	Knight	Polite	White
DeVerter	Kolter	Pott	Williams
DiCarlo	Kowalyshyn	Pratt	Wilson
Dietz	Kukovich	Pucciarelli	Wilt
Dininni	Lashinger	Punt	Wright, D.
Dombrowski	Laughlin	Pyles	Wright, J. L.
Donatucci	Lehr	Rappaport	Yahner
Dorr	Letterman	Reed	Yohn
Duffy	Levi	Rieger	Zeller
Durham	Lewis	Ritter	Zitterman
Earley	Livengood	Rocks	Zord
Fee	Lynch, E. R.	Rodgers	Zwinkl
Fischer, R. R.	Mackowski	Ryan	
Foster, A.	Madigan	Salvatore	Seltzer,
Foster, W.	Manderino	Scheaffer	Speaker
Freind			

NAYS—0

NOT VOTING—19

Barber	Fisher, D. M.	Hayes, D. S.	Rhodes
Beloff	Fryer	Kernick	Richardson
Brunner	Gatski	Knepper	Schweder
DeWeese	Grieco	Levin	Wagner
Dumas	Harper	Lynch, F.	

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.

REMARKS ON VOTE

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

Mr. FRYER. I wish to be recorded in the affirmative on HB 1231, Mr. Speaker.

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

The House proceeded to third consideration of **HB 1663, PN 2389**, entitled:

An Act amending the "Adoption Act," approved July 14, 1970 (P. L. 620, No. 208), providing for limited access to certain information regarding natural parents and making certain repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments:

Amend Sec. 1 (Sec. 505), page 2, line 5, by striking out "child" and inserting adopted person

Amend Sec. 1 (Sec. 505), page 2, line 6, by striking out "child's" and inserting adopted person's

Amend Sec. 1 (Sec. 505), page 2, line 10, by striking out "child," and inserting adopted person,

Amend Sec. 1 (Sec. 505), page 2, line 25, by striking out "AUTHORIZED"

Amend Sec. 1 (Sec. 505), page 2, line 27, by striking out "OR BY AN AUTHORIZED AGENCY" and inserting , an agency or by the Department of Health or any other State agency

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Mr. Speaker, it is kind of difficult to explain the amendment without explaining the entire bill. What the amendment does is just a language change which more clearly clarifies the intention of the bill and makes it clear that if in fact the amended bill were passed, the Bureau of Vital Statistics could not divulge the original birth certificates of any adopted persons unless so ordered by the court.

I think the easier way to do it, if it is the pleasure of the House, is to pass the amendment and then discuss the bill itself. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

Alden	Foster, A.	Livengood	Ryan
Anderson	Foster, W.	Lynch, E. R.	Salvatore

Armstrong	Freind	Mackowski	Scheaffer
Arty	Fryer	Madigan	Schmitt
Austin	Gallagher	Manderino	Scirica
Barber	Gallen	Manmiller	Serafini
Belardi	Gamble	McCall	Seventy
Bennett	Gannon	McClatchy	Shadding
Berson	Geesey	McIntyre	Sieminski
Bittle	Geist	McKelvey	Sirianni
Borski	George, C.	McMonagle	Smith, E.
Bowser	George, M.	McVerry	Smith, L.
Brandt	Giammarco	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Müller	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Gray	Mowery	Stuban
Cessar	Gruppo	Mrkonjic	Sweet
Chess	Halverson	Mullen, M. P.	Swift
Cimini	Harper	Murphy	Taddonio
Clark, B.	Hasay	Musto	Taylor, E.
Clark, R.	Hayes, S. E.	Novak	Taylor, F.
Cochran	Helfrick	Noye	Telek
Cohen	Hoeffel	O'Brien, B.	Thomas
Cole	Honaman	O'Brien, D.	Trello
Coslett	Hutchinson, A.	Oliver	Wargo
Cowell	Hutchinson, W.	Perzel	Wass
Cunningham	Irviss	Peterson	Weidner
Davies	Itkin	Petrarca	Wenger
Dawida	Johnson, E.	Piccola	White
DeMedio	Johnson, J.	Pievsky	Williams
DeVerter	Jones	Pistella	Wilson
DiCarlo	Kanuck	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D.
Dininni	Knight	Pott	Wright, J. L.
Dombrowski	Kolter	Pratt	Yahner
Donatucci	Kowalshyn	Pucciarelli	Yohn
Dorr	Kukovich	Punt	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zord
Durham	Lehr	Rhodes	Zwikl
Earley	Lettermann	Rieger	
Fee	Levi	Rocks	Seltzer,
Fischer, R. R.	Levin	Rodgers	Speaker
Fisher, D. M.	Lewis		

NAYS—9

Cornell	Pyles	Shupnik	Vroon
Greenfield	Ritter	Street	Wachob
Nahill			

NOT VOTING—13

Beloff	Grieco	Knepper	Richardson
Brunner	Hayes, D. S.	Lynch, F.	Schweder
DeWeese	Kernick	O'Donnell	Wagner
Gatski			

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

On the question,

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

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?

The SPEAKER. Does the gentleman, Mr. Freind, wish to be recognized?

Mr. FREIND. Yes, Mr. Speaker, for a brief explanation.

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

Mr. FREIND. There is a considerable amount of confusion concerning exactly what this bill does. I would like to give a brief explanation.

We presently have a conflict between the present adoption law and the vital statistics law. Basically, the adoption law prohibits the divulging of virtually all information relating to natural parents. However, the vital statistics law is in conflict, and because of the provisions of that law, any adopted person 18 years of age or older in Pennsylvania can merely send \$2 to the Bureau of Vital Statistics and receive his original birth certificate, which will always give him or her the name of his natural mother and, very frequently, the identity of his natural father, also.

What this bill does is, A, closes that loophole in the vital statistics law; and, B, for the first time sets up a procedure for those individuals, those adopted persons who wish to ascertain the identity of their natural parents. Any adopted person 18 years of age or older who wants to ascertain the identity of his natural parents, if this bill were passed, would petition the court of common pleas. The court then, on its own or by designating an adoption agency, would conduct a search in an effort to locate the natural parents. When the natural parents were located, the court would ascertain whether or not the natural parents desire to have their identity and location divulged to the adopted person. If the answer is "yes," and the natural parents agree, the information would be given to the petitioner.

Once the natural parents are contacted, if they agree to have their identity and location revealed, the information will be given to the petitioner. If in fact they say "no," that they do not want this identity revealed, the court will not reveal the information to the petitioner. The other provision of the bill is this: When an adopted person does not desire to know the identity of his natural parents but wants certain information concerning his natural parents, health-related, sociological, whatever, in that case, any adopted person 18 years of age or older would again petition the court, and if the court determined that the information, which the petitioner was seeking, would in no way reveal the identity of the natural parents, then the court shall have this information provided to him.

The bottom line on the whole bill is whether or not you feel adopted persons have the absolute right to know their natural parents whether or not the natural parents agree. I do not think that is the case. I think there has to be agreement on both sides here. We have the obvious interest of the adopted person to have answers to the two normal questions: Who were they?, their parents, and Why did they put them up for adoption? But you also have the interests of the natural parents.

Take, for instance, the case of a 15-year-old girl who becomes pregnant, is not married, makes a decision to have the baby, puts the baby up for adoption, subsequently picks up the pieces of her life, married, has three or four children, and for whatever reason makes the decision not to tell her husband and her children about her past. The way the situation is in Pennsylvania right now, nothing would prevent, in 17 or 18 years, the natural son or daughter walking in on this family situation.

The result to the entire family, in my opinion, could be devastating.

My other concern—and I admit that it is not a primary, but it is a secondary, concern—is the issue of abortion. I happen to be antiabortion, but I think it is necessary not just to be antiabortion but to be prolife to look for alternatives to it. And I think if you have an unwed mother who is 15 or 16, again, and she is pregnant, and she is weighing whether or not to have an abortion or have an adoption, if in fact she knows that she will not be guaranteed privacy rights—if that is what she wants—she may opt to have the abortion rather than have the baby and put the baby up for adoption.

I think it is a good bill. I think it is needed. It is supported by a number of organizations including the Children's Aid Society of Pennsylvania and the Pennsylvania Catholic Conference. It closes one loophole in the vital statistics law and at the same time it liberalizes the present adoption law by providing a procedure whereby an individual can petition to have this information revealed. I would appreciate the consideration of this body for the bill.

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

Mr. LASHINGER. Mr. Speaker, I would ask that the members pay particularly close attention to this bill.

I differ with Mr. Freind's opinion or at least his attempt to inject the emotional issue of abortion into this bill. I do not think that is an issue in this bill, and it is unfairly injected into the argument in favor of the bill, nor is there a need to close, as Mr. Freind says, a loophole in the Bureau of Vital Statistics law. It is my contention—and I am in agreement that the adoptee has this right without pursuing it through the courts today to find who his parent is—that what the members are being asked to do today is to balance the interest of the adoptee against the interest of the parent who offered that child for adoption.

If you vote for this bill, what you have done is reduced the adoptee to the position of being a second-class citizen in trying to get this information that he, in my estimation, is rightfully entitled to. I would ask the members to oppose HB 1663. Thank you, Mr. Speaker.

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

Mr. CHESS. Would Mr. Freind stand for interrogation?

The SPEAKER. The gentleman indicates that he will and the gentleman, Mr. Chess, may proceed.

Mr. CHESS. What provisions are there in this proposed law regarding a parent who wants to find out what has happened to their children whom they have put up for adoption? Is it the same procedure?

Mr. FREIND. What the parent could do is leave the information with the appropriate adoption agency, saying this, I desire, if the adopted person wants to know his natural parent, to have this information revealed. The natural parent could continue to keep his current address with that adoption agency, and in fact if and when the child reaches the age of 18 years of age, he or she petitions to find out his natural parents, the search would be extremely easy by the court; the information would be there

and the name would be given and the identity of the natural parent.

Mr. CHESS. So you are saying there is no provision in this law where a parent wants to track down a child—the child may not know that he or she was adopted, and there is no provision—for that natural parent to go to court and have this agency track down the child and find out whether the child wants to know about the parents?

Mr. FREIND. Only to the extent I just described. There is no provision for them to petition. This bill relates to the right of an adopted person who reaches 18 years of age to petition for this information.

Mr. CHESS. I would suggest opposition to this bill for the same reason the prior speaker brought up.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I think we are debating a very important bill here and I do not know if the members realize how important an issue this is. I do not agree with the speaker in the fact that most adoptees do not know that they are adopted. I think there are probably a very few cases of children who are adopted who are not told by their adoptive parents. So I do not agree with that statement. I think that any child will always have in the back of his mind and be curious about the natural parents, and I am going to oppose this bill and I ask the members to join me in a "no" vote.

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

Mr. HOEFFEL. Will Mr. Freind stand for interrogation?

The SPEAKER. Mr. Freind indicates that he will, and Mr. Hoeffel may proceed.

Mr. HOEFFEL. Mr. Speaker, can you tell us what the potential cost might be to adoptees who have to petition the court and/or a private agency to get this information?

Mr. FREIND. Each court would promulgate their own cost. Filing fees are to be charged as in any other situation.

I certainly do not think that it would be nearly the cost involved as the cost involved now in many of the bills that we pass, and they would set up adversary proceedings, such as landlord-tenant proceedings or things like that. This is not an adversary proceeding. What, in fact, it takes is to file a petition and to have the court make the search. Frequently that search is going to be easy to do because the first stop would be the Bureau of Vital Statistics or the adoption agency where the child was adopted. They may have the information right there. The natural parent may not have moved and it could be done in a matter of days.

You may, of course, have the problem where there have been a number of moves and it is going to take some time to track down this search. But the cost involved would be the cost whether or not this bill will pass because the search still has to be made. As far as dollars and cents completely, I do not know and it is impossible to estimate.

Mr. HOEFFEL. Mr. Speaker, do you feel that it would be necessary for the petitioner to hire an attorney to represent his interest when he petitions the court?

Mr. FREIND. No, I do not, because it is not an adversary proceeding. There is really no issue to be determined here. The petition is filed. Upon receiving the petition, the court makes the search and attempts to locate the parents. The natural parents say, yes, we would be happy to meet our natural child. That is it. If they say "no," that is it. It is not adversary. I can see no need for an attorney.

Mr. HOEFFEL. All right. Mr. Speaker, you said in your judgment each court of common pleas will have to set up their own regulations on this matter?

Mr. FREIND. Correct.

Mr. HOEFFEL. I know that it is hard to estimate whether some courts would charge any kind of a fee for this service. I am not familiar if that is done in other kinds of problems when people petition the court for information. I am fearful that there may be quite a large expense built up around this procedure, either through the court that is being petitioned or through the private agency that might be asked to make a search. Can you tell me if private agencies might assess some sort of fee against the petitioner to do the search?

Mr. FREIND. Well, of course the court designates, has the power to do it itself or designate an agency. The court, in fact, would then, in each particular county, have the power to promulgate what rules and what applies to the agencies. I would imagine that they would want to be reimbursed for any reasonable expenses. But keep in mind that we can constantly pass legislation which requires petitioning the court to do things, which is frequently adversary, which cost a lot more. For those individuals who cannot afford it, they would still have the same redress we have right now, that is, legal aid, which of course we continue to fund with some controversy. So those who could not afford it would have that avenue, also.

Mr. HOEFFEL. Well, I understand and appreciate your answers, Mr. Speaker. I am still concerned about your inability, and I understand your inability to give us a definite answer on the costs. Some adult adoptees who are in favor of being able to contact their natural parents have expressed to me their fear that this court procedure could be very costly to them. They have given me examples from other states where the cost was in the thousands of dollars. I do not know if the procedures in other states are anywhere near the kind of procedure you are setting up. I just do not have that information. I was hoping that you would. Thank you.

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

Mr. LEVIN. Mr. Speaker, I rise to support the Freind amendment and I would appreciate if those of you who are not familiar with the adoption law would pause in your conversations for just a moment to understand that the bill is not making a change in the law but attempting to clarify what has apparently occurred as a loophole. Let me explain: For years we assumed that when you gave up a child for adoption, at the conclusion of the adoption proceedings, you filed with the Department of Vital Statistics a request for a new birth certificate. You were given a new birth certificate which indicated that the adopting parents were the natural parents of the child.

The procedure in Pennsylvania has always been that upon the conclusion of the adoption proceedings, you move the court to give you a new birth certificate. That certificate indicates that the people who have just adopted the child were in fact the natural parents and a birth certificate was issued, given to the parents, which they use to register the child in school. It was then their choice whether they wanted to tell that child whether the child was adopted or not adopted. We did not interfere in that choice. We did not play God with those parents. We allowed them to choose what they thought was right for their child. What has happened evidently is there is a loophole in the Department of Vital Statistics ruling and children are being allowed to write and find out information that the parent may have decided consciously not to give them, that is, the adopting parent. That is one problem. The subsequent problem is the problem that Mr. Freind told you about. If a mother in good conscience, at a very tender age, decided to take the very difficult step of giving up a child and walking away from that child, she did so with the decision that she did not want that child to be her responsibility and to appear in her life.

We have a very vocal minority of people who are adopting, who are presently fighting all over the United States for the right to find out the name of their natural parent without a court procedure. That would be destructive of the incentive for young women to place the child up for adoption. I think that Mr. Freind correctly raised the problem of abortion for those of you who are antiabortion. And I think that this bill should be passed. It is not changing the law; it is rectifying something so that the law remains as we always thought it would have been.

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

Mr. RITTER. Mr. Speaker, I believe I heard Mr. Levin correctly, and I tell you that is the first I knew that an adoptive parent could go to court and get a birth certificate that indicated that those adoptive parents were in fact the natural parents of the child. Mr. Levin said we do not want to play God, and I submit to you that if you can substitute the name of an adoptive parent for the natural parent's, then what are we playing? I think that is absolutely incredible.

I think the issue is a very simple one. I think Mr. Cole put it about as well as anybody can, and I think that that is the right of any person to know in fact who are my natural mother and father. If you pass this bill and you make this law, you are saying forever, I do not care how old that person may be, if they are over 18, they will never, if their natural parents do not want to allow it or if in fact they are dead, they will never find out who their natural parents are.

And I cannot subscribe to the theory that adoptive parents can in fact substitute their names on a birth certificate in place of, and say in effect that they are, the natural parents. That just does not seem to make sense to me. That seems to me to put the state in the position of promulgating an official lie, because those records are official and people rely on them, and if Charlie Jones is the adoptive father of Mary Smith and you are going to say that that is not true and that Charlie Jones is in fact the natural father of Mary Smith, that has got to be incred-

ible. I think that we should defeat this bill and let the adopted children, whenever they so desire, find out if they want to know who their natural parents are.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I just listened to Mr. Ritter and I appreciate what he is saying, but I suggest that he has not thought it out, and I am not trying to be smart at all. I want you to try to think along with me on this bill.

I have handled, as a lawyer, perhaps six or eight adoptions in the 20 years I have practiced law. I have talked to any number of lawyers and social workers with respect to adoptions and I would guess that of the lawyers who are members of the House, somewhere in their careers they have handled one or two or five or ten adoptions. Most of us handle very few in the course of a legal career.

Today there are any number of potential adopting parents. People really want to adopt children, and children available for adoption are really scarce. Now I have talked at least on two or three occasions in the past 5 years to unmarried girls who are pregnant who are considering adoption or abortion, or abortion, and it is a traumatic experience for these girls to try to make this decision. I would say, without exception, those girls whom I have talked to—and I have checked this out with social workers, and I think without exception they agree with my next statement—that in 99 out of 100 cases, if an unwed mother thinks that somewhere down the line this child whom she has and consciously puts out for adoption, if she thinks that someday it will be public knowledge or that child will come back to her and say, Hey, you are my natural mother. Why did you ever put me out for adoption?, I honestly believe that the choice will be much simpler for that girl and that she will go ahead and have an abortion. I believe that.

The whole process of adoption is traumatic. It is traumatic to the natural parent; it is traumatic to the adopting parent at the time awaiting the birth of this child. Social agencies have reviewed the background of the adopting parent; they have looked into the background of the natural parent, and in most cases they make a match that, if possible, matches up ethnically—this is the natural child and the adopting parents—and matches up from a religious standpoint. The court looks into all this. The courts—at least in our county, and I feel sure this is common—send out people to interview. The court does, in addition to the social agencies. Now what Mr. Freind is suggesting is that if this adopted child, who knows he is adopted now at age 18, wants to find out who his natural parent is, he goes to court and the court looks into it for him and finds out whether the natural parent is agreeable. I think without this protection, if I talked to, or one of you talked to a girl who is pregnant, trying to make a decision between abortion and having a child and putting that child up for adoption, if that person at least knows that she is protected by the law as to her real name, the fact that she is the natural mother of a child, if she is protected to that extent, she again will go ahead and put the child out for adoption. I predict that without that, this natural mother at this stage of her life, when she is 18, 17, 16, 19 years of age, without that kind of protection, in more cases than we

would like to think it would happen, will go ahead with the abortion.

This is an assurance that we have over many years given both the natural parents and the adopting parents, that the identity will be preserved, that they could with confidence go ahead with this adoption, knowing that the identity would be confidential and that this birth certificate would be issued upon the approval of the adoption so that the child at a later date, going to school, can give the school officials the birth certificate that is no different than the certificate of my children or your children, and it looks the same. It does not show that the child is or is not the natural child of the parents.

This is a protection we have afforded the adopting parents and the natural parents for many years, and I think it is a mistake and I am really surprised that the vital statistics people would issue this. This takes me by surprise, that vital statistics would tell anyone this, because, in my judgment, if anyone had asked me this question an hour ago, I would have said those identities are protected by the court; that they are confidential and those records are sacred, because that is my understanding, that those records were set aside and they were not public knowledge. I think this is a bill that we probably should have passed long ago, if in fact the law today is as Mr. Freind stated it to be.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Mr. Speaker, would the gentleman, Mr. Freind, submit to brief interrogation?

The SPEAKER. The gentleman, Mr. Freind, indicates that he will, and Mr. Burd may proceed.

Mr. BURD. Mr. Speaker, the area of concern I have for HB 1663 is the congenital-disease problems that arise, such as in the areas of heart disease, polio, that type of history, history of sugar in the family, histories that I believe to be very vital information. I believe you touched briefly on it here earlier. I am sorry; there was too much confusion; I could not hear your answer for that. Would you mind reiterating that for me, please?

Mr. FREIND. There is one separate section that deals with that, Mr. Speaker. If an individual desires information concerning health relating to the natural parents — health, sociological, any information like that, not the identity of the natural parents but just that type of information — that individual may petition the court, and so long as the court is satisfied that that information will not reveal the identity of the natural parents, the court has been required to have this information turned over to the petitioner.

Mr. BURD. And does your bill make requirements that the natural parent would have to relinquish that information upon giving his or her child over for adoption?

Mr. FREIND. No, it does not, Mr. Speaker, because that is all part of the adoption records anyway. That is all in the adoption records, and the court can merely go to the adoption agency and get the full physical record or all that is presently in the adoption records, which are sealed, but the court can go to the adoption records and get all of the information that the peti-

tioner seeks on health, because there is a full workup on both natural parents on the health, any medical problems that they have, any information, I think, that would be desired in this case.

Mr. BURD. Okay. Thank you, Mr. Speaker. No further questions.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, there seems to have been a lot of misunderstanding on this bill. Some of it was cleared up, perhaps, by the majority leader. The fact of the matter is, the bill really does not make any change with respect to the fact of the birth certificate procedure as it now exists under the law, and, in fact, I think it may make it possible under proper circumstances for the child to get information that he otherwise might not be able to get. Under current law, as Mr. Levin said, the birth certificate that is issued shows the adopting parents as the natural parents, and if what Mr. Ritter says is the case, that we are playing God, we have been doing that for years, and maybe that is wrong, and this bill is designed to set up a procedure to correct that kind of problem. I urge support of the bill.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, would Mr. Freind consent to interrogation?

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

Mr. SCHWEDER. Mr. Speaker, the specific question I have is in the language on the second page that the court furnish to such child any such information concerning the natural child's parents as will not endanger the anonymity of such natural parents. Are you convinced at this point that that information would only be medical information and be nothing more than that?

Mr. FREIND. I cannot really think what else it would be, Mr. Speaker. I mean, it might be you want some sociological information, whatever that might be, profession, something like that. That would be a judgment call for the court to make. The reason it was put in in that language is 99.9 percent of the time we are talking medical, but I did not want to limit it in case there is another factor we had not thought about that a petitioner might justifiably desire to have and the court is convinced it will not endanger the anonymity of the natural parents.

Mr. SCHWEDER. You are confident then that it would not be possible for an adopted child to go in and seek information such as occupation and location of birth merely— It just concerns me because you did not give me the answer. I thought you were on that, that information like that might be readily available. Do you see that as a possibility or as a very remote possibility that the court would grant that information?

Mr. FREIND. I see that as very remote, and I think what we have to do in this kind of legislation is—if you are superspecific on the language, you may be precluding a particular instance where this information is necessary. So we leave it in the dis-

cretion of the court with the clear intent spelled out throughout the bill that the name of the game is protecting the anonymity of the natural parents. In fact, if the court feels that the petitioner is fishing, what the court can do is advise and say, you are filing under the wrong section; file under the section where you want us to locate the natural parents. We will do it for you; we will find out if they are willing to have their identities revealed, and we will get back to you.

Mr. SCHWEDER. My second question is: Do you feel confident then, with the amendment you have added to this, that this would effectively cover all agencies that would have this information?

Mr. FREIND. Yes, because we took the definition of "agency" from the existing adoption law. The one problem we had, and the reason we put the amendment in, is with the language. It was not 100 percent clear that we are also referring not only to adoption agencies but the Bureau of Vital Statistics. That is why the language change was put in there, to make sure that unless the court says yes, no agency, be it an adoption agency, be it the Bureau of Vital Statistics or any other state agency, can turn over this information.

Mr. SCHWEDER. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, I know from my dealings with the current adoption law and what I hope to be the necessary amendments, at least as necessary as I consider them to be in HB 213, that there is no piece of legislation that can possibly deal with protecting the rights of every single individual in every case and make everyone happy, but I think that this legislation, particularly with the questions as they were answered by Mr. Freind, is one that deserves our support, and I would ask for an affirmative vote on the legislation.

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

Mr. ZELLER. Mr. Speaker, just recently, about February or March, I had such a case where it was most important that the identity of the parents be kept, in other words, a secret. It was a case where the mother, at the age of 15 or 16, let her child go in an illegitimate birth and did not want her child to know any of the circumstances involved, and, therefore, the foster parents had to promise.

The child found out when she was 23 years old that she was an adopted child and she became very ill. Now here is a case where he is saying there would be a medical problem. This child was psychologically torn apart. As a matter of fact, we had to start seeking to find the parent if she wanted to reveal it. After traveling about five states, I found the mother living right here in Harrisburg, and she came here with her husband so she could go and look at her child once in a while. It was bothering her, too, but she still did not want the child to know.

What happened was, I had to meet with this woman at her job privately because she did not want her husband to know; she did not want her children to know. Here was a very serious situation where she agreed to meet. We met secretly so that little girl could see her mother, and the girl snapped out of it.

She now found her mother, and the girl is well today, but the secrecy is still there for her husband and her children. Nobody knows this.

Now here is a case where Mr. Freind's action would allow the court to say then, let us look into the situation; let us find out if that secrecy is necessary to be kept. I believe he is hitting on the right track, that this is the way to do it. I had a case like that, and, as a matter of fact, you have to go through one of them yourself to know, because they really tear you apart.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. J. L. WRIGHT. Mr. Speaker, may I interrogate Mr. Freind, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. J. L. WRIGHT. I have a constituent, a woman in her mid-fifties, who does not know who her natural parents are. She assumes that she was an illegitimate child. She assumes that her mother is from out-of-state but does know that there are records with a social service agency in the city of Philadelphia, which obviously she cannot get to. Would this bill help her in finding out who her natural parents are? Mind you, the assumption is that the parents are probably dead. The assumption is that they never left permission for her to find out.

Mr. FREIND. The bill would only help her if in fact she filed a petition and the court made a search and located one or the other of the natural parents still alive. If the natural parents were not still alive, there would be no way for the permission to be granted, and, therefore, she would not be able to receive from the court that information.

Mr. J. L. WRIGHT. Can you outline for us the procedure the court will follow? They will not hire a private detective to go out and search, will they?

Mr. FREIND. No. As a matter of fact, the language which we put in by amendment in the committee would permit either the court to conduct the search itself or to designate an agency—and defined "agency" in the adoption law means an adoption agency—designate an appropriate adoption agency to check the records and begin and conduct the search to in fact find the natural parents.

Mr. J. L. WRIGHT. Does this mean written communication between the court and the social service agency, or does it mean more than that?

Mr. FREIND. It means any communication that the court deems necessary. The court could write. I mean, it would be up to the court to either place a telephone call and say we have this petition and give the information orally. I would think that normally what would happen would be, in fact, a confidential letter would be sent or a personal meeting would take place with an official of the agency. There is specific language in there saying that all this must be done in such a way as to insure, while this process is taking place, the anonymity of the natural parents.

Mr. J. L. WRIGHT. In a critical fashion, we all are aware of "the efforts" the courts expend in trying to find a missing father who is not supporting his children. Can we expect in this

situation that the courts' efforts will be equal to, less than, or greater than?

Mr. FREIND. As you know, Mr. Speaker, I cannot answer that question. There are any number of courts of common pleas in Pennsylvania and any number of various judges in each court. That is the same as saying, what performance can you expect from one single legislator or from one single Senator? It is up to each individual the effort that they put into their job, which is the bottom line of everything we do anyway.

On the question recurring,

Shall the bill pass finally?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—169

Alden	Gallagher	McKelvey	Seventy
Anderson	Gallen	McMonagle	Shadding
Armstrong	Gamble	McVerry	Shupnik
Arty	Gannon	Michlovic	Sieminski
Barber	Geesey	Micozzie	Sirianni
Bennett	Geist	Milanovich	Smith, E.
Berson	George, M.	Miller	Smith, L.
Bittle	Giammarco	Mochlmann	Spencer
Borski	Gladeck	Mowery	Spitz
Bowser	Goebel	Mullen, M. P.	Stairs
Brandt	Goodman	Murphy	Steighner
Brown	Grabowski	Musto	Stewart
Burd	Gray	Novak	Stuban
Burns	Gruppo	Noye	Sweet
Caltagirone	Halverson	O'Brien, B.	Swift
Cappabianca	Harper	O'Brien, D.	Taddonio
Cassar	Hasay	O'Donnell	Taylor, E.
Cimini	Helfrick	Oliver	Taylor, F.
Clark, B.	Hoeffel	Perzel	Telek
Clark, R.	Hutchinson, W.	Peterson	Thomas
Cochran	Irvis	Petrarca	Trello
Coslett	Itkin	Piccola	Wachob
Cowell	Johnson, E.	Pievsky	Wagner
Cunningham	Johnson, J.	Pistella	Wargo
Dawida	Jones	Pitts	Wass
DeMedio	Klingaman	Polite	Weidner
DeVerter	Knight	Pott	Wenger
DiCarlo	Kowalyszyn	Pratt	White
Dietz	Laughlin	Pucciarelli	Williams
Dininni	Lehr	Punt	Wilson
Dombrowski	Letterman	Rappaport	Wilt
Dorr	Levi	Reed	Wright, D.
Duffy	Levin	Rhodes	Wright, J. L.
Dumas	Lewis	Rieger	Yahner
Durham	Livengood	Rocks	Yohn
Earley	Lynch, E. R.	Rodgers	Zeller
Fee	Mackowski	Ryan	Zitterman
Fischer, R. R.	Madigan	Salvatore	Zord
Fisher, D. M.	Manderino	Scheaffer	Zwinkl
Foster, A.	Maumiller	Schmitt	
Foster, W.	McCall	Schweder	Seltzer,
Freind	McClatchy	Seirica	Speaker
Fryer	McIntyre	Serafini	

NAYS—22

Austin	Davies	Kanuck	Nahill
Belardi	DeWeese	Kolter	Pyles
Chess	George, C.	Kukovich	Ritter
Cohen	Greenfield	Lashinger	Street
Cole	Hayes, S. E.	Mrkonie	Vroon
Cornell	Hutchinson, A.		

NOT VOTING—11

Beloff	Gatski	Honaman	Lynch, F.
Brunner	Griceo	Kernick	Richardson
Donatucci	Hayes, D. S.	Knepper	

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 702, PN 753**, entitled:

An Act regulating the practices of feature motion picture exhibitors and distributors or licensors and providing remedies for violations and penalties.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT SB 702

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

Mr. SPENCER. Mr. Speaker, SB 702 has several very serious constitutional questions involved. A like bill, but not as restrictive, was enacted in Ohio, and this problem has been litigated and is now in front of the Federal court in Ohio. The arguments went to the court October 4, 1979, and there should be a decision forthcoming very shortly.

For these reasons I now move that SB 702 be recommitted to the Judiciary Committee.

The SPEAKER. It has been moved by the gentleman from Tioga, Mr. Spencer, that SB 702 be recommitted to the Judiciary Committee.

On the question,

Will the House agree to the motion?

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

Mr. BERSON. Mr. Speaker, I concur in the motion made by Mr. Spencer that this bill be recommitted. This bill has severe constitutional problems. There are a number of lawsuits pending regarding similar legislation around the country. I think before we pass anything, we ought to have a good, hard look at this legislation, and I would urge the members to vote to recommit this bill.

PARLIAMENTARY INQUIRY

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

Mr. BENNETT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNETT. I am not sure how to phrase it, but let me think of something here.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. BENNETT. Am I permitted to speak on recommitment?

The SPEAKER. The gentleman is in order to debate the recommitment motion only as it pertains to the reasons for not recommitting or the reasons for recommitment.

Mr. BENNETT. May I speak to the motion?

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

Mr. BENNETT. Mr. Speaker, I would oppose recommitment of SB 702 for the following reasons, and I hope, Mr. Speaker, that I stay within the purview of your parliamentary rules.

Mr. Speaker, SB 702 is very similar to although not exactly like, a bill that passed this chamber in the last session. SB 702 has received a great deal of information as to the merits of the legislation. This is the first time, to my knowledge, that any motion to recommit was thought of. It was my understanding and the understanding, I think, of many members of this body that this bill was to be voted upon today or, if not to be voted on today, it was to have been passed over until tomorrow.

Mr. Speaker, I rise to oppose the recommitment of SB 702 and would ask my fellow members to vote with me on the opposition to recommitment.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—47

Alden	Hasay	Milanovich	Scirica
Austin	Helfrick	Murphy	Smith, L.
Berson	Hoeffel	O'Brien, D.	Spencer
Bittle	Hutchinson, W.	O'Donnell	Spitz
Chess	Kukovich	Perzel	Swift
Cohen	Livengood	Pievsky	Thomas
Coslett	Mackowski	Punt	Wass
Cunningham	Madigan	Rappaport	Yahner
Dombrowski	McClatchy	Rhodes	Yohn
Earley	McKelvey	Rocks	
Foster, A.	Michlovic	Ryan	Seltzer,
Gallen	Micozzie	Salvatore	Speaker
Grabowski			

NAYS—145

Anderson	Fisher, D. M.	Letterman	Scheaffer
Armstrong	Foster, W.	Levi	Schmitt
Arty	Freind	Levin	Schweder
Barber	Fryer	Lewis	Serafini
Belardi	Gallagher	Lynch, E. R.	Seventy
Bennett	Gamble	Manderino	Shadding
Borski	Gannon	Manmiller	Shupnik
Bowser	Geesey	McCall	Sieminski
Brandt	Geist	McIntyre	Sirianni
Brown	George, C.	McMonagle	Smith, E.
Burd	George, M.	McVerry	Stairs
Burns	Giammarco	Miller	Steighner
Caltagirone	Gladeck	Moehlmann	Stewart
Cappabianca	Goebel	Mowery	Street
Cessar	Goodman	Mrkoncic	Stuban
Cimini	Gray	Mullen, M. P.	Sweet
Clark, B.	Greenfield	Musto	Taddonio
Clark, R.	Gruppo	Nahill	Taylor, E.
Cochran	Halverson	Novak	Taylor, F.
Cole	Harper	Noye	Telek
Cornell	Hayes, S. E.	O'Brien, B.	Trello
Cowell	Honaman	Oliver	Vroon
Davies	Hutchinson, A.	Peterson	Wachob
Dawida	Irvis	Petrarca	Wargo
DeMedio	Itkin	Piccola	Weidner
DeVerter	Johnson, E.	Pistella	Wenger

DeWeese	Johnson, J.	Pitts	White
DiCarlo	Jones	Polite	Williams
Dietz	Kanuck	Pott	Wilson
Dininni	Klingaman	Pratt	Wilt
Donatucci	Knight	Pucciarelli	Wright, D.
Dorr	Kolter	Pyles	Wright, J. L.
Duffy	Kowalshyn	Reed	Zeller
Dumas	Lashinger	Rieger	Zitterman
Durham	Laughlin	Ritter	Zord
Fee	Lehr	Rodgers	Zwikl
Fischer, R. R.			

NOT VOTING—10

Beloff	Grieco	Knepper	Richardson
Brunner	Hayes, D. S.	Lynch, F.	Wagner
Gatski	Kernick		

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

On the question recurring,

Will the House agree to the bill on third consideration?

REQUEST TO PASS OVER SB 702

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Rhodes, rise?

Mr. RHODES. Mr. Speaker, I would request that we temporarily pass SB 702 over until an amendment, which I have requested, is delivered to the floor. I have no intention of holding this bill up until tomorrow. I have an amendment that had to be redrafted and it is coming down from the Legislative Reference Bureau, Mr. Speaker.

SB 702 PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I would ask that that bill be passed over and that we move immediately to SB 846, which I had announced would be the first vote of the day. It is on the 15th day. I know our colleagues have a dinner to go to tonight, and I am going to vote SB 846 today. I have to. So I would join with Mr. Rhodes in asking that SB 702 be held over, and I move that the bill be placed on the third consideration postponed calendar.

The SPEAKER. It has been moved by the majority leader and seconded by the gentleman from Allegheny, Mr. Rhodes, that SB 702 be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **SB 846, PN 1085**, entitled:

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," further providing for arbitration panels for health care.

On the question,

Will the House agree to the bill on third consideration?

Mr. EARLEY offered the following amendments:

Amend Bill, page 4, by inserting between lines 25 and 26 Section 2. The act is amended by adding a section to read:

Section 403. Transfer to Common Pleas Court.—If an arbitration panel is not selected by the administrator within 90 days after the filing of a certificate of readiness as provided for in the applicable rules and regulations, in such event the administrator shall forthwith transfer the case to the common pleas court having venue over the case for pretrial and trial as in other civil cases.

Amend Sec. 2, page 4, line 26, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

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

Mr. EARLEY. Mr. Speaker, this is SB 846, amendment No. A3961.

This amendment provides that after a certificate of readiness has been filed with the arbitration panel for a hearing of the case, if a panel is not selected within 90 days of the filing of that certificate of readiness, the matter shall be referred to the common pleas court for disposition.

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

Mr. GANNON. Would the gentleman, Mr. Earley, submit to brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Gannon, may proceed.

Mr. GANNON. Mr. Speaker, under what conditions would a certificate of readiness be filed? Are there any specific guidelines incorporated?

Mr. EARLEY. Routinely, where both sides are prepared to proceed to trial or to a hearing in a matter, a certificate of readiness is required to be filed with the hearing body. This provision is to facilitate the speedy hearing of those cases by the arbitration panel.

Mr. GANNON. Mr. Speaker, it is my understanding then that the intent of your amendment is that if both parties are ready for trial, a certificate of readiness would be filed with the administrator?

Mr. EARLEY. That is correct.

Mr. GANNON. Thank you.

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

Mr. LASHINGER. Would Mr. Earley stand for brief interrogation?

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

Mr. LASHINGER. Mr. Speaker, I understand that there are about 2,000 cases backlogged now waiting to be heard before arbitration panels. Of those that are certified ready now of those 2,000 cases, would this amendment apply to those cases that are currently certified as ready?

Mr. EARLEY. It appears to me that if SB 846 becomes law and proceeds to attack that backlog and you have 2,000 cases there with certificates of readiness already filed, I do not believe that this amendment would affect those certificates of

readiness already on file; only in future cases.

Mr. LASHINGER. In just reviewing the amendment—and I am not sure; that is why I am asking—I do not think of the 2,000 backlogged that all have been certified as ready, but more than 50 percent have—

Mr. EARLEY. I am sorry; I cannot understand you.

Mr. LASHINGER. It is not my understanding that of the 2,000 that are backlogged, all have been certified as ready, but a large share have been. In just reading the amendment, I do not see any provision that would block those that are already certified to be thrown into common pleas court, because there is just no way we are going to impanel the arbitration boards that quickly. So you are going to find a major share of these going right into court and defeat the purpose of the philosophy of having the arbitration panels themselves. There might be a problem with the amendment as it is drafted with not limiting it specifically to those cases that are certified ready after the enactment of SB 846. Therefore, I would urge opposition to this amendment. Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, just to clarify that point, I do not have the figures as of this moment, but the last figures that I had were in April of this year. At that time there was a backlog of 1,700 cases. However, there were only 68 of those cases that had been certified for trial. All the rest were in some point of pretrial discovery and had not yet been certified for trial. So I do not think the concern that Mr. Lashinger has expressed would be a problem in connection with this amendment.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I am not sure. Perhaps I would ask Mr. Earley whether he would consent to interrogation.

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Hutchinson, may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman from Delaware know whether or not this bill, as it came over from the Senate, was amended in the House committee that had jurisdiction over it?

Mr. EARLEY. No; this was not amended in a House committee.

Mr. W. D. HUTCHINSON. Would there be somebody—Mr. Yohn—is the bill in its current form different than when it came over from the Senate?

Mr. YOHN. Yes; there were some minor amendments that were inserted in the House Insurance Committee.

Mr. W. D. HUTCHINSON. Again addressing Mr. Yohn, so that from a parliamentary standpoint, if we pass the bill without any amendments here today, it would still have to go over to the Senate for concurrence in the amendments which were put in by committee? Is that correct?

Mr. YOHN. That is correct. However, the amendments were relatively minor, and it was the feeling of the committee on the day this happened—which was some months ago now, so I do not know that everybody would feel the same way at this mo-

ment—that in the event that the Senate was not happy with the amendments that were inserted, the House could then recede from these amendments, and the bill could go directly to the Governor that way rather than having to be revoted on by the Senate.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, now may I go back to some interrogation of the gentleman from Delaware, Mr. Earley?

The SPEAKER. The gentleman may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, the amendment that you proposed as drafted says, "If an arbitration panel is not selected by the administrator within 90 days after the filing of a certificate of readiness as provided for in the applicable rules and regulations . . ." Mr. Speaker, could you enlighten me a little bit on what you envision those applicable rules and regulations to be? Let me give you an example. Of the some 2,100 cases that are presently backlogged, suppose I represent a party in one of those cases and I file a certificate of readiness, but suppose the other side would object to that certificate of readiness because discovery is not completed, or for some other reason. Does the gentleman have an opinion as to whether or not the case would then have to go to common pleas court within 90 days? Can I unilaterally effect that?

Mr. EARLEY. I do not believe so, Mr. Speaker. The Rules of Procedure governing certificates of readiness is what would apply here, and—

Mr. W. D. HUTCHINSON. Mr. Speaker, I am standing almost next to the gentleman and I simply cannot hear his answer.

Mr. EARLY. Mr. Speaker, when the certificate of readiness is filed by one party and the other party is not ready, there are procedures whereby the unready party can effectively render that certificate of readiness ineffective. It is only when there is no response of when the certificate of readiness is not effectively nullified by the opposing party that it is now ready for the selection of an arbitration panel. If the opposing party who has not filed a certificate of readiness does not file in accordance with the rules, then it is presumed that he is ready and this becomes operative.

Mr. W. D. HUTCHINSON. Are those rules in fact now in existence inoperative by the administrator of this program? Has he promulgated such rules?

Mr. EARLEY. It is a combination of the rules that are in the Medical Malpractice Act and the rules governing Rules of Civil Procedure.

Mr. W. D. HUTCHINSON. If your amendment became law, would regulations be now in effect which would apply immediately to it that would prevent one party from simply filing a certificate of readiness whether the case was ready or not, and then having it certified to common pleas court 90 days after that event?

Mr. EARLY. I am not very familiar with the rules contained in that particular act, but I believe so.

Mr. W. D. HUTCHINSON. Mr. Speaker, I believe there are in

effect presently that the administrator of this program has adopted the Pennsylvania Rules of Civil Procedure as the operative rules for governing the proceedings before the arbitration panel. Those rules do provide that when a readiness certificate is filed, a person who has a valid reason, because discovery is not completed or for some other reason, may object to that readiness certificate. So it would seem to me that there are rules in place to prevent the evil that some people are concerned with that a lot of cases could be certified over immediately to the court whether they were really ready for the arbitration system or not.

Inasmuch as the bill has been amended in a House committee and therefore must go back to the Senate for concurrence, I am going to support this amendment, because I think it strengthens the bill in the face of the attack that certain people have put on it in connection with the delays that have occurred under the previous system. And I think that we should say to the lawyers, who are really the ones responsible for this delay, that you had better get yourself moving or you are going to find yourself out of the arbitration system and into the court.

I think the amendment does help expedite the proceedings and therefore I support it.

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

The following roll call was recorded:

YEAS—148

Alden	Gallagher	Mackowski	Scirica
Anderson	Gallen	Manderino	Serafini
Armstrong	Gamble	Manmiller	Seventy
Barber	Gannon	McCall	Shadding
Belardi	Geesey	McClatchy	Shupnik
Bennett	George, C.	McMonagle	Sieminski
Berson	Giammarco	McVerry	Sirianni
Bittle	Gladeck	Michlovic	Smith, E.
Borski	Goebel	Miller	Spencer
Bowser	Goodman	Moehlmann	Spitz
Brandt	Grabowski	Mowery	Stairs
Brown	Gray	Mullen, M. P.	Steighner
Caltagirone	Greenfield	Murphy	Stewart
Cappabianca	Gruppo	Musto	Street
Cessar	Halverson	Nahill	Sweet
Chess	Harper	Novak	Swift
Cimini	Hayes, S. E.	Noye	Taddonio
Clark, B.	Helfrick	O'Brien, B.	Taylor, E.
Clark, R.	Honaman	Oliver	Taylor, F.
Cohen	Hutchinson, W.	Peterson	Telek
Cowell	Irviss	Petrarca	Thomas
Cunningham	Itkin	Piccola	Trello
Davies	Johnson, E.	Pievsky	Wachob
Dawida	Johnson, J.	Pistella	Wargo
DeMedio	Jones	Pitts	Wass
DeWeese	Kanuck	Polite	Wenger
DiCarlo	Klingaman	Pratt	White
Dininni	Knight	Pucciarelli	Williams
Donatucci	Kolter	Punt	Wilt
Dorr	Kowalyszyn	Pyles	Wright, D.
Duffy	Kukovich	Reed	Yohn
Dumas	Laughlin	Rhodes	Zeller
Earley	Lehr	Ritter	Zord
Fee	Leterman	Rodgers	Zwinkl
Fischer, R. R.	Levi	Ryan	
Fisher, D. M.	Levin	Scheaffer	Seltzer,
Foster, A.	Lewis	Schmitt	Speaker
Foster, W.	Lynch, E. R.		

NAYS—38

Arty	Dombrowski	Madigan	Salvatore
Austin	Durham	McKelvey	Schweder
Burd	Fryer	Micozzie	Smith, L.
Burns	Geist	Milanovich	Stuban
Cochran	George, M.	Mrkonc	Vroon
Cole	Hasay	O'Brien, D.	Weidner
Cornell	Hoeffel	O'Donnell	Wilson
Coslett	Hutchinson, A.	Perzel	Wright, J. L.
DeVerter	Lashingner	Pott	Zitterman
Dietz	Livengood		

NOT VOTING—16

Beloff	Grieco	Lynch, F.	Rieger
Brunner	Hayes, D. S.	McIntyre	Rocks
Freind	Kernick	Rappaport	Wagner
Gatski	Knepper	Richardson	Yahner

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

REMARKS ON VOTES

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

Mr. A. K. HUTCHINSON. I wanted to be voted "yes." I was voted in the negative on the Earley amendment A3961 to SB 846.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Rocks. For what purpose does the gentleman rise?

Mr. ROCKS. Mr. Speaker, I was temporarily away from my desk on the vote of the first Earley amendment, A3961. I would like to be recorded in the affirmative.

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

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

Mr. RAPPAPORT. Mr. Speaker, on the first Earley amendment, No. A3961, I was temporarily out of my seat. I am recorded as not voting. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

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

Mr. FREIND. Mr. Speaker, I, too, was out of my seat on the first Early amendment, A3961. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

On the question,

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

Mr. EARLEY offered the following amendments:

Amend Bill, page 4, by inserting between lines 25 and 26

Section 2. Section 510 of the act is repealed.

Amend Sec. 3, page 4, line 26, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

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

Mr. EARLEY. Mr. Speaker, this is amendment No. A2886.

The arbitration provisions of the Medical Malpractice Act presently provides, under section 510, that where a decision is rendered by the arbitration panel and there is a dissatisfied party to the proceedings, a party may proceed to the common pleas court on a trial de novo. However, for a trial de novo to take place, the findings of the arbitration panel may be presented to the jury at such trial de novo as part of the total evidence which a jury receives. This amendment No. A2886 repeals that section of the Medical Malpractice Act so that at a trial de novo the finding of the arbitration panel is not permitted to be presented to the jury.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment and I would hope that you would bear with me while I explain why.

Those of you who were in the House when we passed Act 111, the Medical Malpractice Act, may recall that at the time we passed it, it was in a state of crisis. The medical profession was threatening at that time to withhold services unless they were given some relief in this connection. The arbitration provisions were a very important part of the relief that they wanted.

I really did not care a great deal about the arbitration provisions, but there is one thing about it — it seems to me if you are going to set an arbitration proceeding, another proceeding in addition to the court proceedings, you had better make it meaningful. Otherwise, you are just fouling things up and you are delaying things and you are making it worse. You are making it more expensive; you are setting up a whole expensive arbitration proceeding, and then what do the lawyers want? They want to be able to go into court and try the whole thing all over again.

Now the compromise that was effected when we passed Act 111 was that we said okay, you can go to court, lawyers and litigants, if you do not like what the arbitration panel said, but, by gosh, when you go there, that jury is going to know what the arbitration panel did to you and that, by the very nature of it, will make them think twice about it. What they are asking for here are two complete bites at the apple. If you are going to do that, then what is the sense of having an expensive arbitration proceeding? And if you take the arbitration proceeding out of this bill, you are going to have the medical profession down on your head.

Finally, you have got to put this in the context of the pending court litigations which says that the lawyers are attacking the constitutionality of the whole system because they say it imposes delay. You put this amendment in; it goes over to the other body, and then you have a substantive difference be-

tween two bodies. It may very well not be worth that. In the meantime, you may find that the whole situation, because of the backlog that is before us, is rendered moot and we have no legislation on medical malpractice, and then let me tell you, you will have a problem here, as those of you who were here in 1976 when the bill was passed originally, 1975-76. We should vote against this amendment and then we should perhaps put in one additional amendment, and then we should send it over to the Senate for concurrence.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. I want to join with Mr. Hutchinson in speaking against this amendment. Section 510 is an important part of the present law, and I would like to point out, however, that among the facts that can be presented at the new trial, one very important key fact cannot be presented—and this is an important item—and that is the amount of any award below. That cannot be presented, and this is for the protection of a defendant. This is in section 510. But as far as section 510 is concerned, it should not be repealed.

The Pennsylvania Supreme Court has passed on the constitutionality of section 510 and has ruled that this section places no presumption before the jury, nor does it shift any burdens of proof in the case. In other words, it merely places the evidence of facts presented before the arbitrators present that information, that evidence to the jury, and allows the jury to remain the final arbiter of the issues raised and the facts presented.

This bill, SB 846, is a very important bill and does require action by the House today so that the medical malpractice backlog can be dealt with properly. The one amendment presented by Mr. Earley is a useful amendment. But this amendment, I submit, as has been stated by Mr. Hutchinson, will destroy the act, and, therefore, I strongly urge that you consider voting against the second Earley amendment. Thank you.

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

Mr. YOHN. Mr. Speaker, I would also urge the House to vote against the second Earley amendment. Whether you are for or against the proposition that he is putting forth today, I think it is important to know that this is not the time to do that.

The 1006 committee that was established in the Medical Malpractice Act to review the medical malpractice law from time to time has not recommended this change. There has been no bill introduced in the House or Senate, of which I am aware, that has been reviewed by any committee that has recommended this change.

If we put this amendment in the bill, it will probably jeopardize the chance of passage of the bill in the Senate, and then we are jeopardizing the major thrust of the bill, which is to reduce the arbitration panels from 7 to 3, which everybody agrees is a worthwhile change.

I would, therefore, urge that we vote down the amendment today and let the bill remain as it is. Thank you.

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

Mr. GANNON. Mr. Speaker, I rise in opposition to the Earley amendment. This provision of Act 111 is the fundamental strength of the arbitration provision. When this act was passed by the House back in 1975, medical malpractice insurance was in the stage of crisis. Medical malpractice insurers were either raising their insurance rates to astronomical sums or pulling out of the State of Pennsylvania, as far as writing malpractice insurance altogether. This was having an adverse effect on the ability of hospitals and physicians to do business and on the effect of the quality of medical care.

As Mr. Hutchinson pointed out earlier, this provision of the act was a compromise between what the lawyers wanted, that is, no arbitration, or simply having the arbitration as a screening process; and what the medical people wanted was that arbitration would be the end of it or the ultimate determiner.

The compromise was that there would be an opportunity to take the case to a new trial with one important element, and that was, the jury or the court would be told the findings of fact, the findings and what the arbitration panel had determined. This is the strength of Act 111. And to remove this provision from the act by this amendment would simply make the arbitration proceeding a sham. In effect, the arbitration panels would simply turn into a screening mechanism whereby they would simply render an opinion or an advisory decision which would have no binding effect whatsoever on either of the parties.

Arbitration would simply be another step in the ladder towards a court case, and that was not the intent at the time the act was put into effect and it should not be the intent now. The arbitration proceeding under medical malpractice must adhere to the rules of court and rules of evidence so that you could not argue, unless you had incompetent counsel, that you were prejudiced very badly by permitting the court to hear the findings of the arbitration.

Additionally, this proceeding provides that there can be an appeal and a new trial, a trial de novo with that one qualification. To take this out would render the entire process a virtual nullity and very well might put us back into the crisis atmosphere of 1975.

I urge a negative vote on the Earley amendment. Thank you, Mr. Speaker.

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

Mr. DAWIDA. Mr. Speaker, as a member of the Insurance Committee which addressed this issue and as an attorney, I have had some familiarity with this procedure, and I would urge all the members of the House to vote "no" on the Earley amendment. It cuts the heart out of what we are trying to do with HB 846.

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

The following roll call was recorded:

YEAS—16

Alden	Earley	Laughlin	Serafini
Brandt	Freind	Manderino	Sirianni

Clark, R.	Gladeck	Piccola	Spitz
Durham	Kanuck	Ryan	Williams

NAYS—171

Anderson	Fryer	Manmiller	Scheaffer
Armstrong	Gallagher	McCall	Schmitt
Arty	Gallen	McClatchy	Schweder
Austin	Gamble	McIntyre	Scirica
Barber	Gannon	McKelvey	Seventy
Belardi	Geesey	McMonagle	Shadding
Bennett	Geist	McVerry	Shupnik
Berson	George, C.	Michlovic	Sieminski
Bittle	George, M.	Micozzie	Smith, E.
Borski	Giammarco	Milanovich	Smith, L.
Bowser	Goebel	Miller	Spencer
Brown	Goodman	Moehmann	Stairs
Burd	Grabowski	Mowery	Steighner
Burns	Gray	Mrkonc	Stewart
Caltagirone	Greenfield	Mullen, M. P.	Street
Cappabianca	Gruppo	Murphy	Stuban
Cessar	Halverson	Musto	Swift
Chess	Harper	Nahill	Taddonio
Cimini	Hasay	Novak	Taylor, E.
Clark, B.	Hayes, S. E.	Noye	Taylor, F.
Cochran	Helfrick	O'Brien, B.	Telek
Cohen	Hoeffel	O'Brien, D.	Thomas
Cole	Honaman	O'Donnell	Trello
Cornell	Hutchinson, A.	Oliver	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Itkin	Peterson	Wargo
Cunningham	Johnson, E.	Petrarca	Wass
Davies	Johnson, J.	Pievskey	Weidner
Dawida	Jones	Pistella	Wenger
DeMedio	Klingaman	Pitts	White
DeVerter	Knight	Polite	Wilson
DeWeese	Kolter	Pott	Wilt
DiCarlo	Kowalshyn	Pratt	Wright, D.
Dietz	Kukovich	Pucciarelli	Wright, J. L.
Dininni	Lashinger	Punt	Yahner
Dombrowski	Lehr	Pyles	Yohn
Dorr	Letterman	Rappaport	Zeller
Duffy	Levi	Reed	Zitterman
Dumas	Levin	Rhodes	Zord
Fee	Livengood	Ritter	Zwinkl
Fischer, R. R.	Lynch, E. R.	Rocks	
Fisher, D. M.	Mackowski	Rodgers	Seltzer,
Foster, A.	Madigan	Salvatore	Speaker
Foster, W.			

NOT VOTING—15

Beloff	Grieco	Knepper	Rieger
Brunner	Hayes, D. S.	Lewis	Sweet
Donatucci	Irvis	Lynch, F.	Wagner
Gatski	Kernick	Richardson	

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

REMARKS ON VOTES

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

Mr. ITKIN. Mr. Speaker, on the last Earley amendment, A2886, I was locked out. I would like to be recorded as voting in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

The Chair recognizes the lady from Montgomery, Mrs. Lewis. Mrs. LEWIS. Mr. Speaker, I would like to be recorded in the

affirmative on the last Earley amendment, A2886. Thank you.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

On the question recurring,

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

Mr. GANNON offered the following amendments:

Amend Sec. 1 (Sec. 308), page 4, lines 14 and 15, by striking out "or annual salary"

Amend Sec. 1 (Sec. 308), page 4, line 17, by inserting after "duties," The administrator shall establish a separate arbitration panel for each claim; and, after each panel renders its decision on the claim it shall be disbanded.

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Mr. Speaker, this amendment is really a clarification of an amendment that was put in in the Insurance Committee. The intent of the amendment is to prohibit the administrator from hiring of arbitrators as full- or part-time employees of the Commonwealth. My thought, when drafting this amendment, was to prevent the starting up of a new bureaucracy, an administrative law judge—there is a gremlin in here somewhere.

The SPEAKER. There are several gremlins in here.

Mr. GANNON. Mr. Speaker, my intent was to provide that the arbitration panels would be established separately for each arbitration claim. I believe that this is, and my feeling is that this is, the best way to give the arbitration proceeding an opportunity to work and to give it a track record before final judgment is made on the act. I think this may be the best way by prohibiting the bringing on of arbitration panel members as employees. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I would oppose this amendment. It was my understanding the committee did amend the bill and that there was fear that we would establish permanent arbitration panels. The committee in the House was opposed to that and amended the bill to provide against it. And I think that this amendment is, therefore, unnecessary.

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

Mr. GANNON. Mr. Speaker, what Mr. Hutchinson said is true; that was the intent of the committee. However, I believe the language that was put in by the committee was somewhat ambiguous and more of a semantic change than a basic change. And the intent of this amendment is to make the basic change necessary to strengthen up the language of the bill, bring it back to make sure that its original intent is expressed as clearly as possible, which was not the case in the original amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—18

Brandt	Gannon	Michlovic	Ryan
Chess	Gruppo	Pucciarelli	Salvatore
Dawida	Irviss	Rhodes	Seventy
DeMedio	Lashinger	Rocks	Sieminski
Durham	Manderino		

NAYS—169

Alden	Freind	Madigan	Scirica
Anderson	Fryer	Manmiller	Serafini
Armstrong	Gallagher	McCall	Shupnik
Arty	Gallen	McClatchy	Sirianni
Austin	Gamble	McIntyre	Smith, E.
Barber	Geesey	McKelvey	Smith, L.
Belardi	Geist	McMonagle	Spencer
Bennett	George, C.	McVerry	Spitz
Berson	George, M.	Micozzie	Stairs
Bittle	Giammarco	Milanovich	Steighner
Borski	Gladeck	Miller	Stewart
Bowser	Goebel	Moehlmann	Street
Brown	Goodman	Mowery	Stuban
Burd	Grabowski	Mrkoncic	Sweet
Burns	Gray	Mullen, M. P.	Swift
Caltagirone	Greenfield	Murphy	Taddonio
Cappabianca	Halverson	Musto	Taylor, E.
Cessar	Harper	Nahill	Taylor, F.
Cimini	Hasay	Novak	Telek
Clark, B.	Hayes, S. E.	Noye	Thomas
Clark, R.	Helfrick	O'Brien, B.	Trello
Cochran	Hoeffel	O'Brien, D.	Vroon
Cole	Honaman	O'Donnell	Wachob
Cornell	Hutchinson, A.	Oliver	Wargo
Coslett	Hutchinson, W.	Perzel	Wass
Cowell	Johnson, E.	Peterson	Weidner
Cunningham	Johnson, J.	Petrarca	Wenger
Davies	Jones	Piccola	White
DeVerter	Kanuck	Pievsky	Williams
DeWeese	Klingaman	Pistella	Wilson
DiCarlo	Knight	Pitts	Wilt
Dietz	Kolter	Polite	Wright, D.
Dininni	Kowalyshyn	Pott	Wright, J. L.
Dombrowski	Kukovich	Pratt	Yahner
Dorr	Laughlin	Punt	Yohn
Duffy	Lehr	Pyles	Zeller
Dumas	Letterman	Rappaport	Zitterman
Earley	Levi	Reed	Zord
Fee	Levin	Ritter	Zwick
Fischer, R. R.	Lewis	Rodgers	
Fisher, D. M.	Livengood	Scheaffer	Seltzer,
Foster, A.	Lynch, E. R.	Schmitt	Speaker
Foster, W.	Mackowski	Schweder	

NOT VOTING—15

Beloff	Gatski	Kernick	Rieger
Brunner	Grieco	Knepper	Shadding
Cohen	Hayes, D. S.	Lynch, F.	Wagner
Donatucci	Itkin	Richardson	

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

AMENDMENT WITHDRAWN

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

Mr. DAWIDA. Mr. Speaker, I am withdrawing that amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring.

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

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Title, page 1, line 9 by removing the period after "care" and inserting and providing for severability.

Amend Sec. 1, page 1, line 15 by inserting after "amended" and a section is added

Amend Bill, page 4, by inserting between lines 25 and 26

Section 1007.1. Severability.—If any provision or clause of this act or the application thereof to any person or situation is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, this is a very simple amendment. It is a severability amendment. It provides that if any one provision of this act is found unconstitutional, it shall not affect other provisions.

I think it should go in inasmuch as the arbitration part of the act is under attack in the court, and there is some question as to whether or not we did not mean everything to go together. And we certainly do not want the entire act to go down, including the Catastrophe fund, the joint underwriting commission, and leave us without any medical malpractice insurance in the Commonwealth. So I would urge support of this amendment. It does not affect the substance of the bill. It simply provides for severability in case one part is held unconstitutional.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

Alden	Foster, A.	Livengood	Ryan
Anderson	Foster, W.	Lynch, E. R.	Salvatore
Armstrong	Freind	Mackowski	Scheaffer
Arty	Fryer	Madigan	Schmitt
Austin	Gallagher	Manderino	Schweder
Barber	Gallen	Manmiller	Scirica
Belardi	Gamble	McCall	Serafini
Bennett	Gannon	McClatchy	Seventy
Berson	Geesey	McIntyre	Shadding
Bittle	Geist	McKelvey	Shupnik
Borski	George, C.	McMonagle	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Giammarco	Michlovic	Smith, E.
Brown	Gladeck	Micozzie	Smith, L.
Burd	Goebel	Milanovich	Spencer
Burns	Goodman	Miller	Spitz
Caltagirone	Grabowski	Moehlmann	Stairs
Cappabianca	Gray	Mowery	Steighner

Cessar	Greenfield	Mrkonje	Stewart
Chess	Gruppo	Mullen, M. P.	Stuban
Cimini	Halverson	Murphy	Swift
Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, S. E.	Novak	Taylor, F.
Cohen	Helfrick	Noye	Telek
Cole	Hoeffel	O'Brien, B.	Thomas
Cornell	Honaman	O'Brien, D.	Trello
Coslett	Hutchinson, A.	O'Donnell	Vroon
Cowell	Hutchinson, W.	Oliver	Wargo
Cunningham	Irvis	Perzel	Wass
Davies	Itkin	Peterson	Weidner
Dawida	Johnson, E.	Petrarca	Wenger
DeMedio	Johnson, J.	Piccola	White
DeVerter	Jones	Pievsky	Williams
DeWeese	Kanuck	Pistella	Wilson
DiCarlo	Klingaman	Pitts	Wilt
Dietz	Knight	Polite	Wright, D.
Dininni	Kolter	Pratt	Wright, J. L.
Dombrowski	Kowalyszyn	Pucciarelli	Yahner
Dorr	Kukovich	Punt	Yohn
Duffy	Lashinger	Pyles	Zeller
Dumas	Laughlin	Rappaport	Zitterman
Durham	Lehr	Reed	Zord
Earley	Letterman	Rieger	Zwikl
Fee	Levi	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Lewis	Rodgers	Speaker

NAYS—3

Pott	Sweet	Wachob
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NOT VOTING—13

Beloff	Grieco	Knepper	Richardson
Brunner	Hayes, D. S.	Lynch, F.	Street
Donatucci	Kernick	Rhodes	Wagner
Gatski			

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

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Gannon, has just advised me that he is filing a reconsideration motion with the Chair with regard to his amendment.

AMENDMENTS RECONSIDERED

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

Mr. GANNON. Mr. Speaker, I move that the vote by which the Gannon amendments to SB 846, PN 1085, was defeated on the third day of December be reconsidered.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. GANNON reoffered the following amendments:

Amend Sec. 1 (Sec. 308), page 4, lines 14 and 15, by striking out "or annual salary"

Amend Sec. 1 (Sec. 308), page 4, line 17, by inserting after "duties." The administrator shall establish a separate arbitration panel for each claim; and, after each panel renders its decision on the claim it shall be disbanded.

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Mr. Speaker, I believe my explanation of this amendment may have caused some confusion when I submitted it originally. Just to clarify: The way the bill was originally sent over from the Senate, it provided that the administrator would establish a pool of full- and part-time panel members. This meant that the administrator would establish a pool of full- or part-time Commonwealth employees who would be a permanent cadre on which he would call to hear arbitration claims or cases before arbitration panels. The intent of the committee, when the amendment was originally passed, was to take that language out of the bill. However, language was simply deleted from the bill, and it did not effectuate that purpose. The purpose of my amendment is to make it clear that there will not be permanent arbitration panels who are Commonwealth employees, and that a new panel will be drawn together for each claim that is heard. My feeling is that I did not wish to see the start of a new bureaucracy in the Commonwealth. And that, as clearly as I can make it, is the intent of my amendment and I would appreciate an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—39

Arty	Gannon	Manderino	Salvatore
Barber	Gruppo	McKelvey	Seventy
Brandt	Helfrick	Michlovic	Shadding
Chess	Hutchinson, A.	Murphy	Sieminski
Dawida	Irviss	O'Brien, D.	Thomas
DeMedio	Itkin	Perzel	Trello
DeVerter	Lashinger	Peterson	Williams
Dorr	Letterman	Pucciarelli	Yohn
Dumas	Levi	Rocks	Zeller
Durham	Madigan	Ryan	

NAYS—153

Alden	Foster, W.	Mackowski	Schweder
Anderson	Freind	Manmiller	Scirica
Armstrong	Fryer	McCall	Serafini
Austin	Gallagher	McClatchy	Shupnik
Belardi	Gallen	McIntyre	Sirianni
Bennett	Gamble	McMonagle	Smith, E.
Berson	Geesey	McVerry	Smith, L.
Bittle	Geist	Micozzie	Spencer
Borski	George, C.	Milanovich	Spitz
Bowser	George, M.	Miller	Stairs
Brown	Giammarco	Moehlmann	Steighner
Burd	Gladeck	Mowery	Stewart
Burns	Goebel	Mrkoncic	Street

Caltagirone	Goodman	Mullen, M. P.	Stuban
Cappabianca	Grabowski	Musto	Sweet
Cessar	Gray	Nahill	Swift
Cimini	Greenfield	Novak	Taddonio
Clark, B.	Halverson	Noye	Taylor, E.
Clark, R.	Harper	O'Brien, B.	Taylor, F.
Cochran	Hasay	O'Donnell	Telek
Cohen	Hayes, S. E.	Oliver	Vroon
Cole	Hoeffel	Petrarca	Wachob
Cornell	Honaman	Piccola	Wargo
Coslett	Hutchinson, W.	Pievsky	Wass
Cowell	Johnson, E.	Pistella	Weidner
Cunningham	Johnson, J.	Pitts	Wenger
Davies	Jones	Polite	White
DeWeese	Kanuck	Pott	Wilson
DiCarlo	Klingaman	Pratt	Wilt
Dietz	Knight	Punt	Wright, D.
Dininni	Kolter	Pyles	Wright, J. L.
Dombrowski	Kowalyszyn	Rappaport	Yahner
Donatucci	Kukovich	Reed	Zitterman
Duffy	Laughlin	Rhodes	Zord
Earley	Lehr	Rieger	Zwinkl
Fee	Levin	Ritter	
Fischer, R. R.	Lewis	Rodgers	Seltzer,
Fisher, D. M.	Livengood	Scheaffer	Speaker
Foster, A.	Lynch, E. R.	Schmitt	

NOT VOTING—10

Beloff	Grieco	Knepper	Richardson
Brunner	Hayes, D. S.	Lynch, F.	Wagner
Gatski	Kernick		

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 as amended on third consideration?

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—192

Alden	Foster, W.	Madigan	Salvatore
Anderson	Freind	Manderino	Scheaffer
Armstrong	Fryer	Manmiller	Schmitt
Arty	Gallagher	McCall	Schweder
Austin	Gallen	McClatchy	Scirica
Barber	Gamble	McIntyre	Serafini
Belardi	Gannon	McKelvey	Seventy
Bennett	Geesey	McMonagle	Shadding
Berson	Geist	McVerry	Shupnik
Bittle	George, C.	Michlovic	Sieminski
Borski	George, M.	Micozzie	Sirianni
Bowser	Giammarco	Milanovich	Smith, E.
Brandt	Gladeck	Miller	Smith, L.
Brown	Goebel	Moehlmann	Spencer
Burd	Goodman	Mowery	Spitz
Burns	Grabowski	Mrkoncic	Stairs
Caltagirone	Gray	Mullen, M. P.	Steighner
Cappabianca	Greenfield	Murphy	Stewart
Cessar	Gruppo	Musto	Street
Chess	Halverson	Nahill	Stuban
Cimini	Harper	Novak	Sweet
Clark, B.	Hasay	Noye	Swift

Clark, R.	Hayes, S. E.	O'Brien, B.	Taylor, E.
Cochran	Helfrick	O'Brien, D.	Taylor, F.
Cohen	Hoeffel	O'Donnell	Telek
Cole	Honaman	Oliver	Thomas
Cornell	Hutchinson, A.	Perzel	Trello
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Irvis	Petrarca	Wachob
Cunningham	Itkin	Piccola	Wargo
Davies	Johnson, E.	Pievsky	Wass
Dawida	Johnson, J.	Pistella	Weidner
DeMedio	Jones	Pitts	Wenger
DeVerter	Kanuck	Polite	White
DeWeese	Klingaman	Pott	Williams
DiCarlo	Knight	Pratt	Wilson
Dietz	Kolter	Pucciarelli	Wilt
Dininni	Kowalyszyn	Punt	Wright, D.
Dombrowski	Kukovich	Pyles	Wright, J. L.
Donatucci	Lashinger	Rappaport	Yahner
Dorr	Laughlin	Reed	Yohn
Duffy	Lehr	Rhodes	Zeller
Dumas	Letterman	Rieger	Zitterman
Durham	Levi	Ritter	Zord
Earley	Levin	Rocks	Zwilk
Fec	Lewis	Rodgers	
Fischer, R. R.	Livengood	Ryan	Seltzer,
Fisher, D. M.	Lynch, E. R.	Taddonio	Speaker
Foster, A.	Mackowski		

NAYS—0

NOT VOTING—10

Beloff	Grieco	Knepper	Richardson
Brunner	Hayes, D. S.	Lynch, F.	Wagner
Gatski	Kernick		

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 information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

HOUSE BILLS INTRODUCED AND REFERRED

HB 2045 By Representative McCLATCHY.

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal years 1979-1980," itemizing a public improvement project, *** stating the estimated useful life of the project and making an appropriation.

Referred to Appropriations, Dec. 3, 1979.

HB 2046 By Representatives ZELLER, WEIDNER, MACKOWSKI, BROWN, B. D. CLARK and TELEK.

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, requiring employees of the news media who are regularly and ordinarily assigned to news coverage of the General Assembly to file financial statements.

Referred to State Government, Dec. 3, 1979.

HB 2047 By Representatives ZELLER, WEIDNER, MACKOWSKI, BROWN, B. D. CLARK and TELEK.

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, providing for ineligibility for employment as a public official or employee.

Referred to State Government, Dec. 3, 1979.

HB 2048 By Representative McCLATCHY.

An Act making an appropriation to the Muhlenberg Medical Center in the City of Bethlehem, County of Lehigh and Commonwealth of Pennsylvania.

Referred to Appropriations, Dec. 3, 1979.

HOUSE RESOLUTION INTRODUCED AND REFERRED

Serial No. 156 By Representatives CALTAGIRONE, SPITZ, COCHRAN, STEIGHNER and LIVENGOD.

House memorialize Congress eliminate interest on certain savings accounts and bonds from Federal income taxes.

In the House, Dec. 3, 1979

Referred to Federal-State-Relations, Dec. 3, 1979.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

SB 861, PN 1088

An Act amending the act of November 27, 1970 (P. L. 773, No. 256), entitled "A supplement to the act of November 25, 1969 (P. L. 310, No. 133), entitled 'An act providing for the capital budget for the fiscal year 1969-1970,' itemizing public improvement projects to be acquired or constructed by the General State Authority, together with their estimated financial costs," providing additional funds to complete the Convention-Exposition Center in Pittsburgh.

SB 921, PN 1055

An Act authorizing the Department of General Services, with the approval of the Governor and the Executive Director of the Historical and Museum Commission to grant an easement on a tract of land in Lancaster County to the City of Lancaster Authority for the erection and use of a booster pumping station for a water system.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 168 and HB 2044 be taken from the table and put on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on today's calendar will be passed over.

The Chair hears no objection.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would hope that the members

would listen to this, both on the floor and in their offices.

There will be a Republican caucus tomorrow morning at 9:30. There will be a Republican caucus tomorrow morning at 9:30. Now if we are going to get out of here this week or next week or this year, we must caucus on certain of these bills, and I would ask that all of our members be in caucus at 9:30 tomorrow morning.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, there will be no need for an early Democratic caucus. There will most certainly be a need for a Democratic caucus at a later time in the day for HB 1. The reason we are not caucusing in the morning on HB 1 is because we are awaiting certain amendments, but there will be no need for us to have the early caucus tomorrow morning.

I would advise the members, together with the majority leader, that we have marked certain bills to be called up for pas-

sage or for debate, at least, tomorrow morning, beginning at 11 o'clock, and we will be glad to give that marking to any member so that all of you are prepared for tomorrow morning's 11 o'clock session. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair would like to welcome to the floor of the House a former distinguished member of this House who is standing behind the rail, Anita Palermo Kelly.

ADJOURNMENT

Mr. RODGERS moved that this House of Representatives do now adjourn until Tuesday, December 4, 1979, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:24 p.m., e.s.t., the House adjourned.