

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 24, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 76

HOUSE OF REPRESENTATIVES

The House convened at 10:10 a.m., e.s.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O Lord, our Heavenly Father, Thou hast willed to restore all things and bring order to this universe. Mercifully grant that all peoples and nations, divided and wounded by sin, may be brought under the gentle yoke of Thy most loving rule. O God, we know that Thou hast assured forgiveness of sins and deliverance from eternal death and damnation. Strengthen us, we beseech Thee, by the power of Thy presence, that we may daily increase in this faith and hold fast the hope that we shall not die but fall asleep in Thee and on the last day be raised to eternal life, through Thy power and glory. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, November 23, 1987, will be postponed until that Journal is in print, and the Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have any requests for leaves?

Mr. FEE. Mr. Speaker, there are no requests for leaves for the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip. Do you have any requests for leaves?

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the lady from Lancaster County, Mrs. HONAMAN, for the day, and the gentleman from Lancaster County, Mr. SCHEETZ, for the day.

The SPEAKER. The leaves are granted, there being no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1994 By Representatives BOOK, KOSINSKI, HECKLER, MOEHLMANN, BURD, TRELLO, FOX, HERMAN, JADLOWIEC, LANGTRY, McVERRY, HESS, DISTLER, VROON, CORRIGAN, ROBBINS, BURD, WOGAN, LEH and CESSAR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices in relation to certain minor drug offenses.

Referred to Committee on JUDICIARY, November 24, 1987.

No. 1995 By Representatives BURD, LIVENGOOD, MERRY, MORRIS, FARGO, VROON, VAN HORNE, DISTLER, SIRIANI, NOYE, DAWIDA, TRELLO, HERSHY, BATTISTO, DOMBROWSKI, E. Z. TAYLOR, GAMBLE, BELARDI, McVERRY, SEMMEL, CARLSON, LANGTRY, BOOK, BOYES, KENNEDY, FARMER and ROBBINS

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

Referred to Committee on CONSERVATION, November 24, 1987.

No. 1996 By Representatives WOGAN, J. TAYLOR, O'BRIEN, KENNEY, TIGUE, HAGARTY, E. Z. TAYLOR, COHEN, MAYERNIK, GEIST, TRELLO and JOHNSON

An Act amending the act of May 18, 1976 (P. L. 123, No. 54), known as the "Individual Minimum Standards Act," prohibiting insurers from excluding certain benefits from policies.

Referred to Committee on INSURANCE, November 24, 1987.

No. 1997 By Representatives DALEY, CORRIGAN, BUNT, BELARDI, TRELLO and BELFANTI

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for performing arts facilities.

Referred to Committee on LIQUOR CONTROL, November 24, 1987.

No. 1998 By Representatives DALEY, LEVDANSKY, CORRIGAN, TRELLO, STABACK, PISTELLA, SWEET, KASUNIC, ITKIN and RICHARDSON

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), known as the "Child Labor Law," requiring junior volunteer firemen to wear distinguishing headgear.

Referred to Committee on LABOR RELATIONS, November 24, 1987.

No. 1999 By Representatives DALEY, KASUNIC, CORRIGAN, JAROLIN, TRELLO, VEON, ARTY, HALUSKA, WIGGINS and R. C. WRIGHT

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," further providing for rate and amount of compensation.

Referred to Committee on LABOR RELATIONS, November 24, 1987.

No. 2000 By Representatives LAUGHLIN, BURNS, ITKIN, TRELLO, CHADWICK, COY, HALUSKA, FOSTER, DOMBROWSKI, FEE and GEORGE

An Act creating the Electric Power Transmission Task Force and providing for its powers and duties; and making an appropriation.

Referred to Committee on CONSUMER AFFAIRS, November 24, 1987.

No. 2001 By Representatives DOMBROWSKI, BOWSER, WAMBACH, LLOYD, HUTCHINSON, FEE, GEORGE, COLAFELLA, SALOOM, LESCOVITZ, YANDRISEVITS, PICCOLA, GODSHALL and LETTERMAN

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further providing for unfair methods of competition or deceptive acts.

Referred to Committee on INSURANCE, November 24, 1987.

No. 2002 By Representatives LETTERMAN, HUTCHINSON, DININNI, GEIST, GEORGE, MAYERNIK, BELFANTI, ACOSTA, BALDWIN, BATTISTO, BELARDI, BILLOW, BLAUM, BORTNER, BOWLEY, BROUJOS, CALTAGIRONE, CAPPABIANCA, CARN, CAWLEY, CLARK, COHEN, COLAFELLA, COLE, CORRIGAN, COWELL, COY, DALEY,

DAWIDA, DeLUCA, DeWEESE, DOMBROWSKI, DONATUCCI, DUFFY, FATTAH, FEE, FREEMAN, GAMBLE, GRUITZA, HALUSKA, HARPER, HAYDEN, HOWLETT, HUGHES, ITKIN, JAROLIN, JOSEPHS, KITCHEN, KOSINSKI, KUKOVICH, LaGROTTA, LAUGHLIN, LESCOVITZ, LEVDANSKY, LINTON, LIVENGOOD, LLOYD, LUCYK, MAIALE, MAINE, MANDERINO, MARKOSEK, McCALL, McHALE, MELIO, MICHLovic, MORRIS, MRKONIC, MURPHY, O'DONNELL, OLASZ, OLIVER, PETRARCA, PETRONE, PIEVSKY, PISTELLA, PRESSMANN, PRESTON, RICHARDSON, RIEGER, RITTER, ROEBUCK, RUDY, SALOOM, SEVENTY, SHOWERS, STABACK, STEIGHNER, STUBAN, SWEET, F. TAYLOR, TIGUE, TRELLO, TRUMAN, VAN HORNE, VEON, WAMBACH, WIGGINS, WOZNIAK, D. R. WRIGHT, YANDRISEVITS, ANGSTADT, ARGALL, ARTY, BARLEY, BIRMELIN, BLACK, BOOK, BOWSER, BOYES, BRANDT, BUNT, BURD, BURNS, BUSH, CARLSON, CESSAR, CHADWICK, CIVERA, CLYMER, CORNELL, DAVIES, DEMPSEY, DeVERTER, DIETTERICK, DISTLER, DORR, DURHAM, FARGO, FARMER, FISCHER, FLICK, FOSTER, FOX, FREIND, GALLEN, GANNON, GLADECK, GODSHALL, GRUPPO, HAGARTY, HASAY, HAYES, HECKLER, HERMAN, HERSHY, HESS, HONAMAN, JACKSON, JADLOWIEC, JOHNSON, KENNEDY, KENNEY, LANGTRY, LASHINGER, LEH, MANMILLER, McCLATCHY, McVERRY, MERRY, MILLER, MOEHLmann, MOWERY, NAHILL, NOYE, O'BRIEN, PERZEL, PHILLIPS, PICCOLA, PITTS, PUNT, RAYMOND, REBER, REINARD, ROBBINS, RYAN, SAURMAN, SCHEETZ, SCHULER, SEMMEL, SERAFINI, SIRIANI, B. SMITH, S. H. SMITH, G. SNYDER, STAIRS, STEVENS, E. Z. TAYLOR, J. TAYLOR, TELEK, VROON, WASS, WESTON, WILSON, WOGAN, J. L. WRIGHT, R. C. WRIGHT, IRVIS, RYBAK, KASUNIC, EVANS, MICOZZIE and D. W. SNYDER

An Act designating a section of Route 220 in Clinton County, Pennsylvania, as the Frank D. O'Reilly, Jr., Highway.

Referred to Committee on TRANSPORTATION, November 24, 1987.

No. 2003	By Representatives TRELLO, WILSON, PETRONE, VAN HORNE, DeLUCA, SEVENTY, MAYERNIK, ROBBINS, FARGO, REBER, PRESTON, COLAFELLA, CORNELL and BUNT An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding certain transactions from the realty transfer tax. Referred to Committee on FINANCE, November 24, 1987.	An Act providing for the examination of patients and inmates of State mental institutions and State and county correctional facilities for acquired immune deficiency syndrome (AIDS). Referred to Committee on HEALTH AND WELFARE, November 24, 1987.
No. 2004	By Representatives TRELLO, WILSON, PETRONE, VAN HORNE, DeLUCA, SEVENTY, MAYERNIK, ROBBINS, FARGO, REBER, PRESTON, COLAFELLA, BUNT and CORNELL An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," excluding certain transactions from realty transfer tax. Referred to Committee on FINANCE, November 24, 1987.	An Act requiring AIDS testing of all persons arrested for sex offenses. Referred to Committee on HEALTH AND WELFARE, November 24, 1987.
No. 2005	By Representatives LINTON, FATTAH, HAYDEN, EVANS, OLIVER, TRUMAN, DONATUCCI, CARN, RIEGER, KITCHEN, ACOSTA and HUGHES An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, reducing certain notice time periods; and increasing certain fees relating to abandoned or unclaimed vehicles. Referred to Committee on TRANSPORTATION, November 24, 1987.	An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of assault by AIDS carrier; and providing a penalty. Referred to Committee on JUDICIARY, November 24, 1987.
No. 2006	By Representatives LANGTRY, TIGUE, TRELLO, FLICK, STABACK, NOYE, MRKONIC, McCLATCHY, BELARDI, CARLSON, GAMBLE, J. TAYLOR, BUNT, KASUNIC, JOHNSON, E. Z. TAYLOR, BARLEY, BUSH, SCHEETZ, VROON, BIRMELIN, KENNEY, D. W. SNYDER, SIRIANNI, LEH and JOHNSON An Act requiring persons with acquired immune deficiency syndrome (AIDS) to notify certain medical personnel; and providing a penalty. Referred to Committee on HEALTH AND WELFARE, November 24, 1987.	An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for notice to school principals of positive tests for AIDS. Referred to Committee on EDUCATION, November 24, 1987.
No. 2007	By Representatives LANGTRY, TIGUE, TRELLO, FLICK, NOYE, McCLATCHY, BELARDI, CARLSON, GAMBLE, J. TAYLOR, BUNT, JOHNSON, E. Z. TAYLOR, BARLEY, BUSH, SCHEETZ, VROON, BIRMELIN, KENNEY, D. W. SNYDER, SIRIANNI, LEH, JACKSON, WOGAN, FOX and JOHNSON	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for loss of consortium. Referred to Committee on JUDICIARY, November 24, 1987.
No. 2008	By Representatives LANGTRY, TIGUE, TRELLO, FLICK, NOYE, McCLATCHY, BELARDI, CARLSON, GAMBLE, J. TAYLOR, BUNT, JOHNSON, E. Z. TAYLOR, BARLEY, BUSH, SCHEETZ, VROON, BIRMELIN, KENNEY, D. W. SNYDER, SIRIANNI, LEH, WOGAN, FOX and JOHNSON	An Act requiring AIDS testing of all persons arrested for sex offenses. Referred to Committee on HEALTH AND WELFARE, November 24, 1987.
No. 2009	By Representatives LANGTRY, TIGUE, TRELLO, BUNT, NOYE, CARLSON, FLICK, JOHNSON, McCLATCHY, E. Z. TAYLOR, BARLEY, GAMBLE, BUSH, WOGAN, SCHEETZ, BIRMELIN, J. TAYLOR, KENNEY, D. W. SNYDER, SIRIANNI and JOHNSON	An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of assault by AIDS carrier; and providing a penalty. Referred to Committee on JUDICIARY, November 24, 1987.
No. 2010	By Representatives LANGTRY, TIGUE, TRELLO, FLICK, NOYE, CARLSON, GAMBLE, J. TAYLOR, BUNT, JOHNSON, E. Z. TAYLOR, BARLEY, SCHEETZ, VROON, BIRMELIN, KENNEY, D. W. SNYDER, SIRIANNI, LEH, JACKSON, YANDRISEVITS and JOHNSON	An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for notice to school principals of positive tests for AIDS. Referred to Committee on EDUCATION, November 24, 1987.
No. 2011	By Representative COHEN	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for loss of consortium. Referred to Committee on JUDICIARY, November 24, 1987.
No. 2012	By Representatives MAYERNIK, TRELLO, MARKOSEK, VAN HORNE, MRKONIC, BOOK, JACKSON, MELIO, BIRMELIN, FARMER, SAURMAN, SIRIANNI, COLAFELLA, McVERRY, FLICK,	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for loss of consortium. Referred to Committee on JUDICIARY, November 24, 1987.

JADLOWIEC, PISTELLA, CLYMER,
JOHNSON and MICHLOVIC

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing that patrons be required to leave licensed premises at a certain time.

Referred to Committee on LIQUOR CONTROL, November 24, 1987.

No. 2013 By Representatives MICHLOVIC, VEON, MARKOSEK, TELEK, KUKOVICH, DAWIDA, SEVENTY, MORRIS, BUNT, CALTAGIRONE, TIGUE, BELFANTI, NOYE, LASHINGER, GODSHALL, STABACK, BATTISTO, VROON, RAYMOND, J. L. WRIGHT, JOSEPHS, CORRIGAN, YANDRISEVITS, MERRY, MAYERNIK, BOYES, JOHNSON, RYBAK, OLASZ and WAMBACH

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," further providing for the definition of "income."

Referred to Committee on FINANCE, November 24, 1987.

No. 2014 By Representatives MICHLOVIC, MARKOSEK, SEVENTY, TELEK, KUKOVICH, DAWIDA, VEON, BUNT, MORRIS, CALTAGIRONE, TIGUE, BELFANTI, NOYE, LASHINGER, GODSHALL, STABACK, BATTISTO, VROON, RAYMOND, J. L. WRIGHT, JOSEPHS, YANDRISEVITS, MERRY, MAYERNIK, BOYES, JOHNSON, RYBAK, CORRIGAN, OLASZ and WAMBACH

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the definition of "income."

Referred to Committee on HEALTH AND WELFARE, November 24, 1987.

No. 2015 By Representatives RICHARDSON, DORR, PISTELLA, WAMBACH, KUKOVICH, JADLOWIEC, STUBAN, DOMBROWSKI, LLOYD, DAVIES, G. SNYDER, NOYE, BLACK, SEMMEL, LEH, FOX, LASHINGER, JOHNSON, ROBBINS, FARGO, S. H. SMITH, HESS, DISTLER, FARMER, COWELL, COY, O'DONNELL, ITKIN, FREEMAN, PRESTON, DeWEESE and ARTY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the Department of Aging, for the Pennsylvania Council on Aging and for services and programs for older citizens; and reestablishing the Department of Aging.

Referred to Committee on HEALTH AND WELFARE, November 24, 1987.

No. 2016 By Representatives PETRONE, PISTELLA, PRESTON, ITKIN, SEVENTY, DAWIDA, IRVIS, COWELL and MURPHY

An Act amending the act of August 24, 1961 (P. L. 1135, No. 508), referred to as the "First Class A School District Earned Income Tax Act," further providing for the powers and duties of school district treasurers and for interest and penalties.

Referred to Committee on FINANCE, November 24, 1987.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 199 By Representatives DAWIDA, VEON, PETRARCA, MAINE, PISTELLA, MARKOSEK, KUKOVICH, MICHLOVIC, MORRIS, DUFFY, KOSINSKI, TRELLA, LEVDANSKY, BELARDI, OLASZ and SEVENTY

Memorializing the Interstate Commerce Commission to scrutinize assets-only organic changes within its jurisdiction with a view to protecting workers' rights.

Referred to Committee on RULES, November 24, 1987.

No. 200
(Concurrent) By Representatives McVERRY and BORTNER

Directing the Joint State Government Commission to study the Pennsylvania Commission on Sentencing and recent case law developments regarding the Sentencing Guidelines; and creating a task force to oversee the study by the commission.

Referred to Committee on RULES, November 24, 1987.

No. 201 By Representatives RICHARDSON, DORR, PISTELLA, KUKOVICH, CALTAGIRONE, LUCYK, HUGHES, KITCHEN, ACOSTA, JOSEPHS, OLIVER and GLADECK

Establishing the intent of the General Assembly that a portion of moneys appropriated to the Department of Public Welfare be paid to certain low income households as an energy assistance allowance.

Referred to Committee on RULES, November 24, 1987.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Arty	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom

Billow	Fee	Livengood	Saurman
Birmelin	Fischer	Lloyd	Schuler
Black	Flick	Lucyk	Semmel
Blaum	Foster	McCall	Serafini
Book	Fox	McClatchy	Seenty
Bortner	Freeman	McHale	Showers
Bowley	Freind	McVerry	Sirianni
Bowser	Gallen	Maiale	Smith, B.
Boyes	Gamble	Maine	Smith, S. H.
Brandt	Gannon	Manderino	Snyder, D. W.
Broujos	Geist	Manmiller	Snyder, G.
Bunt	George	Markosek	Staback
Burd	Gladeck	Mayernik	Stairs
Burns	Godshall	Melio	Steighner
Bush	Gruitzka	Merry	Stevens
Caltagirone	Gruppo	Michlovic	Stuban
Cappabianca	Hagarty	Miller	Sweet
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Tigue
Civera	Heckler	Nahill	Trello
Clark	Herman	Noye	Truman
Clymer	Hershey	O'Brien	Van Horne
Cohen	Hess	O'Donnell	Veon
Colafella	Howlett	Olasz	Vroon
Cole	Hughes	Oliver	Wambach
Cornell	Hutchinson	Perzel	Wass
Corrigan	Itkin	Petrarca	Weston
Cowell	Jackson	Petrone	Wiggins
Coy	Jadlowiec	Phillips	Wilson
DeLuca	Jarolin	Piccola	Wogan
DeVerter	Johnson	Pievsky	Wozniak
DeWeese	Josephs	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kennedy	Pressmann	Wright, R. C.
Dawida	Kenney	Preston	Yandrisevits
Dempsey	Kitchen	Punt	
Dietterick	Kosinski	Raymond	
Distler	Kukovich	Reber	

ADDITIONS—1

Robbins

NOT VOTING—0**EXCUSED—4**

Dininni

Honaman Micozzie Scheetz

LEAVES ADDED—1Irvis,
Speaker**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar and placed on the active calendar:

HB 30;
 HB 134;
 HB 389;
 HB 1323;
 HB 1658;
 HB 1683;
 HB 1782;
 HB 1825;
 SB 613; and

SB 873.

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

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Mercer, Mr. Robbins' name will be added to the master roll.

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

The clerk of the Senate, being introduced, returned **HB 446, PN 2519**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 356, PN 1581**.

WELCOME

The SPEAKER. The Chair welcomes, as guests of the gentleman, Mr. Pressmann, Professor Patrick Sobrinski of Cedar Crest College. He is here with his students, Sheryl Abrams, Annette Leary, Kim DeAngelo, and Jackie Delaney. They are to the left of the Speaker. Will you please rise? Welcome to the hall of the House. We are delighted to have you here.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1907, PN 2518**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act," further providing for the powers and duties of local agencies, the board and the Department; reestablishing the State Board for Certification of Sewage Enforcement Officers pursuant to the Sunset Act; and making an appropriation.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1907 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1908**, PN 2487, entitled:

An Act amending the act of November 18, 1968 (P. L. 1052, No. 322), known as the "Sewage Treatment Plant and Waterworks Operators' Certification Act," further providing for operator certificates, examinations and fees; providing for continuing education; reestablishing the State Board for Certification of Sewage Treatment Plant and Waterworks Operators pursuant to the Sunset Act; and making repeals.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1908 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1088**, PN 2525, entitled:

An Act amending the act of February 9, 1984 (P. L. 3, No. 2), known as the "Deputy Sheriffs' Education and Training Act," further providing for composition of the board; and providing for the fulfillment of education and training requirements at schools certified by the Municipal Police Officers' Education and Training Commission.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1088 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 1734, PN 2402; and HB 1952, PN 2523.

* * *

The House proceeded to second consideration of **HB 1728**, PN 2520, entitled:

An Act permitting and regulating boxing contests and exhibitions; requiring licenses and permits; providing for the granting, suspension and revocation of licenses and permits issued by the Department of Health; preserving the rights of existing licensees and permittees; prescribing penalties fines, forfeitures and misdemeanors; requiring bonds and insurance; and providing for rules and regulations.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1728 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1729**, PN 2521, entitled:

An Act providing for the regulation of professional wrestlers and promoters; imposing a tax on certain receipts; requiring the posting of performance bonds; and providing penalties.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1729 be recommitted for a fiscal note to the Committee on Appropriations.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1264**, PN 1446, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Dombrowski	LaGrotta	Reber
Angstadt	Donatucci	Langtry	Reinard
Argall	Dorr	Lashinger	Rieger
Asty	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Rudy
Belardi	Farmer	Levdansky	Ryan
Belfanti	Fattah	Linton	Rybak
Billow	Fee	Livengood	Saloom
Birmelin	Fischer	Lloyd	Saurman
Black	Flick	Lucyk	Schuler
Blaum	Foster	McCall	Semmel
Book	Fox	McClatchy	Serafini
Bortner	Freeman	McHale	Seventy
Bowley	Freind	McVerry	Showers
Bowser	Gallen	Maiiale	Sirianni
Boyes	Gamble	Maine	Smith, B.
Brandt	Gannon	Manderino	Smith, S. H.
Broujos	Geist	Manmiller	Snyder, D. W.
Bunt	George	Markosek	Snyder, G.
Burd	Gladeck	Mayernik	Staback
Burns	Godshall	Melio	Stairs
Bush	Gruitza	Merry	Steighner
Caltagirone	Gruppo	Michlovic	Stevens
Cappabianca	Hagarty	Miller	Stuban
Carlson	Haluska	Moehlmann	Sweet
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Tigue
Clark	Herman	Noye	Trello
Clymer	Hershey	O'Brien	Truman
Cohen	Hess	O'Donnell	Van Horne
Colafella	Howlett	Olasz	Veon
Cole	Hughes	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wambach
Corrigan	Itkin	Petrarca	Wass
Cowell	Jackson	Petrone	Weston
Coy	Jadlowiec	Phillips	Wilson
DeLuca	Jarolin	Piccola	Wogan
DeVerter	Johnson	Pievsky	Wozniak
DeWeese	Josephs	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kennedy	Pressmann	Wright, R. C.
Dawida	Kenney	Preston	
Dempsey	Kitchen	Punt	Irvis,
Dieterick	Kosinski	Raymond	Speaker
Distler	Kukovich		

NAYS—1

Yandrisevits

NOT VOTING—2

Richardson Wiggins

EXCUSED—4

Dininni Honaman Micozzie Scheetz

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

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

* * *

The House proceeded to third consideration of **HB 1266, PN 2347**, entitled:

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

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?

On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Would the gentleman, Mr. Van Horne, who is the prime sponsor, consent to a brief period of interrogation?

The SPEAKER. Mr. Van Horne says he will stand for interrogation.

Mr. RYAN. Mr. Speaker, would the gentleman tell me if I am right. Today if a third-class city has an old police car, we will say, and they would like to give it to the local vo-tech school so that those students could use it to rehabilitate it as part of the learning process, the municipality, this third-class city, would have to first advertise it for bids and let the vo-tech school buy it if the value were determined to be over \$200. Is that essentially what the law is today?

Mr. VAN HORNE. Yes, Mr. Speaker.

Mr. RYAN. And if your bill would become law—and I again am using an old police car, and let us assume it has a value of \$1,000 or \$1,500—this city administration could give the \$1,500 police car to a vo-tech school without the need of bidding for it. Would that be the effect of the law?

Mr. VAN HORNE. The words you said, "could give," it could be sold without being advertised, not give. They are not going to give it away.

Mr. RYAN. All right. Could they sell it for \$1 to the vo-tech school?

Mr. VAN HORNE. Technically, I suppose so.

Mr. RYAN. All right.

When you were putting together this—you and Mr. Bortner, I believe, are the sponsors of many of these third-class-city bills—when you were putting these bills together, did you give any thought to putting a limit on what could be sold for less than fair market value or given, would be my expression, for less than fair market value to these 501(c)(3) or nonprofit organizations?

Mr. VAN HORNE. Mr. Speaker, no. The only thing we really tried to do was make it conform with some existing law affecting boroughs and townships. And secondly, as you see by the language, we really expanded the definition of those groups that were able to be eligible for this. But, no, we did not take up the question of fair market value.

Mr. RYAN. Could a third-class city, if this became law, give to an industrial development authority some of their ground and could that industrial development authority later sell it?

YEAS—196

Acosta	Donatucci	Langtry	Richardson
Angstadt	Dorr	Lashinger	Rieger
Argall	Duffy	Laughlin	Ritter
Ary	Durham	Leh	Robbins
Baldwin	Evans	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fattah	Linton	Rybak
Belfanti	Fee	Livengood	Saloom
Billow	Fischer	Lloyd	Saurman
Birmelin	Flick	Lucyk	Schuler
Black	Foster	McCall	Semmel
Blaum	Fox	McClatchy	Serafini
Book	Freeman	McHale	Seventy
Bortner	Freind	McVerry	Showers
Bowley	Gallen	Maiiale	Sirianni
Bowser	Gamble	Maine	Smith, B.
Boyes	Gannon	Manderino	Smith, S. H.
Brandt	Geist	Manniller	Snyder, D. W.
Broujos	George	Markosek	Snyder, G.
Bunt	Gladeck	Mayernik	Staback
Burd	Godshall	Melio	Stairs
Burns	Gruitza	Merry	Steighner
Bush	Gruppo	Michlovic	Stevens
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Sweet
Carlson	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Tigue
Clark	Herman	Noye	Trello
Clymer	Hershey	O'Brien	Truman
Cohen	Hess	O'Donnell	Van Horne
Colafella	Howlett	Olasz	Veon
Cole	Hughes	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wambach
Corrigan	Itkin	Petrarca	Wass
Cowell	Jackson	Petrone	Weston
Coy	Jadlowiec	Phillips	Wilson
DeLuca	Jarolin	Piccola	Wogan
DeVerter	Johnson	Pievsky	Wozniak
DeWeese	Josephs	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kennedy	Pressmann	Wright, R. C.
Dawida	Kenney	Punt	Yandrisevits
Dempsey	Kitchen	Raymond	
Dietterick	Kosinski	Reber	Irvis,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta		

NAYS—0

NOT VOTING—3

Carn	Preston	Wiggins
		EXCUSED—4

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

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

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The House proceeded to third consideration of HB 1269, PN 1451, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the appointment of a city solicitor.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Langtry	Reinard
Angstadt	Dorr	Lashinger	Rieger
Ary	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Rudy
Belardi	Fattah	Levdansky	Ryan
Belfanti	Fee	Linton	Rybak
Billow	Fischer	Livengood	Saloom
Birmelin	Flick	Lloyd	Saurman
Black	Foster	Lucyk	Schuler
Blaum	Fox	McCall	Semmel
Book	Freeman	McClatchy	Serafini
Bortner	Freind	McHale	Seventy
Bowley	Gallen	McVerry	Showers
Bowser	Gamble	Maiiale	Sirianni
Boyes	Gannon	Manderino	Smith, B.
Brandt	Geist	Manniller	Smith, S. H.
Broujos	George	Markosek	Snyder, D. W.
Bunt	Gladeck	Mayernik	Staback
Burd	Godshall	Melio	Stairs
Burns	Gruitza	Merry	Steighner
Bush	Gruppo	Michlovic	Stevens
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Sweet
Carlson	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Tigue
Clark	Herman	Noye	Trello
Clymer	Hershey	O'Brien	Truman
Cohen	Hess	O'Donnell	Van Horne
Colafella	Howlett	Olasz	Veon
Cole	Hughes	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wambach
Corrigan	Itkin	Petrarca	Wass
Cowell	Jackson	Petrone	Weston
Coy	Jadlowiec	Phillips	Wilson
DeLuca	Jarolin	Piccola	Wogan
DeVerter	Johnson	Pievsky	Wozniak
DeWeese	Josephs	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kennedy	Pressmann	Wright, R. C.
Dawida	Kenney	Preston	Yandrisevits
Dempsey	Kitchen	Punt	
Dietterick	Kosinski	Raymond	Irvis,
Distler	Kukovich	Reber	Speaker
Dombrowski	LaGrotta		

NAYS—0

NOT VOTING—3

Argall	Richardson	Wiggins
		EXCUSED—4

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

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

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The House proceeded to third consideration of **HB 1270, PN 1452**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the appointment of a city clerk.

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—197

Acosta	Dombrowski	LaGrotta	Richardson
Angstadt	Donatucci	Langtry	Rieger
Argall	Dorr	Lashinger	Ritter
Asty	Duffy	Laughlin	Robbins
Baldwin	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Rudy
Battista	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Billow	Fee	Livengood	Saurman
Birmelin	Fischer	Lloyd	Schuler
Black	Flick	Lucyk	Semmel
Blbaum	Foster	McCall	Serafini
Book	Fox	McClatchy	Seventy
Bortner	Freeman	McHale	Showers
Bowley	Freind	McVerry	Sirianni
Bowser	Gallen	Maiale	Smith, B.
Boyes	Gamble	Maine	Smith, S. H.
Brandt	Gannon	Manderino	Snyder, D. W.
Broujos	Geist	Manmiller	Snyder, G.
Bunt	George	Markosek	Staback
Burd	Gladeck	Mayernik	Stairs
Burns	Godshall	Melio	Steighner
Bush	Gruitza	Merry	Stevens
Caltagirone	Gruppo	Michloovic	Stuban
Cappabianca	Hagarty	Miller	Sweet
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Tigue
Civera	Heckler	Nahill	Trello
Clark	Herman	Noye	Truman
Clymer	Hershey	O'Brien	Van Horne
Cohen	Hess	O'Donnell	Veon
Colafella	Howlett	Olasz	Vroon
Cole	Hughes	Perzel	Wambach
Cornell	Hutchinson	Petrarca	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wilson
Coy	Jadlowiec	Piccola	Wogan
DeLuca	Jarolin	Pievsky	Wozniak
DeVerter	Johnson	Pistella	Wright, D. R.
DeWeese	Josephs	Pitts	Wright, J. L.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kennedy	Preston	Yandrisevits
Dawida	Kenney	Punt	
Dempsey	Kitchen	Raymond	Irvis,
Dietterick	Kosinski	Reber	Speaker
Distler	Kukovich	Reinard	

NAYS—0

NOT VOTING—2

Oliver Wiggins

EXCUSED—4

Dininni Honaman Micozzie Scheetz

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

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

* * *

The House proceeded to third consideration of **HB 1271, PN 1453**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the power to make contracts and for regulations concerning contracts.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Langtry	Richardson
Angstadt	Dorr	Lashinger	Rieger
Argall	Duffy	Laughlin	Ritter
Asty	Durham	Leh	Robbins
Baldwin	Evans	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battista	Farmer	Levdansky	Ryan
Belardi	Fattah	Linton	Rybak
Belfanti	Fee	Livengood	Saloom
Billow	Fischer	Lloyd	Saurman
Birmelin	Flick	Lucyk	Schuler
Black	Foster	McCall	Semmel
Blbaum	Fox	McClatchy	Serafini
Book	Freeman	McHale	Seventy
Bortner	Freind	McVerry	Showers
Bowley	Gallen	Maiale	Sirianni
Bowser	Gamble	Maine	Smith, B.
Boyes	Gannon	Manderino	Smith, S. H.
Brandt	Geist	Manmiller	Snyder, D. W.
Broujos	George	Markosek	Snyder, G.
Bunt	Gladeck	Mayernik	Staback
Burd	Godshall	Melio	Stairs
Burns	Gruitza	Merry	Steighner
Bush	Gruppo	Michloovic	Stevens
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Sweet
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Telek
Cessar	Hayes	Murphy	Tigue
Chadwick	Heckler	Nahill	Trello
Civera	Herman	Noye	Truman
Clark	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Olasz	Vroon
Colafella	Hughes	Perzel	Wambach
Cole	Hutchinson	Petrarca	

Corrigan	Itkin	Petrone	Wass
Cowell	Jackson	Phillips	Weston
Coy	Jadlowiec	Piccola	Wilson
DeLuca	Jarolin	Pievsky	Wogan
DeVerter	Johnson	Pistella	Wozniak
DeWeese	Josephs	Pitts	Wright, D. R.
Daley	Kasunic	Pressmann	Wright, J. L.
Davies	Kennedy	Preston	Wright, R. C.
Dawida	Kenney	Punt	Yandrisevits
Dempsey	Kitchen	Raymond	
Dietterick	Kosinski	Reber	Irvis,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta		

NAYS—0

NOT VOTING—3

Carlson	Oliver	Wiggins	
		EXCUSED—4	

Dininni Honaman Micozzie Scheetz

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

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

* * *

The House proceeded to third consideration of **HB 1339**, PN 1550, entitled:

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), referred to as the "Second Class City Law," further providing for competitive bidding on contracts; and making an editorial change.

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—192

Acosta	Distler	Kukovich	Reinard
Angstadt	Dombrowski	LaGrotta	Rieger
Argall	Donatucci	Langtry	Ritter
Asty	Dorr	Lashinger	Robbins
Baldwin	Duffy	Laughlin	Roebuck
Barley	Durham	Leh	Rudy
Battisto	Evans	Lescovitz	Ryan
Belardi	Fargo	Letterman	Rybak
Belfanti	Farmer	Levdansky	Saloom
Billow	Fattah	Linton	Saurman
Birmelin	Fee	Livengood	Schuler
Black	Fischer	Lucyk	Semmel
Blaum	Flick	McCall	Serafini
Book	Foster	McClatchy	Seventy
Bortner	Fox	McVery	Showers
Bowley	Freind	Maiiale	Sirianni
Bowser	Gallen	Maine	Smith, B.
Boyes	Gamble	Manderino	Smith, S. H.
Brandt	Gannon	Manmiller	Snyder, D. W.
Broujos	Geist	Markosek	Snyder, G.
Bunt	George	Mayernik	Staback
Burd	Gladeck	Melio	Stairs
Burns	Godshall	Merry	Steighner
Bush	Gruitza	Michlovic	Stevens

Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Sweet
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Tigue
Civera	Heckler	Noye	Trello
Clark	Herman	O'Brien	Truman
Clymer	Hershey	O'Donnell	Van Horne
Cohen	Hess	Olasz	Veon
Colafelia	Howlett	Oliver	Vroon
Cole	Hughes	Perzel	Wambach
Cornell	Hutchinson	Petrarca	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wilson
Coy	Jadlowiec	Piccola	Wogan
DeLuca	Jarolin	Pievsky	Wozniak
DeVerter	Johnson	Pistella	Wright, D. R.
DeWeese	Josephs	Pitts	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kennedy	Punt	
Dawida	Kenney	Raymond	Irvis,
Dempsey	Kitchen	Reber	Speaker
Dietterick	Kosinski		

NAYS—5

Freeman	McHale	Pressmann	Yandrisevits
Lloyd			

NOT VOTING—2

Richardson	Wiggins		
	EXCUSED—4		

Dininni Honaman Micozzie Scheetz

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

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

* * *

The House proceeded to third consideration of **HB 1342**, PN 1553, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for contracts and purchases.

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—190

Acosta	Dietterick	Kitchen	Raymond
Angstadt	Distler	Kosinski	Reber
Argall	Dombrowski	Kukovich	Reinard
Asty	Donatucci	LaGrotta	Rieger
Baldwin	Dorr	Langtry	Ritter
Barley	Duffy	Lashinger	Robbins
Battisto	Durham	Laughlin	Roebuck
Belardi	Evans	Leh	Rudy
Belfanti	Fargo	Lescovitz	Ryan
Billow	Fattah	Farmer	Saloom
Birmelin	Fee	Letterman	Stevens
Black	Fischer	McCall	
Blaum	Flick	McClatchy	
Book	Foster	McVery	
Bortner	Fox	Maiiale	
Bowley	Freind	Maine	
Bowser	Gallen	Manderino	
Boyes	Gamble	Manmiller	
Brandt	Gannon	Smith, B.	
Broujos	Geist	Smith, S. H.	
Bunt	George	Snyder, D. W.	
Burd	Gladeck	Snyder, G.	
Burns	Godshall	Staback	
Bush	Gruitza	Merry	
		Steighner	
		Michlovic	

Birmelin	Fattah	Levdansky	Saurman
Black	Fee	Linton	Schuler
Blbaum	Fischer	Livengood	Serafini
Book	Flick	Lucyk	Seventy
Bortner	Foster	McCall	Showers
Bowley	Fox	McClatchy	Siriani
Bowser	Freind	McVerry	Smith, B.
Boyes	Gallen	Maiale	Smith, S. H.
Brandt	Gamble	Maine	Snyder, D. W.
Broujos	Gannon	Manderino	Snyder, G.
Bunt	Geist	Manmiller	Staback
Burd	George	Markosek	Stairs
Burns	Gladeck	Mayernik	Steighner
Bush	Godshall	Melio	Stevens
Caltagirone	Gruitza	Merry	Stuban
Cappabianca	Gruppo	Michlovic	Sweet
Carlson	Hagarty	Miller	Taylor, E. Z.
Carn	Haluska	Moehlmann	Taylor, F.
Cawley	Harper	Morris	Taylor, J.
Cessar	Hasay	Mowery	Telek
Chadwick	Hayden	Mrkonic	Tigue
Civera	Hayes	Murphy	Trello
Clark	Heckler	Nahill	Truman
Clymer	Herman	Noye	Van Horne
Cohen	Hershey	O'Brien	Veon
Colafella	Hess	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrarca	Wilson
Coy	Jackson	Petrone	Wogan
DeLuca	Jadlowiec	Phillips	Wozniak
DeVerter	Jarolin	Piccola	Wright, D. R.
DeWeese	Johnson	Pievsky	Wright, J. L.
Daley	Josephs	Pistella	Wright, R. C.
Davies	Kasunic	Pitts	
Dawida	Kennedy	Preston	Irvis,
Dempsey	Kenney	Punt	Speaker

NAYS—6

Freeman	McHale	Rybak	Yandrisevits
Lloyd	Pressmann		

NOT VOTING—3

Richardson	Semmel	Wiggins	

EXCUSED—4

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

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

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The House proceeded to third consideration of **HB 1347, PN 1558**, entitled:

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), known as the "Second Class County Port Authority Act," further providing for the awarding of contracts and making of purchases.

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—190

Acosta	Dietterick	Kitchen	Raymond
Angstadt	Distler	Kosinski	Reber
Argall	Dombrowski	Kukovich	Reinard
Arty	Donatucci	LaGrotta	Rieger
Baldwin	Dorr	Langtry	Ritter
Barley	Duffy	Lashinger	Robbins
Battisto	Durham	Laughlin	Roebuck
Belardi	Evans	Leh	Rudy
Belfanti	Fargo	Lescovitz	Ryan
Billow	Farmer	Letterman	Saloom
Birmelin	Fattah	Levdansky	Saurman
Black	Fee	Linton	Schuler
Blaum	Fischer	Livengood	Semmel
Book	Flick	Lucyk	Serafini
Bowser	Foster	McCall	Seventy
Breyer	McClatchy	Showers	
Burns	McVerry	Sirianni	
Bush	Staback	Smith, B.	
Carn	Stairs	Smith, S. H.	
Cawley	Steghner	Snyder, D. W.	
Cessar	Stevens	Snyder, G.	
Chadwick	Stuban	Staback	
Civera	Tigue	Stairs	
Clark	Trello	Steghner	
Clymer	Truman	Stevens	
Cohen	Van Horne	Stewens	
Colafella	Veon	Stuban	
Cole	Wambach	Sweet	
Cornell	Wass	Taylor, E. Z.	
Corrigan	Weston	Taylor, F.	
Cowell	Wilson	Taylor, J.	
Coy	Wogan	Taylor, R. C.	
DeLuca	Wozniak	Tellek	
DeVerter	Wright, D. R.	Trelo	
DeWeese	Wright, J. L.	Trelo	
Daley	Wright, R. C.	Trelo	
Davies		Truman	
Dawida		Van Horne	
Dempsey		Veon	
		Vroon	
		Wambach	
		Wass	
		Weston	
		Wilson	
		Wogan	
		Wozniak	
		Wright, D. R.	
		Wright, J. L.	
		Wright, R. C.	

NAYS—7

Freeman	McHale	Rybak	Yandrisevits
Lloyd	Pressmann	Tigue	

NOT VOTING—2

Richardson	Wiggins		
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EXCUSED—4

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

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

WELCOME

THE SPEAKER. Representative Art Hershey has as his guests, from Parkesburg, a group of Keen-Agers—that is K-e-n. They are in the gallery, and we welcome them to the hall of the House. Delighted to have you here.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 349, PN 382**, entitled:

An Act providing for concurrent jurisdiction between the United States and the Commonwealth over certain parks and historic sites.

On the question,

Will the House agree to the bill on third consideration?

Mr. LASHINGER offered the following amendments No. A4412:

Amend Title, page 1, line 2, by removing the period after "sites" and inserting ; providing for the transfer of certain personal property to the United States; and permitting municipalities and the Pennsylvania State Police to enter into cooperative agreements with the National Park Service relating to enforcement of Vehicle Code provisions.

Amend Bill, page 2, by inserting between lines 13 and 14 Section 2. Transfer of personal property.

In any case where the Commonwealth has heretofore transferred land to the United States for use as a national park, the transfer shall also include the transfer to the United States of such personal property as may be included in a written agreement between the Pennsylvania Historical and Museum Commission and the National Park Service.

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting

3

Amend Sec. 3, page 2, line 20, by striking out "3" and inserting

4

Amend Bill, page 3, by inserting between lines 1 and 2 Section 5. Police service agreements.

A municipality or the Pennsylvania State Police may enter into cooperative police service agreements with the National Park Service for the purpose of providing employees of the National Park Service who hold a valid law enforcement commission, issued by that agency, the authority to enforce Title 75 (relating to vehicles) on roads, other than Federal roads, which lie within units of the National Park System which are within the jurisdiction of the municipality's police department or the Pennsylvania State Police.

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

6

Amend Sec. 4, page 3, line 4, by striking out "Section 1" and inserting

Sections 1 and 5

On the question,

Will the House agree to the amendments?

THE SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has two parts. The first part of amendment A4412 takes care of a problem that occurred after the Commonwealth transferred jurisdiction of a number of its State-owned parks to the National Park Service. In the statutory language, we failed to provide for the transfer of personal property in most cases. What has happened administratively is the Historical and Museum Commission has entered into agreements to continue to manage the personality that exists at the national park. What we would like to see happen, in those cases where agreements have been entered, we also transfer that personal property over to the National Park Service. The bottom line for the Commonwealth is, it will reduce costs for the management of the historical artifacts, the personality, that exist at the national parks across the Commonwealth.

The second part, Mr. Speaker, takes care of a problem that was addressed in HB 350, which the membership will remember was used as a vehicle for tort reform amendments a week or two ago here in the House. That incorporates the language that was kicked out of the Federal-State Relations Committee taking care of police service agreements.

Where concurrent jurisdiction exists between a municipality and the Federal Government, we will permit police service agreements for the enforcement of the Motor Vehicle Code in those specific jurisdictions. The bottom line is it will allow park rangers who are then trained through our Municipal Police Officers' Training Act in the— Once those rangers at the national parks are trained in the Vehicle Code, they would then be able to cite that driver and take that citation to the local district justice instead of shuffling it down to the U.S. attorney's office and seeing that the enforcement of that action takes place in Federal court. It benefits the Commonwealth, it benefits the National Park Service, and it benefits our municipalities that have Federal parks in their jurisdiction.

I would ask for the support of the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Dombrowski	Langtry	Reinard
Angstadt	Donatucci	Lashinger	Rieger
Argall	Dorr	Laughlin	Ritter
Arty	Duffy	Leh	Robbins
Baldwin	Durham	Lescovitz	Roebuck
Barley	Evans	Letterman	Rudy
Battisto	Fargo	Levdansky	Ryan
Belardi	Farmer	Linton	Rybak
Belfanti	Fee	Livengood	Saloom
Billow	Fischer	Lloyd	Saurman
Birmelin	Flick	Lucyk	Schuler
Black	Foster	McCall	Semmel
Blaum	Fox	McClatchy	Serafini
Book	Freeman	McHale	Seventy
Bortner	Freind	McVerry	Showers
Bowley	Gallen	Maiale	Sirianni
Bowser	Gamble	Maine	Smith, B.
Boyes	Gannon	Manderino	Smith, S. H.
Brandt	Geist	Manniller	Snyder, D. W.

Broujos	George	Markosek	Snyder, G.
Bunt	Gladeck	Mayernik	Staback
Burd	Godshall	Melio	Stairs
Burns	Gruitzka	Merry	Steighner
Bush	Gruppo	Michlovic	Stevens
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Sweet
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Tigue
Civera	Herman	Noye	Trello
Clark	Hershey	O'Brien	Truman
Clymer	Hess	O'Donnell	Van Horne
Cohen	Howlett	Olasz	Veon
Colafella	Hughes	Oliver	Vroon
Cole	Hutchinson	Perzel	Wambach
Cornell	Itkin	Petrarca	Wass
Corrigan	Jackson	Petrone	Weston
Cowell	Jadlowiec	Phillips	Wilson
Coy	Jarolin	Piccola	Wogan
DeLuca	Johnson	Pievsky	Wozniak
DeVerter	Josephs	Pistella	Wright, D. R.
DeWeese	Kasunic	Pitts	Wright, J. L.
Daley	Kennedy	Pressmann	Wright, R. C.
Davies	Kenney	Preston	Yandrisevits
Dawida	Kitchen	Punt	
Dempsey	Kosinski	Raymond	
Dietterick	Kukovich	Reber	Irvis,
Distler	LaGrotta		Speaker

NAYS—0**NOT VOTING—3**

Fattah	Richardson	Wiggins	
			EXCUSED—4

Dininni	Honaman	Micozzie	Scheetz
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if the gentleman, Mr. Lashinger, would consent to answer a few questions.

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

Mr. LLOYD. Mr. Speaker, for the purpose of establishing some legislative intent, I would like to get the gentleman's understanding of several terms which are undefined in the bill. First, on page 1 of the bill, lines 7 and 8, we talk about ceding from the State to the Federal Government concurrent jurisdiction. "Concurrent jurisdiction" is not defined in this bill. I am wondering if there is a definition somewhere else in State law which the gentleman intends to have apply to this bill.

Mr. LASHINGER. Mr. Speaker, there is not a definition. What we are implying and what has always been understood by "concurrent jurisdiction" is that the United States and the Commonwealth would jointly hold and exercise all rights that are generally accorded that entity or that sovereign. So Federal law would apply concurrently with State law.

Mr. LLOYD. Well, one of the specific concerns has to do with environmental statutes, especially since the bill talks about concurrent jurisdiction over lands, waters, and buildings. And the issue is, for example, let us say that one of these buildings normally would have to get a permit from the Department of Environmental Resources in order to have sewage operation or some other similar kind of requirement from the Department of Environmental Resources. Under this bill, would that requirement continue to exist or is there somehow a difference because the Federal Government now has some jurisdiction over the property?

Mr. LASHINGER. No. Mr. Speaker, the assimilative law that assimilates the State law into Federal jurisdiction only applies to criminal statutes. There is no civil assimilative statute that allows that to happen, so, purely, State civil law will apply in the permitting process, and for the record, I would be happy to lay upon the record that there was no effort to circumvent State environmental permitting processes—

Mr. LLOYD. And that same thing would be true with regard to State labor laws and State labor contracts?

Mr. LASHINGER. That is correct, Mr. Speaker. Purely this applies to the Criminal Code and Vehicle Code.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley, on final passage.

Mr. BOWLEY. Thank you, Mr. Speaker.

I was wondering if the prime sponsor of this bill would stand for interrogation?

The SPEAKER. Mr. Lashinger indicates he will stand for further interrogation. You may proceed, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, in the analysis of this bill that I have received, I was wondering if you could tell me, would the jurisdiction and powers that we are now transferring to the National Park Service, as far as park rangers, be included for seasonal park rangers or temporary park rangers, or would these be permanent park rangers which would now have the power to enforce the laws of the Commonwealth?

Mr. LASHINGER. Mr. Speaker, obviously, on this side of the aisle I do not have the benefit of your analysis on the Democratic side of the aisle. However, there will be a requirement—and these questions have been raised by both the State Police and the municipal police officers' training people—that only those park rangers who have gone through whatever the minimum required hours of training are will be able to enforce the Crimes Code and the Vehicle Code under this provision.

Mr. BOWLEY. Okay. Mr. Speaker, that was my concern. I think he has answered it. My concern is that we have during

the summer months a number of temporary seasonal park rangers employed both by the Park Service and the United States Forest Service.

My concern is that these people who are hired only for the summer may not receive the adequate training to enforce the laws of the Commonwealth. I want to just point out for future reference that my concern is that only those park rangers who have the necessary training to enforce the Vehicle Code are empowered to enforce that and not the seasonal park rangers who do not have the necessary training. Thank you.

On the question recurring,

Shall the bill pass finally?

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

YEAS—197

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Rieger
Argall	Dorr	Lashinger	Ritter
Arty	Duffy	Laughlin	Robbins
Baldwin	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Billow	Fee	Livengood	Saurman
Birmelin	Fischer	Lloyd	Schuler
Black	Flick	Lucyk	Semmel
Blaum	Foster	McCall	Serafini
Book	Fox	McClatchy	Seventy
Bortner	Freeman	McHale	Showers
Bowley	Freind	McVerry	Sirianni
Bowser	Gallen	Maiiale	Smith, B.
Boyes	Gamble	Maine	Smith, S. H.
Brandt	Gannon	Manderino	Snyder, D. W.
Broujos	Geist	Manniller	Snyder, G.
Bunt	George	Markosek	Staback
Burd	Gladeck	Mayerik	Stairs
Burns	Godshall	Melio	Steighner
Bush	Gruitza	Merry	Stevens
Caltagirone	Gruppo	Michlovic	Stuban
Cappabianca	Hagarty	Miller	Sweet
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Tigue
Civera	Heckler	Nahill	Trello
Clark	Herman	Noye	Truman
Clymer	Hershey	O'Brien	Van Horne
Cohen	Hess	O'Donnell	Veon
Colafella	Howlett	Olasz	Vroon
Cole	Hughes	Oliver	Wambach
Cornell	Hutchinson	Perzel	Wass
Corrigan	Itkin	Petrarca	Weston
Cowell	Jackson	Petrone	Wilson
Coy	Jadlowiec	Phillips	Wogan
DeLuca	Jarolin	Piccola	Wozniak
DeVerter	Johnson	Pievsky	Wright, D. R.
DeWeese	Josephs	Pistella	Wright, J. L.
Daley	Kasunic	Pitts	Wright, R. C.
Davies	Kennedy	Pressmann	Yandrisevits
Dawida	Kenney	Preston	
Dempsey	Kitchen	Punt	Irvis,
Dietterick	Kosinski	Raymond	Speaker
Distler	Kukovich	Reber	

NAYS—0

NOT VOTING—2

Richardson	Wiggins	EXCUSED—4
Dininni	Honaman	Micozzie

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

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

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following HB 1130, PN 2373, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, limiting the defense of justification in certain cases; adding provisions relating to the establishment and operation of the Pennsylvania Commission on Sentencing; increasing the penalties for false reports to law enforcement authorities; making an editorial change; and making repeals.

On the question,

Will the House concur in Senate amendments?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese. Why do you rise, Mr. DeWeese?

Mr. DeWEESE. Mr. Speaker, I rise to be agreeable and to be parliamentarily accommodating to the gentleman, Mr. Freind, and ask for a suspension of the rules for the purpose of amending HB 1130.

The SPEAKER. The question is on the motion. Those in favor of temporarily suspending the rules so that amendments may be offered to HB 1130 as amended by the Senate will vote "aye"; those opposed will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—171

Acosta	Dietterick	Lescovitz	Robbins
Angstadt	Distler	Letterman	Roebuck
Argall	Dombrowski	Levdansky	Rudy
Arty	Donatucci	Livengood	Ryan
Baldwin	Duffy	Lloyd	Rybak
Barley	Durham	Lucyk	Saloom
Battisto	Fargo	McCall	Saurman
Belardi	Farmer	McClatchy	Schuler
Belfanti	Fee	McHale	Semmel
Birmelin	Flick	Maiale	Serafini
Black	Foster	Maine	Showers
Blaum	Fox	Manderino	Sirianni
Book	Freind	Manniller	Smith, S. H.
Bortner	Gallen	Markosek	Snyder, D. W.
Billow	Gamble	Mayernik	Snyder, G.

Bowser	Gannon	Melio	Staback
Boyes	Geist	Merry	Stairs
Brandt	George	Michlovic	Steighner
Broujos	Godshall	Miller	Stevens
Bunt	Gruitz	Morris	Stuban
Burd	Gruppo	Mowery	Taylor, E. Z.
Burns	Haluska	Mrkonic	Taylor, F.
Bush	Hasay	Murphy	Taylor, J.
Caitagirone	Hayden	Noye	Telek
Cappabianca	Hayes	O'Brien	Tigue
Carlson	Herman	O'Donnell	Trello
Cawley	Hershey	Olasz	Truman
Cessar	Hess	Perzel	Van Horne
Chadwick	Howlett	Petrarca	Veon
Civera	Jackson	Petrone	Vroon
Clark	Jadlowiec	Phillips	Wambach
Clymer	Jarolin	Pievsky	Wass
Cohen	Johnson	Pistella	Weston
Colafella	Kasunic	Pitts	Wogan
Cole	Kennedy	Pressmann	Wozniak
Cornell	Kenney	Preston	Wright, D. R.
Corrigan	Kosinski	Punt	Wright, J. L.
Coy	LaGrotta	Raymond	Wright, R. C.
DeLuca	Langtry	Reber	Yandrisevits
Daley	Lashinger	Reinard	
Davies	Laughlin	Rieger	Irvins,
Dawida	Leh	Ritter	Speaker

NAYS—18

Carn	Freeman	Itkin	Nahill
Cowell	Gladeck	Josephs	Piccola
DeVerter	Hagarty	Kukovich	Smith, B.
Dorr	Heckler	Moehlmann	Sweet
Evans	Hutchinson		

NOT VOTING—10

DeWeese	Hughes	Oliver	Wiggins
Fattah	Kitchen	Richardson	
Harper	Linton		Wilson

EXCUSED—4

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

On the question recurring,
Will the House concur in Senate amendments?
Mr. FREIND offered the following amendments No. A4295:

Amend Title, page 1, line 5, by inserting after "SENTENCING;" regulating matters relating to the performance and funding of abortions, the protection of women who undergo abortion and their spouses, and the protection of children subject to abortion;

Amend Bill, page 12, by inserting between lines 8 and 9

Section 3. The definition of "medical emergency" in section 3203 of Title 18 is amended and the section is amended by adding a definition to read:

§ 3203. Definitions.

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

"Medical emergency." That condition which, on the basis of the physician's [best] good faith clinical judgment, so complicates [a pregnancy] the medical condition of a pregnant woman as to necessitate the immediate abortion of [same] her pregnancy to avert [the] her death [of the mother] or for which a [24-hour]

delay will create [grave peril] serious risk of [immediate] substantial and irreversible [loss] impairment of major bodily function.

"Physician." Any person licensed to practice medicine in this Commonwealth. The term includes medical doctors and doctors of osteopathy.

Section 4. Sections 3204(d), 3205, 3206(a), (e), (f), (g), (h) and (i), 3207(b), 3208, 3209, 3210(b) and (c), 3211, 3213(c) and 3214(a), (e), (f), (h) and (i) of Title 18 are amended to read:
§ 3204. Medical consultation and judgment.

(d) Penalty.—Any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of [July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974."] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts.

§ 3205. Informed consent.

(a) General rule.—No abortion shall be performed or induced except with the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

(1) The woman is provided, at least 24 hours before the abortion, with the following information by the physician who is to perform the abortion or by the referring physician but not by the agent or representative of either.

(i) The name of the physician who will perform the abortion.

(ii) The fact that there may be detrimental physical and psychological effects which are not accurately foreseeable.

(iii) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, danger to subsequent pregnancies and infertility.

(iv) The probable gestational age of the unborn child at the time the abortion is to be performed.

(v) The medical risks associated with carrying her child to term.

(2) The woman is informed, by the physician or his agent, at least 24 hours before the abortion:

(i) The fact that medical assistance benefits may be available for prenatal care, childbirth and neonatal care.

(ii) The fact that the father is liable to assist in the support of her child, even in instances where the father has offered to pay for the abortion.

(iii) That she has the right to review the printed materials described in section 3208 (relating to printed information). The physician or his agent shall orally inform the woman that the materials describe the unborn child and list agencies which offer alternatives to abortion. If the woman chooses to view the materials, copies of them shall be furnished to her. If the woman is unable to read the materials furnished her, the materials shall be read to her. If the woman seeks answers to questions concerning any of the information or materials, answers shall be provided her in her own language.

(3) The woman certifies in writing, prior to the abortion, that the information described in paragraphs (1) and (2) has been furnished her, and that she has been informed of her opportunity to review the information referred to in paragraph (2).

(4) Prior to the performance of the abortion, the physician who is to perform or induce the abortion or his agent receives a copy of the written certification prescribed by paragraph (3), prior to the consent having been given, the physician who is to perform the abortion, or the referring physician, has verbally informed the woman of the nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision whether or not to undergo the abortion, and the woman certifies in writing prior to the abortion that she has been provided such information.

(b) Emergency.—Where a medical emergency compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting his judgment that an abortion is necessary to avert her death or to avert substantial and irreversible impairment of major bodily function.

(c) Penalty.—Any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of [July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974." Any other person obligated under this chapter to give information relating to informed consent to a woman before an abortion is performed, and who fails to give such information, shall, for the first offense be guilty of a summary offense and, for each subsequent offense, be guilty of a misdemeanor of the third degree.] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. No physician shall be guilty of "unprofessional conduct" for failure to furnish the information required by subsection (a) if he or she can demonstrate, by a preponderance of the evidence, that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the patient.

(d) Limitation on civil liability.—Any physician who complies with the provisions of this section may not be held civilly liable to his patient for failure to obtain informed consent to the abortion within the meaning of that term as defined by the act of October 15, 1975 (P.L.390, No.111), known as the [']Health Care Services Malpractice Act.[']

§ 3206. Parental consent.

(a) General rule.—Except in the case of a medical emergency, or except as provided in this section, if a pregnant woman is less than 18 years of age and not emancipated, or if she has been adjudged an incompetent under 20 Pa.C.S. § 5511 (relating to petition and hearing; examination by court-appointed physician), a physician shall not perform an abortion upon her unless, in the case of a woman who is less than 18 years of age, he first obtains the informed consent both of the pregnant woman and of one of her parents; or, in the case of a woman who is incompetent, he first obtains the informed consent of her guardian. In deciding whether to grant such consent, a pregnant woman's parent or guardian shall consider only their child's or ward's best interests. [In obtaining the consent of the woman's parent or guardian, the physician shall provide them the information and materials specified in section 3205 (relating to informed consent), and shall further obtain from them the certification required by section 3205(a)(3).] In the case of a pregnancy that is the result of incest where the father is a party to the incestuous act, the pregnant woman need only obtain the consent of her mother.

(e) Representation in proceedings.—The pregnant woman may participate in proceedings in the court on her own behalf and the court may appoint a guardian ad litem [for] to assist her. The court shall, however, advise her that she has a right to court appointed counsel, and shall[, upon her request,] provide her

with such counsel unless she wishes to appear with private counsel or has knowingly and intelligently waived representation by counsel.

(f) Proceedings [confidential].—

(1) Court proceedings under this section shall be confidential and shall be given such precedence over other pending matters as will ensure that the court may reach a decision promptly and without delay in order to serve the best interests of the pregnant woman[, but in]. In no case shall the court of common pleas fail to rule within three business days of the date of application. A court of common pleas which conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting its decision and shall order a sealed record of the pleadings, submissions, transcripts, exhibits, orders, evidence and any other written material to be maintained which shall include its own findings and conclusions.

(2) The application to the court of common pleas shall be accompanied by a non-notarized verification stating that the information therein is true and correct to the best of the applicant's knowledge, and the application shall set forth the following facts:

(i) The initials of the pregnant woman.

(ii) The age of the pregnant woman.

(iii) The names and addresses of each parent, guardian, or, if the minor's parents are deceased and no guardian has been appointed, any other person standing in loco parentis to the minor.

(iv) That the pregnant woman has been fully informed of the risks and consequences of the abortion.

(v) Whether the pregnant woman is of sound mind and has sufficient intellectual capacity to consent to the abortion.

(vi) A prayer for relief asking the court to either grant the pregnant woman full capacity for the purpose of personal consent to the abortion, or to give judicial consent to the abortion under subsection (d) based upon a finding that the abortion is in the best interest of the pregnant woman.

(vii) That the pregnant woman is aware that any false statements made in the application are punishable by law.

(viii) The signature of the pregnant woman.

Where necessary to serve the interest of justice, the Orphans' Court Division, or, in Philadelphia, the Family Court Division, shall refer the pregnant woman to the appropriate personnel for assistance in preparing the application.

(3) The name of the pregnant woman shall not be entered on any docket which is subject to public inspection. All persons shall be excluded from hearings under this section except the applicant and such other persons whose presence is specifically requested by the applicant or her guardian.

(4) At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect and understanding of the pregnant woman, the fact and duration of her pregnancy, the nature, possible consequences and alternatives to the abortion and any other evidence that the court may find useful in determining whether the pregnant woman should be granted full capacity for the purpose of consenting to the abortion or whether the abortion is in the best interest of the pregnant woman. The court shall also notify the pregnant woman at the hearing that it must rule on her application within three business days of the date of its filing, and that, should the court fail to rule in favor of her application within the allotted time, she has the right to appeal to the Superior Court.

(g) Coercion prohibited.—Except in a medical emergency, no parent, guardian or other person standing in loco parentis

shall coerce a minor or incompetent woman to undergo an abortion. Any minor or incompetent woman who is threatened with such coercion may apply to a court of common pleas for relief. The court shall provide the minor or incompetent woman with counsel, give the matter expedited consideration and grant such relief as may be necessary to prevent such coercion. Should a minor be denied the financial support of her parents by reason of her refusal to undergo abortion, she shall be considered emancipated for purposes of eligibility for assistance benefits.

(h) Regulation of proceedings.—No filing fees shall be required of any woman availing herself of the procedures provided by this section. An expedited confidential appeal shall be available to any pregnant woman whom the court [denies] fails to grant an order authorizing an abortion within the time specified in this section. Any court to which an appeal is taken under this section shall give prompt and confidential attention thereto and shall rule thereon within five business days of the filing of the appeal. The Supreme Court of Pennsylvania [shall] may issue [promptly] such rules as may [be necessary to] further assure that the process provided in this section is conducted in such a manner as will ensure confidentiality and sufficient precedence over other pending matters to ensure promptness of disposition.

(i) Penalty.—Any person who performs an abortion upon a woman who is an unemancipated minor or incompetent to whom this section applies either with knowledge that she is a minor or incompetent to whom this section applies, or with reckless disregard or negligence as to whether she is a minor or incompetent to whom this section applies, and who intentionally, knowingly or recklessly fails to conform to any requirement of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be suspended in accordance with procedures provided under the act of [July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974,"] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts, for a period of at least three months. Failure to comply with the requirements of this section is prima facie evidence of failure to obtain informed consent and of interference with family relations in appropriate civil actions. The law of this Commonwealth shall not be construed to preclude the award of exemplary damages or damages for emotional distress even if unaccompanied by physical complications in any appropriate civil action relevant to violations of this section. Nothing in this section shall be construed to limit the common law rights of parents.

§ 3207. Abortion facilities.

(b) Reports.—Within 30 days after the effective date of this chapter, every facility at which abortions are performed shall file, and update immediately upon any change, a report with the department, [which shall be open to public inspection and copying,] containing the following information:

- (1) Name and address of the facility.
- (2) Name and address of any parent, subsidiary or affiliated organizations, corporations or associations.
- (3) Name and address of any parent, subsidiary or affiliated organizations, corporations or associations having contemporaneous commonality of ownership, beneficial interest, directorship or officership with any other facility.

The information contained in those reports which are filed pursuant to this subsection by facilities which receive State appropriated funds during the 12-calendar-month period immediately preceding a request to inspect or copy such reports shall be deemed public information. Reports filed by facilities which do not receive State appropriated funds shall only be available to law enforcement officials, the State Board of Medicine and the State Board of Osteopathic Medicine for use in the performance of

their official duties. Any facility failing to comply with the provisions of this subsection shall be assessed by the department a fine of \$500 for each day it is in violation hereof.

§ 3208. Printed information.

(a) General rule.—The department shall cause to be published in English, Spanish and Vietnamese, within 60 days after this chapter becomes law, and shall update on an annual basis, the following easily comprehensible printed materials:

(1) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agencies available, a description of the services they offer and a description of the manner, including telephone numbers, in which they might be contacted, or, at the option of the department, printed materials including a toll-free, 24-hour a day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer. The materials shall include the following statement:

"There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The Commonwealth of Pennsylvania strongly urges you to contact them before making a final decision about abortion. [The law requires that your physician or his agent give you the opportunity to call agencies like these before you undergo an abortion.]"

The materials shall state that medical assistance benefits may be available for prenatal care, childbirth and neonatal care, that it is unlawful for any individual to coerce a woman to undergo abortion, that any physician who performs an abortion upon a woman without obtaining her informed consent or without according her a private medical consultation may be liable to her for damages in a civil action at law, and that the father of a child is liable to assist in the support of that child, even in instances where the father has offered to pay for an abortion.

(2) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from fertilization to full term, including any relevant information on the possibility of the unborn child's survival. The materials shall be objective, nonjudgmental and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The materials shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion and the medical risks commonly associated with carrying a child to term.

(b) Format.—The materials shall be printed in a typeface large enough to be clearly legible.

(c) Free distribution.—The materials required under this section shall be available at no cost from the department upon request and in appropriate number to any person, facility or hospital.

§ 3209. [Abortion after first trimester] Paternal notice.

[All abortions subsequent to the first trimester of pregnancy shall be performed, induced and completed in a hospital. Except in cases of good faith judgment that a medical emergency exists, any physician who performs such an abortion in a place other than a hospital is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974."]

(a) Paternal notice required.—Except as provided in subsections (b) and (c), no physician shall perform an abortion unless he has received a non-notarized, signed statement, from the woman upon whom the abortion is to be performed, that she has notified the father of the unborn child that she is about to undergo an abortion. The statement shall bear a notice that any false statement made therein is punishable by law.

(b) Exceptions.—The notice required by subsection (a) need not be furnished where the woman provides the physician a non-notarized, signed statement containing at least one of the following:

(1) The identity of the father is not known.

(2) The father, after diligent effort, could not be located.

(3) The pregnancy is a result of rape which has been reported to a law enforcement agency.

(4) The pregnancy is a result of incest which has been reported to a law enforcement agency or, where appropriate, to a county child protective service agency.

(5) The woman has demonstrated to a court of common pleas that the furnishing of notice to the father of the child is likely to place her in danger of being physically harmed by the father or by another individual. Upon any application by a woman for a declaration required by this paragraph, the court shall observe all of the requirements under section 3206(a) through (f) (relating to parental consent) respecting representation, and assuring confidential and expeditious treatment, insofar as said requirements are not inconsistent herewith.

The statement shall bear the notice that any false statements made therein are punishable by law.

(c) Medical emergency.—The provisions of subsection (a) shall not apply in case of a medical emergency.

(d) Penalty; civil action.—Any physician who violates the provisions of this section is guilty of “unprofessional conduct,” and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. In addition, any physician who knowingly violates the provisions of this section shall be civilly liable to the father of the unborn child for any damages caused thereby and for punitive damages in the amount of \$5,000.

§ 3210. Abortion after viability.

(b) Degree of care.—[Every] Except in the case of a medical emergency, every person who performs or induces an abortion after he has determined an unborn child [has been determined] to be viable shall exercise that degree of professional skill, care and diligence which [such person] would reasonably be [required to exercise] necessary in order to preserve the life and health of any unborn child intended to be born and not aborted, and the abortion technique employed shall be that which would provide the best opportunity for the unborn child to be [aborted] delivered alive unless, in the good faith judgment of the physician, that method or technique would present a [significantly] greater medical risk to the life or health of the pregnant woman than would another available method or technique [and the]. The physician [reports] shall report the basis for his judgment pursuant to section 3214(a) (relating to reporting). The potential psychological or emotional impact on the mother of the unborn child’s survival shall not be deemed a medical risk to the mother. Any person who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.

(c) Second physician.—[Any] Except in the case of a medical emergency, any person who intends to perform an abor-

tion after he has determined an unborn child to be viable, the method chosen for which abortion, in his good faith judgment, does not preclude the possibility of the child surviving the abortion, shall arrange for the attendance, in the same room in which the abortion is to be completed, of a second physician. Immediately after the complete expulsion or extraction of the child, the second physician shall take control of the child and shall provide immediate medical care for the child, taking all reasonable steps necessary, in his judgment, to preserve the child’s life and health. Any person who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.

§ 3211. Viability.

(a) Determination of viability.—[Prior] Except in the case of a medical emergency, prior to performing any abortion upon a woman subsequent to her first [trimester] 19 weeks of pregnancy, the physician shall determine whether, in his good faith judgment, the child is viable. When [a] the physician has determined that a child is viable, he shall, pursuant to section 3214(a) (relating to reporting), report the basis for his determination that the abortion is necessary to preserve maternal life or health. When [a] the physician has determined that a child is not viable after the first 19 weeks of pregnancy, he shall report the basis for such determination pursuant to section 3214(a).

(b) Unprofessional conduct.—Failure of any physician to conform to any requirement of this section constitutes “unprofessional conduct” within the meaning of the act of [July 20, 1974 (P.L.551, No.190), known as the “Medical Practice Act of 1974.”] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Upon a finding by the State Board of [Medical Education and Licensure] Medicine or the State Board of Osteopathic Medicine that any physician has failed to conform to any requirement of this section, the board shall not fail to suspend that physician’s license for a period of at least three months. Intentional, knowing or reckless falsification of any report required under this section is a misdemeanor of the third degree.

§ 3213. Prohibited acts.

(c) Regulations.—The department shall issue regulations to assure that prior to the performance of any abortion, including abortions performed in the first trimester of pregnancy, the maternal Rh status shall be determined and that anti-Rh sensitization prophylaxis shall be provided to each patient at risk of sensitization unless the patient refuses to accept the treatment. Except when there exists a medical emergency or, in the judgment of the physician, there exists no possibility of Rh sensitization, the intentional, knowing, or reckless failure to conform to the regulations issued pursuant to this subsection constitutes “unprofessional conduct” and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of [July 20, 1974 (P.L.551, No.190), known as the “Medical Practice Act of 1974.”] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts.

§ 3214. Reporting.

(a) General rule.—A report of each abortion performed shall be made to the department on forms prescribed by it. The report forms shall not identify the individual patient by name and shall include the following information:

(1) Identification of the physician who performed the abortion and the facility where the abortion was performed and of the referring physician, agency or service, if any.

- (2) The [political subdivision] county and state in which the woman resides.
- (3) The woman's age[, race] and marital status.
- (4) The number of prior pregnancies.
- (5) The date of the woman's last menstrual period and the probable gestational age of the unborn child.
- (6) The type of procedure performed or prescribed and the date of the abortion.
- (7) Complications, if any, including but not limited to, rubella disease, hydatid mole, endocervical polyp and malignancies.
- (8) The information required to be reported under section 3211(a) (relating to viability).
- (9) The length and weight of the aborted unborn child when measurable.
- (10) Basis for any medical judgment that a medical emergency existed as required by any part of this chapter.
- (11) The date of the medical consultation required by section 3204(b) (relating to medical consultation and judgment).
- (12) The date on which any determination of pregnancy was made.
- (13) The information required to be reported under section 3210(b) (relating to abortion after viability).
- (14) Whether the abortion was paid for by the patient, by medical assistance, or by medical insurance coverage.

(e) Statistical reports; public availability of reports.—

(1) The department shall prepare [an] a comprehensive annual statistical report for the General Assembly based upon the data gathered under [subsection] subsections (a) and (h). Such report shall not lead to the disclosure of the identity of any person filing a report or about whom a report is filed, and shall be available for public inspection and copying.

(2) Reports filed pursuant to subsection (a) or (h) shall not be deemed public records within the meaning of that term as defined by the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, [but] and shall not be made available for public inspection and copying [within 15 days of receipt in a form which will not lead to the disclosure of the identity of any person filing a report. On those reports available for public inspection and copying, the department shall substitute for the name of any physician which appears on the report, a unique identifying number. The identity of the physician shall constitute a confidential record of the department. The department may set a reasonable per copy fee to cover the cost of making any copies authorized hereunder].

(3) Original copies of all reports filed under [subsection (a)] subsections (a), (f) and (h) shall be available to the State Board of [Medical Education and Licensure] Medicine, the State Board of Osteopathic Medicine, and to law enforcement officials, for use in the performance of their official duties.

(4) Any person who willfully discloses any information obtained from reports filed pursuant to subsection (a) or (h), other than that disclosure authorized under paragraph (1), (2) or (3) hereof or as otherwise authorized by law, shall commit a misdemeanor of the third degree.

(f) Report by facility.—Every facility in which an abortion is performed within this Commonwealth during any quarter year shall file with the department a report showing the total number of abortions performed within the hospital or other facility during that quarter year. This report shall also show the total abortions performed in each trimester of pregnancy. [These reports] Any report shall be available for public inspection and copying only if the facility receives State appropriated funds within the 12-calendar-month period immediately preceding the filing of the report. These reports shall be submitted on a form

prescribed by the department which will enable a facility to indicate whether or not it is receiving State appropriated funds. If the facility indicates on the form that it is not receiving State appropriated funds, the department shall regard its report as confidential unless it receives other evidence which causes it to conclude that the facility receives State appropriated funds.

(h) Report of complications.—Every physician who is called upon to provide medical care or treatment to a woman who is in need of medical care because of a complication or complications resulting, in the good faith judgment of the physician, from having undergone an abortion or attempted abortion shall prepare a report thereof and file the report with the department within 30 days of the date of his first examination of the woman, which report [shall be open to public inspection and copying and] shall be on forms prescribed by the department, which forms shall contain the following information, as received, and such other information except the name of the patient as the department may from time to time require:

- (1) Age of patient.
- (2) Number of pregnancies patient may have had prior to the abortion.
- (3) Number and type of abortions patient may have had prior to this abortion.
- (4) Name and address of the facility where the abortion was performed.
- (5) Gestational age of the unborn child at the time of the abortion, if known.
- (6) Type of abortion performed, if known.
- (7) Nature of complication or complications.
- (8) Medical treatment given.
- (9) The nature and extent, if known, of any permanent condition caused by the complication.

(i) Penalties.—

(1) Any person required under this section to file a report, keep any records or supply any information, who willfully fails to file such report, keep such records or supply such information at the time or times required by law or regulation is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of [July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974."] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts.

(2) Any person who willfully delivers or discloses to the department any report, record or information known by him to be false commits a misdemeanor of the first degree.

(3) In addition to the above penalties, any person, organization or facility who willfully violates any of the provisions of this section requiring reporting shall upon conviction thereof:

- (i) For the first time, have its license suspended for a period of six months.
- (ii) For the second time, have its license suspended for a period of one year.
- (iii) For the third time, have its license revoked.

Section 5. Section 3215(c) and (e) of Title 18 are amended and the section is amended by adding subsections to read:
§ 3215. Publicly owned facilities; public officials and public funds.

(c) Public funds.—No Commonwealth funds and no Federal funds which are appropriated by the Commonwealth shall be expended by any State or local government agency for the performance of abortion, except:

(1) When abortion is necessary to avert the death of the mother on certification by a physician. When such physician will perform the abortion or has a pecuniary or proprietary interest in the abortion there shall be a separate certification from a physician who has no such interest.

(2) When abortion is performed in the case of pregnancy caused by rape which, prior to the performance of the abortion, has been reported [within 72 hours of the rape], together with the identity of the offender, if known, to a law enforcement agency having the requisite jurisdiction and has been personally reported by the victim [or her agent].

(3) When abortion is performed in the case of pregnancy caused by incest which, prior to the performance of the abortion, has been personally reported by the victim to a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, to the county child protective service agency [within 72 hours from the date when the female first learns she is pregnant] and [she has named] the other party to the incestuous act has been named in such report. [Such information shall be turned over by the department to a law enforcement agency.]

(e) Insurance policies.—All insurers who make available health care and disability insurance policies in this Commonwealth shall make available such policies which contain an express exclusion of coverage for abortion services not necessary to avert the death of the woman or to terminate pregnancies caused by rape or incest. [Any such policy shall contain a premium which is lower than that which is contained in policies offering additional abortion coverage.]

(i) Public funds for legal services.—No Commonwealth funds or Federal funds which are appropriated by the Commonwealth for the provision of legal services by private agencies, and no funds generated by collection of interest on lawyers' trust accounts, may be used, directly or indirectly, to:

(1) Advocate the freedom to choose abortion or the prohibition of abortion.

(2) Provide legal assistance with respect to any proceeding or litigation which seeks to procure or prevent any abortion or to procure or prevent public funding for any abortion.

(3) Provide legal assistance with respect to any proceeding or litigation which seeks to compel or prevent the performance or assistance in the performance of any abortion, or the provision of facilities for the performance of any abortion.

Nothing in this subsection shall be construed to require or prevent the expenditure of funds pursuant to a court order awarding fees for attorney's services under The Civil Rights Attorney's Fees Awards Act of 1976 (Public Law 94-559, 90 Stat. 264).

(j) Required statements.—No Commonwealth agency shall make any payment from Commonwealth funds or any Federal funds appropriated by the Commonwealth for the performance of any abortion pursuant to subsection (c)(2) or (3) unless the Commonwealth agency first:

(1) receives from the physician or facility seeking payment a statement signed by the physician performing the abortion stating that, prior to performing the abortion, he obtained a non-notarized, signed statement from the pregnant woman stating that she was a victim of rape or incest, as the case may be, and that she reported the crime, including the identity of the offender, if known, to a law enforcement agency having the requisite jurisdiction or, in the case of incest where a pregnant minor is the victim, to the county child protective service agency and stating the name of the law enforcement agency or child protective service agency to which the report was made and the date such report was made; and

(2) receives from the physician or facility seeking payment, the signed statement of the pregnant woman which is described in paragraph (1). The statement shall bear the notice that any false statements made therein are punishable by law and shall state that the pregnant woman is aware that false reports to law enforcement authorities are punishable by law; and

(3) verifies with the law enforcement agency or child protective agency named in the statement of the pregnant woman whether a report of rape or incest was filed with the agency in accordance with the statement.

The Commonwealth agency shall report any evidence of false statements, of false reports to law enforcement authorities or of fraud in the procurement or attempted procurement of any payment from Commonwealth funds or Federal funds appropriated by the Commonwealth pursuant to this section to the district attorney of appropriate jurisdiction and, where appropriate, to the Attorney General.

Section 6. Sections 3217, 3218 and 3219 heading and (a) of Title 18 are amended to read:

§ 3217. Civil penalties.

Any physician who knowingly violates any of the provisions of section 3204 (relating to medical consultation and judgment) or 3205 (relating to informed consent) shall, in addition to any other penalty prescribed in this chapter, be civilly liable to his patient for any damages caused thereby and, in addition, shall be liable to his patient for punitive damages in the amount of [\$1,000] \$5,000.

§ 3218. Criminal penalties.

(a) Application of chapter.—Notwithstanding any other provision of this chapter, no criminal penalty shall apply to a woman who violates any provision of this chapter solely in order to perform or induce or attempt to perform or induce an abortion upon herself.

(b) False statement, etc.—A person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function under this chapter, such person:

(1) makes any written false statement which he does not believe to be true; or

(2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity.

(c) Statements "under penalty".—A person commits a misdemeanor of the third degree if such person makes a written false statement which such person does not believe to be true on a statement submitted as required under this chapter, bearing notice to the effect that false statements made therein are punishable.

(d) Perjury provisions applicable.—Section 4902(c) through (f) (relating to perjury) apply to subsection (b) and (c).

§ 3219. State Board of [Medical Education and Licensure] Medicine; State Board of Osteopathic Medicine.

(a) Enforcement.—It shall be the duty of the State Board of [Medical Education and Licensure] Medicine and the State Board of Osteopathic Medicine to vigorously enforce those provisions of this chapter, violation of which constitutes "unprofessional conduct" within the meaning of the act of [July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974." The] October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Each board shall have the power to conduct, and its responsibilities shall include, systematic review of all reports filed under this chapter.

Amend Sec. 3, page 12, line 9, by striking out "3" and inserting

Amend Sec. 4, page 12, line 24, by striking out "4" and inserting

8

Amend Bill, page 13, by inserting between lines 11 and 12

Section 9. The provisions of this act shall be severable. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, and the application of any provision hereof to any other persons or circumstances, shall not be affected thereby.

Amend Sec. 5, page 13, line 12, by striking out "5" and inserting

10

Amend Sec. 6, page 13, line 23, by striking out "6" and inserting

11

Amend Sec. 6, page 13, lines 24 through 27, by striking out all of said lines and inserting

(1) The amendments to Chapter 32 and section 4906 of Title 18 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

This is a rather technical, uncontroversial amendment. It is the Abortion Control Act of 1987.

Each of you in the last 6 months has received two detailed analyses of the provisions of this amendment, so I will be relatively brief.

As you remember, in 1981 we passed the Abortion Control Act which was vetoed by Governor Thornburgh on December 23 of 1981. Following 6 months of negotiations with the Governor's Office, we again passed the Abortion Control Act in June of 1982, which was signed into law by the Governor. It was immediately challenged in the court. It was a 4-year court battle ending with a June of 1986, last June, decision by the United States Supreme Court.

Contrary to what the press has indicated, approximately 70 percent of the provisions of that act have been ruled constitutional, are already in effect, and already constitute the most comprehensive Abortion Control Act in the country. Approximately 30 percent of the provisions were stricken, most on technicalities. When the court came down with this decision, we thoroughly reviewed the opinion. We then spent months drafting new legislation to reinstate those provisions in a manner which we feel will pass constitutional muster. In addition, there are several new provisions in this act.

Very briefly, number one, one of the sections that was stricken by the court was informed consent. It required, except in a medical emergency, that a woman be advised of the abortion procedure to be used, alternatives to abortion, and both the physical and psychological dangers of both childbirth and abortion. It was very evenhanded. I fail to see how anyone can argue with the proposition that a woman should have made available to her all of the information before she makes a decision which, one way or the other, will remain with her for the rest of her life. That Supreme Court

decision was 5 to 4, the closest decision ever, and the striking of this informed-consent section, more than anything else, caused a number of ringing dissents from justices, including former Chief Justice Warren Burger. We have reinstated an informed-consent section which is, word for word, identical to the informed consent required for every other medical procedure. It tracks word for word the existing language in the law in the Health Care Services Malpractice Act. To oppose this section would be to say for some unknown reason that abortion should be treated as some type of unique sacred cow.

Secondly, the 1982 act had a requirement that except in a medical emergency, a minor, an unemancipated minor female, before she had an abortion, had to obtain the consent of one parent or, as an alternative, court approval for an expedited private court procedure. That section has not been stricken. The reason why it is not in effect yet is because the 1982 act delegated the Pennsylvania Supreme Court to promulgate the rules to administer the court procedure to make sure, A, it was expedited, and B, it was private. The court took a year to promulgate the rules, and when the rules were promulgated, they were considered by the Federal Court to be too broad and too vague. Accordingly, what we are doing here is putting into the law those procedures which will regulate the court situation to insure that, A, it is expedited, and B, it is private.

Many people do not realize that right now a 12-year-old girl can have an abortion, not only without parental consent but without the parents even being notified. She can leave in the morning under the guise of going to school, be picked up by people from the clinic, taken to the clinic, have the abortion performed, and returned home in the afternoon to return with her class.

Regardless of how you feel about abortion, this rots away the whole concept of family responsibility. In addition, it is illogical. Current law requires, under penalty of criminal punishment, a parent to be responsible for the health of his children, and yet we permit a surgical procedure which can have serious physical and psychological ramifications without the parents even being notified. Therefore, we think this is a critical section.

We had a number of reporting requirements which carefully guarded the anonymity of the woman, but the rationale for the reporting requirements is we want to have all of the data concerning abortions so that a knowledgeable discussion can ensue. That was stricken by the Federal district court under the unbelievable rationale that by having these reporting requirements, violence might be generated at doctors' offices or at hospitals. In every other area we have truth in labeling and the prochoice concept. Women should have the right to know before they choose to go to a particular doctor or a hospital whether or not that doctor or that hospital engages in the killing of unborn children, which in effect is the definition of "abortion." We have reinstated these provisions. We have changed it in such a way to even more carefully guard the anonymity of the woman, and in addition, we require public disclosure of these reports only when the

medical facility directly or indirectly receives State funds or State-appropriated funds. We feel that is an important issue and that should be put back in the law.

We also have a requirement and the first bill said that whenever an unborn child might be viable and might be able to survive the abortion, the doctor had to choose the abortion procedure most likely to give rise to a live birth unless it would significantly increase the risk to maternal life or health. In 1986 the Supreme court struck on one word, "significantly." Therefore, we have reinstated this provision and we have taken out the word "significantly." So it reads now that whenever an unborn child might be viable, the doctor has to choose the abortion procedure most likely to give rise to a live birth unless it would increase the risk to maternal life or health.

We have also reinstated the second-physician requirement. The 1982 act said that whenever an unborn child might be viable and might be able to survive an abortion, to have the second independent physician in the operating room who would neither take part in nor interfere with the abortion but, once the abortion was performed and the baby was outside the mother—and by anyone's definition was a born human being—would take charge of that baby and try to save the baby's life. The court struck that on a technicality saying we did not have an exception for a medical emergency. Clearly we did, but we have taken that exception and also put it right inside this section. This one hurts more than anything else. Had this section not been challenged and not been stricken on a technicality, the travesty that occurred 4 years ago in West Park Hospital in Philadelphia would not have occurred. For those of you who are not aware, a 13-year-old girl had an abortion performed on her. She was 8 months pregnant. She gave birth to a 4-pound-9-ounce baby girl. According to the criminal charges filed against the doctor, which are still pending, the doctor then took that baby girl and placed her in a utility closet, where 90 minutes later she died - alone, unaided, and gasping for breath.

You have to remember that in 1973 the court ruled that a woman has a right to a termination of her pregnancy. It has never ruled that a woman has a right to a dead baby. What I find almost amusing is that the same groups who support abortion at any stage of pregnancy—and whether or not you realize it, a woman still can have an abortion 30 seconds before her due date—but those same groups were horrified at what happened at West Park Hospital and said they cannot support that doctor. But the truth is, had the doctor been a little more skillful and killed the same 4-pound-9-ounce baby girl while she was still inside her mother, that would have been a legally permissible abortion. Now, if anyone can find the logic in that, I would really be very grateful if you would let me know about it. So we are putting that section back in.

We have also tightened up the determination of viability. We say 19 weeks of pregnancy is viability. We base that on the earliest known situation where an unborn child was born and survived. Keep in mind that 19 weeks will not remain constant and we will probably have to down the road change the law.

With medical technology, that term will always shrink and become closer and closer to conception.

We have a new section in here, somewhat controversial. The average person does not realize that under the law today, even with a married couple, a woman can have an abortion without even notifying the father of her unborn child that their unborn child exists and is about to be killed. This section requires paternal notification, not consent. "Consent" would be declared unconstitutional, but it requires paternal notification and it requires, except in a medical emergency, that a woman fill out a nonnotarized, verified statement indicating that she has informed the father of the unborn child. There are a number of exceptions: one, if the father is not known, the identity of the father; two, if the father after diligent effort cannot be located; three, if the pregnancy is the result of rape which has been reported to a law enforcement agency; four, if the pregnancy is the result of incest which has been reported to a law enforcement agency or, in the case of a minor, to a child county protective agency; or five, if the woman demonstrates in an expedited private court procedure that disclosing this information to the father of the unborn child would place her in danger of physical harm.

No one can argue with the concept that a man who gets a woman pregnant has an absolute legal responsibility to help support that child whether or not he has offered to pay for an abortion, but you cannot have it both ways. At the very least, the father of the child has the right to know that his flesh and blood exists and is going to be killed. Frequently what this requirement will do is it will bring about a dialogue, a helpful dialogue. Frequently a woman who is pregnant is panicked, does not feel that the father of the child will be supportive, and has the abortion only to find out afterwards that the father wanted that baby also. This will require such a dialogue. We think it is an important section.

In 1980 and again in 1982, we passed a law which cut off all medicaid funding of abortion except for life of the mother and in cases of rape and incest. After a court battle of 5 years, this went into effect in 1985. First they took us into Federal court and we won; then they took us into State court and we won. Prior to the February of 1985 cutoff, as long as you qualified economically, you could have a medicaid, tax-funded abortion for any reason under the sun, including, and I am not being facetious, the fact that pregnancy would give you pimples. The end result of the medicaid funding cutoff is that we have reduced funded abortions by about 95 percent. Instead of 13,000 a year, it is about 500.

The issue here is not economic; we have never put a dollar sign on a human life, but statistics show that when you cut off funding of abortion, from a quarter to a third of the women who would have had abortions do not. That means that because of what we did, from 3,000 to 4,000 babies are being born every year instead of killed.

God knows I believe in the prolife principle, but I have never forgotten that what we are also dealing with is individual unborn children. And I have always said that if everything that I have ever done, everything, if all the legislation we have

passed results in is one baby being born instead of killed, then my entire legislative career has been a success. To know that we are saving 3,000 to 4,000 a year, that 3,000 to 4,000 human beings will be walking this Earth because of what we did, and to know that from a historical standpoint whole generations will be born because of this law makes me, at least, feel very good.

When we passed the law, however, we said rape and incest had to be reported promptly, but we left it up to the Department of Welfare to promulgate the regs for reporting. They came back with extremely broad regulations requiring reporting in 72 hours, an invitation to the court to strike the reporting section, which it did.

If you look at the statistics which I have provided you, you will see what has happened. Up until February of 1985 when the cutoff took place, under rape and incest, every month the number was either zero or one. Since it has gone into effect, you have seen the number jump - 41, 28, 62, 65, 70. Because there is no reporting requirement, it is an open invitation for fraud. There is a loophole so broad that you could take the battleship Missouri in sideways.

What we have done is this, and this is changed from HB 1361. You have gotten a memo on it. We require no particular time period for reporting, but before a woman goes to the doctor under rape and incest for a medicaid-funded abortion, she must report the crime—and they are crimes and always have been—to the law enforcement agency, or in the case of a minor who is a victim of incest, the child county protective agency. When she goes to the doctor, she must fill out a verified, unsworn statement indicating that she has reported it and the agency to which she reported the crime. When the doctor applies for reimbursement from medicaid on the State level, he must forward that statement. Medicaid must then verify it. It must contact the law enforcement agency and the child county protective agency to determine whether or not the crime was reported. If it was, no problem. If it was not, then there is an indication of fraud and medicaid must refer this to the appropriate district attorney's office for investigation and possible prosecution.

Believe me, this is not cruel. In addition to closing the fraud loophole, do not forget that rape and incest are crimes. To protect the victim from future abuse, those crimes should be reported. Remember that incest and date rape have a high rate of recidivism, and to protect other potential victims from such abuse, there must be a requirement that if you are going to qualify for State funding for an abortion, you report it to a law enforcement agency.

There are several other technical changes that have been made in the legislation. For example, in 1982 we required that all health care providers had to offer in Pennsylvania—had to offer—health care which did not include abortion coverage at a lower premium. Again, right to choose. I do not want my health care premiums being utilized to fund the killing of unborn children. The court struck only on the basis that from an actuarial standpoint, you could not determine whether or not such coverage could be offered at a lower rate. Therefore,

we have reinstated this requiring of alternative coverage to be offered, but the rates are flexible and we do not mandate the rates.

Finally, what we have done with respect to State funding for legal services is do precisely what Gerry Kosinski did yesterday very skillfully and very eloquently - make it abortion neutral. I will not get into the constitutionality issue; we discussed that yesterday. Clearly in my opinion and in the opinion of all of our attorneys, this is constitutional. It is abortion neutral.

That is basically what it does. Now, I am going to be very honest with you. Yes, I think this is going to reduce some abortions, and that is always a goal. There are a couple of other goals. Informed consent is absolutely necessary. The name of the game on this issue is education. If you do not believe that, conduct your own poll. Take 20 people - Ph.D.'s (doctors of philosophy) and third grade dropouts. The average person does not know the answer to the two important questions: One, what is an unborn child in detail and what are his or her characteristics? And two, in detail, what is abortion and what does it do to the unborn child? We feel that that dialogue is absolutely necessary and a woman has a right to know that. Remember that in every abortion there are two victims, the baby and the mother, and we feel that at the very least there has to be that education beforehand, and that is another important goal with respect to this legislation.

Does it solve the problem? No. And I am sure some members will get up, as they have in the past, and say, how long is Steve Freind going to come back time and again? Let me tell you something about that. This is not Steve Freind's issue. There are 50 sponsors on this. There is a huge body of people across this State who are prolife. I have never taken myself too seriously and I have never engaged in delusions of my self-importance. If it were not Steve Freind who was the point man, it would be someone else. It is a classic case where the whole is infinitely greater than any of the parts. But to answer the question how long will we come back, we will come back time and again as long as the killing continues.

I do not like these fights, believe it or not. These battles have taken a tremendous emotional toll on me as it does on all of you, and I do not like putting the feet of my colleagues and my friends to the fire. But you have to remember something: We never asked for this fight. This legislature always, like almost every legislature in the Nation, the people through their elected officials have always outlawed abortion. That all changed in 1973 when seven unelected public officials in a 7-to-2 vote on Roe v. Wade ruled that it was permissible to kill unborn children and we could not outlaw it. What is the result? One and a half million unborn children every year are systematically eliminated. And I have said it before but I will say it again: We live in a society that weeps for the killing of baby seals, that pickets over the killing of porpoises by Japanese fishermen, that has enough political muscle to halt a multimillion-dollar dam project down South to save the snail darter, and yet permits the killing of one and a half million unborn children every year. That, to say the very least, is a masterpiece—

POINT OF ORDER

Ms. JOSEPHS. Mr. Speaker, I have a point of order. I wish the gentleman would stick to the bill.

Mr. FREIND. Mr. Speaker, in all fairness—

The SPEAKER. Proceed, please.

Mr. FREIND. Thank you.

One and a half million; think of the number for a second. One every 20 seconds, three per minute. If we get lucky today and only debate this issue for an hour, 180 innocent unborn children will have died.

In the debate yesterday my good friend and colleague—and I mean that sincerely—Bill DeWeese, got up and debated. I do not believe that Bill DeWeese in this debate—and I mean this sincerely—was attempting to engage in an attack upon any religious organization, including the Catholic Church. But I get that argument all the time. Yes, I am a Catholic. That is not why I am where I am. I would be where I am on this issue if I were a Protestant, a Jew, or an atheist. I take this stand because I belong to a very exclusive club, and that is not the Catholic Church and that is not the House of Representatives: I am a member of the human race. And if I stood idly by where a considerable segment of that human race was systematically eliminated, I would be almost as bad as the ones inside the clinic performing the procedure.

I appreciate the fact that the chairman had the hearings, but as you all know, it is necessary for us always to take the amendment route. Even though the bill was reported out—And we made history - the first time ever a bill has been reported out with a negative recommendation. If we ran the bill itself instead of the amendment, we would merely change the site of the graveyard. It would be buried and die in a Senate committee. This floor and the floor of the Senate have always had overwhelming prolife majorities. On an issue such as abortion, the entire membership of both Houses, representing all of the people of Pennsylvania, should have the opportunity to vote on this topic.

That is basically where it is. I think you all know where I am on the issue. I believe in it with my heart and with my soul, and it is one of the greatest honors of my life to be a part of this movement, to save the most precious asset any nation has, its children; indeed, its future. I sincerely hope that we will overwhelmingly pass this amendment. Thank you very much, Mr. Speaker.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Freind amendment, as usual, and I just read this article from the Philadelphia Inquirer, "Rep Freind's cruel plan to discourage abortions." It is a cruel plan against poor women and teenagers.

I am the mother of two children, and I said to my husband after the birth of my second child, we can only afford two children, to raise them up in the proper manner and educate them, and I will not have any more children, be it by preventive method or abortions; that is it. So this is an amendment strictly against teenagers and poor women. Wealthy women

have always and always will pay for their abortions or pay for their preventive methods. It is just a cruel, a cruel trick on poor women and teenagers. This article is exactly right, and I get so sick and tired of these men who cannot have babies making laws, cruel laws, for women - against women. It is just too bad that some of you cannot have babies.

I will just conclude my remarks in saying that I am against this amendment; I am against Representative Freind's legislation - the cruel legislation against teenagers and women. And as this article states, a number of legislators would like to oppose this legislation, but they—I am going to read this—"This happens in part because legislators who privately support abortion but don't want to offend the organized and emotional pro-life lobby, end up voting for bad bills on the expectation that the courts will overturn them." Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Thank you, Representative Harper, for pointing out what is going to happen to poor women and young women.

I just would like to point out to my colleagues here that you are not only legislating against poor women and young women, if that was not enough, but you are legislating against every woman colleague who sits here on the floor of the House with you if you vote for this bill. Putting aside for a moment the fact that some of us, of course, are no longer going to have babies, or at least we hope so, all of us adult citizens of this Commonwealth and all of us who have the same vote as you are being asked by this amendment to notify some man, or to explain why we are not, in order to have a simple, safe, constitutionally protected medical procedure. I find that concept personally offensive to my person as a woman and a citizen of this Commonwealth, and I hope that some of my colleagues will think about that before they cast a vote for this unwise, unsound, unjust, unconstitutional, cruel, and useless piece of legislation. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the lady from Philadelphia, Ms. Kitchen.

Welcome to the floor.

Ms. KITCHEN. Thank you.

Mr. Speaker, I oppose this amendment, and if I am incorrect, I hope that I will be corrected. It appears that poor women and teenage women are being subjected to reporting requirements and being degraded because they do not have the money to go out and get a private abortion. It appears to me that one thing this bill hopes to accomplish is to discourage the number of women getting abortions, and it will not. Do we want to turn the time back to when women had to go into the back door to get abortions and died subsequently?

I oppose this amendment. I think that we have enough laws. We already have enough laws governing abortion control. I think that is to further tax a woman when she is under pressure, to submit her and require her to inform a father that may not even want to know. Do we want to have this kind of information being kept in records and sent about

to people's homes? We are all adults and we all know what is going on in situations where women feel as though their back is against the wall to have an abortion. It is degrading for a woman to even have to think about telling a father who may not even want to know.

So I am asking the members here, my colleagues, to vote against this amendment. Thank you.

The SPEAKER. The Chair congratulates the lady on her first address to the floor of the House and is reminded of the Chair's first address on the floor of the House. The lady did much better than the Chair did on his. Congratulations.

On the amendment, the Chair recognizes the lady from Philadelphia, Mrs. Weston.

Mrs. WESTON. Thank you, Mr. Speaker.

I realize that anything I am about to say will not influence or change anyone's mind; however, I wish to set the record straight. I do not feel that women's rights are being violated by any section of this bill. As far as I am concerned, what we are attempting to legislate here is we are legislating for someone and some untold number of persons that I think have rights, and those are the unborn persons of this world and this society. Many of the laws that we pass here are set up to deter people from doing certain things, to inhibit people from doing certain things, to restrict people from doing certain things, and I would hope a lot of times to help people, to help them realize that maybe certain ways of doing things in the past or certain parts of what they have become accustomed to are not exactly right.

I believe in family support systems. I realize that a lot of people out there in the real world do not have family support systems. I am lucky enough to have a family support system. But much of what is in this bill is intended to set up a support system for women and those unborn children out there. Whether you are talking about informed consent or paternal notice or parental notice, it is an attempt to legislate support for women who find themselves in a situation that is very difficult for them to get through, and that is all we are attempting to do. I do not feel this is violating any woman's rights. I feel like what we are doing is legislating for the unborn child's rights. Thank you, Mr. Speaker.

The SPEAKER.. On the amendment, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DEWESEE. I shall be brief.

The nub of the issue is, where do we draw the line? What is the bottom line? The gentlelady from Philadelphia that just spoke makes sense. Her points are strong and heartfelt, and so are Ms. Kitchep and Ms. Josephs and Mrs. Harper in their pronouncements. We all have to make a difficult decision or a series of decisions this morning and this afternoon, and where I draw the line and where 70 percent of the American women and the Pennsylvania women draw the line is the separation between that collection of cells, the protoplasmic entity, the zygote, the entity that will be forthcoming and be a child in 9 months. Where do we say that this entity, that this unborn child, if you wish, has more importance, has more relevance, than the woman who is bearing the child? That is the quintessential question.

Do we as a society, do we as men and women who legislate for our society, do we make the choice on behalf of, to use the phrase of Mr. Freind and the opposition, the unborn child, or do we place the emphasis upon our decision today with the women in our districts - many of them victims of incest, many of them teenagers, some of them victims of rape? Do we place our highest legislative priority, our personal vote—because this is an eminently personal vote—do we place it with the unborn child at 3, 4, 5, 6, 7, 8, 9, 10 weeks? The reason I say that is because of 52,000 abortions, all but 17 in Pennsylvania, all but 17, were in the first trimester - week 3, 4, 5, 6, 7, 8, 9 - the first trimester. In our hearings that Mr. Freind participated in, we were told that viability was at 20 or 21 or 22 weeks. So where do we make that decision? Do we make it with the unborn child in the most nascent stage of development, or do we make it with the woman citizen, the adult or the teenager of Pennsylvania? And especially today the crucial emphasis of our deliberation should be upon the women who have been victimized by incest, that gossamer-thin number out there who are raped and yet get pregnant—it is not many, but it is a few—and the multitudinous teenagers that find themselves in this precarious predicament.

I draw the line, Mr. Speaker, with the woman - with the living woman. Now, I agree that a sperm is living, that an egg is living, and that the amalgamation of those two entities is living. I do not deny that. But since the dawn of time, theologians, philosophers, politicians, women, we have all collectively debated; we do not know where life begins. But I know where I put my emphasis. I put my emphasis with the women of Pennsylvania - the living women of Pennsylvania, the poor women of Pennsylvania, the minority women of Pennsylvania.

This is a time, this is a time to reject the unconstitutional proposal of the gentleman, Mr. Freind. It will be back in our laps in a few years. Now is the time to be bold. Now is the time to reject this amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise today to support the Freind amendment, and I ask all in this chamber to do likewise. It has always intrigued me how in our society we give every right and every consideration to the foulest of murderers, the one who takes human life—and in many cases that person never pays the penalty for his crime—while we look with absolute indecision as to the matter of the life of unborn children. It has always puzzled me that we are willing to accord such protection to a murderer but we are so quick to deprive a child of his or her life.

I would say this, Mr. Speaker: We do not have to seek out death. Death is always in our midst; it comes unbidden. But it takes effort to sustain life. You have to struggle to live. It takes very little to bring about death. I sincerely hope that we in this chamber today vote for life over death. I hope we will remember those unborn children, the most helpless of people, who have no one to speak on their behalf. I hope today we remember those unborn and give them the affirmative vote and vote indeed for life.

I ask you to support this Freind amendment.

THE SPEAKER. The Chair recognizes the gentleman from Wayne, Mr. Birmelin.

MR. BIRMELIN. Thank you, Mr. Speaker.

I, too, will be brief as my colleague, Mr. DeWeese, was, and I would like to bring my focus of what I am saying to what Mr. DeWeese said. Mr. DeWeese said, yes, he agrees that the fertilized egg within a woman is a live thing - it is alive - and yet in a followup statement says he cannot understand and does not know when life begins. I would suggest that he go back to his statement, it begins at conception. Common sense tells you that. Medical science tells you that. Is there any need to deny it? No, there is not. The fact that that live, fertilized egg cannot exist outside of its mother's womb makes it no less a human being than does the egg of an eagle protected by Federal law from being destroyed, because we know that someday that eagle will hatch out of that shell and be indeed a flying bird, just as a human being, given its normal 9 months within the mother's womb, will come out a human being, so it makes sense that we protect it from the moment of conception.

I would also point out to you that those who use the arguments of incest and rape and teenage pregnancies are trying to say that two wrongs make a right, and they do not. Nobody is justifying rape or incest or encouraging teenagers to get pregnant, but to do one thing wrong cannot be corrected by doing another and more deadly harm.

Thirdly, the argument that poor women, those in the lower economic strata of society, for some reason or another are being picked on by this legislation boggles the imagination. Might I point out to you that most of the babies being aborted, approximately 51 percent, are women, future women; and the fact that the woman, the mother who is having the abortion, is poor again does not justify killing her unborn child. There are many, many homes available in America today who would willingly accept that child if the woman would carry it to term instead of so cruelly ending it before it has a chance.

We decide issues of morality here every day, and let you not be taken by the argument that we should not be into the issue of morality. I suggest to you that we do it every day. Last week we decided that it was right to take away the underage teenage drinker's license to drive. We decided last week that it was right to force people to wear seatbelts, and this week we said it was right to try to raise funds through IOLTAs to provide legal services for the poor. Let me just suggest to you that it is right that we protect to the best of our ability, under the circumstances we are allowed to today in Representative Freind's amendment, the right to life of the unborn. It is morally acceptable and right to do this, and we have an obligation, just as we did last week on all these other issues, to do the right thing.

I encourage you to vote for Steve Freind's amendment and to do so overwhelmingly today. Thank you.

THE SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Olasz.

MR. OLASZ. Mr. Speaker, some of the opponents of my colleague, Stephen Freind's amendment question the necessity of informing the parent or the husband. In the past few weeks we have seen what some promoters say is necessary to promote sexual education among our children in school - some of the most outlandish booklets that I have ever seen in my life, and I was a street kid. If you would have passed those out on the corner, you would have been arrested. But that is considered by some moderates to be a form of sexual education. Well, what is an unborn baby but a product of sex? So if that is a product of sex, what is wrong with a little education and informing them of the future psychological problems of what they are doing?

Death, not denomination, is the real issue where abortion is concerned. Abortion is wrong not because Catholic bishops or Baptist Evangelicals or Orthodox Jews say so, but it is wrong because it kills, kills innocent human life.

As my other colleague mentioned, just last week we passed a seatbelt law to save lives. What is more important than for us to pass legislation that would save the life of an innocent, unborn child?

Think about it.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

THE SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos, on the Freind amendment.

MR. BROUJOS. Mr. Speaker, I move the division of the amendment on page 12 and page 13; specifically, section 5 being a separate division at the top of page 12 and continuing to the bottom of page 13 and the remainder of the amendment being the second or separate division.

THE SPEAKER. Let us see if the Chair understands you, Mr. Broujos. You wish to lift and place into a separate category the language beginning on page 12 which says "Section 5. Section 3215 (c)..." and then go down to the end of page 13 with the words "the Attorney General."

MR. BROUJOS. That is correct, Mr. Speaker.

THE SPEAKER. No; that will not be divisible at that point, the reason being that if that section were to be considered separately, which is one of the rules of division, it would have no language in it saying what we were to do with it. The language that would be needed would be the word "amend" in there and it is not there. Those words would not tell anyone what was to be done with this section if it were voted on separately, so we cannot divide it there.

MR. BROUJOS. Mr. Speaker, could you explain what you mean by the requirement to have the word "amend"?

THE SPEAKER. Yes. If you look on page 1 where it says "Amend Bill, page 12,..." that gives an instruction of what is to be done if those words are passed. If we were to pass the words simply "Section 5. Section 3215,..." we have no instructions as to what is to be done with those words.

MR. BROUJOS. I respectfully disagree with the Chair, and I would ask the Chair to reconsider its opinion, because it very

clearly says in section 5 that section 3215(c) and (e) of Title 18 are amended.

The SPEAKER. I am sorry; at the Chair we do not see any page or line where section 5 of section 3215 would be inserted. We feel it fails because it does not instruct where the language should be placed, and therefore, we say it is not divisible at this point.

Now let us get to the vote on the Freind amendment.

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

The following roll call was recorded:

YEAS—140

Angstadt	Daley	Kasunic	Punt
Argall	Dawida	Kennedy	Raymond
Arty	Dempsey	Kenney	Rieger
Baldwin	Dietterick	Kosinski	Robbins
Barley	Distler	LaGrotta	Ryan
Battisto	Dombrowski	Langtry	Rybak
Belardi	Donatucci	Laughlin	Saloom
Belfanti	Duffy	Leh	Schuler
Billow	Durham	Lescovitz	Semmel
Birmelin	Fargo	Letterman	Serafini
Black	Farmer	Levdansky	Seventy
Blaum	Fee	Livengood	Sirianni
Book	Fischer	Lloyd	Smith, S. H.
Bowley	Flick	Lucyk	Snyder, G.
Bowser	Foster	McCall	Staback
Boyes	Freind	McClatchy	Stairs
Bunt	Gallen	McVerry	Steighner
Burd	Gamble	Maiale	Stevens
Burns	Gannon	Manderino	Stuban
Bush	Geist	Manmiller	Taylor, E. Z.
Caltagirone	George	Markosek	Taylor, F.
Cappabianca	Godshall	Mayernik	Taylor, J.
Carlson	Gruitzka	Melio	Telek
Cawley	Gruppo	Merry	Tigue
Cessar	Haluska	Morris	Trello
Chadwick	Hasay	Mrkonic	Veon
Civera	Hayes	Murphy	Vroon
Clark	Herman	Noye	Wass
Clymer	Hershey	O'Brien	Weston
Cohen	Hess	Olasz	Wilson
Colafella	Howlett	Perzel	Wogan
Cole	Hutchinson	Petrarca	Wozniak
Corrigan	Jadlowiec	Petrone	Wright, D. R.
Coy	Jarolin	Phillips	Wright, J. L.
DeLuca	Johnson	Pitts	Yandrisevits

NAYS—59

Acosta	Hagarty	Miller	Roebuck
Bortner	Harper	Mochlmann	Rudy
Brandt	Hayden	Mowery	Saurman
Broujos	Heckler	Nahill	Showers
Carn	Hughes	O'Donnell	Smith, B.
Cornell	Itkin	Oliver	Snyder, D. W.
Cowell	Jackson	Piccola	Sweet
DeVerter	Josephs	Pievsky	Truman
DeWeese	Kitchen	Pistella	Van Horne
Davies	Kukovich	Pressmann	Wambach
Dorr	Lashinger	Preston	Wiggins
Evans	Linton	Reber	Wright, R. C.
Fattah	McHale	Reinard	
Fox	Maine	Richardson	Irvis,
Freeman	Michlovic	Ritter	Speaker
Gladeck			

NOT VOTING—0

EXCUSED—4

Dininni Honaman Micozzie Scheetz

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

On the question,

Will the House concur in Senate amendments as amended?

Mr. McVERRY offered the following amendment No. A4513:

Amend Sec. 2 (Sec. 1384), page 10, lines 18 and 19, by striking out “PRIOR TO THE COMMISSION OF THE CURRENT OFFENSE”

On the question,

Will the House agree to the amendment?

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

Mr. McVERRY. Thank you, Mr. Speaker.

The Senate amendments to HB 1130 are primarily directed to reinstating the Sentencing Commission and its authority, which was seriously affected by a recent Pennsylvania Supreme Court case. Amendment A4513 is simply a technical amendment removing some confusing language in the enabling legislation, withdrawing the words “PRIOR TO THE COMMISSION OF THE CURRENT OFFENSE” when calculating “...A RANGE OF SENTENCES OF INCREASED SEVERITY....” It is a technical amendment, frankly. Representative Bortner and I have cosponsored it as members of the Sentencing Commission. It does not seriously affect the intention of the bill, which is to reinstate the Sentencing Commission.

I would appreciate an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

Just to echo the statements of Mr. McVerry, this is a sentencing-guideline amendment. It deals only with the sentencing-guideline portion of the bill. It clarifies some confusing language that presently exists concerning whether and under what circumstances prior convictions and prior adjudications of delinquency can be considered in determining a prior record score and in implementing the sentencing guidelines.

I would ask the support of the membership.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Acosta	Dombrowski	LaGrotta	Rieger
Angstadt	Donatucci	Langtry	Ritter
Argall	Dorr	Lashinger	Robbins
Arty	Duffy	Laughlin	Roebuck
Baldwin	Durham	Leh	Rudy
Barley	Evans	Lescovitz	Ryan
Battisto	Fargo	Letterman	Rybak
Belardi	Farmer	Levdansky	Saloom
Belfanti	Fattah	Linton	Saurman
Billow	Fee	Livengood	Schuler

Birmelin	Fischer	Lloyd	Semmel
Black	Flick	Lucyk	Serafini
Blaum	Foster	McCall	Seventy
Book	Fox	McClatchy	Showers
Bortner	Freeman	McHale	Sirianni
Bowley	Freind	McVerry	Smith, B.
Bowser	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Manderino	Snyder, G.
Broujos	Geist	Manmiller	Staback
Bunt	George	Markosek	Stairs
Burd	Gladeck	Mayernik	Steighner
Burns	Godshall	Melio	Stevens
Bush	Gruitza	Merry	Stuban
Caltagirone	Gruppo	Michlovic	Sweet
Cappabianca	Hagarty	Morris	Taylor, E. Z.
Carlson	Haluska	Mowery	Taylor, F.
Carn	Harper	Mrkonic	Taylor, J.
Cawley	Hasay	Murphy	Telek
Cessar	Hayden	Nahill	Tigue
Chadwick	Hayes	Noye	Trello
Civera	Heckler	O'Brien	Truman
Clark	Herman	O'Donnell	Van Horne
Clymer	Hershey	Olasz	Veon
Cohen	Hess	Oliver	Vroon
Colafefla	Howlett	Perzel	Wambach
Cole	Hughes	Petrarca	Wass
Cornell	Hutchinson	Petrone	Weston
Corrigan	Itkin	Phillips	Wiggins
Cowell	Jackson	Piccola	Wilson
Coy	Jadlowiec	Pievsky	Wogan
DeLuca	Jarolin	Pistella	Wozniak
DeVerter	Johnson	Pitts	Wright, D. R.
DeWeese	Josephs	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kennedy	Punt	Yandrisevits
Dawida	Kenney	Raymond	
Dempsey	Kitchen	Reber	
Dietterick	Kosinski	Reinard	
Distler	Kukovich	Richardson	

NAYS—1

Miller

NOT VOTING—1

Moehlmann

EXCUSED—4

Dininni Honaman Micozzie Scheetz

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

On the question recurring,

Will the House concur in Senate amendments as amended?

Ms. JOSEPHS offered the following amendments No. A4479:

Amend Title, page 1, line 6, by inserting after "authorities;" providing for the offenses of commercial battery and aggravated commercial battery;

Amend Bill, page 12, by inserting between lines 23 and 24

Section 4. Title 18 is amended by adding sections to read:

§ 7326. Commercial battery.

A person commits commercial battery, a misdemeanor of the second degree, when he conducts any commercial activity in such a manner that his conduct causes bodily harm to another and such person knows that bodily harm is likely to result from his conduct; or fails to be aware of or consciously disregards a substantial risk that bodily harm will result from his conduct, and such failure to be aware or such disregard constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

§ 7327. Aggravated commercial battery.

A person who, in committing a commercial battery as defined in section 7326 (relating to commercial battery), causes great bodily harm or permanent disability or disfigurement, commits aggravated commercial battery, a misdemeanor of the first degree.

Amend Sec. 4, page 12, line 24, by striking out "4" and inserting

5

Amend Sec. 5, page 13, line 12, by striking out "5" and inserting

6

Amend Sec. 6, page 13, line 23, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

My amendment, which might surprise some of you, is not related at all to abortion but is related to conditions which happen or can happen, potentially happen, in three different commercial, business, or industrial settings. I have defined, since this is a title 18 bill which we are now debating, an offense which I am calling commercial battery. And if I might give a few examples of what I mean by this offense, I would like to do that so long as those who are listening understand that my examples are meant not to be all-inclusive nor in any way definitive of outer limits. I am talking, basically, about three different situations in which members of the public, workers, or consumers suffer bodily harm or death because of the knowing or reckless behavior of people who are responsible for the workplace, for a product, or for toxic substances which are left in the environment.

For instance, a person, a manager, a president of a company, a boss or supervisor, removes from a machine a safety guard because the machine works faster that way, and a worker is injured or killed. If it can be shown that the manager, the supervisor, the president of the company, the boss knowingly or with reckless disregard for the safety of the worker did remove this safety device from the machine, then the local district attorney would be empowered to prosecute that person criminally.

A second example might be a product placed in the stream of commerce - a contraceptive device, perhaps, which the owners and controllers of the corporation knew was injuring women, was causing infertility, was making women sick, was causing spontaneous abortion and childbirths. If it can be shown that this contraceptive device indeed caused these bodily injuries and that the people who were responsible for the manufacture, sale, and distribution of this device knew it, they would be susceptible to criminal prosecution.

The third example would be where a toxic substance that is known to cause bodily harm or death is dumped into the environment and does cause that death or that bodily harm and the person who is responsible for that dumping knows that his or her behavior can cause this harm.

These kinds of cases are being prosecuted in other jurisdictions. They are hard cases to make because they are criminal cases, but there have been a number of successful ones, and the most well known is in Chicago at a silver recovery, a film recovery plant, where a number of workers were poisoned by the product that they were using, although the management knew, and the management is now serving sentences.

Mr. Speaker, this is an amendment that is supported across a wide range of public health unions and public safety organizations. I became interested in this issue not long enough ago to make myself an expert, but during the time that I have been thinking about it, I have sort of kept my eye out at the papers to see whether any of our constituents are being killed in the workplace or by a product or by something being dumped into the environment, and I can tell you that in Philadelphia last year almost to the day, two construction workers were killed while they were demolishing the old Public Industry Plant. The people who were running the company were aware of numerous violations which OSHA (Occupational Safety and Health Administration) had cited them for. They continued to operate. They made no attempt to make their conditions any safer, and when our Philadelphia County district attorney was asked to intervene and bring criminal charges—One of these men was 36; one was 39. They apparently, so far as I have been able to find out, were recent immigrants from Poland, spoke no English, had no idea that they were running the kind of danger that they were running. The district attorney was asked to bring criminal charges or to investigate. He is still investigating.

I hope to encourage him to complete this investigation by this legislation.

To make my concluding point, I would like to put aside any notion that any of you may have that OSHA, the Occupational Safety and Health Administration, an instrument of the Federal Government which is supposed to protect the health of our workers, is actually doing that.

The Department of Justice, which would be the entity to bring criminal charges against those who cause bodily harm and death, has yet to win its first conviction resulting in an imprisonment even though 128,800 men and women have died in American workplaces since the act was signed into law in 1971. In fact, only one criminal prosecution has ever been brought under OSHA which resulted in a conviction, and that was in a case where the offending person attacked an inspector from the Federal agency and ended up in jail.

I think we need this legislation. I think we need to protect our workers. I think we need to protect our consumers, and I think we need to protect anyone who uses the environment. As the argument has been made time and time again on criminal matters, we are trying to deter a certain kind of behavior. I am trying to deter the kind of behavior that causes people to be injured, that causes spontaneous abortion, that causes death, and I would like the support of every person here who cares about those issues. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

The lady has just described a variety of types of conduct that she, under this amendment, would seek to criminalize under the Pennsylvania Crimes Code. Unfortunately, the language of her amendment, at least in my reading of it, does not necessarily apply to those types of conduct that she described. The language of her amendment is extremely vague. It refers to commercial activity. Nowhere in the amendment is commercial activity defined. It appears, in a portion of her amendment, that she is attempting to criminalize areas of the law which are now handled by the civil area under negligence. She refers to the standard of care which a reasonable person would exercise in a particular situation. These are words that are used in the civil law under negligence.

I would urge that the House defeat this amendment, because I have absolutely no idea what the lady is intending, and I am absolutely certain that we are uncertain that the activity she described in her speech would be covered by the language of her amendment.

I urge the House to defeat the amendment.

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

Mr. FREIND. Thank you, Mr. Speaker.

I also rise to oppose the amendment for a number of reasons. Number one, it came out of left field. I am not even sure what it does, and I am very concerned that it will jeopardize the bill. We have had no forewarning of this.

If you will look at the language, what it appears to be doing is criminalizing negligent conduct. In addition, is this going to change our workers' compensation laws? If in fact an employer is found guilty of a crime, then can the employee get around this and sue the employer? These are very substantial, substantive issues which have to be carefully reviewed.

Since my dear friend and colleague, Bill DeWeese, the chairman of the Judiciary Committee, has always been a friend of the working man, and in addition, once this bill is passed, abortion, you will mysteriously see a heck of a lot more title 18 bills out of committee. I think the appropriate place for this bill is in committee for study. Right now, both on the abortion issue, what it does to it, and on the substance, I think this is a very bad amendment, and I sincerely hope that we defeat it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—38

Acosta	Freeman	Linton	Richardson
Bortner	Gamble	McHale	Ritter
Carn	Harper	Maine	Roebuck
Cohen	Hayden	Melio	Staback
Cowell	Hughes	Miller	Truman
DeWeese	Hutchinson	Murphy	Wiggins
Dawida	Josephs	Oliver	Wright, D. R.
Evans	Kitchen	Pistella	
Fattah	Kosinski	Pressmann	Irvis,
Fischer	Kukovich	Punt	Speaker

NAYS—161

Angstadt	Dieterick	Langtry	Rieger
Argall	Distler	Lashinger	Robbins
Arty	Dombrowski	Laughlin	Rudy
Baldwin	Donatucci	Leh	Ryan
Barley	Dorr	Lescovitz	Rybak
Battisto	Duffy	Letterman	Saloom
Belardi	Durham	Levdansky	Saurman
Belfanti	Fargo	Livengood	Schuler
Billow	Farmer	Lloyd	Semmel
Birmelin	Fee	Lucyk	Serafini
Black	Flick	McCall	Seventy
Blaum	Foster	McClatchy	Showers
Book	Fox	McVerry	Sirianni
Bowley	Freind	Maiiale	Smith, B.
Bowser	Gallen	Manderino	Smith, S. H.
Boyes	Gannon	Manniller	Snyder, D. W.
Brandt	Geist	Markosek	Snyder, G.
Broujos	George	Mayernik	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stevens
Burns	Gruitzka	Moehlmann	Stuban
Bush	Gruppo	Morris	Sweet
Caltagirone	Hagarty	Mowery	Taylor, E. Z.
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hasay	Nahill	Taylor, J.
Cawley	Hayes	Noye	Telek
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	O'Donnell	Trello
Civera	Hershey	Olasz	Van Horne
Clark	Hess	Perzel	Veon
Clymer	Howlett	Petrarca	Vroon
Colafella	Itkin	Petrone	Wambach
Cole	Jackson	Phillips	Wass
Cornell	Jadlowiec	Piccola	Weston
Corrigan	Jarolin	Pievsky	Wilson
Coy	Johnson	Pitts	Wogan
DeLuca	Kasunic	Preston	Wozniak
DeVerter	Kennedy	Raymond	Wright, J. L.
Daley	Kenney	Reber	Wright, R. C.
Davies	LaGrotta	Reinard	Yandrisevits

NOT VOTING—0

EXCUSED—4

Dininni	Honaman	Micozzie	Scheetz
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. BOWSER offered the following amendments No. A4484:

Amend Title, page 1, line 6, by inserting after "CHANGE;" providing for submitting to the voters a question relating to abortion;

Amend Bill, page 13, by inserting between lines 22 and 23 Section 6. The provisions of this act amending 18 Pa.C.S. Ch. 32 (relating to abortion) shall not apply to any person until a question thereon is submitted to the electors of this Commonwealth at the next municipal or general election occurring at least 60 days after the effective date of this act and a majority voting thereon vote in the affirmative.

The question shall be in the following form:

"Do you favor the regulation of abortions as provided in the Abortion Control Act?"

Amend Sec. 6, page 13, line 23, by striking out "6" and inserting

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

Mr. Speaker, I am not up here to fight one way for prolife or prochoice. My good friend, Steve Freind, I am sure, is doing what he feels is right. I feel personally we do not have this right to legislate this type of moral legislation.

I was listening to Representative Birmelin a little while ago saying that we already have set a precedent in the last 2 or 3 weeks, and he is right; we have. I think the record will show that I voted against each one of those bills that he referred to.

Back in 1981 I offered this same amendment, and I still feel the same way that I did back in 1981. I made the statement back then that I was not anointed when I was sent down here, and I still believe that is true. I do not know about the others in here. But I really think we should once and for all put this thing on a public referendum and go by the results.

I ask and I urge all of you to support this amendment. Get this issue behind us. If we get the decree from the voters in the Commonwealth of Pennsylvania, we can proceed and we will not have to deal with these things time and time again. Thank you very much.

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

Mr. FREIND. Thank you, Mr. Speaker.

I have a sense of deja vu. The Bowser amendment was introduced at about 1 o'clock in the morning on December 10, 1981, to the Abortion Control Act. It originally passed; it was later reconsidered, and was defeated. I would hope that every member, regardless of how he or she feels about the issue of abortion, would defeat this amendment.

Remember why we are here. We are elected to stand on the dime and cast our vote on the tough issues. If we duck the issue on abortion, what kind of a precedent do we set? Do we have a referendum before any increase in welfare benefits? Do we take a referendum before a tax increase? Do we take a referendum on all the tough issues? We are elected here to do more than hand out legislative citations. Beyond that, how do you put the question on a ballot, do you support the Abortion Control Act? What does that mean?

This is not and never has been a New England town democracy. This is a representative form of government where what our constituents do is elect us and have faith in our judgment and our courage to take a stand on the tough issues. If in fact we support this amendment, regardless of how you feel about abortion, it is a colossal act of cowardice. I hope that we will overwhelmingly reject it. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Let me just briefly stand and say that this is a constitutional republic. We are not run by public opinion polls, neither should we be, and that is what we are elected for, to make these decisions.

I would stand with Representative Freind and ask you to vote "no" on the Bowser amendment.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Well, I was not here in 1981 when that vote was cast, but also I have to look at the issue. I have listened to Mr. Freind's arguments over the last 4 or 5 years, and what he has continuously asked us to do is when you have two groups, two groups who are concerned about a moral issue, who have asked, because they cannot agree on something, they have asked us to make decisions for them. That is what they are asking us to do, and what Mr. Freind is trying to tell us to do, because there are two groups who want to have someone else making the decision for them on whether—depending on what side you are on—whether their constitutional rights should be limited and the government should tell you what to do.

I know myself that I have always been listed as a prochoice, mainly because I believe that government should not be telling an individual how far you should be limited to do. We are always telling people how far they should go, when to stop, when to go, when to get up, what time to come home, what time to go to lunch, what time to watch the news, and what time to go to bed, but all of a sudden here it is. Mr. Freind is going to sit up here and tell you that we should play—And it goes back to a Madisonian thought that we are the elitist group, that we should not let the public be able to decide things for themselves, that we have a better ability than the general public to be able to decide, and it goes back to that same old elitist thought that we should not inform the public of everything of their rights, that we under the Constitution should really limit them and be able to take care of them and create a certain welfare state. That is what Mr. Freind is asking you to do.

Again, two sides that cannot agree; two sides that really have been fighting over the years, and it is going to be there no matter what after we are dead and gone. But here we have a chance to let the people decide themselves, to let them clearly voice their choice, to be able to voice their choice whether or not they are really in the majority or in the minority, not to pass the buck. It is not passing the buck because we have to go by them, but we are here to give them a choice, and I do not think it is wrong to be able to give the general public a choice. Either we can vote for the Bowser amendment and give the people the constitutional right, the ultimate choice where they can stand up for their rights and say, either it is going to be for or against, or we can continue on with the same Madisonian thought, the same elitist thing that we are trying to say that we should make the decision for you.

Give the choice to the people on a moral issue. Do not continue to cover up and be influenced by this and let your general public— And he is going to come and tell you that we should bite the bullet. Well, I think it is more biting the bullet to be able to go home and be able to give the chance for the people to really voice their opinion, for each and every individual to be able to stand up and come out and encourage

them to come out and vote to be able to voice your choice. For us not to continuously always let each and every one of them— And I heard someone else say something about the pay raise. Well, we have been back and forth on that, and I am not going to cover up the issue, because we have continued to try to pass the buck and everybody wants to stand up on this.

It is a moral issue. There are two sides, pro and con. For over the years, and like I said before, before you were here and after you are gone, but give the people of Pennsylvania the ultimate choice to be able to discuss whether they can or not. If you want to continue to be their leader and be able to take care of the people, then fine. But when you can give them a choice, you have to be in the right. And I do not think there is a better choice but to vote for the Bowser amendment. Thank you.

The SPEAKER. Mr. Foster, we are glad to see you back on the floor. We were alerted to the fact that your father had passed. Some of us did not know that in time to let you know of our sorrow in his passing. We would have you know that it was noted in the record, and we are glad that you are back on the floor.

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

Mr. FATTAH. Mr. Speaker, I would like to know if the maker of the Freind amendment, Stephen Freind, would stand for brief interrogation.

The SPEAKER. Mr. Freind, you are being asked to stand for interrogation.

Are you going to speak about the Bowser amendment?

Mr. FATTAH. The Bowser amendment, yes.

The SPEAKER. All right. Mr. Freind indicates he will stand for interrogation on the Bowser amendment.

Mr. FATTAH. Mr. Speaker, you suggested to our colleagues here on the floor that we should vote in the negative on the Bowser amendment.

Mr. FREIND. That is correct.

Mr. FATTAH. If the Bowser amendment would go into this bill and if it was acted upon, what would you think the result of that would be if there was such a referendum in the State?

Mr. FREIND. I think the result would be— You mean the result of the referendum?

Mr. FATTAH. Yes.

Mr. FREIND. I have no idea, and I have never cared. If you took a plebiscite back in 1860 on slavery, it probably would have passed. It would not have made it right. If you took a plebiscite in about 1936 or 1937 in Germany, what happened there would have passed. It would not have made it right. I am not so concerned, Mr. Speaker, about polls as about what is right.

The other end result, of course, would be that we might as well all resign, because in this age of technology, you will not have to elect human beings with intellect and free will; you can take an electronic poll on every issue and plug it right into the vote board here. And I think what we would gain in the apples as a body, we would more than lose in the bananas.

Mr. FATTAH. Mr. Speaker, do you believe that it should be the laws of the Commonwealth, of this State, that women who are victims of rape should be prohibited or discouraged from receiving abortions?

Mr. FREIND. That is not the law now, nor does this bill make it. What this law says is that we do not—

The SPEAKER. Just a moment. Just wait a minute.

Stay on the Bowser amendment, and the question in the Bowser amendment is very, very simple: do we say to the people of this Commonwealth by referendum that they have the choice or do we not? Now, the Chair is not going to let you go all over the place on that. Stay on that amendment.

Mr. FATTAH. Thank you, Mr. Speaker. I got carried away.

The SPEAKER. The Chair did not.

Mr. FATTAH. Mr. Speaker, do you believe that the people of this great Commonwealth should have any input in such an issue as strongly felt on both sides as this?

Mr. FREIND. I believe that they should have an input on every issue: one, through our legislators talking to their constituents through questionnaires through district offices, and two, input called elections. Every 2 years each one of us has to put our record on the line and stand for reelection, the way it was constitutionally derived by our forefathers who had a great deal of insight into this issue. If that is not input, particularly the 2-year term, I do not know what is.

Mr. FATTAH. Mr. Speaker, on most elections when there are issues related to bond questions and other kinds of questions that appear on the ballot, do you oppose those types of questions on the ballot?

Mr. FREIND. Most of those are constitutional requirements, constitutional amendments permitting us to grant money to a particular agency. Okay? They require constitutional approval before we spend that money. That is the provision of our Constitution. What I am saying is, if we begin to play this game, what we have done is taken away all of our responsibilities as legislators.

Mr. FATTAH. So you do not oppose other types of questions that appear on the ballot, Mr. Speaker?

Mr. FREIND. I do not oppose the Constitution of Pennsylvania.

Mr. FATTAH. And you do not oppose the Constitution of the United States as determined by the interpretations of the Supreme Court either. Right, Mr. Speaker?

Mr. FREIND. Well, now, that is a different ball game. I have a real problem with that Supreme Court, the same body, I might add, that in 1857 ruled that slavery was legal. The Supreme Court of the United States, if you check your track record, Mr. Speaker, has never had a monopoly on being right.

Mr. FATTAH. Mr. Speaker, thank you very much.

May I make a comment on the amendment?

The SPEAKER. The gentleman may proceed on the amendment.

Mr. FATTAH. In my first question, I think Representative Freind made his position quite clear. He does not care what

the opinion may be of the 12 million people who live in this State on such a vital issue. He has an opinion, and his opinion is so strongly felt that he insists his will and his opinion on others.

I think that the Bowser amendment brings an opportunity to all of us who have searched our souls on this issue to really hear from those people who are going to be affected each and every day. They have an opportunity for the people of this State to be heard clearly and, hopefully, finally on an important issue, a moral issue, an issue that no matter what we do here today will continue to be an issue.

Women will continue to have abortions, whether we make it more difficult or whether we make it easier; we may have more later term abortions; they may become more unsafe; teenagers will, unfortunately, continue to have sex and unwanted pregnancies, whether we vote for or against the Stephen Freind amendment. But the reality of this issue is, if we give the people of this State a chance to vote, maybe perhaps we can stop wasting taxpayers' money challenging the laws of the United States in court where we have been knocked down twice under similar legislation. We have spent hundreds of thousands of dollars of taxpayers' money, money that could have gone to feed poor children in this State, children that Mr. Freind says he cares about and he wants to be brought into this world. We could be spending those dollars to help people rather than spending it unnecessarily, wasting it in court, arguing for legislation that we know is unconstitutional now. It has been proven unconstitutional before, and a couple of years from now we will all be right back here again, trying to reword it in some way where again we can restrict the rights of women to decide for themselves what should happen with their own bodies. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Lehigh, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I rise to support this amendment, and while I am not usually a proponent of government by referendum, this is one case where I think it would be appropriate.

This question has occupied the attention of this General Assembly and the courts for many, many years. It is time that the people have an opportunity to give voice to what I and many of us in this room have known for years - that a large majority of our citizens are prochoice on the question of abortion, even though some of them may personally never have to make the decision to have an abortion and would decide not to. It is time for the public to see which of us really and truly believes that he or she represents the views of his or her constituents. Those of us who know, as I do, that we do reflect our constituencies will not be afraid of putting this question on the ballot, Mr. Speaker.

This is not a question of ducking the issue. We have been ducking it by passing legislation over the years that is later found, after an arduous journey through the courts, to be unconstitutional. This is a question of facing the issue head-on.

I know that I represent the majority of my constituents on this question, and I am not afraid to have that faith confirmed by a referendum, and I challenge the rest of you to have the guts to put up or shut up.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I ask you to reject the Bowser amendment on the grounds that it is incomplete. I would expect when I see the Bowser amendment arrive in this chamber to see it come accompanied by a basin of water and a towel so that we, like Pilate, might wash our hands of the entire matter.

Mr. Speaker, we were sent here to make decisions, and I am reminded of a certain legislator in some State that rushed up to his administrative assistant and said, what should I do about this letter that says I am indecisive? Do you think I should write them, should I telephone them or maybe visit them, or should I just ignore it? If we cannot be decisive on a moral issue of this type, if we cannot make a decision, if we are not capable of making a decision, we should not sit in this body.

And I would say this, that an amendment of this type will, if it is successful today, certainly come back to haunt us on later issues. I can see an amendment like this being offered time and time again at times when you will not want it to be offered again. Let us stand up and make the decisions that we were sent here to make and not try to find a way out by merely washing our hands. I ask for a negative vote.

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

Mr. CIVERA. Thank you, Mr. Speaker.

I rise to speak against the Bowser amendment. Mr. Speaker, the issue of abortion has, since I have been here since 1980, surfaced on this floor many times. The issue of abortion has surfaced in our individual campaigns when we run for reelection. What you stand for and what you believe in and how you are going to conduct yourself as a State Representative carries on in this General Assembly and back to your constituents. If we were to adopt this amendment, we would be setting a precedent that I am sure each and every one of us would not be comfortable with. There are issues that came before this House in conference committee reports back in June that I am sure we would not want to be put on a referendum, because we believe that we are representing our constituents and the way we vote on this floor is to carry on so. If the issue of abortion is not the way your constituents believe you should be voting, then you face that issue when you go back to that district. But to take away from this general body is a severe mistake.

Mr. Speaker, I hope that we defeat the Bowser amendment. Thank you.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

Just recently some previous legislation that we had was pertaining to the seatbelt legislation. Some of the previous speak-

ers on this House floor had indicated that that should be put on a referendum. If this should be put on a referendum, so should that have been put on there, because that is also interfering with the constitutional rights of individuals.

Mr. Speaker, I wholeheartedly hope that everyone defeats this amendment. Thank you very much.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, we have heard about our abrogation of our responsibility to vote, et cetera, so I will try to refrain from that a little bit and talk about something else which has to do with the amendment.

We do not want to abrogate and say let us let the public make all the decisions, especially in this where it says it is a binding referendum. This is not a poll, it is not a nonbinding referendum, but this would in fact delay the implementation of this legislation until this referendum is taken at the election.

In addition, and I think in my case more importantly, many of us who are opposed to abortion for personal beliefs, opinions, et cetera, we have seen that it is a human rights issue, and being as such, the people who will vote whether or not someone may have an abortion are not those people many of us are trying to protect. Those people—the person, the unborn child—have no say in this.

We have been elected to do our moral duty. Our constituents know each and every time we run whether we are labeled prolife or proabortion. They make the decision to send us here. We have the duty and responsibility to vote on the merits or a conscience vote on a particular issue like this. I suggest that we defeat this amendment, stand up for what we believe, and stop abortion. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Bowser amendment, because in a true democracy the choice should be with the people, and if we were to let the electors voice their opinion on this matter, I think we would find out once and for all how the citizenry of this Commonwealth feels on this emotional issue. Or are we afraid of the outcome of a referendum? I think a lot of the legislators sitting right here on the floor of this House would be shocked by the outcome of this referendum. They are afraid of a referendum and that is why they are against the Bowser amendment, but I urge my colleagues to support the Bowser amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the Bowser amendment.

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

Mr. Speaker, I rise to support the Bowser amendment, and I do so for the other reasons that have been given by my colleagues. I want to say that it always amazes me to listen with such distinction to the proponents who indicate that they are afraid and scared of the people, the same people that elect them to office. They are afraid and scared to allow them to vote on this issue.

This is not like the seatbelt issue at all. Anyone that could compare this with that does not even understand what we are talking about. We are talking about a period of time, of years, of individuals who have talked about this on both sides of this question, a philosophical question, one that needs to hear the voice of the people of the Commonwealth of Pennsylvania. But the reason why those proponents are so much in favor of this issue is because they have taken the polls themselves in the Commonwealth and know that overwhelmingly the citizens of this Commonwealth feel that people should have the right to choose over their own bodies. Women, in particular, poor women and our teenagers in this country, need the right to choose for themselves, and when it comes down to this question in the House of Representatives where we can sort of like hide from our position, it is easier to get away with the whole question of abortion, so that is why we do not want to take it to the people.

I would say to you that this referendum would raise many questions and answer many questions that those persons who have raised this issue before already believe from people in this country who have seen what has happened under abortions - have seen the warehousing, have seen the hangers, have seen those individuals that will do whatever is necessary to abort a child when they do not have any money to be able to go through the same process that others do who do have money. You see, we live in a funny society, the haves and have-nots. But for some reason, those who have will always shove it down the throats of the have-nots. So the referendum raises a question for those poor people who cannot defend themselves on the floor of this House, because, you see, we are a minority on this floor fighting for those rights.

As one speaker said earlier, either put up or shut up. I raise the question with you, how bold are you? How much conviction do you really have of the election process? How many of us are really concerned about the electoral process? And we believe in it, because we allow ourselves to get voted into office, but if that were to turn around, as one speaker said earlier, perhaps maybe what will happen is that those individuals who have the right in their own districts will determine whether or not those persons should get reelected or not. Well, I know one thing: in some areas that may be true for the reelection of some people, and then maybe the question being put on the referendum would solve a problem for many of those individuals who really want to know where the people really stand. Many people on the floor of this House quietly, behind the scenes, secretly, with a secret ballot, would not be in favor of this legislation, but because it is popular and because it is out front this way and the eyes are watching you, you have to vote in the manner that you are. But it seems to me that if this question was placed on the ballot, behind the ballot box, in the quiet where only you and God make the decision, I guarantee you that the outcome would be different.

I advise everyone on the floor of this House to take a bold step, to take a new look on life, and to vote in favor of the Bowser amendment, and then allow the people in the Commonwealth of Pennsylvania to make the decision.

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

Mr. LEH. Mr. Speaker, I rise in opposition to this referendum.

Mr. Speaker, two or three times during this debate we have heard the remarks that this is a democracy. I rise in opposition to that. We do not have a democracy. We never had a democracy in our country. Our forefathers feared a democracy. This is a republic. This is a representative republic, and that is what we, as elected officials, were elected here to do, to represent our constituents, and not to represent them according to public will but to represent them according to divine law. It is right up in the Supreme Court. The Ten Commandments are right over the judges' bench. If we are to say that we are to obey the will of the people, then we had better rip those murals off that wall. William Blackstone, who is quoted throughout the Supreme Court of Pennsylvania on those walls, says that we are to obey divine law when man's law conflicts with divine law. So we do not live in a democracy. France was a democracy and look what has happened to them today. A democracy is nothing more than mobocracy. We have law and order here. That is what our forefathers fought for; that is what they sought to establish.

I would ask today for a negative vote on this referendum. Let us show the people that we are the responsible Representatives that they put us here to be and that we will not vote according to the whim of public will. Thank you, Mr. Speaker.

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

Mr. OLASZ. Mr. Speaker, every election we see fewer and fewer voters responding to candidates at the polls, and this charade here today with this "let us send it back to the public for a referendum" is another example of why we turn the general public off. In plain and simple English, it is a copout.

Do you want to send this bill here back to your constituents for a referendum? It is HB 1628, and there are over 1,000 pages in it. Do you think all of the electorate is going to read this and make a responsible decision? Did we send SEPTA's (Southeastern Pennsylvania Transportation Authority's) grant request for money back to the general public for a referendum? I would like to tell you what the people in Allegheny County would have told you about SEPTA. Think about it. Did we send HB 1000, the liquor bill, out for a referendum? No. Did we send the gasoline tax back where all our roads and bridges have been improved? No. Did we send the seatbelt bill back? No. Are we sending the smoking bill back? No. So I am telling you, it is a copout.

Nowhere did I hear in this mention of a referendum, well, let us put a moratorium on the abortions until we find out what the public feels about it. You know it and I know it; it is a copout. Let us get on with the vote. Vote "no."

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to support the Bowser amendment. I know why the men do not want that referendum on the ballot - because they do not want the women to speak for themselves. If that referendum goes on the ballot, it will pass by a large margin. You know that.

So let us vote for the Bowser amendment. Let us have the referendum. Let us let the women. This legislation is against teenage girls and poor women, so let us let them speak for themselves by voting on this referendum. Let us stand up and be counted, men. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Bortner, on the amendment.

Mr. BORTNER. Thank you, Mr. Speaker.

I rise to support the Bowser amendment, and I do so as one member of this General Assembly who generally does not support the idea of placing important issues on the ballot. But I think that sometimes an issue becomes so great that the people do have a right to speak to it directly, and I think on this issue people understand what it is about and they understand how they feel about it.

I think that if we are going to make moral decisions for all of the Commonwealth of Pennsylvania, if we are going to impose on the private lives of people, I think the least we can do is make sure that the majority of our citizens are supportive of that decision. I think this issue is so emotional, it is so highly charged, it is so polarized that the only way to reach a full and a fair decision on this issue is to let the democratic process work.

I would urge the members to support this amendment as a way of coming to grips with what I think is a very important and a very crucial decision that faces all Pennsylvanians. Thank you.

The SPEAKER. On the Bowser amendment for the first time, the Chair recognizes the majority whip.

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

I think the gentleman, Mr. Birmelin, accurately framed the issue for the floor. He presented the question, what are we here for? I can only answer that question for myself. I am here as a party leader, and I am not speaking to you in that regard right now. I am here as a representative of the wishes of my constituents in the 198th District, and I am not speaking to you now as their Representative. And I am also here as a human being with a conscience, and it is in that regard that I want to talk.

We have to fulfill all three of those roles, and there is no question that the consummate skill of a legislator is being able to understand when you are acting for your party, when you are acting for your constituents, and when you are acting out of conscience. I think most people on both sides of this issue understand that this is a conscience vote. This is not a party vote; this is not a constituency vote; this is a conscience vote.

Representative Preston made the argument that there are two sides in this issue that would like us to decide it for them. I disagree with him. I think there are three sides to this issue. There are the people who are absolutely confident, with only the kind of confidence that faith can give you, that human life

begins at the moment of conception, and they are clear about that - their conscience is clear; their action is clear. There are people equally confident and equally clear in their conscience that the entity that is being discussed is a part of a woman's body, and if that entity is a part of a woman's body, then this State has absolutely no right to interfere in that woman's right to exercise control over her own body.

There is a third point of view, however, and that third point of view belongs to those people who are deeply troubled in their conscience, who do not have the clarity, who do not have the confidence that life begins at conception, nor do they have the complete confidence that life does not come into being until a child is born. Those of us who have been close to childbirth in one way or another—and I can only speak for myself—are quite confident that there is human life before the moment of birth. Those of you who have felt those stirrings—either as a father or as a mother—who have felt those stirrings understand that there is human life there before birth. On the other hand, I find it difficult to believe, because I do not have that certainty, that those few cells or whatever constitute a human being. So I am not really clear about that. I am somewhere in the middle. I think I stand in good company.

I should be, I guess, ashamed of my uncertainty on this matter, because in front of us are only two switches, a red switch and a green switch. We have the sovereign prerogative of choice. We have the godlike opportunities to decide issues like life and death, and we have to decide red or green. And for 13 years in this legislature I have chosen red or green and consistently opposed any kind of a referendum, but on this issue I belong to a third group, and I am not ashamed to belong to that group for a couple of reasons.

One of the first guys in this group was Aristotle, who, when he looked at the progression of life in a fetus, said that he thinks it moves from vegetable to animal to rational and human at the end. St. Augustine, contemplating the same problem, said that he believed that there was an embryo animatus and an embryo inanimatus. St. Augustine believed that somewhere in the beginning of this process that entity was not a human being and somewhere in the end of that process that entity was a human being. But even St. Augustine, when presented with the question, well, then when? was not able to answer it. I am sure that troubled St. Augustine and I am sure it troubles many of us today, and I think it troubles a huge number of Pennsylvanians.

I number myself in the third group of people who are genuinely uncertain, and because of my uncertainty and because of the importance of this issue, I support this amendment because I think that there are not two groups; I think there is a third group who are genuinely uncertain, and I want them to share in this choice and to share in the difficulties and the agonies of conscience over this issue by being forced to cast their vote in a referendum one way or another.

The SPEAKER. For the first time on the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

Representative O'Donnell made a very eloquent discussion, and I think as we consider that, I would say if there is any uncertainty, if there is any doubt, let us as legislators resolve that in favor of life, in favor of human life. And in that respect I would urge the defeat of this amendment. Thank you.

THE SPEAKER. For the first time on the amendment, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DEWESEE. The gentleman from Delaware County said that for us to embrace this amendment, it would be a colossal act of cowardice. The ladies at the steno machines will verify the exactitude of that quote, "a colossal act of cowardice." Only a few moments before Stephen made that pronouncement, he said, and I quote—I quote, and this is essential to the moment's debate—"There is a huge body of people across this State that favor this legislation." "There is a huge body of people across this State that favor this legislation." Those were Stephen's words. If there is "a huge body of people across this State—" And unlike the gentleman, Mr. Leh, I believe in government of the people, not necessarily divine intervention. I believe in us. I believe in us as men and women and us as politicians. And now, and now we politicians in a most incendiary issue of the modern world are about to share, as Robert O'Donnell said, this discussion, this public policy question with our constituents. Now, if there is "a huge body of people across this State that favor this legislation," quoting Stephen Freind from Delaware County, then why hesitate? Let us put it on the ballot.

Now, someone said it would be unprecedented. Well, yesterday, although it was probably not circumspect from the vantage point of several, there was an unprecedented event and the world did not collapse. And when we kicked out this bill in the first place or a bill similar, it was with a negative recommendation, and that was unprecedented. Things happen every day in the body politic that are unprecedented. The dynamics of our institution calls for something unprecedented on occasion.

Now, we have discussed this issue innumerable times, and if Mr. Bowser from Erie and his amendment are not embraced by us today, we shall be discussing it innumerable times in the years ahead. There is one way, one finite way for us as politicians to take this issue, which is not unprecedented, to the people of Pennsylvania and have them decide. I am confident in the body politic, I am confident in politicians, and I ask for your support for the Bowser amendment. Thank you.

FILMING PERMISSION

THE SPEAKER. Susan Cort of WHP-TV has been granted permission for 10 minutes to film on the floor.

CONSIDERATION OF HB 1130 CONTINUED

THE SPEAKER. Now we will start with the second round. Everybody has been recognized for at least one time.

The Chair recognizes the gentleman from Allegheny, Mr. Preston, for the second time and the last time on it.

MR. PRESTON. Thank you, Mr. Speaker.

I want to thank Mr. O'Donnell for giving me further conscience as far as his opinions. The next three speakers after me are going to voice what I feel, from what I have heard them talk about, are their strong personal feelings and which to me, and which I feel they are entitled to, lack objectivity. The reason why I say this is because I heard Mr. Freind talk about the referendum question, and basically he had the opinion he did not care. That is a very omnipotent thought, because I even believe that God cares about people being able to make a decision.

One gentleman held up bills on the floor of this House in saying basically that the people of Pennsylvania do not have the ability to be able to understand a bill and be able to have the ability to be able to read it and to be able to put it together and be able to make their own decision, that we should be here making the decision for them. That goes back to my original statement, that if we continue this thought of elitism - the people not being able to have the right to make a decision - then, yes, we do start to play God. I think that we should be able to give them the chance anytime you can give the people a chance over a moral question, and you cannot compare it to things that are equivocally added up, in other words, dealing with quantitative and qualitative thought, whether it is a bridge bill, the cost of different things, the implementation process, whether you want to use a cost-accounting process and a time process in dealing with engineers and so forth or with the liquor control bill; but we are dealing with a moral issue, Mr. Speaker.

You are going to hear people after me get up here and talk about their personal moral convictions, not about being able to give the people a chance to pro and con, to be able to give them the information on a moral question where we might be able to end this so that they can be able to make a decision for themselves and for their own children. They are going to be discussing possibly personal feelings about their own religious convictions, their own personal convictions in dealing with family, and trying to influence you on those feelings, not about the true question of letting people decide.

Now, I do not say that I have the knowledge of Solomon. I do not say that I have the knowledge to be able to make people's, as far as life and death decisions, and basically this is what some of the people are going to try to tell you. But when we get up here and we try to say that the general public, the populace of Pennsylvania, does not have the ability to be able to read this legislation, does not have the ability to be able to comprehend it and be able to sit down and discuss it, and also and finally, should not even have the right to do that, then we really need to sit down and look at ourselves, not the religious convictions but what the Constitution really says.

We should support the Bowser amendment.

WELCOME

THE SPEAKER. To the left of the Speaker, we have Judy Hoffman and Dave Hoffman. They are here as the guests of

Tony Melio. Please rise. Welcome to the hall of the House. We are delighted to have you here.

CONSIDERATION OF HB 1130 CONTINUED

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I had not intended to rise at this point to discuss the merits of the Bowser amendment. I feel that there are speakers that have spoken prior to my coming to the podium that have in a much more eloquent fashion expressed my feelings and sentiments about the issue. We are talking about the reality of the issue as a whole of abortion. I am rising to speak on behalf of the advocates of an individual woman's freedom to choose in these situations.

A number of us who are prepared to sponsor amendments to the amendment that has been adopted by the House of Representatives have thought that this particular amendment is so important, and should the House in its wisdom choose to adopt it, we are prepared not to offer any of the amendments specifically addressing the issues outlined in the Freind amendment, because we feel that the expression of the will and the consent of the people overrides our taking up the House's time on this legislation in an elaborate fashion. It is with that thought in mind that I would want you to consider supporting the Bowser amendment so that we can get on with some of the other issues we must face here in the General Assembly and let the real decision about abortion lie with each and every individual, who, due to some circumstances oftentimes or sometimes beyond their control, make that decision for themselves. Thank you.

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

Mr. OLASZ. Mr. Speaker, I earlier expressed my feelings about going back to the referendum as a copout, but one item I failed to include was an item of tax reform, and I wonder if we are going to be as anxious to go back to the general public and ask them on a referendum what their feelings would be as far as tax reform.

But would my colleague, Mr. O'Donnell, stand for a moment of interrogation, please?

The SPEAKER. The Chair is certain Mr. O'Donnell would be delighted to stand for interrogation.

Mr. Olasz wishes to interrogate you, Mr. O'Donnell.

Mr. OLASZ. Mr. Speaker, I was not around at the time of Aristotle or St. Augustine, but I have a question for my colleague, Mr. O'Donnell.

I am certain that you have attended many football games and basketball games in your lifetime. When does the clock start in a football game, sir? I know the answer to the question.

Mr. O'DONNELL. Well, how about if I interrogate you. When does the clock start in a football game?

Mr. OLASZ. When the receiver touches the ball.

Mr. O'DONNELL. When the receiver touches the ball, Mr. Speaker.

Mr. OLASZ. That is the end of my questions. I would like to make a statement now, Mr. Speaker.

Think about it.

In my opinion and those of other people more learned than I, life begins when that sperm is united with the egg, and I think that is when the ball game of life begins - with the initial sexual act. Make no mistake about it.

Think about it.

The SPEAKER. For the first time, the Chair recognizes the gentleman from Philadelphia, Mr. Acosta.

Mr. ACOSTA. Thank you, Mr. Speaker.

Mr. Speaker, I really learned a lot from each individual, each colleague, each State Representative, in this House. But the question here is, let this be decided by the people of the State of Pennsylvania. Who is afraid? Why should they be afraid? Let it be on the ballot. Let them decide. Thank you.

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

Mr. DAWIDA. Mr. Speaker, I have been thinking, and I believe that the clock starts, Mr. O'Donnell, when the time-keeper decides that the ball has been touched, and we are the timekeepers in this game.

Mr. Speaker, I supported the Freind amendment; I supported the Abortion Control Act; and I will support this bill when it comes up. Whenever I hold a town meeting, I bring up this issue and ask people's opinions on it. I have never been afraid to tell people that I am a prolife legislator.

There is one thing about the issue that has always troubled me, and that is that millions upon millions of women have decided for whatever reason to get abortions in this State and in this country. That constitutes a group of millions upon millions of people who have legitimately decided, even when it was against the law, that there was a need for what they were doing. As a prolife legislator, I believe it is incumbent on us to take this issue to the people, because if we are ever to truly regulate and eliminate abortion, we are going to have to reach those millions upon millions of people who have had abortions, who believe in this. So I look upon the Bowser amendment a little bit differently, I suppose, than my prolife colleagues. I look upon it as a way for us to go to the people and try to convince the many people, and I believe they are the majority, who are in Mr. O'Donnell's third group.

I support the Bowser amendment because it is time for me to go out to my community, and all of us, and convince the public that abortion is not a good thing. So therefore, for somewhat different reasons than many of the other people who have spoken, I urge passage of the Bowser amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman, for the first time.

Mr. LETTERMAN. Mr. Speaker, the only thing that really bothers me is the wording that would go on a ballot. Many times, as you know, we have different questions that we ask on a ballot and they are put in such a manner that a "yes" answer usually comes out of it, and I just wonder how much thought—I would like to question Mr. Bowser.

The SPEAKER. Mr. Bowser indicates he will stand for interrogation. You may proceed, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, did someone come up with the wording for you or is this the wording that you thought of yourself?

Mr. BOWSER. It came out of the Reference Bureau.

Mr. LETTERMAN. Do they feel that this would be something that the people really understand? Who understands what is provided by the Abortion Control Act? How many of our constituents understand that, in your opinion?

Mr. BOWSER. Well, I think most people today know a little bit about it. We may confuse them a little bit, Mr. Speaker. I am sure that any question we put on the ballot does do that. I do not know whether we would have to put it in those exact words.

Mr. LETTERMAN. That is what I am getting at. The wording that is on this amendment—

Mr. BOWSER. It says, "...in the following form."

Mr. LETTERMAN. That does not mean then that this will be the exact wording.

Mr. BOWSER. That is the way I am taking it.

Mr. LETTERMAN. You know, if I were to word this, Mr. Speaker, would you agree with me that this wording would be better: Do you favor the regulation of abortions—down below that—or do you not favor the regulation of abortions?

Mr. BOWSER. I think that would be language that everybody would more quickly understand.

Mr. LETTERMAN. I think it would be easier understood than to say that it is provided in the Abortion Control Act. That is the only reason that I would have any trouble with this referendum on a ballot, and I think that in order for us to have this type of wording, we should come to some kind of an understanding about the wording that should be on the referendum. I am not saying this is bad or good, but I know that very few people in my legislative district would probably know what the Abortion Control Act states.

Mr. BOWSER. I think we could go on record right now as putting some language in there that would be simply read, that everybody would understand, and I would certainly agree to that.

Mr. LETTERMAN. Mr. Speaker, thank you.

PARLIAMENTARY INQUIRY

Mr. LETTERMAN. I would like to ask you a question, Mr. Speaker.

The SPEAKER. Go right ahead.

Mr. LETTERMAN. Mr. Speaker, do you know of any way that we can get this taken care of so that the wording would be put on here in such a way that we know what we are voting for that is going to be on that ballot, or does it because it says "The question shall be in the following form"—I have been through a few referendums and I know you have to have specific language for them to be put forth.

The SPEAKER. It is the Speaker's opinion that if we were to accept this, the language would have to be as is included in

this amendment, "Do you favor the regulation of abortions as provided in the Abortion Control Act?"

Now, of course, there are other possibilities. If the House were to pass the amendment and the Senate were to disagree so that there would be a committee of conference report, then the language could be changed either in the committee of conference or it could be changed by the Senate on the Senate floor. But if the House passes this amendment, it is specified what language shall appear.

Mr. LETTERMAN. Thank you, Mr. Speaker.

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

Mr. FREIND. Thank you, Mr. Speaker.

I listened carefully to all of the debate. My colleague, Mr. Preston, said that if we vote against this, this makes us elitists. That is not the case, but we are special, and we are special because the people of our districts have elected us and sent us here to make the tough decisions.

Now, it comes down to the classic argument, does an elected official vote his conscience or does he vote the will of his constituents? I always try to have input with the will of my constituents. Whenever possible, I am happy to be in tune with it. But I will never support any public official or any candidate who says that I will always vote the will of my constituents, because he is either a liar, a phony, or a fool. If you carry that to its logical conclusion, as I said before, we do not need human beings with intellect and free wills. Just take a poll on every issue and tick it up here on the electronic vote board. And then I ask people on the other side - the proabortion people - I say, look, you know where I am in my heart on this and in my conscience, but let us say you lobby me and you do a job and I change. You will be pleased, will you not? But can you respect me and can you ever trust me again, because if I sold out my conscience on this one in a way to help you, is there not a danger that the next time I sell out it is in a way that is going to hurt you?

Bill DeWeese said that I mentioned there is a large body of people who support this, and that is true. There is also a large body of people who oppose it. There is no question about that at all. However, do we when there is not certainty throw it up to the people? Do we not vote on issues all the time when we are not sure? Do we not vote on issues that have five and six and seven sections and we support four and oppose three? Same with Bobby O'Donnell - that third body when you are not sure. What else is new, and why are we treating abortion as a sacred cow? This legislature time and again has overwhelmingly passed the death penalty, a matter of life and death. We have never taken a referendum. In fact, if you go back and look through the History, the death penalty votes were always shepherded through in record time.

Bobby O'Donnell possibly strayed from the issue a little bit, but he said he was unsure because he did not know when life begins, and he quoted Augustine. You have to remember that Augustine in those days did not have the knowledge which we have today with medical technology. Up until the abortion issue started to surface about 15 years ago, every medical

organization in the world would admit the obvious, not a matter of belief, the obvious - life begins at conception. When that sperm unites with the egg, at that instant a cell is created. That single cell—and not my opinion, medical fact—contains all 46 chromosomes present in a human being. That single cell has already determined the race, the color of your eyes, the color of your hair, facial characteristics, and genetic characteristics. In addition, it has also determined what your fingerprints will be. You hold up and you have 10 fingers, if you are counting the thumbs. Multiply that by every human being who has ever walked—

The SPEAKER. No, Mr. Freind, no more multiplication tables.

Mr. FREIND. In all fairness, Mr. Speaker—

The SPEAKER. No; you have answered the question. Get back to the amendment. The Chair is tired of the deviation.

Mr. FREIND. I understand that and I will accede to the request of the Chair because I respect him so much. However, I was merely responding to the issues raised on this issue by Mr. O'Donnell.

If we feel that if we pass this, this will end the battle over abortion, think again. If Jimmy the Greek were around in 1973 when Roe v. Wade came down, the odds were 5 to 1 that the battle is over; oh, there may be a few protests, but it is going to quietly die away. The battle is not over. The battle will not be over until that nonelected body reverses the Roe v. Wade decision and this elected body has the opportunity once and for all to vote whether or not you support or oppose abortion - the killing of an unborn child.

My good colleague, Bobby O'Donnell, made reference to, because he did not know when life begins, if it is part of the mother, then you have to be in favor of abortion because how can you legislate the control of your own body. We do it every day. A male or a female cannot sell his or her body in prostitution. That is against the law.

The SPEAKER. Mr. Freind, let us get back to whether or not we should do it or the public should do it. That is the real question. You are bright enough to understand how you have deviated. Do not fool the Chair. Get back to the issue, please.

Mr. FREIND. I respect your opinion. I am also bright enough to know that I was merely responding to my good colleague and former law school classmate, Bob O'Donnell.

The SPEAKER. And you are also bright enough to know you are arguing with the Chair.

Mr. FREIND. Absolutely. I respect you and I will be happy to accede to your wish.

The SPEAKER. Stop it and go ahead.

Mr. FREIND. The issue right now is whether or not we are elected officials—you all know the issue—on this issue as in every other issue. I mean, to mention what Bill DeWeese said, God knows I have tried to outlaw teachers strikes. God knows that if you take any poll in any district, they are against the right of teachers to strike, and I will keep my efforts going. I cannot even get a substantive vote, but do I think it should be a referendum? Absolutely not, because on that issue and any other issue, if we do it the first time, we are opening the flood-

gates. Do we have a referendum then on sex education? On homosexual rights? On welfare reform? On pay raises? Where do we draw the line? The line was drawn when we were elected and given our constitutional responsibility to stand up here and make the tough decisions. Nobody said this is an easy decision, but then again nobody ever said that life was easy.

I sincerely hope that all of us will resoundingly defeat the Bowser amendment. Thank you, Mr. Speaker.

The SPEAKER. For the first time on the amendment, the Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, this issue is not like any other issue. This issue is not one that we have to then say, because we believe this should be a referendum, we should have a referendum on every other issue that we vote on. This issue is not the same as school strikes. This issue is not the same as seatbelts. This issue is not the same as any other vote that this legislature casts. I say that because this issue is one of the great debates of our time. There is no question that this issue is one of the most complex, the one that gives greatest concern, the one that has caused greatest controversy, greatest divisiveness, and greater questionings of each of our consciences than any other issue probably of modern-day society.

I say to you, is it so wrong on an issue of such complexity, of such conscience, where religions differ, where men and women differ, where doctors differ with each other, where Republicans and Democrats differ, is it so wrong to let the people vote on this issue, to have a referendum, to treat this issue differently than we treat our other responsibilities? It is an idea whose time has come to let the people cast that vote. It does not take away from our jobs, our duties, our conscience, or our courage to give this issue back to the people for a referendum.

This issue is not decided. Because Steve Freind told us that human life begins at conception does not make it so. It may make it so for him, and that is his right. I envy, as Bob O'Donnell pointed out, I envy his conviction that he is so sure, but his being sure does not make the rest of us sure. As Representative O'Donnell so eloquently told us, this is a debate that goes back, a question and a yearning for that knowledge that goes back to the beginning of modern thought, classical thought. I suggest to you, on such an issue, it is right to let the people decide. Thank you.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

I thought we had cleared up most of the debate on this floor and I keep hearing some of the things that are being said. I rise to oppose the Bowser amendment mainly because if we are going to hear what the people are going to say, we have to realize that in any election that I have participated in, a minority of the voters, number one, come out to vote. We do not hear from all the people. There is another aspect to this issue. What about our teenagers? The teenagers are affected by this legislation. How are we going to hear from them? Do they vote? Or do we not want to hear from them? We are

elected by all the people, roughly around 60,000 to a district. That is our job up here, to represent the people.

You know, we hear about minority women. We hear about poor women. I think it is wrong for us to classify that the poor women are against this legislation or the minority women are against this legislation. Who has spoken for them, and who made this decision that all the minority women and all the poor women are against this legislation?

Let us vote this amendment down. Thank you.

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

Mr. FATTAH. Mr. Speaker, I rise again to ask my colleagues to favorably consider the Bowser amendment. I think that Representative Hagarty's point is very, very cogent. As weary as we may be on this issue, it is a very important vote, and I think that this vote is even more important than the vote on the Freind amendment itself, because this is not a vote for prolife or prochoice; this is a vote that is propeople.

As we celebrate the signing of our Constitution, as we talk all year about "We the People," it seems to me that it is difficult for us to come to this moment of deliberation, of decision, and vote here in the negative against giving the people an opportunity to have a say, to have a say. The courts have had their say. This legislative body has had its say. The church and many of its denominations have had their say. Everybody has had their say except for the 12 million people who live in this Commonwealth, and they should be given the opportunity to say that they believe in Representative Freind's position or to say that they believe in Representative Hagarty's position, to say that they understand enough about the issue to be part of an informed choice on what the regulations of this Commonwealth should be as it relates to this matter.

So I am asking, even as we grow weary in this debate, that we think about our vote, that we think about how it is that we come to this moment representing the people of our fine districts and to suggest that either they are not smart enough to understand the issue or somehow we are so godlike that we understand it so much that we could cast a vote for them rather than allowing them to cast a vote for themselves. Thank you, Mr. Speaker.

The SPEAKER. For the first time, the Chair recognizes the gentleman from Allegheny, Mr. Seventy.

Mr. SEVENTY. Thank you, Mr. Speaker.

Originally when I heard of this referendum vote, I was for it. I thought it would be a good idea. And after listening to Representative O'Donnell, who was eloquent, to say the least, and Mrs. Hagarty over there, who was very eloquent, I think Corry Stevens came up with the answer. If we are in doubt and it is a matter of life or death, we should choose life. Thank you.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to support the Bowser amendment. I have been a member of this House for 10 years, and each term this abortion legislation comes before this House of Representatives.

This is a very special piece of legislation for one reason: this legislation concerns only women. I have always said that a woman should have the right to choose. That is my personal feeling. I think that we should allow women to speak on this legislation. We should pass the Bowser amendment and give the women, the 18-year-old girls, the 19-year-olds, an opportunity to speak for themselves.

This House of Representatives is controlled by men. The Senate is controlled by men. Women do not have the opportunity to pass legislation in this House of Representatives for themselves. We should put this legislation on the ballot and allow women to speak for themselves. Thank you.

FILMING PERMISSION

The SPEAKER. Bill Martin of KDKA-TV has been given permission to film on the floor of the House for 10 minutes.

CONSIDERATION OF HB 1130 CONTINUED

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, for the first time on the amendment.

Miss SIRIANNI. Mr. Speaker, when in doubt on this issue or any other issue, we should vote "no."

The women do control the issue. They and they alone control their bodies, and they control whether they are not going to get pregnant or whether they are going to get pregnant. They have that complete control, and it is up to them to start using it. If you cannot stand the heat, get out of the kitchen.

The SPEAKER. We only have two more.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we should have been done an hour ago, at least an hour ago. But I would ask that if we are going to continue this debate, there are many members who would like to go to lunch.

The SPEAKER. Let us see if we cannot finish it, because we only have Mr. Richardson now and Mr. Letterman. They both—No, we have Mr. Wiggins up.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Mr. Speaker, at the call of the recess, there will be a meeting at the rear of the chamber. On the committee agenda will be regular session bills and special session bills. Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. James Roebuck will be welcomed into the legions of married people in the conference room of room 302 in the South Office Building during this break for lunch.

HEALTH AND WELFARE COMMITTEE MEETING

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

Mr. RICHARDSON. Mr. Speaker, I would like to announce that we are having a Health and Welfare Committee meeting right here in the back right now at the call of the recess.

PROFESSIONAL LICENSURE COMMITTEE MEETING

The SPEAKER. Why does the gentleman from Somerset, Mr. Lloyd, rise?

Mr. LLOYD. An immediate meeting of the House Professional Licensure Committee in the rear of the hall of the House; immediately.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Franklin, Mr. Punt, rise?

Mr. PUNT. May I correct the record?

The SPEAKER. You may.

Mr. PUNT. Mr. Speaker, on amendment A4479 to HB 1130, I was inadvertently voted in the affirmative. I would like to be recorded in the negative. Thank you.

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

RECESS

The SPEAKER. The House stands in recess until 2:30.

AFTER RECESS

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

1987 SURPLUS PROPERTY DISPOSITION PLAN

The SPEAKER. The Chair acknowledges receipt of the Surplus Property Disposition Plan filed by the Governor.

The following communication was submitted:

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 23, 1987

To the General Assembly of the
Commonwealth of Pennsylvania

By the authority vested in me by Article XXIV-A of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," added by section 5 of the act of July 1, 1981 (P.L. 143, No. 48) and entitled "Disposition of Commonwealth Surplus Land," I transmit herewith the 1987 Surplus Property Disposition Plan.

The annual Surplus Property Disposition Plan, required by Article XXIV-A, provides for the systematic management of Commonwealth-owned real estate assets and the efficient disposition of surplus holdings. The Plan also ensures that all conveyances are made for fair consideration predicated upon fair market value.

Contained in the Plan for 1987 are four (4) properties whose usefulness to State Government has ceased. However, their desirability and value for other purposes is substantial. The properties vary in size, nature, and geographic locations. Any special considerations, such as zoning restrictions, retention of mineral rights, and easements or leases presently in effect, have been identified for each parcel.

Pursuant to Article XXIV-A, the Plan has been transmitted to the Chairman and the Minority Chairman of the House and the Senate State Government Committees. The House and Senate Committees conducted a joint public hearing on September 30, 1987, as part of their review of the Plan and have advised the Department of General Services of their findings.

The Department of General Services has also invited public comments on the Plan through publication in the Pennsylvania Bulletin, Vol. 17, No. 35, August 29, 1987. In addition, pursuant to Article XXIV-A, the Department has requested and received the Attorney General's review of the Plan for form and legality.

Legislative consideration of the sale of the properties contained in the Plan will result in substantial benefits to the Commonwealth, including the return of idle real estate to local tax rolls, the reduction of state exposure to liability and other insurance risks, and the elimination of excessive security and maintenance costs.

I, therefore, transmit to you and urge your approval of the 1987 Surplus Property Disposition Plan.

Robert P. Casey
Governor

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

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt from the majority leader of additions and deletions for sponsorships of bills, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 669, Broujos; HB 1019, Robbins; HB 1669, Robbins; HB 1764, McVerry; HB 1922, Harper; HB 1923, J. J. Taylor; HB 1939, Flick; HB 1942, Micozzie; HB 1944, Stevens; HB 1983, Flick; HB 1984, Ritter; HB 2000, Bortner.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1454, PN 2544 (Amended)

By Rep. DeWEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for notice concerning judgments by operation of law; further providing for expedited procedure and for the duty to report; further providing for administration of support matters; providing for arrears as judgments; and providing a penalty.

JUDICIARY.

HB 1684, PN 2545 (Amended)

By Rep. DeWEESE

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), known as the "Pennsylvania Crime Commission Act," further providing for the duties of the commission and reports by the commission.

JUDICIARY.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as guests of Representative Marv Miller, the student nurses from the Lancaster General Hospital. They are here with Ron Ranck from the Pennsylvania Nurses Association. Welcome to the hall of the House. We are delighted to have you here.

CALENDAR CONTINUED

CONSIDERATION OF HB 1130 CONTINUED

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Wiggins, for the first time.

Mr. WIGGINS. Mr. Speaker, during the course of the day, I have had the opportunity to listen to various philosophies. It was the learned Mr. O'Donnell who spoke about Aristotle. I would like to bring to the attention of the members of the House a gentleman by the name of Socrates. Socrates had been charged with many crimes, one of which was the fact that he did not believe in God. By the same token, those who wished to prosecute him recognized the fact that he believed in nymphs, who are children of God. The question then becomes, sir, how can you not believe in God but believe in children of God? To make a long story short, what we are talking about is a paradoxical statement, because you cannot believe one if you do not believe the other.

Here in the House of Representatives there are people who are saying that they believe in a democratic form of government that gives all power to the people, as stated under the United States Constitution, yet there are certain elected officials here saying that the people do not have the intelligence to have that power. Again, a paradoxical statement.

For the reason of the paradox, I give strong support to the amendment of Representative Bowser calling for a referendum to indeed establish the fact that we believe in power to the people. Thank you, Mr. Speaker.

FILMING PERMISSION

The SPEAKER. Permission has been granted for WITF-TV and WGAL-TV to film for 10 minutes on the floor of the House.

CONSIDERATION OF HB 1130 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Jackson, for the first time on the amendment.

Mr. JACKSON. Mr. Speaker, I support the Bowser amendment. I have sat here all day and listened to pros and cons. There is one thing that bothers me. We have approximately 190 men telling the ladies of Pennsylvania what they should do with their body. Now, I am just curious. If the shoe would be on the other foot and we had 190 ladies in the House telling us men what we should do with our body, how would we like it? Put it on the ballot and let everyone decide. Thank you.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

The reason why I came to the floor and to this microphone the second time on this question was because I felt that the comments made earlier, with respect to Representative Freind about being special, needed to be put in proper perspective. Number one, it seems to me that our responsibility as legislators is to understand that we are an extension of the people who in fact have voted for us and sent us here to Harrisburg to serve in their best interests. We are not any special people who have been ordained God, judge, and jury to make a decision on behalf of those individual persons without the full understanding of our true responsibilities. So therefore, it is clear to me that the amendment that is presently before us affords us the opportunity to deal specifically with the fact that the people who voted for us to send us here to represent them and their interests back home reflects the fact that we are individuals who must do a duty. Now, we may agree with the people sometimes and we may disagree with the people sometimes, but at least we allow them the opportunity to at least express that opinion, and this opinion can be expressed at the ballot box. As I said earlier, it is between God and you.

The other point I want to address is dealing with minorities and women who speak for them. I am one of the speakers for them, and I stand on this floor to say, yes, I am speaking for poor women, black women, polka-dot women, white women, any other color of women that you want to phrase on the floor of this House that deals with the problem that says that they have to have someone who could not defend themselves. We are defending those rights on the floor of the House for those persons who cannot speak for themselves here today. And it is quite obvious that they fall in all categories. So when a person attacks just the minority side and just black women and just poor women and does not understand what they are talking about, it is quite obvious to us that this issue is something that you cannot put under a rug. Since it is not going to go away and since it is a particular bone and a particular cutting edge with Representative Freind and he feels his conviction as strongly as he does, I feel the same conviction on this side of the issue for people who need the right to choose over their own bodies and their own life and should not be subjected to individuals who make a decision that they are not going to allow those persons to do that.

The Bowser amendment affords us the opportunity, as members on the floor of this House, to allow those persons to go to the ballot box and make that decision so that women and other individuals who choose to vote can make an intelligent decision based on the right to choose or not to choose.

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

The following roll call was recorded:

YEAS—72

Acosta	Fattah	McHale	Ritter
Bortner	Fox	McVerry	Roebuck
Bowley	Freeman	Maine	Rudy
Bowser	Gladeck	Mayernik	Saloom
Brandt	Godshall	Michlovic	Showers
Carn	Hagarty	Miller	Smith, B.
Chadwick	Harper	Moehlmann	Stairs
Cohen	Hayden	Mowery	Stuban
Cornell	Heckler	Murphy	Sweet
Cowell	Hughes	Nahill	Truman
Coy	Itkin	O'Donnell	Van Horne
DeVerter	Jackson	Oliver	Wambach
DeWeese	Josephs	Pievsky	Wiggins
Daley	Kennedy	Pistella	Wright, D. R.
Davies	Kitchen	Pressmann	Wright, R. C.
Dawida	Kukovich	Punt	
Dieterick	Lashinger	Reber	Irvins,
Evans	Levdansky	Richardson	Speaker
Fargo	Linton		

NAYS—123

Angstadt	Dombrowski	LaGrotta	Rieger
Argall	Donatucci	Langtry	Robbins
Asty	Dorr	Laughlin	Ryan
Barley	Duffy	Leh	Rybak
Battisto	Durham	Lescovitz	Saurman
Belardi	Farmer	Letterman	Schuler
Belfanti	Fee	Livengood	Semmel
Billow	Fischer	Lloyd	Serafini
Birmelin	Flick	Lucyk	Seventy
Black	Foster	McCall	Sirianni
Blaum	Freind	McClatchy	Smith, S. H.
Book	Gallen	Maiale	Snyder, D. W.
Boyes	Gamble	Manderino	Snyder, G.
Broujos	Gannon	Manmiller	Staback
Bunt	Geist	Markosek	Steighner
Burd	George	Melio	Stevens
Burns	Gruitzka	Merry	Taylor, E. Z.
Bush	Gruppo	Morris	Taylor, F.
Caltagirone	Haluska	Mrkonic	Taylor, J.
Cappabianca	Hasay	Noye	Telek
Carlson	Hayes	O'Brien	Tigue
Cawley	Herman	Olasz	Trello
Cessar	Hershey	Perzel	Veon
Civera	Hess	Petrarca	Vroon
Clark	Howlett	Petrone	Wass
Clymer	Jadlowiec	Phillips	Weston
Colafella	Jarolin	Piccola	Wogan
Corrigan	Johnson	Pitts	Wozniak
DeLuca	Kasunic	Preston	Wright, J. L.
Dempsey	Kenney	Raymond	Yandrisevits
Distler	Kosinski	Reinard	

NOT VOTING—4

Baldwin	Cole	Hutchinson	Wilson
EXCUSED—4			
Dininni	Honaman	Micozzie	Scheetz

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

MR. ITKIN REQUESTED TO PRESIDE

THE SPEAKER. The Chair requests that the gentleman, Mr. Itkin, preside.

LEAVE OF ABSENCE

THE SPEAKER. The Chair requests that he be placed on leave for the remainder of this afternoon.

**THE SPEAKER PRO TEMPORE
(IVAN ITKIN) IN THE CHAIR**

CONSIDERATION OF HB 1130 CONTINUED

POINT OF ORDER

Mr. RICHARDSON. Mr. Speaker, point of order.

The SPEAKER pro tempore. Would the gentleman from Philadelphia, Mr. Richardson, state his point of order.

Mr. RICHARDSON. Yes, Mr. Speaker.

There were a number of persons who were not in their seats at the time, and I tried to get the attention of the Chair prior to the vote being taken. I would like to ask at this time for reconsideration of the amendment.

The SPEAKER pro tempore. Mr. Richardson, there are certain procedures to be followed to file for reconsideration. Okay?

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. HECKLER offered the following amendments No. A4535:

Amend Title, page 1, line 6, by striking out "AN"

Amend Title, page 1, line 6, by striking out "CHANGE" and inserting

changes

Amend Bill, page 12, by inserting between lines 8 and 9

Section 3. Section 3219 of Title 18 is amended to read:

§ 3219. State Board of [Medical Education and Licensure] Medicine.

(a) Enforcement.—It shall be the duty of the State Board of [Medical Education and Licensure] Medicine to vigorously enforce those provisions of this chapter, violation of which constitutes "unprofessional conduct" within the meaning of the act of July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974." The board shall have the power to conduct, and its responsibilities shall include, systematic review of all reports filed under this chapter.

(b) Penalties.—Except as otherwise herein provided, upon a finding of "unprofessional conduct" under the provisions of this chapter, the board shall, for the first such offense, prescribe such penalties as it deems appropriate; for the second such offense, suspend the license of the physician for at least 90 days; and, for the third such offense, revoke the license of the physician.

(c) Reports.—The board shall prepare and submit an annual report of its enforcement efforts under this chapter to the General Assembly, which shall contain the following items:

(1) number of violations investigated, by section of this chapter;

- (2) number of physicians complained against;
 (3) number of physicians investigated;
 (4) penalties imposed; and
 (5) such other information as any committee of the General Assembly shall require.

Such reports shall be available for public inspection and copying.

(d) Availability of certain diagnostic evaluations.—It shall be the duty of the State Board of Medicine to require physicians providing gynecological and obstetrical services to inform the patients of the availability of maternal and fetal diagnostic evaluations. Such material shall include, but not be limited to, amniocentesis, serum alpha-feto protein, diagnostic ultrasound and any other maternal and fetal diagnostic procedure provided pursuant to established standards of medical care.

Amend Sec. 3, page 12, line 9, by striking out "3" and inserting

4

Amend Sec. 4, page 12, line 24, by striking out "4" and inserting

5

Amend Sec. 5, page 13, line 12, by striking out "5" and inserting

6

Amend Sec. 6, page 13, line 23, by striking out "6" and inserting

7

Amend Sec. 6, page 13, line 24, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, unlike some of the amendments which we will hear this afternoon, this amendment is not intended to detract in any way from the effect of the Freind amendment. I am sure we will hear whether the maker of that amendment agrees, but I would submit that it is not.

The need for this amendment came to light during the hearing on Representative Freind's bill which was conducted by the Judiciary Committee. A practicing doctor testified that he refused even to inform pregnant women who were patients of the existence and availability of testing such as amniocentesis, which would determine fetal health. The doctor explained this refusal by stating that he felt that such procedures, if they reveal a defect, might lead the parents to consider abortion, thus potentially endangering the life of the unborn child.

This practice, however sincerely arrived at, deprives women and men who are parents of the fundamental availability even to know that they can discover health problems of their unborn. Aside from the legal principles involved, this practice will deny the availability of in utero treatment, and there are many conditions which can be addressed prior to birth to aid the health of an unborn child, to prevent defects which may be revealed or mitigate defects which may be revealed by such testing. The practice that the witness we heard and possibly other doctors are engaging in crosses out any possibility that parents are going to know that they have a health problem

with their fetus. That choice is going to be taken away from them by a physician who has concluded that the possibility that they would consider an abortion is morally repellent to him.

This amendment does not weaken any of the provisions in the bill. It simply requires that the physician, pursuant to regulations of the Department of Health, will provide information that such testing is available so that that choice can be made by the individual patient.

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment for two reasons. Number one, its effect, even if you supported the amendment, which I do not, would be to relate only to M.D.'s (doctors of medicine). We have made it very clear in our amendment, which has passed, that we are relating to M.D.'s and doctors of osteopathy. This would relate only to M.D.'s, which is somewhat illogical since both M.D.'s and D.O.'s are involved in obstetrics.

Secondly, however, this legislature a term ago overwhelmingly supported wrongful-life, wrongful-birth legislation. Right now, whenever we try to run an abortion bill and we put informed consent in, the other side says you are trying to tell doctors how to practice medicine. This amendment does precisely this, if we pass it. There are many doctors who revere the sanctity of all human life. It is up to them to choose whether or not to advise a patient of the availability of certain procedures which would have no other effect than to determine whether or not the unborn child is "normal"—and whenever I hear that term, I ask two questions: what is normal and who is keeping score—and for no other reason than to determine whether or not to perform an abortion on that unborn child.

Physicians should have the right to practice medicine as they see fit. Physicians should have the right to exercise their conscience as they see fit. This amendment would be a step backward. I ask for its defeat.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DEWESEE. Mr. Speaker, during the Judiciary Committee hearing, a physician from the Hershey Medical School testified before our committee and stated that he did not counsel pregnant women vis-a-vis amniocentesis and other state-of-the-art medical procedures. In other words, if a pregnant woman goes into Hershey Medical and talks to this specific doctor, she does not get the whole range of medical options available. She could have a malformed fetus within her body and the physician at Hershey Medical, who testified before the House, our House Judiciary Committee, said he only advises one way. So he was not in favor of amniocentesis because that might suggest to the woman in the second, third, fourth, fifth week that she might want to terminate the pregnancy.

What Mr. Heckler is trying to do is allow for all of the medical technology available in the 1980's to be shared with the patient. I do not find that repugnant, and I enthusiastically endorse Mr. Heckler's amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Just so that we are absolutely clear, this amendment would only require that the physician provide information that diagnostic tests are available. It has been argued that these tests would only be used to determine whether or not an abortion should occur. I would suggest to you, completely apart from the issue of whether or not you believe that people should have that option and information about that option, it would also provide ability to identify unborn children who are in need of care at the time of birth, while they are in gestation, and for that reason if no other, this amendment should be adopted. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—68

Argall	Evans	Kukovich	Pressmann
Baldwin	Fargo	Langtry	Preston
Belfanti	Farmer	Lashinger	Punt
Bortner	Fattah	Levdansky	Reber
Bowley	Freeman	McHale	Reinard
Bowser	Gladeck	Maine	Ritter
Brandt	Godshall	Merry	Roebuck
Carlson	Gruitz	Michlovic	Rudy
Carn	Hagarty	Miller	Saurman
Cohen	Harper	Moehlmann	Showers
Cornell	Hayden	Mowery	Smith, B.
Cowell	Heckler	Nahill	Sweet
Coy	Hughes	O'Donnell	Truman
DeVerter	Itkin	Oliver	Wambach
DeWeese	Jackson	Piccola	Wilson
Davies	Josephs	Pievsky	Wright, D. R.
Dorr	Kennedy	Pistella	Wright, J. L.

NAYS—126

Acosta	Dietterick	Laughlin	Rybak
Angstadt	Distler	Leh	Saloom
Asty	Dombrowski	Lescovitz	Schuler
Barley	Donatucci	Livengood	Semmel
Battisto	Duffy	Lloyd	Serafini
Belardi	Durham	Lucyk	Seventy
Billow	Fee	McCall	Sirianni
Birmelin	Fischer	McClatchy	Smith, S. H.
Black	Flick	McVerry	Snyder, D. W.
Blaum	Foster	Maiale	Snyder, G.
Book	Fox	Manderino	Staback
Boyes	Freind	Manmiller	Stairs
Broujos	Gallen	Markosek	Steighner
Bunt	Gamble	Mayernik	Stevens
Burd	Gannon	Melio	Stuban
Burns	Geist	Morris	Taylor, E. Z.
Bush	George	Mrkonic	Taylor, F.
Caltagirone	Gruppo	Murphy	Taylor, J.
Cappabianca	Haluska	Noe	Telek
Cawley	Hasay	O'Brien	Tigue
Cesar	Hayes	Olasz	Trello
Chadwick	Herman	Perzel	Van Horne
Civera	Hess	Petrarca	Veon
Clark	Howlett	Petrone	Vroon
Clymer	Jadlowiec	Phillips	Wass
Colafella	Jarolin	Pitts	Weston

Cole	Johnson	Raymond	Wiggins
Corrigan	Kasunic	Richardson	Wogan
DeLuca	Kenney	Rieger	Wozniak
Daley	Kitchen	Robbins	Wright, R. C.
Dawida	Kosinski	Ryan	Yandrisevits
Dempsey	LaGrotta		

NOT VOTING—4

Hershey	Hutchinson	Letterman	Linton

EXCUSED—5

Dininni	Micozzie	Irvis,
Honaman	Scheetz	Speaker

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

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. WOGAN offered the following amendments No. A4514:

Amend Title, page 1, line 3, by inserting after "CASES;" providing for district attorneys standing and interest in prisoner litigation;

Amend Sec. 1, page 5, by inserting between lines 7 and 8

Section 2. Title 18 is amended by adding a section to read:

§ 1108. District attorneys' standing and interest in prisoner litigation.

The district attorney shall receive written notice of, and shall have automatic standing and a legal interest in, any proceeding which may involve the release or nonadmission of county prisoners, delinquents or detainees due to the fact, duration or other conditions of custody. In addition to the district attorney's rights in such a proceeding, the district attorney may seek any equitable relief necessary to protect the district attorney's interest in the continued institutional custody and admission of county prisoners, delinquents or detainees.

Amend Sec. 2, page 5, line 8, by striking out "2" and inserting

3

Amend Sec. 3, page 12, line 9, by striking out "3" and inserting

4

Amend Sec. 4, page 12, line 24, by striking out "4" and inserting

5

Amend Sec. 5, page 13, line 12, by striking out "5" and inserting

6

Amend Sec. 6, page 13, line 23, by striking out "6" and inserting

7

Amend Sec. 6, page 13, line 24, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. WOGAN. Thank you, Mr. Speaker.

I think a brief history relating to the underlying issue herein may be in order. Many of us are probably aware that as a result of a civil rights lawsuit brought by 10 Philadelphia County prisoners in 1982, the city of Philadelphia has entered into a consent decree, that is to say, it has agreed with the

county prisoners' lawyers, that Philadelphia's prison population should be reduced from its present approximate level of 4,150 or 4,200 prisoners to a cap of 3,750. The wisdom of reaching this agreement on the part of the city has probably opened the question, since as of January 4, 1988, Philadelphia's prisons will no longer accept large categories of prisoners, including those charged with narcotics offenses and those charged with crimes like involuntary sexual intercourse and child abuse.

The D.A. of Philadelphia County has not been permitted to intervene at any stage in this lawsuit; that is to say, he has not even been permitted to make any substantive argument, legal or otherwise, concerning the wisdom of the release of these potentially dangerous convicted criminals.

This amendment will therefore take the invitation of the U.S. Federal District Court for the Eastern District of Pennsylvania and further define the rights and duties and obligations of the district attorneys of our State by clearly enunciating that D.A.'s will not only have the legal responsibility of enforcing the Commonwealth's criminal statutes but they will also have a legal interest in any proceeding regarding the release or nonadmission of county prisoners.

Mr. Speaker, this is a commonsense amendment. It is reasonable to assume that our D.A.'s, who, it is already recognized, have the power to advocate criminal sentences, the power to defend convictions in both State court actions and Federal habeas corpus actions, and the power to represent the Commonwealth generally in challenges of the constitutionality of the State's penal statutes, should also have the authority to intervene in lawsuits involving the release of county prisoners.

It is important to note that this amendment, which happens to have the support of the Pennsylvania District Attorney's Association, need not necessarily change the results in any civil rights lawsuits brought by county prisoners; it only gives each county D.A. the right to submit briefs and make arguments in those cases.

I ask for your support.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to support the Wogan amendment. I do it for two reasons.

My first concern with any amendment to this bill is whether or not it would impact upon the possibility of its passage in the Senate and being signed into law by the Governor, since I and many members feel that the first priority here is to pass the prolife legislation. From every indication that we have received, this in no way will jeopardize the bill in the Senate or with the Governor's Office.

Secondly, the Wogan amendment is a commonsense, needed amendment. All it permits is the district attorney of any county to have standing—and he is the chief law enforcement officer—to have standing in any lawsuit which is determining prison population. Unfortunately, the mayor of Phila-

delphia entered into a consent decree with the Federal district judge. If in fact that consent decree holds up, what we will see on or about January 4, unfortunately, are a number of criminals being released, presenting a clear and present danger to the law-abiding members of society.

Passing this amendment does not automatically mean it will change. It would permit the district attorney, however, to have standing, to argue the constitutionality of that consent decree, and, hopefully, to obtain a restraining order so in fact this does not happen. Right now, without this amendment, the way the city is dealing with this problem is using funds to pay for bail for people arrested, which I find somewhat ironic.

It is a good amendment; it is a needed amendment; and in no way, *in my opinion*, will it jeopardize the abortion section of this bill. I hope that we can support it.

The SPEAKER pro tempore. On the Wogan amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, under normal circumstances I would generally think that this would be a good amendment. However, I do not believe that the intent of the sponsor of this amendment is serious about dealing with the problem, particularly in the district that I represent in the city of Philadelphia. I believe that this amendment strictly is a political amendment, that the district attorney in the city of Philadelphia has had numerous opportunities to have input into that process, that the city solicitor of the city of Philadelphia has allowed the district attorney to express his opinion. However, clearly the courts have found fit that the district attorney does not have any standing in the prison litigation case. I find that all of a sudden it is relatively strange that my colleague would suddenly want to say that the district attorney should have some involvement in this particular situation when clearly the Federal court has said that the district attorney does not have any standing, as well as the United States Supreme Court, which has indicated that the district attorney does not have any standing. And as far as murderers, rapists, and other individuals being freed, that is absolutely not the truth.

Just a few minutes ago, Mr. Speaker, I attempted to have the district attorney's office in the city of Philadelphia and the city solicitor's office talk about this particular problem, and the city solicitor's office expressed that even if they wanted to compromise and work out a solution, that they would not be in the position to resolve this problem, that this problem could only be resolved by Federal court.

I do not believe that this will relieve the prison overcrowding problem in the city of Philadelphia. I believe that the decision, when we talk about prison overcrowding, should be left with the executive branch. It should be left with those individuals who have the responsibility of raising taxes and building prisons. I do not believe that a district attorney in any part of this State would be working in the interests of dealing with taxpayers' dollars.

I am saying to you today that it is something that all of us as legislators should closely look at, that we should not give up

this role and responsibility that we have to oversee this. Yes, I do think the district attorney should have something to say about the types of prisoners that are released, but I do not believe, when it comes down to building more prisons or setting policies about more cells, that the district attorney should have anything to say about that particular decision. That, in my opinion, is for the county commissioners and the chief executive.

In the city of Philadelphia there has been an attempt to resolve this particular problem. They have up until January 4, 1988, before they go back to Federal court to relieve this particular problem. This amendment, in my view, again is an invasion and will not attempt to deal with the real problem in terms of prison overcrowding. That is the real issue. The real issue is, how do we go about dealing with the question of the number of people that are in our prisons today?

So I would ask my colleagues to closely look at again another role, another layer of bureaucracy that we are setting in terms of our local governments. Again I would ask my colleagues to oppose the Wogan amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, for the second time.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I will yield my time if there is another—I guess not.

Mr. Speaker, I think the gentleman, my colleague from Philadelphia, is completely wrong. This is not a political amendment. I am not being political in my motivation. Perhaps what the gentleman says would have had some merit maybe last month before the election, but my motives are not political. The time to act is now, because we in Philadelphia are laboring under a January 4 deadline. We will not have another opportunity to address this issue. I cannot imagine anyone in this chamber not wanting to allow their local district attorney to have some say in the release of the prisoners in his or her own county. That is all this amendment does. It is very, very simple, and again I ask for your support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Wogan amendment. I think what we have here, which has been properly described by Representative Evans, is a political problem. But even beyond that, Mr. Speaker, what we are attempting to do here is to involve this House, the members of this House, in a decision that has been granted by the court.

There has, in fact, been a consent decree entered into by the court to deal with the overcrowding problem in the city of Philadelphia's prisons, and because of that consent decree, there have been efforts put forth by all bodies to deal with the problem of overcrowding. This consent decree has come about because the political bodies - the judges, the district attorneys, and others - have not been able to come to any procedures to adequately deal with the problem of prison over-

crowding. So what the court has now said is, we have now entered into the picture; we have now issued a consent decree; these are some guidelines that we are trying to establish to deal with the problem of overcrowding. What Mr. Wogan is now saying to the members of this House is, now, House of Representatives of the Commonwealth of Pennsylvania, I want to involve you in that decision, and that is what the Wogan amendment now seeks to do.

I am suggesting that we get on about the business of the rest of the matters that are before us and reject the Wogan amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

I rise in favor of the Wogan amendment. Let us separate a number of arguments we have heard right now and look at the facts. I had served for 5 years prior to becoming a member of this august body as a person who was employed by the court system in Philadelphia, who worked with people who were detained prior to trial. It is the crux of the matter here, dealing with such detainees.

Right now you have two parties in the suit - you have the city and you have the detainees. The city's interests may not necessarily reflect the interests of my constituents. The city may be under a Federal court order here. They have entered into the consent decree. They are concerned with the financial aspects of the court ruling, so naturally they are going to cave in to pressure from the other side.

I find myself in a very weird political situation right now, if you want to let politics enter into this - a Democratic legislator trying to help a Republican D.A. get standing. But let us look beyond, let us look beyond the partisan politics here. The crux of the issue is dangerous criminals will be let out on the street and the district attorney stands to try to protect the citizenry of Philadelphia and Pennsylvania from being subjected to these people coming out on the street again, and they are dangerous criminals.

I think the Wogan amendment is rational. I feel that the D.A. does deserve standing in this particular case to allow the citizenry of Philadelphia to be protected against these dangerous people. Thank you.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, can I ask that the cosponsor of this amendment, Mr. Kosinski, please stand for brief interrogation?

Mr. KOSINSKI. I am ready, Mr. Speaker.

The SPEAKER pro tempore. Mr. Kosinski indicates that he will stand for interrogation. The gentleman is in order and may proceed.

Mr. FATTAH. Mr. Speaker, you suggested to us that for some time period prior to your being a member of this distinguished body, you worked for the court system of the city of Philadelphia. Could you tell us in what capacity you did that?

Mr. KOSINSKI. I worked a number of different positions. My last position was court administrator, pretrial services, court bail program, court of common pleas, Philadelphia, Pennsylvania.

Mr. FATTAH. All right. The heart of this matter is related to the issue of people who have been arrested, who are awaiting trial in the city of Philadelphia, and who are detained, and in your role in the bail office there you came in contact with such people. Is that correct?

Mr. KOSINSKI. That is correct. Mainly you would have three types of detentioners: one whose crimes were minor and whose bail was a money bail, and usually they would get out on what they call released on recognizance or a small bail amount. The second was where the detainee had some type of drug, alcohol, psychiatric, or environmental problem. They would get out on conditional release. You also had a third list that was court ordered, called Jackson vs. Hendricks cases. That was the name of the court case which originally started the prison overcrowding issue in Philadelphia, and it is basically these Jackson vs. Hendricks detainees—it is now under a new name; I forgot the name of the new case—but it is these detainees that many times were dangerous criminals who were arrested on a variety of charges, who had past bad records, who had past failures to appear, who had no verifiable address. So they were the problem people of the system. These are the problem people that this current consent decree is letting out, and that is why I think the Wogan amendment is very simply a reasonable solution to this situation.

Mr. FATTAH. Mr. Speaker, in your role, then, did you in fact come across people who were detained because of their economic status, and the crimes that were being alleged against them were either victimless or minor in nature?

Mr. KOSINSKI. Usually in a situation like that they were not Jackson vs. Hendricks cases. They were of the minor variety, and those people usually would get out rather fast.

Mr. FATTAH. Are there people in the Philadelphia prisons—

Mr. KOSINSKI. Excuse me, Mr. Speaker, I want to finish the answer. There is a comprehensive system for tracking such type people that you mentioned, and those people were tracked and they were followed up upon. It was only the ones who would give us many problems as far as prior failures to appear, prior record of the type of crime they committed who would actually be detained.

Mr. FATTAH. Are there people, from your knowledge, who are incarcerated in Philadelphia prisons awaiting trial that for a matter of \$100 or \$200 would be out on the street today?

Mr. KOSINSKI. If they have a verifiable address and good family contacts and no prior failures to appear in court, there should not be that many people left in. In fact, they were the prime candidates that our program would try to get out.

Mr. FATTAH. Mr. Speaker, so you are suggesting that there are no people who are in prison today awaiting trial in the city of Philadelphia for victimless crimes who are there because they do not have \$100 or \$200 to post bail?

Mr. KOSINSKI. First I dispute the term "victimless crime," because every crime ultimately has a victim.

Mr. FATTAH. Okay. I am sorry. Let us remove that—

Mr. KOSINSKI. The victims are the people of the Commonwealth of Pennsylvania.

Mr. FATTAH. Would you respond to the rest of the question then?

Mr. KOSINSKI. The rest of the question is, under the system that I worked in, and it could have changed in the 5 years that I left, it was very unlikely that such people - if it was a small bail amount, if it was not a serious crime, if they had a verifiable address, and if they had no prior record of failures to appear for court - those people should be out.

Mr. FATTAH. Mr. Speaker, you have been somewhat evasive, which is not your normal tact on the floor. Let me try one last time.

You are both a practicing lawyer in the city of Philadelphia and you are a legislator with a great deal of constituents, plus you bring to bear on this deliberation some intimate knowledge about how the system works. Can you share with your colleagues whether or not there are people incarcerated in Philadelphia prisons who have not been convicted of any crimes and who are being charged with crimes that are not violent crimes, who would be on the street today not costing the taxpayers of this State and of that city money to incarcerate them if they had \$100 or \$200?

Mr. KOSINSKI. For the third time, Mr. Speaker, again I am going to set the criteria, and it is important here. The types of crimes you are talking about, minor crimes where the bail amount was a small bail amount, if the person had no prior failures to appear, if they had a verifiable address to go back to, if their prior record was not a bad record, those people should be out on the streets. That is why the court bail program that I worked for was created, in order to reduce prison overcrowding. What I am trying to say in my speech today is that the people who are being let out now are not those types of people. The types of people that are being let out now are very serious problems, repeat offenders who are being detained for serious crimes. And I have answered your question three times. The people that you are talking about do not fall through the cracks of the system. The court bail program was very efficient in getting those people released.

Mr. FATTAH. Mr. Speaker, you are aware that the ROR (released on recognizance) release program that you are speaking of can only take place with the judge's permission. Is that correct?

Mr. KOSINSKI. Yes, and what would happen is on a daily basis, Mr. Speaker, the court bail program would prepare a petition to go up in front of a judge, sometimes as many as 20 a day for the people who fall between the cracks. What they would do is review the paperwork as it came in from the police administration building and then in reviewing the paperwork—

Mr. FATTAH. Only at the judge's discretion, right?

Mr. KOSINSKI. Let me finish. Let me finish.

—would review the paperwork, present a petition to the judge, and the judge usually would let them go in a major percentage of the cases. The only time the judge would not let them go, usually if there was no verifiable address to go back to, again, failures to appear for court, or if he thought that the crime was of such a nature where the complaining witness may be in trouble or may be apprehensive if the defendant was released.

Mr. FATTAH. Okay.

Mr. Speaker, in terms of the consent decree that is being discussed now that this amendment seeks to provide standing to for the district attorney, that is in Federal court. Is that not correct?

Mr. KOSINSKI. I am sorry, Mr. Speaker. I did not hear the last part of your statement.

Mr. FATTAH. The pending court matter—that is, the consent decree that the city and the plaintiff have come to terms on in terms of the overcrowding issue—is that a matter before the Federal court?

Mr. KOSINSKI. Yes; it is, Mr. Speaker.

Mr. FATTAH. Okay. And is that a matter that the district attorney has sought standing in?

Mr. KOSINSKI. Yes; he did, Mr. Speaker.

Mr. FATTAH. And has he been denied standing?

Mr. KOSINSKI. He was denied standing because the laws of the State of Pennsylvania, which the Federal courts use to determine standing in Federal court in a case like this, do not allow the district attorney to have standing. This is why the Wogan amendment is necessary, to give the district attorney standing.

Mr. FATTAH. And was his denial of standing taken up on appeals all the way to the United States Supreme Court?

Mr. KOSINSKI. I am unaware how far it was taken, but I do know that a legislative remedy is necessary in order for the district attorney to get standing.

Mr. FATTAH. What would be the result of our giving the district attorney standing if this amendment would pass? What would be the result on the consent decree that has been signed at this point?

Mr. KOSINSKI. The Federal court may then allow the district attorney to come in to challenge the consent decree. Again, that is a matter that would be, that would be in dispute here and would have to be settled by the Federal court.

Mr. FATTAH. All right. And if, in fact, that consent decree was disrupted and people who were going to be released are not released, what burden and whose financial burden would their placement be? Would the city of Philadelphia have to continue to financially be responsible for their imprisonment while they await trial?

Mr. KOSINSKI. The city of Philadelphia will always be financially responsible for detainees.

Mr. FATTAH. Okay.

Mr. KOSINSKI. As long as they are in custody.

Mr. FATTAH. Mr. Speaker, do you know what the present cost of incarcerating a person is in the Philadelphia prisons?

Mr. KOSINSKI. I am unaware of that, Mr. Speaker.

Mr. FATTAH. Okay. And as it relates to that cost, then you do not think that there should be any financial consideration in terms of people who have been involved in minor crimes, who are awaiting trial, trials that could take up to, as you are aware, 180 days or so, that if they can be released for some small amount of bail under the present consent decree, you do not generally agree with that consent decree. Is that correct?

Mr. KOSINSKI. If the crime is not violent, if it is a small amount of bail, if there is a definite address the person is going back to that can be verified, if the person has no prior record as far as contact with the criminal system, or if that person has no prior failure to appear for court, I would say there is no problem with releasing that person on recognizance, which is what happens in most cases. But it is where there is a violent criminal with a prior record of violent crime involved, and many of these detainees that we are discussing that are at issue today, that is whom we are talking about. Those are the people that we are having the problem with.

Mr. FATTAH. Well, then, can you tell us where in the consent decree it talks about the release of violent criminals?

Mr. KOSINSKI. If you would look at the nature of the crimes committed by such detainees, that is precisely what we are talking about, Mr. Speaker.

Mr. FATTAH. Are you suggesting that in the consent decree there are in fact provisions to release violent criminals?

Mr. KOSINSKI. What I am concerned with, Mr. Speaker, is the fact that violent criminals, if they are detained - if they have a record of failure to appear, of violent crimes, and a history of recidivism - should be detained prior to trial.

Mr. FATTAH. Irrespective of their constitutional right to bail? Irrespective of their constitutional right to bail?

Mr. KOSINSKI. I think the Constitution is very clear on that, that if bail is not excessive and if bail is reasonably set, they are constitutionally detained.

Mr. FATTAH. So are you saying to the House that in the present consent decree, it allows for violent criminals to be released? Is that what you are suggesting to us?

Mr. KOSINSKI. If, if—

Mr. FATTAH. Is that in the consent decree?

Mr. KOSINSKI. If any detainee can meet the bail, they can be released. It is where the bail is reasonable, depending on the type of crime and the type of prior record and if the person failed to appear. If bail is high and it is reasonable for those situations, if the person cannot meet the bail, they should sit until their trial.

Mr. FATTAH. Is there something in the consent decree that allows violent criminals to be— Have you read the consent decree?

Mr. KOSINSKI. Let us face it, Mr. Speaker. The people we are talking about in the consent decree mainly are violent criminals. If you knew something about the system—and I would ask the Representative to look into the records of the court bail program, to go down there and see what type of work they do—we are talking about the bottom of the barrel

here in the people going to be released. We are not talking about the minor-type crime with no prior contact and a good record of appearances; we are talking about the bottom of the barrel - violent criminal, repeat offender.

Mr. FATTAH. Thank you, Mr. Speaker.

May I make a comment on the amendment?

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

Mr. FATTAH. I think that this House has been misinformed with several inaccuracies as to what the issue is here, but I think that because of the unwillingness of members to have to even really care about the nature of this issue, that perhaps this amendment will pass. But the reality is that in the city of Philadelphia there is a problem with prison overcrowding.

There is, perhaps as in all cases with big cities, a large amount of poor people who live in the city of Philadelphia who from time to time come in contact with the law in very minor crimes that they have been charged with and, while they are awaiting trial and cannot meet bail, in some cases bail under \$100, are being housed in prisons at a cost of \$30,000 to \$40,000 a year to the taxpayers of the city of Philadelphia to house these people when in fact if they were released and awaiting trial, they may be found innocent, or even if found guilty, may be placed on probation.

So I do not believe that there is any suggestion in the consent decree that violent criminals would be released, and I think that no matter what may happen, whether we give the district attorney standing or not, that it really will not affect the consent decree as it has been written at this point. But I thank the members for their indulgence on this matter. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I cannot believe that we are even debating this amendment. All this amendment does is give the district attorneys some right to comment on the types of prisoners who are being released.

We have in this country and in this State some misguided judges who would either like us to spend millions more, which we do not have, to build yet additional prisons or they want to order the release of criminals back out to our society. What this amendment does is merely give the district attorneys the right to comment, just to comment, on what types of prisoners are being released. We have not had this problem yet in Luzerne County, but if we do, I want our new district attorney, Corry Stevens, to be able to comment on whether or not a certain type of prisoner should be released into the people of our county.

I ask for an affirmative vote on the Wogan amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

Mr. Speaker, I think it is important that the members of this House know that there has never been a question of con-

stitutionality, that the prisoners' rights have been violated. This was an agreement that was arbitrarily agreed to by the city with the prisoners. They made this agreement. They went to Federal court and had it ratified. Judge Shapiro, in her opinion, almost invited the State to give the district attorney standing in this because she felt that the law, State law, was silent on this issue.

In reference to the economic status of prisoners, that is not an issue. There are provisions, as Representative Kosinski pointed out, for the bail of nonviolent offenders to be reviewed several times. What we are talking about here, Mr. Speaker, are violent offenders. The list of 1,200 people who are eligible under this consent decree are rapists, murderers—Of the first 200 that were reviewed by the D.A.'s office, there was only one simple assault, and that individual was previously convicted of murder and two aggravated assaults.

I ask, Mr. Speaker, that you understand that this is a very important issue and that what we are asking is for the district attorney to have standing and to have some say on what criminals are to be released, if any. Thank you.

The SPEAKER pro tempore. On the Wogan amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

To many in the House this may seem like a Philadelphia issue, and I would like to point out to those of us who are not from Philadelphia that this issue pertains to all of us and could potentially affect every one of you in each of your counties. While there is currently an ongoing case in Philadelphia, it is quite likely and quite possible that you could be faced with the same kind of case in any of your counties that face an overcrowding situation. It only takes one class action by a prisoner against the county to make the situation that exists in Philadelphia exist in your county. All this amendment does is simply give the district attorney standing to go into the case and make a point, an argument, file a brief on behalf of his constituents, I believe - the victims and the citizens of the county that he is elected to protect.

The class action suits are typically brought against the county commissioners—in this case, the city of Philadelphia—and they are faced with the economic and the taxing problems that they have in maintaining a certain level of millage in their particular areas. What we want here is the ability for the other interests of the taxpayers, the protection of the citizens, to be represented in the filing of a brief by the district attorney. It is simply that and nothing more, and I urge that the House adopt the amendment.

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

The following roll call was recorded:

YEAS—175

Angstadt	Dietterick	LaGrotta	Reinard
Argall	Distler	Langtry	Ritter
Arty	Dombrowski	Lashinger	Robbins
Baldwin	Donatucci	Laughlin	Rudy
Barley	Dorr	Leh	Ryan
Battisto	Duffy	Lescovitz	Rybak
Belardi	Durham	Letterman	Saloom

Beifanti	Fargo	Levdansky	Saurman
Billow	Farmer	Livengood	Schuler
Birmelin	Fee	Lloyd	Semmel
Black	Fischer	Lucyk	Serafini
Blaum	Flick	McCall	Seventy
Book	Foster	McClatchy	Showers
Bowley	Fox	McHale	Sirianni
Bowser	Freeman	McVery	Smith, B.
Boyes	Freind	Maiiale	Smith, S. H.
Brandt	Gallen	Maine	Snyder, D. W.
Broujos	Gamble	Manderino	Snyder, G.
Bunt	Gannon	Manmiller	Staback
Burd	Geist	Markosek	Stairs
Burns	George	Mayernik	Steighner
Bush	Gladeck	Merry	Stevens
Caltagirone	Godshall	Michlovic	Stuban
Cappabianca	Gruitza	Miller	Sweet
Carlson	Gruppo	Moehlmann	Taylor, E. Z.
Cawley	Hagarty	Morris	Taylor, F.
Cessar	Haluska	Mowery	Taylor, J.
Chadwick	Hasay	Mrkonic	Telek
Civera	Hayes	Murphy	Tigue
Clark	Heckler	Nahill	Trello
Clymer	Herman	Noye	Van Horne
Cohen	Hershey	O'Brien	Veon
Colafella	Hess	Olasz	Vroon
Cole	Howlett	Perzel	Wambach
Cornell	Hutchinson	Petrarca	Wass
Corrigan	Jackson	Petrone	Weston
Cowell	Jadlowiec	Phillips	Wilson
Coy	Jarolin	Piccola	Wogan
DeLuca	Johnson	Pievsky	Wozniak
DeVerter	Kasunic	Pitts	Wright, D. R.
Daley	Kennedy	Pressmann	Wright, J. L.
Davies	Kenney	Punt	Wright, R. C.
Dawida	Kosinski	Raymond	Yandrisevits
Dempsey	Kukovich	Reber	

NAYS—22

Acosta	Harper	Linton	Richardson
Bortner	Hayden	Melio	Rieger
Carn	Hughes	O'Donnell	Roebuck
DeWeese	Itkin	Oliver	Truman
Evans	Josephs	Preston	Wiggins
Fattah	Kitchen		

NOT VOTING—1

Pistella

EXCUSED—5

Dininni	Micozzie	Irvis,	
Honaman	Scheetz	Speaker	

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

On the question recurring,
Will the House concur in Senate amendments as amended?

MOTION FOR PREVIOUS QUESTION

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I intend to make what might be considered a very unusual motion, but I would like the members to listen carefully.

We are in receipt of a House bill that has been amended by the Senate and sent back to the House for concurrence. We took an unusual action, although an action that there was some precedent for, in suspending the rules to amend the

Senate amendment. The reason that I did not oppose amending the Senate amendment—and maybe many others who reluctantly like to see that happen only on special occasions or at least do not like to see it happen except when absolutely necessary—the reason that the opposition did not appear was that a valid argument, I think, was made that the will of the House and the will of the Senate and the majority of its members is not always expressed by those persons put on the Judiciary Committees of both bodies on this particular issue, and the only way that this particular issue of abortion has been addressed and can be validly addressed is by this route, and there is some validity to that argument.

But we are now way beyond considering the abortion issue in the suspension of the rules by amending the Senate amendments. There are a number and a good number of other amendments here that have nothing to do with the abortion issue that will take us a considerable length of time to go through, and they do not, I think, benefit from the logic that the abortion amendment benefited from because those kinds of issues are consistently, in both House and Senate, addressed by the Judiciary Committee. So I am taking an unusual action in moving the previous question on all amendments except two amendments that the coalition that has been attempting to amend or to change the Freind amendment or the Freind position on abortion has agreed to offer, stand by the vote that occurs on these two amendments, and withdraw or attempt to withdraw other amendments dealing with abortion.

So my motion, specifically, is that the previous question be moved on all amendments except amendment A4572 and amendment A4608. Amendment 4572 is the Kukovich amendment having to do with rape and incest; amendment 4608 is the Pistella amendment having to do with the effective date of this act and sections of the act.

Mr. Speaker, I would also not move the previous question—not move the previous question—allowing for decision any already-filed reconsideration motions. I understand there is one, and I do not want to foreclose—

PARLIAMENTARY INQUIRY

Mr. KOSINSKI. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski. What is your point?

Mr. KOSINSKI. For the benefit of myself and other members who may not be as deft in parliamentary procedure as our majority leader or the Speaker, this would then mean that all the approved amendments would be included in HB 1130, plus we are going to have two more votes - one on the Kukovich amendment and one on the Pistella amendment?

Mr. MANDERINO. And one reconsideration and hopefully a final passage vote.

Mr. KOSINSKI. But an amendment such as the Freind amendment and the Wogan amendment will stay in the bill? Thank you, Mr. Speaker.

Mr. MANDERINO. Do the Parliamentarian and the Speaker understand the motion made?

The SPEAKER pro tempore. The Speaker is having a little bit of a problem. The Speaker would propose that perhaps if the majority leader would hold his motion, the Chair will entertain the majority leader's wishes of bringing up those two amendments, deal with the reconsideration motion, and at that time recognize the majority leader for the purpose of moving the previous question.

Mr. MANDERINO. I have no problem with that, Mr. Speaker, so long as the recognition is in that order and we accomplish the same thing - we consider the two amendments, the reconsideration vote, then the previous question and whatever debate might take place on final passage.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, is it my understanding now that the Chair has ruled or suggested that the gentleman, Mr. Manderino, move the previous question after these two amendments have been taken up by the House?

The SPEAKER pro tempore. And a reconsideration motion, too, which has been filed.

Mr. MANDERINO. My understanding is there is a reconsideration on the Bowser amendment that had to do with—

Mr. RYAN. —the referendum. Thank you.

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

Mr. SALOOM. I just stood to second the motion of the majority leader.

The SPEAKER pro tempore. All right. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. KUKOVICH offered the following amendment No. A4572:

Amend Sec. 5 (Sec. 3215), page 12, by striking out

(2) When abortion is performed in the case of pregnancy caused by rape which, prior to the performance of the abortion, has been reported [within 72 hours of the rape], together with the identity of the offender, if known, to a law enforcement agency having the requisite jurisdiction and has been personally reported by the victim [or her agent].

(3) When abortion is performed in the case of pregnancy caused by incest which, prior to the performance of the abortion, has been personally reported by the victim to a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, to the county child protective service agency [within 72 hours from the date when the female first learns she is pregnant] and [she has named] the other party to the incestuous act has been named in such report. [Such information shall be turned over by the department to a law enforcement agency.]

and inserting

(2) When abortion is performed in the case of pregnancy caused by rape [which has been reported within 72 hours of the rape to a law enforcement agency having the requisite jurisdiction and has been personally reported by the victim or her agent].

(3) When abortion is performed in the case of pregnancy caused by incest [which has been reported within 72 hours from the date when the female first learns she is pregnant and she has named the other party to the incestuous act. Such information shall be turned over by the department to a law enforcement agency].

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

There is a section of this bill, section 3215, which causes a tremendous problem for crime victims - victims of rape, victims of incest. Now, let me try to explain in a practical sense what this language, I think, would do. If Mr. Freind disagrees or has a different interpretation, he can lay that on the record.

My concern is that the way this reads to me, and let us make it clear that with some of these votes we have to pay attention to what happens in the real world, not just in the politics of prochoice/antichoice, prowomen/antiwomen, what happens in the real world, and the way this section reads to me is that if a woman is raped— Let us say it is a low-income woman. She is on her way home from the store. She is kidnapped, taken to an abandoned building, held at knife point, and she is raped. She gets away; she escapes after the rape. Because of the violence, the terror, the trauma that goes with that assault, because she feared for her life at that crisis point, she cannot speak to anybody about this. She is unable to speak to anyone. A few weeks later she thinks maybe she is pregnant. She goes to a doctor; the doctor confirms that suspicion. Now, even though she may qualify for a medical assistance abortion, it appears to me that she can only get it if she brings back a note that she has notified the police, and it is further unclear and it appears that she might have to bring two notes - one for the paternal notice section saying that the father of the unborn child is a rapist, and a second for the medical assistance section saying she is eligible for the assistance because she reported the rape. Now, let us say because of the trauma—and those of you who have ever worked or had any information regarding domestic violence shelters, rape crisis centers, know there is a tremendous trauma; this is a greatly underreported crime—let us say because of that trauma she lies; let us say she never reports that rape, which so many victims do not do. No matter what her reason, no matter what the fear, what might happen is that she could go to jail for fraud. I have heard of blaming the victim. I have heard of victimizing victims. This portion of the bill punishes victims of rape and incest under those circumstances. That is why I am speaking against this section.

Now, those Ayatollahs that I referred to yesterday, I think their intention is not to be cruel; their intention is not to work this hardship. I can imagine that when they sit down to draft this language, they are thinking about plugging loopholes. They are worried about those devious women who are going to use these sections of the law to avoid what they want to do.

Maybe there is a bias there against women. Maybe there is an insensitivity to rape victims, but that is not the point. The point is, what is the ultimate effect on those victims I just alluded to?

This section will restrict the availability of legalized abortions for those crime victims who are unable to pay. As in every other area, if you are rich enough you can get the abortion, no problem. We only punish the poor in this Commonwealth. Currently under the law the only abortions medical assistance will pay for are pregnant victims of rape and incest and women whose lives are in danger. So currently if a poor woman's physician certifies that her abortion is needed because of rape or incest, medicaid will cover her abortion. But this section, if we do not adopt this amendment and remove it, then we will punish those crime victims even more. They have got to go through the trauma of trying to report and make a public event of what is the most private offense and deprivation of their rights that they have ever experienced. They have got to try to report the most unreported crime in America, if you believe the FBI statistics.

I think I do not need to remind the members that rape can and does often result in pregnancy. For incest, the facts are even worse. There are more pregnancies. Current figures estimate that 25 percent of incest victims become pregnant, and that is because the incest victim is often subjected to repeated assaults over a longer period of time, and of course, that woman is being abused by a so-called loved one, which makes it even more difficult to report that incest. This section will force those women who are too poor to pay for an unsubsidized abortion and too traumatized, too fearful to report the details of their ordeal to the authorities, that they would be forced to bear their rapists' babies. This bill is punishing and it is cruel in that section.

Mr. Speaker, for those reasons I would ask that even if you are voting for the bill, that this section has got to be reviewed for that way that we victimize victims, and I would strenuously ask for a negative vote.

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

Mr. FREIND. For once I agree with Mr. Kukovich; I want a negative vote also.

I rise to oppose this amendment. Let us look at the facts. In 1980 this body cut off subsidized abortions under medicaid, except life of the mother, rape, and incest. It was a 5-year court battle - Federal court, then State court. Finally, in February of 1985, it went into effect. What we had prior was birth control by tax-funded abortion on demand - 13,000 a year. As I indicated previously, because of the cutoff, we have reduced that to about 500 a year.

Now, you have to remember that we do not go as far as the Federal Government. For Federal medicaid, there is a cutoff for everything except life of the mother. There is no exception for rape. There is no exception for incest. We had the exception for rape and incest, and we are not trying to change it.

The problem we have is that when we, all of us, passed the cutoff, we said that the crime had to be reported promptly,

but we left it up to the Department of Welfare to promulgate the rules for reporting. They absolutely blew it, possibly intentionally, and came out with 72 hours, which you know is going to be stricken. So right now our law says you cannot get funding for a medicaid abortion except when it is necessary to save the life of the mother—and there is a certification procedure there—or rape or incest, and there is no procedure whatsoever to document the rape or the incest. All a woman has to do is say I am the victim of rape, and that is it; she gets a medicaid abortion. You can look at the statistics—they are not mine; they are from the Department of Welfare—and you see what this loophole has caused. Up until we cut off medicaid funding, every month the maximum we had for rape and incest was one. The minute we cut it off, it jumped up to 45, 50, 65, 60, et cetera. So for openers, we have got to close the loophole.

Now, we originally thought about a 30-day requirement, and we said, well, what about those situations where the woman was physically or psychologically during that period of time incapable of making the report. So we changed it. We made it more lenient. There is no time requirement at all. All we are saying is that before the woman has the abortion, she has to report the rape - a crime against the Commonwealth of Pennsylvania - to the law enforcement agency. She has to report the incest and identify the perpetrator to the law enforcement agency or, if she is a minor, to the child county protective agency. That is all she has to do. Then she provides to the doctor a statement indicating she has reported it and to whom she reported it, and the abortion is performed.

Ironically, Mr. Kukovich's arguments buttress the need to defeat his amendment. He said that rape is one of the most underreported crimes, and that is true. His amendment encourages to continue not to report that crime when every movement - Women Against Rape - every organization, is trying to get the message down, we have to report this; we have to fight back. He indicated a high number of people have become pregnant through incest because it is a repeat situation. Absolutely true. All the more reason to require the reporting of it—and in incest you always know the perpetrator—to insure that that victim will not be abused again. If you think by passing the Kukovich amendment we are performing an act of charity, think again. We are doing the exact opposite. What we should be doing is facilitating and encouraging people to report this crime. It is not public; it is to a law enforcement agency or the child county protective agency, and those records are private.

With respect to the broad loophole for fraud and also to protect the victims from future abuse, I sincerely hope that we will defeat resoundingly the Kukovich amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the Kukovich amendment, the Chair recognizes the gentleman from Lehigh, Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Will the gentleman, Mr. Freind, rise for a very brief period of interrogation?

Mr. FREIND. Yes, Mr. Speaker.

Mr. PRESSMANN. Mr. Speaker, is it your position—and I might be reaching a little bit on this—that a woman who is raped and a woman who has been the victim of incest should not have an abortion available to her?

Mr. FREIND. Well, number one, that is totally irrelevant to the issue at hand, Mr. Speaker. The issue at hand is Mr. Kukovich's amendment, which deals with reporting requirements for rape and incest. The law already permits funded abortions for rape and incest if you qualify economically.

Mr. PRESSMANN. You would care not to answer my question then.

Mr. FREIND. I would be happy to.

If we passed a law, if we could, that outlawed abortions except those necessary to save the life of the mother—and the Surgeon General has indicated in all of his years of practice he has never seen one necessary to save the life of the mother—and those in the cases of rape and incest with iron-tight reporting procedures, that would reduce the number of abortions by 99 percent. I would support the bill.

Do I support the rape and incest exception? No, I do not, even though it is not relevant to this debate, and I will tell you why: it is not logical.

Every State in the Union that has capital punishment has a provision that if the person to be executed is a pregnant woman, she first bears her child before she is executed, under the rationale that you do not penalize an unborn child for the sins of the parent. Rape is a horrible crime, and yet we do not have capital punishment against rape but we do have capital punishment against the innocent byproduct of that rape.

Our goal is to preserve all innocent human life. Now, again let me point out that this whole issue—and I will never duck a question; that is why I answered it for you—is totally, absolutely irrelevant to the Kukovich amendment and also irrelevant to the bill which we are considering.

Mr. PRESSMANN. Thank you, Mr. Speaker.

I am glad the gentleman, Mr. Freind, answered the question, because I was trying to establish where Mr. Freind is coming on this issue, and I do not think Mr. Freind's approach is really to the amendment. I think it is Mr. Freind's deep philosophical belief that there should not be an abortion anytime, anywhere, for any reason. I think what this General Assembly has to stand here and say to itself today is that the victims of rape and the victims of incest are not going to be treated to a medical procedure that the Constitution allows them to have, and what we are going to say - a group, majority male - to women who have been raped and who have been the victims of incest is that you do not have this constitutional right and that I, as a legislator, will restrict your access. That is what the gentleman, Mr. Freind, is trying to do here today.

I think that we as the General Assembly have to think about these people. We have to consider it. We should not be always considering the political implications and the fact that Mr. Freind and his organizations will blast you up and down inside your district. I think you ought to be thinking about the victims, and what we are talking about here is the victims of crime.

Mr. Freind talks about that this punishment should not be put on the innocent. What about the woman who is raped? Is she innocent? Under Mr. Freind's argument, I am not sure that he believes that. So the question is, are we going to support an amendment like Mr. Kukovich's that is going to protect the women in our Commonwealth who have been raped and who have been the victims of incest? Thank you.

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

The following roll call was recorded:

YEAS—75

Acosta	Fattah	Lashinger	Richardson
Belfanti	Fischer	Levdansky	Ritter
Bortner	Fox	Linton	Roebuck
Bowser	Freeman	McHale	Rudy
Bunt	Gladeck	Maiale	Saurman
Carn	Godshall	Maine	Semmel
Cesar	Gruitza	Michlovic	Showers
Chadwick	Hagarty	Miller	Smith, B.
Cohen	Harper	Moehlmann	Snyder, D. W.
Cornell	Hayden	Nahill	Stairs
Cowell	Heckler	O'Donnell	Sweet
Coy	Howlett	Oliver	Truman
DeVerter	Hughes	Piccola	Van Horne
DeWeese	Hutchinson	Pievsky	Veon
Daley	Itkin	Pistella	Wambach
Davies	Jackson	Pressmann	Wiggins
Dorr	Josephs	Preston	Wright, D. R.
Evans	Kitchen	Reber	Wright, R. C.
Fargo	Kukovich	Reinard	

NAYS—123

Angstadt	Dempsey	LaGrotta	Raymond
Argall	Dietterick	Langtry	Rieger
Arty	Distler	Laughlin	Robbins
Baldwin	Dombrowski	Leh	Ryan
Barley	Donatucci	Lescovitz	Rybak
Battisto	Duffy	Letterman	Saloom
Belardi	Durham	Livengood	Schuler
Billow	Farmer	Lloyd	Serafini
Birmelin	Fee	Lucyk	Seventy
Black	Flick	McCall	Sirianni
Blaum	Foster	McClatchy	Smith, S. H.
Book	Freind	McVerry	Snyder, G.
Bowley	Gallen	Manderino	Staback
Boyes	Gamble	Manniller	Steighner
Brandt	Gannon	Markosek	Stevens
Broujos	Geist	Mayernik	Stuban
Burd	George	Melio	Taylor, E. Z.
Burns	Gruppo	Merry	Taylor, F.
Bush	Haluska	Morris	Taylor, J.
Caltagirone	Hasay	Mowery	Telek
Cappabianca	Hayes	Mrkonic	Tigue
Carlson	Herman	Murphy	Trello
Cawley	Hershey	Noye	Vroon
Civera	Hess	O'Brien	Wass
Clark	Jadlowiec	Olasz	Weston
Clymer	Jarolin	Perzel	Wilson
Colafella	Johnson	Petrarca	Wogan
Cole	Kasunic	Petrone	Wozniak
Corrigan	Kennedy	Phillips	Wright, J. L.
DeLuca	Kenney	Pitts	Yandrisevits
Dawida	Kosinski	Punt	

NOT VOTING—0

EXCUSED—5

Dininni	Micozzie	Irvis,
Honaman	Scheetz	Speaker

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

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. PISTELLA offered the following amendment No. A4608:

Amend Sec. 6, page 15, by striking out

(1) The amendments to Chapter 32 and section 4906 of Title 18 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

and inserting

(1) The amendments to Chapter 32 and section 4906 of Title 18 shall take effect in 120 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

For the benefit of the members, this is the amendment that was most recently distributed. The legislative intent of this amendment is to take that portion of the amended bill that deals with chapter 32, the abortion language, and change the effective date from 60 days to 120 days. The remainder of the language contained within the bill will take effect immediately, as was the original intention of that portion of the bill other than chapter 32.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment.

To be very honest, when we drafted our bill and this amendment, I was very tempted to have it take effect immediately quite simply under the basis that what we are trying to do, whenever we can, is save the lives of unborn children. If in fact we do not make it immediately—and it is 60 days now—I still worry, will we have another disaster like the one at West Park Hospital, which happened, which the Philadelphia Inquirer - no friend of the prolife movement - documents happens at least once a day throughout the United States.

But because there are a number of technical procedures and because there is a need for notice out there, we compromised. We were very lenient. We put a 60-day period that it will take effect. That is more than enough, Mr. Speaker, and when we are talking about the importance of what we are dealing with, I would be averse to going any more than 60 days. I sincerely hope, therefore, that we defeat the Pistella amendment.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

There are several things I would like to say about the incident which has been brought up by the prime sponsor of all of this stuff. His orientation, as everybody knows, is to make all of these pregnancy termination, abortion procedures illegal. I

wonder how many of these late abortions and very bad outcomes happened when this procedure was illegal. One a day would be a very, very low estimate. I would expect there were many, many more. And I would expect that as he puts these kinds of roadblocks in the way of women, particularly young women and minority women and women of poverty, that we will get later and later and later procedures happening over and over and over again.

So I say to those people who—and I put this in quotes—call themselves “prolife” that their policies are absolutely responsible for late abortions, and the more of their policies that we foolishly vote into law here, the more late procedures we are going to have in this State. Mr. Speaker, thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Just so I can set the record straight—and I realize that Representative Freind will no doubt get the last word on this issue—anyone who is going to have an abortion, regardless of what the effective date of this legislation is, will in fact do that. Anyone who will not have an abortion, regardless of the effective date of this act, will not.

The bottom line is this: Under the Independent Regulatory Review Commission law, what we work on every regulation with in our standing committees provides that each standing committee will have at least 20 days upon which to base a decision whether or not they shall approve or disapprove a regulation. Once that is in fact done, it is then forwarded to the Independent Regulatory Review Commission, and they have a period of up to 30 days in which to base a decision on whether or not that regulation should in fact be adopted. What that in fact equals is approximately 50 days by which the General Assembly and the Independent Regulatory Review Commission have to accept or reject regulations that are proposed. What that in fact does then is now leaves the Department of Health, or whatever other agency is so designated to formulate these regulations, only 10 days in which to prepare them and submit them to the General Assembly for consideration.

Now, I do not want to downplay the concern that Representative Freind has for unborn children. I think in fact that is very admirable. But the fact of the matter is that there is going to be more time needed by whoever the individual or groups of individuals are within the executive branch that want to see that these regulations are in fact instituted and protected and are followed; they are going to need more than 10 days to write them up. Now, it is that simple. It has got nothing to do with delaying anything.

I think Representative Freind and the other members have proven their point about how this General Assembly should in fact feel about abortion. I can understand that, but let us not be stupid and further foul things up in this entire process we are going through by trying to rush through language for regulation that would in fact need just a little bit more time to be drafted. That is what the bottom line is. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

I rise to support the Pistella amendment, and I wanted to because I felt that this was being treated as if this was absolutely nothing without any debate. I want to indicate that if any of you are chairpersons of committees or subcommittee chairpersons of committees, you will know that IRRC (Independent Regulatory Review Commission) is responsible for writing these regulations as they pertain to the various agencies and persons that they must get to and then they must be implemented.

It is always ironic to me that the gentleman who is the proponent of this measure always wants fast and quick action as it relates to how the time effectiveness deals with it, but at the same time we do not deal with the time effectiveness that relates to the individual woman who must go through this great ordeal. In fact, it always amazes me that so many men on the floor of this House have taken the position that they have when in fact, but for the grace of God, there go I; that they may find themselves in a similar situation one of these days, whether it be their wives or whether it be their daughters or whether it be other women in their family who may be subjected at one point in time to a similar type of activity and problem as it relates to an individual being forced into a rape situation.

All Representative Pistella has asked for is additional time, since the House made its decision to move in this direction to have abortions stopped in the Commonwealth, saying that you have to be reasonable enough to understand that even if you force the time and ram it down the throats in your compromise position of 60 days, as you have indicated, it still has to be clear that it has got to be communicated properly throughout the Commonwealth of Pennsylvania. But say, for instance, there was no time left on this issue and that time was not in front of us today. The question remains and the answer will remain that people who are poor in this State and in this country will get abortions by any means necessary regardless of whether you pass a law to stop them or not, because the warehousing of doctors and persons in those alleys and those back rooms and those closed rooms will continue to go down regardless of what you do in this Commonwealth and what you have forced on people here with this bill.

The thing is, the time is necessary in order to give people time. But I always look at those who are proponents of a measure and the eagerness that they have inside of them to want to superimpose a will without even giving any consideration to those who are less fortunate. I will continue to raise that until there is a voice that is heard and felt and also vibrant in its spirit, that there has got to be something more compelling to an attitude that would automatically just accept that which seems to be right because it sounds good in terms of the way we do it, but it is also arrogant. It is arrogant because it does not give people an opportunity on the other side of the coin on this issue and the availability to be able to be considered at all, to say what about me in this particular case. So

timing is of importance to those individual persons who need to have it in order to implement whatever it is that you want to force down the throats of women in this Commonwealth who are not going to be able to defend themselves in a situation, regardless of how they may become pregnant.

It seems to me that many of us who sit on the floor of this House who have children, admit it or not, who will deal with the problems that they are faced with every single day, will not be the same proponents to help give money to children and a guaranteed income to mothers on welfare and will not help those individual persons who are poor and fall under the cracks and will not help those individual persons who in fact need a helping hand in life to realize that nobody is looking for a handout. Everybody is saying that if you give me an opportunity to be able to settle my own situation, I can then be able to go in the proper manner and do like rich people do and be able to satisfy the particular problem as it affects me. But that seems to be missing, that little, little part in your heart, that little compelling attitude, that feeling, that sense of knowing, that caring attitude, the one that will look down on the downtrodden, the locked out and the left out and say that we are about more than just trying to force the will of ourselves on people without realizing and understanding that there is a lesser group out there that does not have anyone speaking for them.

As I said yesterday and I will say it again today, I am going to be the champion for little people, for poor people, and for poor women on this issue, and I feel that I am a freedom fighter to stand up for freedom no matter what happens, and time is necessary in order to implement whatever you are going to put on women here today. I would say to the members of this House, if you have not felt any compelling attitude to deal with anything else this afternoon, at least you can feel some compelling attitude to want to vote in favor of giving more time to implement whatever action that you are willing to vote for and make law in Pennsylvania.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Pistella amendment. In my estimation, the State simply needs at least 120 days to disseminate the information regulating the Freind amendment.

In 1982 the Abortion Control Act had a 180-day effective date and still there was total chaos for the 1 day that this act was in effect, and we certainly do not want that chaotic situation to transpire again. Even 120 days barely gets the State through the necessary IRRC process which was pointed out by Representatives Richardson and Pistella. It is very unrealistic to think that 60 days is adequate time to prepare for implementation of this measure. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the lady from Philadelphia, Ms. Kitchen.

Ms. KITCHEN. Mr. Speaker, I support this amendment. I see absolutely nothing wrong in giving additional time to

implement these changes. I think that the time is needed to insure every possible scenario is met, that people will be able to get abortions. And I predict that in 2 years we will probably be here debating on what we are going to do for the people who are violating some of these very amendments that we are fighting to get.

I still say there is nothing wrong with giving poor women the same right as you give women who can afford an abortion and do not have to go through these reporting requirements.

Therefore, I ask my colleagues to support this amendment for the additional time to give the proper authorities the time to organize and implement what needs to be done. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind, for the second time.

Mr. FREIND. Thank you, Mr. Speaker.

Several brief points. We drafted this amendment very carefully. If you read it carefully, you, I believe, will come to the same conclusion as I. There is nothing in this amendment which requires regulations that go through the IRRC process. And why? Because we have been down that alley before and we got mugged at the end of it. We will not let Welfare promulgate the regs for the reporting of rape and incest, and they blew it.

Representative Rudy pointed out that the Abortion Control Act had a 180-day effect. That is right. We did that at the request of the lobbyist for the Pennsylvania State Supreme Court, because they indicated it would take that much time to promulgate the rules for the private court procedure with respect to minors. At the end of the 180 days, we still did not have rules. About 6 months later we had rules that were very broad and were stricken. So this time we did not make that mistake. The rules are right in there in the law. We have decided to have all of the important procedures be voted upon by you, the elected members of the legislature. Accordingly, 60 days is more than enough.

One note in passing. I have heard time and again here how this is discriminatory against poor people. Well, I halfway agree. Yes, it is discriminatory. Unfortunately, right now, because of some of the decisions of the courts, we cannot save the unborn of the middle class and the rich. We can save some of the unborn of the poor, and I refuse to accept the proposition that life is reserved for the planned, the privileged, and the perfect.

It is a bad amendment. I sincerely hope we defeat it. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—59

Acosta	Hagarty	Maine	Ritter
Bortner	Harper	Michlovic	Roebuck
Brandt	Hayden	Miller	Rudy
Broujos	Heckler	Moehlmann	Saurman
Carn	Howlett	Nahill	Semmel
Cornell	Hughes	O'Donnell	Showers
DeVerter	Itkin	Oliver	Smith, B.
DeWeese	Jackson	Piccola	Sweet

Davies	Josephs	Pievsky	Trello
Dorr	Kitchen	Pistella	Truman
Evans	Kukovich	Pressmann	Veon
Fattah	Lashinger	Preston	Wambach
Freeman	Levdansky	Punt	Wiggins
Gladeck	Linton	Reinard	Wright, R. C.
Godshall	McHale	Richardson	

NAYS—138

Angstadt	DeLuca	Kasunic	Pitts
Argall	Daley	Kennedy	Raymond
Arty	Dawida	Kenney	Rieger
Baldwin	Dempsey	Kosinski	Robbins
Barley	Dietterick	LaGrotta	Ryan
Battisto	Distler	Langtry	Rybak
Belardi	Dombrowski	Laughlin	Saloom
Belfanti	Donatucci	Leh	Schuler
Billow	Duffy	Lescovitz	Serafini
Birmelin	Durham	Letterman	Seventy
Black	Fargo	Livengood	Sirianni
Blbaum	Farmer	Lloyd	Smith, S. H.
Book	Fee	Lucyk	Snyder, D. W.
Bowley	Fischer	McCall	Snyder, G.
Bowser	Flick	McClatchy	Staback
Boyes	Foster	McVerry	Stairs
Bunt	Fox	Maiale	Steighner
Burd	Freind	Manderino	Stevens
Burns	Gallen	Manniller	Stuban
Bush	Gamble	Markosek	Taylor, E. Z.
Caltagirone	Gannon	Mayernik	Taylor, F.
Cappabianca	Geist	Melio	Taylor, J.
Carlson	George	Merry	Telek
Cawley	Gruitza	Morris	Tigue
Cessar	Gruppo	Mowery	Van Horne
Chadwick	Haluska	Mrkonic	Vroon
Civera	Hasay	Murphy	Wass
Clark	Hayes	Noye	Weston
Clymer	Herman	O'Brien	Wilson
Cohen	Hershey	Olasz	Wogan
Colafella	Hess	Perzel	Wozniak
Cole	Hutchinson	Petrarca	Wright, D. R.
Corrigan	Jadlowiec	Petrone	Wright, J. L.
Cowell	Jarolin	Phillips	Yandrisevits
Coy	Johnson		

NOT VOTING—1

Reber

EXCUSED—5

Dininni	Micozzie	Irvis,
Honaman	Scheetz	Speaker

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

WELCOMES

The SPEAKER pro tempore. The Chair would like to acknowledge a visit by Paige Rowan of York Haven, Pennsylvania, to the hall of the House. She is the guest of Bruce Smith of York County. Would the lady rise and be recognized by the House.

The Chair also has the privilege of welcoming Donald Sullivan, an Eagle Scout from Cumberland County, who is the guest of Representative Fred Noye and Representative John Broujos. Will he stand and be recognized.

CONSIDERATION OF HB 1130 CONTINUED

On the question recurring,
Will the House concur in Senate amendments as amended?

AMENDMENT A4484 RECONSIDERED

The SPEAKER pro tempore. The Chair has before it a motion for reconsideration by Representatives Richardson and DeWeese, who move that the vote by which the Bowser amendment A4484 to HB 1130, PN 2373, was defeated on the 24th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—187

Acosta	Dorr	Langtry	Richardson
Angstadt	Duffy	Lashinger	Rieger
Argall	Durham	Laughlin	Ritter
A arty	Evans	Lescovitz	Robbins
Baldwin	Fargo	Letterman	Roebuck
Barley	Farmer	Levdansky	Rudy
Battisto	Fattah	Linton	Ryan
Belardi	Fee	Livengood	Rybak
Belfanti	Fischer	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Black	Foster	McCall	Schuler
Blaum	Fox	McClatchy	Semmel
Book	Freeman	McHale	Serafini
Bortner	Freind	McVerry	Seventy
Bowley	Gallen	Maiale	Showers
Bowser	Gannon	Maine	Sirianni
Boyes	Geist	Manderino	Smith, B.
Brandt	George	Manmiller	Smith, S. H.
Broujos	Gladeck	Markosek	Snyder, D. W.
Burd	Godshall	Mayernik	Snyder, G.
Burns	Gruitza	Melio	Staback
Bush	Gruppo	Merry	Stairs
Caltagirone	Hagarty	Michlovic	Steighner
Cappabianca	Haluska	Miller	Stevens
Carlson	Harper	Moehlmann	Stuban
Carn	Hasay	Morris	Sweet
Cawley	Hayden	Mowery	Taylor, E. Z.
Cessar	Hayes	Mrkonic	Taylor, F.
Chadwick	Heckler	Murphy	Taylor, J.
Clark	Herman	Nahill	Telek
Clymer	Hess	Noye	Tigue
Cohen	Howlett	O'Brien	Truman
Colafella	Hughes	O'Donnell	Van Horne
Cole	Hutchinson	Oliver	Veon
Cornell	Itkin	Perzel	Vroon
Cowell	Jackson	Petrarca	Wambach
Coy	Jadlowiec	Phillips	Wass
DeVerter	Jarolin	Piccola	Weston
DeWeese	Johnson	Pievsky	Wiggins
Daley	Josephs	Pistella	Wilson
Davies	Kasunic	Pitts	Wogan
Dawida	Kennedy	Pressmann	Wozniak
Dempsey	Kenney	Preston	Wright, D. R.
Dietterick	Kitchen	Punt	Wright, J. L.
Distler	Kosinski	Raymond	Wright, R. C.
Dombrowski	Kukovich	Reber	Yandrisevits
Donatucci	LaGrotta	Reinard	

NAYS—7

Birmelin	Civera	Gamble	DeLuca
Bunt	Corrigan	Hershey	Olasz

NOT VOTING—4

DeLuca	Leh	Petrone	Trello
EXCUSED—5			
Dininni	Micozzie	Irvis,	
Honaman	Scheetz	Speaker	

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

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

The clerk read the following amendments No. A4484:

Amend Title, page 1, line 6, by inserting after "CHANGE;" providing for submitting to the voters a question relating to abortion;

Amend Bill, page 13, by inserting between lines 22 and 23

Section 6. The provisions of this act amending 18 Pa.C.S. Ch. 32 (relating to abortion) shall not apply to any person until a question thereon is submitted to the electors of this Commonwealth at the next municipal or general election occurring at least 60 days after the effective date of this act and a majority voting thereon vote in the affirmative.

The question shall be in the following form:

"Do you favor the regulation of abortions as provided in the Abortion Control Act?"

Amend Sec. 6, page 13, line 23, by striking out "6" and inserting

7

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

The following roll call was recorded:

YEAS—73

Acosta	Fattah	Linton	Punt
Bortner	Freeman	McHale	Reber
Bowley	Gladeck	McVerry	Richardson
Bowser	Godshall	Maine	Ritter
Brandt	Hagarty	Mayernik	Roebuck
Carn	Harper	Merry	Rudy
Chadwick	Hayden	Michlovic	Saloom
Cohen	Heckler	Miller	Showers
Cornell	Hughes	Moehlmann	Smith, B.
Cowell	Hutchinson	Mowery	Stairs
Coy	Itkin	Murphy	Sweet
DeVerter	Jackson	Nahill	Truman
DeWeese	Josephs	O'Donnell	Van Horne
Daley	Kennedy	Oliver	Wambach
Davies	Kitchen	Pievsky	Wiggins
Dawida	Kukovich	Pistella	Wilson
Dietterick	Lashinger	Pressmann	Wright, D. R.
Evans	Levdansky	Preston	Wright, R. C.
Fargo			

NAYS—125

Angstadt	Distler	Kenney	Rieger
Argall	Dombrowski	Kosinski	Robbins
A rty	Donatucci	LaGrotta	Ryan
Baldwin	Dorr	Langtry	Rybak
Barley	Duffy	Laughlin	Saurman
Battisto	Durham	Leh	Schuler
Belardi	Farmer	Lescovitz	Semmel
Belfanti	Fee	Letterman	Serafini
Billow	Fischer	Livengood	Seventy
Birmelin	Flick	Lloyd	Sirianni
Black	Foster	Lucyk	Smith, S. H.
Blaum	Fox	McCall	Snyder, D. W.
Book	Freind	McClatchy	Snyder, G.
Boyes	Gallen	Maiale	Staback
Broujos	Gamble	Manderino	Steighner

Bunt	Gannon	Manniller	Stevens
Burd	Geist	Markosek	Stuban
Burns	George	Melio	Taylor, E. Z.
Bush	Gruitza	Morris	Taylor, F.
Caltagirone	Gruppo	Mrkonic	Taylor, J.
Cappabianca	Haluska	Noye	Telek
Carlson	Hasay	O'Brien	Tigue
Cawley	Hayes	Olasz	Trello
Cessar	Herman	Perzel	Veon
Civera	Hershey	Petrarca	Vroon
Clark	Hess	Petrone	Wass
Clymer	Howlett	Phillips	Weston
Colafella	Jadlowiec	Piccola	Wogan
Cole	Jarolin	Pitts	Wozniak
Corrigan	Johnson	Raymond	Wright, J. L.
DeLuca	Kasunic	Reinard	Yandrisevits

NOT VOTING—0

EXCUSED—5

Dininni	Micozzie	Irvis,
Honaman	Scheetz	Speaker

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

On the question recurring,

Will the House concur in Senate amendments as amended?

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. A parliamentary inquiry, Mr. Speaker.

Was it not your former decision that now would be the proper time for the majority leader to move the previous question? I thought that was your ruling, after I think it was two amendments and a reconsideration, that the leader was going to make that motion. Is that correct?

The SPEAKER pro tempore. Does the gentleman object to moving to final passage at this time?

Mr. DAVIES. No, I do not object. My question is, are we to accept his former motion before we went through the amendments in that order as to prevail, or is it necessary now to have that movement for previous question?

The SPEAKER pro tempore. There is no need to move the previous question if the members will, without objection, agree to move to final passage.

Mr. DAVIES. All right. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, I object to doing this without following the majority leader's procedure as outlined. I think it is only fair to those members who had additional amendments to offer that this be part of the record. Thank you.

MOTION FOR PREVIOUS QUESTION

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move the previous question on the issue before us and ask for the proper number of people to second the same.

The SPEAKER pro tempore. By a show of hands, those who favor calling the previous question will stand in place.

Mrs. Taylor, Mr. Freind, Mr. Birmelin, Mr. Clymer, Mr. Jarolin, Mr. Steighner, Mr. Coy, Mr. Letterman, Mr. Vroon, Mr. Chadwick, Mr. Kenney, Mrs. Weston, Mr. Kosinski, Mr. Seventy, Mr. Rybak, Mr. Maiale, Mr. Petrarca, Mr. Hutchinson, Mr. Burns, and Mr. Reinard. I believe there are a sufficient number to second the motion of the majority leader to call the previous question. That will terminate the debate on HB 1130, and we will move immediately to the vote.

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

Mr. MARKOSEK. I would just like to speak on final passage at the appropriate time, Mr. Speaker.

The SPEAKER pro tempore. The motion to call the previous question, if passed, will terminate debate, and we move immediately to the vote.

All those in favor of moving the previous question will vote "aye"; those opposed, "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—135

Angstadt	Dempsey	Kenney	Rieger
Argall	Dietterick	Kosinski	Ritter
Arty	Distler	LaGrotta	Robbins
Baldwin	Dombrowski	Langtry	Rudy
Barley	Donatucci	Laughlin	Rybak
Battisto	Duffy	Leh	Saloom
Belfanti	Durham	Lescovitz	Schuler
Billow	Farmer	Letterman	Serafini
Birmelin	Fee	Lloyd	Seventy
Book	Fischer	Lucyk	Sirianni
Bowley	Flick	McCall	Smith, B.
Boyes	Foster	McClatchy	Smith, S. H.
Broujos	Freeman	McHale	Snyder, G.
Bunt	Freind	McVerry	Staback
Burd	Gamble	Maiale	Stairs
Burns	Gannon	Maine	Steighner
Bush	Geist	Manderino	Stevens
Caltagirone	George	Manmiller	Stuban
Cappabianca	Gladeck	Markosek	Taylor, E. Z.
Carlson	Godshall	Mayernik	Taylor, F.
Carn	Gruitza	Melio	Taylor, J.
Cessar	Gruppo	Merry	Trello
Chadwick	Haluska	Morris	Van Horne
Civera	Hasay	Mrkonic	Vroon
Clark	Herman	O'Brien	Wass
Clymer	Hershey	Olasz	Weston
Cohen	Howlett	Oliver	Wiggins
Colafella	Hutchinson	Perzel	Wilson
Cole	Itkin	Petrarca	Wogan
Corrigan	Jadlowiec	Petrone	Wozniak
Cowell	Jarolin	Phillips	Wright, D. R.
Coy	Johnson	Pitts	Wright, J. L.
DeLuca	Kasunic	Punt	Yandrisevits
Daley	Kennedy	Raymond	

NAYS—61				Dawida Dempsey	Kenney	Punt	Yandrisevits
Acosta	Fattah	Levdansky	Reber				
Belardi	Fox	Linton	Reinard				
Black	Gallen	Livengood	Richardson				
Blaum	Hagarty	Michlovic	Roebuck				
Bortner	Harper	Miller	Ryan				
Bowser	Hayden	Moehlmann	Saurman				
Bradt	Hayes	Mowery	Semmel				
Cawley	Heckler	Murphy	Showers				
Cornell	Hess	Nahill	Snyder, D. W.				
DeVerter	Hughes	Noye	Sweet				
DeWeese	Jackson	Piccola	Telek				
Davies	Josephs	Pievsky	Tigue				
Dawida	Kitchen	Pistella	Truman				
Dorr	Kukovich	Pressmann	Veon				
Evans	Lashinger	Preston	Wambach				
Fargo							
NOT VOTING—2				NOT VOTING—53			
O'Donnell	Wright, R. C.			Acosta	Freeman	Linton	Reinard
	EXCUSED—5			Bortner	Gladeck	Miller	Richardson
Dininni	Micozzie	Irvins,		Bowser	Hagarty	Moehlmann	Ritter
Honaman	Scheetz	Speaker		Brandt	Harper	Mowery	Roebuck
				Broujos	Hayden	Nahill	Rudy
				Carn	Heckler	O'Donnell	Showers
				Cornell	Hughes	Oliver	Smith, B.
				Cowell	Itkin	Piccola	Snyder, D. W.
				DeVerter	Jackson	Pievsky	Sweet
				DeWeese	Josephs	Pistella	Truman
				Davies	Kitchen	Pressmann	Wambach
				Dorr	Kukovich	Preston	Wiggins
				Evans	Lashinger	Reber	Wright, R. C.
				Fattah			
NOT VOTING—0				EXCUSED—5			
				Dininni	Micozzie	Irvins,	
				Honaman	Scheetz	Speaker	
The question was determined in the affirmative, and the motion was agreed to.				The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.			
The SPEAKER pro tempore. The motion to move the previous question is agreed to.				Ordered, That the clerk inform the Senate accordingly.			
There is no debate.				REMARKS SUBMITTED FOR THE RECORD			
On the question recurring,				The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies.			
Will the House concur in Senate amendments as amended?				Mr. DAVIES. Mr. Speaker, I would like to submit for the record my remarks on HB 1130.			
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.				The SPEAKER pro tempore. The Chair thanks the gentleman. Please submit the remarks for the record.			
YEAS—145				Mr. DAVIES submitted the following remarks for the Legislative Journal:			
Angstadt	Dietterick	Kosinski	Raymond	I have never heard such gross fabrications, philosophical fantasies, or puritanical chest beating in statements made on this issue. The portion related to a support system provided for women in this amendment is really a cruel hoax.			
Argall	Distler	LaGrotta	Rieger	Is it not a great consolation to many women to know that the support system promised in this legislation will be subject to a similar track record that the current child support disgrace suffers through our court system. Currently half of the women who seek support fail to get the financial support they seek through our judicial system.			
Asty	Dombrowski	Langtry	Robbins	This hoax is further loaded with more unconstitutional provisions that again will fail the test of the judicial system. Is it not ironic that a few weeks ago this administration agreed to pay \$370,000 for legal fees to the attorneys of the same opponents of this amendment for the litigation on our last unconstitutional abortion act. This does not include the inhouse legal costs to the Thornburgh administration which could far exceed the above costs.			
Baldwin	Donatucci	Laughlin	Ryan	This body will be back to square one on this very issue in the not too distant future. In the interim, many women of this Commonwealth will continue to fail to realize one of their own basic rights, their personal choice on this very issue.			
Barley	Duffy	Leh	Rybak				
Battisto	Durham	Lescovitz	Saloom				
Belardi	Fargo	Letterman	Saurman				
Belfanti	Farmer	Levdansky	Schuler				
Billow	Fee	Livengood	Semmel				
Birmelin	Fischer	Lloyd	Serafini				
Black	Flick	Lucyk	Seventy				
Blaum	Foster	McCall	Sirianni				
Book	Fox	McClatchy	Smith, S. H.				
Bowley	Freind	McHale	Snyder, G.				
Boyes	Gallen	McVery	Staback				
Bunt	Gamble	Maiale	Stairs				
Burd	Gannon	Maine	Steighner				
Burns	Geist	Manderino	Stevens				
Bush	George	Manniller	Stuban				
Caltagirone	Godshall	Markosek	Taylor, E. Z.				
Cappabianca	Gruitza	Mayernik	Taylor, F.				
Carlson	Gruppo	Melio	Taylor, J.				
Cawley	Haluska	Merry	Telek				
Cessar	Hasay	Michlovic	Tigue				
Chadwick	Hayes	Morris	Trello				
Civera	Herman	Mrkonic	Van Horne				
Clark	Hershey	Murphy	Veon				
Clymer	Hess	Noye	Vroon				
Cohen	Howlett	O'Brien	Wass				
Colafella	Hutchinson	Olasz	Weston				
Cole	Jadlowiec	Perzel	Wilson				
Corrigan	Jarolin	Petrarca	Wogan				
Coy	Johnson	Petrone	Wozniak				
DeLuca	Kasunic	Phillips	Wright, D. R.				
Daley	Kennedy	Pitts	Wright, J. L.				

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, I would like to submit remarks for the record on final passage of HB 1130.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. PICCOLA submitted the following remarks for the Legislative Journal:

There is an irony present today. We are considering HB 1130 to correct a deficiency in our law dealing with the Commission on Sentencing because our Supreme Court has recently ruled that we, the legislature, violated constitutionally mandated procedures. Now, while considering this bill which attempts to remedy our transgression, we are asked to violate the Constitution again.

Specifically, the amendment offered today to add provisions relating to abortions violates the Pennsylvania Constitution's single subject rule set forth in Article III, section 3.

The history of Article III, section 3, is illuminating. To quote from a 1975 Dickinson Law Review comment entitled "The Constitution and the Consolidated Statutes":

In 1864 an amendment was added to the Pennsylvania Constitution, which provided, "No bill shall be passed by the legislature containing more than one subject, which shall be clearly expressed in its title, except appropriation bills." This amendment was intended to curb the practice of incorporating into one bill a variety of distinct and independent subjects of legislation and intentionally disguising the real purpose of the bill by a misleading title or by the comprehensive phrase "and for other purposes." Omnibus bills, as such bills were known, not only allowed the passage of unknown legislation, but also permitted logrolling—that is, embracing in one bill several distinct matters, none of which could singly obtain the assent of the legislature, and procuring its passage by combining the minorities who favored the individual matters to form a majority that would adopt them all. This amendment was renumbered and slightly modified [to except general appropriation bills] in the 1873 Constitution. Otherwise Article III, section 3, remained unchanged until 1967.

On May 16, 1967, the voters of the Commonwealth adopted the following language as Article III, section 3:

No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof.

The last phrase, that is, "a bill codifying or compiling the law or a part thereof," allows the consolidation of our statutory law into a comprehensive and integrated code. The codification process in this State began in 1970. It still continues. Many important titles have been completed but much more work needs to be done. The efficiency of the consolidated statutes concept is that when amendments are needed on a specific subject impacting on more than one title, it can be accomplished with one piece of legislation, one bill, making a multi-title amendment. To fully realize this conceptual convenience, we must complete the process. All of Pennsylvania law must be codified and as soon as possible.

What many misunderstand is that the Consolidated Statutes are not an excuse to return to those multi-subject, logrolling days of the 19th century. Quite the contrary. Codification will allow

the statutes to reflect the advancements of the 20th century. If an area of the law, singular in subject but multi-title in scope, needs legislative attention, then because of the Consolidated Statutes, it can be accomplished in one bill. But, the test to be applied in a bill amending the Consolidated Statutes is the same as the test that is applied in a bill amending a statute which is not codified; that is, the constitutional mandate that "No bill shall be passed containing more than one subject."

The amendment offered today to this bill does not comply with the Constitution: under even the most broad definition of single subject, all would admit that abortion control and the Pennsylvania Commission on Sentencing are not even remotely related.

Further, the Pennsylvania Constitution, Article III, section 1, provides that:

No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

While the authority to amend a bill during passage is not at issue, the authority to alter the original purpose of the bill by adding a second, unrelated subject is clearly prohibited.

Most importantly, I suggest that we can no longer rely on the "enrolled bill doctrine" to pay only lip service to the constitutional restrictions on the legislative process. This is troubling, especially in light of two recent Supreme Court decisions which read together opens the door for the court to ultimately invalidate our action today if we accept this amendment. The first case is *Consumer Party of Pennsylvania v. Commonwealth*, 510 Pa. 158 (1986). Here was the first salvo fired at the legislature and a crack in the "enrolled bill doctrine" developed.

Judge Robert E. Woodside in his treatise Pennsylvania Constitutional Law describes this doctrine:

An enrolled bill is a bill certified by the Speaker of the House and the presiding officer of the Senate as having passed the General Assembly; signed by the Governor, and filed with the Secretary of the Commonwealth.

A bill thus filed with these signatures is conclusively presumed to have been legally adopted. The courts will not go back of the signatures of these three officers to determine whether the bill was enacted in compliance with the constitutional requirements. This doctrine is known as the enrolled bill rule.

In *Consumer Party*, the court quoted from a 1975 case as follows:

When the Constitution clearly sets forth the manner in which something shall be done, that procedure must be followed to the exclusion of all others, including a procedure which the legislature may prefer;....

It further stated:

It is imperative that those who are charged with the responsibility of making the laws that govern us must at the very least be required to employ reflective judgment in the discharge of that duty. Ultimately, it is the moral responsibility of the individual legislator to fulfill that commitment. However, the people speaking through their Constitution have mandated a procedure to provide each legislator the opportunity to properly perform that obligation. That directive is mandatory and not precatory and the judicial branch cannot ignore a clear violation because of a false sense of deference to the prerogatives of a sister branch of government.

While the court in *Consumer Party* found that the legislature had complied with the Constitution, that result is unimportant.

What is important is that the court scrutinized the process by which we enacted that law.

Now we come to the court's decision in Commonwealth v. Sessoms, the decision that overturned the sentencing guidelines promulgated by the Sentencing Commission. The court ruled that those guidelines have no force at all because the legislature did not comply with Article III, section 9, which requires the legislature to present to the Governor concurrent resolutions for his approval.

We cannot in our deliberative process violate the Constitution with impunity. We are placing the courts in a posture to be our keeper, hardly a fit position for either the court or the legislature to be in.

This amendment must be withdrawn or else rejected by us, in consideration of our oath of office to uphold the Constitution, as violating its single subject rule.

FINANCE COMMITTEE MEETING

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

Mr. TRELOO. There will be a meeting of the House Finance Committee immediately at the back of the House. All members please be present. Thank you.

The SPEAKER pro tempore. The Chair would like to reiterate that there is a meeting of the Finance Committee at the back of the House, and all Finance Committee members are urged by the chairman to attend.

BILLS REREPORTE FROM COMMITTEE

HB 265, PN 2547 (Amended)

By Rep. PIEVSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the representation of small business ratepayers in proceedings involving general rate increases; and making an appropriation.

APPROPRIATIONS.

HB 978, PN 1075

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the submission to the General Assembly of information relating to tax expenditures.

APPROPRIATIONS.

HB 1716, PN 2141

By Rep. PIEVSKY

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," transferring enforcement provisions from the Pennsylvania State Police to the Pennsylvania Liquor Control Board.

APPROPRIATIONS.

HB 1727, PN 2548 (Amended)

By Rep. PIEVSKY

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), known as the "Pennsylvania Industrial Development Authority Act," adding and amending certain definitions; permitting certain definitions; permitting certain board members to designate others to exercise their powers as board members; providing for forfeiture of a board member's seat for unexcused absences from meetings; providing for certification of industrial development agencies; making editorial changes; providing for

loans for industrial parks and multiple-tenancy building projects; authorizing the Authority to require additional security for loans; deleting a requirement that all loan repayments be deposited in the Industrial Development Fund; and requiring the Authority to promulgate regulations.

APPROPRIATIONS.

HB 1730, PN 2398

By Rep. PIEVSKY

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), known as the "Civil Service Act," reestablishing the State Civil Service Commission; further providing for the civil service system; and making editorial changes.

APPROPRIATIONS.

HB 1731, PN 2549 (Amended)

By Rep. PIEVSKY

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, adding provisions relating to the Historical and Museum Commission, publications and historical societies; reestablishing the Pennsylvania Historical and Museum Commission; further providing for the powers and duties of the commission; abolishing certain boards and commissions; and making repeals.

APPROPRIATIONS.

HB 1733, PN 2550 (Amended)

By Rep. PIEVSKY

An Act reenacting and amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the "Public Official and Employee Ethics Law," adding definitions; further providing for the membership, powers and duties of the State Ethics Commission and persons who must file statements of financial interests; and reestablishing the State Ethics Commission.

APPROPRIATIONS.

HB 1739, PN 2164

By Rep. PIEVSKY

An Act amending the act of April 25, 1929 (P. L. 723, No. 315), entitled "An act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," further providing for investments of funds.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1988, PN 2536

By Rep. PIEVSKY

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects through this Commonwealth for fiscal year 1987-1988.

APPROPRIATIONS.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon, Mr. Jackson.

Mr. JACKSON. Mr. Speaker, I would like permission to submit my remarks for the record.

The SPEAKER pro tempore. The gentleman will send his remarks to the desk.

Mr. JACKSON submitted the following remarks for the Legislative Journal:

Informed Consent for Parents

My objections to forcing parents to go to the doctor's office to undergo the informed consent procedure before we allow teenagers legal abortion will be better understood if first I discuss how burdensome it is to force all teenagers to involve their parents in their abortion decision.

Section 3206 of the act requires that a minor woman obtain the consent of one parent or seek an order from her local court that (a) she is mature enough to make the abortion decision herself or (b) that the abortion is in her best interest. Prochoice advocates have long opposed parental consent requirements for several significant reasons:

Over 50 percent of minors obtaining abortions in Pennsylvania already bring a parent with them to the abortion procedure. Others rely on mature adults, family members, friends, or friends' parents for support through the procedure. When a minor determines that she cannot inform her parents of her pregnancy, this mature decision ought to be respected. It is usually made for excellent reasons: for fear that her parents will abuse her or intimidate her into continuing the pregnancy to term, or to protect parents who may themselves be having difficulties.

Recent litigation in Minnesota has confirmed that consent statutes do nothing to foster communication between parents and teenage daughters who are unable to communicate on their own. Rather, the court found that consent requirements such as the one proposed here force young women to evade the law by seeking abortions in other States, travel long distances from their homes, lie to their parents about their whereabouts while they are attending court proceedings and delaying the performance of the abortion, seriously jeopardizing the minor's health.

Forced parental involvement laws mean more late abortions for teenagers. In Minnesota, second-trimester abortions for minors went up a horrifying 26.5 percent. Late abortions are more painful, more expensive, more difficult to obtain, and more medically dangerous than early abortions. Is that what we want for Pennsylvania teenagers—more late abortions? Is that what being prolife means, passing legislation that means more late abortions?

Traditionally, the law has enabled minors alone to self-consent to their own reproductive health care. Currently our law allows young women to have a baby, to obtain treatment for pregnancy, and to obtain treatment for sexually transmitted diseases without their parents' consent. This tradition should apply to all reproductive health decisions, including abortion.

Requiring not just consent but informed consent from a parent as well as the minor may not be an insurmountable burden for some families, but it is going to come close. Even where the parent has been informed, promptly, of the teen's pregnancy, and is able and willing to visit the daughter's doctor, and is able and willing to pay for the consultation with the doctor that is needed for informed consent, the additional cost and delay such a requirement puts on the abortion procedure is going to make for even more late abortions for teenagers in Pennsylvania than Minnesota has had to cope with.

The barrier will be insurmountable for dysfunctional families, families which the sponsors of this bill would like to pretend do not exist, or, if they do, do not deserve our compassion. We are talking here about abusive families, alcoholic families, families where one or both parents are seriously mentally ill, families involved in drug addiction or drug abuse, violent and incestuous families. We cannot legislate these families out of existence. We cannot legislate love.

Parents from these dysfunctional families may be willing to provide consent for the abortion, but may not be willing or able to accompany the minor to her appointment. Consider the case of

a single mother, who has talked over with her teenage daughter their decision to get an abortion, who agrees wholeheartedly, without reservation, who talks the matter over with their clergyman, who is sure of her decision—but who is also unable to get a day off from work for several days. By the time this mother is able to get a day off, the doctor's schedule will not permit him the half hour or hour he needs for the informed consent procedure for the parent. Even in the case of a parent who has talked the abortion decision over with their daughter and consents, this provision could pose very serious logistical difficulties.

For the less willing or less able parent, getting informed consent in time for the minor to have a safe, early abortion will be even more difficult. What if the parent is unable or unwilling to spend the considerable time and money to get to a facility that may be some distance from her home, pay perhaps for babysitting for her other children, and pay the physician for his time—a cost likely to add up to a considerable sum?

Deleting the requirement that the parent's consent be informed will still ensure that minors are required to involve their parent. It will not prevent parents from going to the doctor to get more information about their daughter's options if they need it; but it will eliminate some of the more burdensome aspects of this consent law.

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tioga, Mr. Carlson.

Mr. CARLSON. Mr. Speaker, on HB 1271, final passage, my switch malfunctioned. I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes the gentleman from Bucks, Mr. Melio.

Mr. MELIO. Mr. Speaker, on HB 1130 I would like to be recorded in the affirmative on amendment 4514 and in the negative on amendment 4479. Thank you.

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

The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, a correction of the record. On amendment A4572 to HB 1130, I would like to have the record changed to record a negative vote.

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

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

In reviewing yesterday's voting record of November 23, I would like to change my vote on SB 426, amendment 3838, and be recorded as "yes" rather than "no."

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****HB 1808, PN 2552 (Amended)**

By Rep. GEORGE

An Act providing for low-level radioactive waste disposal; further providing for powers and duties of the Department of Environmental Quality Board; providing for the siting of low-level radioactive waste disposal facilities and for the licensing of operators thereof; establishing certain funds and accounts for the benefit of host municipalities and the general public; establishing the Low-Level Waste Advisory Committee and providing for its powers and duties; providing for membership on the Appalachian States Low-Level Radioactive Waste Commission; requiring certain financial assurances; providing enforcement procedures; providing penalties; making repeals; and making appropriations.

CONSERVATION.**HB 1809, PN 2255**

By Rep. GEORGE

An Act amending the act of July 10, 1984 (P. L. 688, No. 147), known as the "Radiation Protection Act," further defining "Radiation source" and adding a definition.

CONSERVATION.**HB 1823, PN 2551 (Amended)**

By Rep. RICHARDSON

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for eligibility for medical assistance.

HEALTH AND WELFARE.**SB 1067, PN 1632 (Amended)**

By Rep. COWELL

An Act amending the act of December 12, 1973 (P. L. 397, No. 141), entitled "Teacher Certification Law," further providing for the commission; and providing for the reestablishment of the commission.

EDUCATION.**SB 1068, PN 1633 (Amended)**

By Rep. COWELL

An Act defining and providing for the licensing and regulation of private academic schools; reestablishing the State Board of Private Academic Schools; imposing penalties; and making repeals.

EDUCATION.**BILLS REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1808 and HB 1809 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 RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1808 and HB 1809 be referred to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LOCAL GOVERNMENT****HB 1946, PN 2475**

By Rep. COLE

An Act establishing the Pennsylvania Advisory Commission on Intergovernmental Relations; and making an appropriation.

FEDERAL-STATE RELATIONS.**WELCOME**

The SPEAKER pro tempore. The House has had the privilege of having two guest pages serving today on the floor. We would like to recognize Miss Tami J. Brown and Miss Kelly Lynn Mack. These girls are from Meadville, Crawford County, and were sponsored by Representative Maine. Would the girls rise.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 202 By Representatives STUBAN, JAROLIN, SHOWERS, PHILLIPS, PETRARCA, HASAY, TIGUE, BELARDI, DOMBROWSKI, FEE, BELFANTI and DALEY

Directing the Mines and Energy Management Committee to investigate the feasibility of establishing power plants fueled by old tires.

Referred to Committee on RULES, November 24, 1987.

No. 203 By Representatives NAHILL, ITKIN, FOX, TIGUE, SAURMAN, STABACK, CARLSON, JACKSON, TRELLIO, WASS, FARMER, LASHINGER, HARPER, DISTLER, NOYE, VROON, LANGTRY, BOWSER, R. C. WRIGHT, E. Z. TAYLOR, JOSEPHS, ARTY, JOHNSON, MICHLOVIC, BELARDI and MELIO

Designating the month of December 1987 as "AIDS Prevention and Public Education Month."

Referred to Committee on RULES, November 24, 1987.

No. 204 By Representatives JOSEPHS, MRKONIC, STABACK, TIGUE, VEON, FOX, BLAUM, CARLSON, McHALE,

KUKOVICH, TRELLO, HUGHES,
MAINE, LaGROTTA, BATTISTO,
J. TAYLOR, DAWIDA, HECKLER,
JOHNSON, MAIALE, HOWLETT,
LEVDANSKY, HARPER, KOSINSKI,
ACOSTA, LANGTRY, KENNEY,
FREEMAN, R. C. WRIGHT, PRESTON,
FISCHER, ITKIN, ARTY, MICHLOVIC
and BELARDI

Urging the Governor and the Secretary of Public Welfare to expand eligibility for Medical Assistance coverage for the elderly and disabled.

Referred to Committee on RULES, November 24, 1987.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Tuesday, December 1, 1987, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:31 p.m., e.s.t., the House adjourned.