

COMMONWEALTH OF PENNSYLVANIA

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WEDNESDAY, MAY 31, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 23

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

Rev. Dr. DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnellsburg, Pennsylvania, offered the following prayer:

As the stress of this memorial season prompts a patriotic spirit within each one of us, and as the strain of pausing to remember those whose memory we honor challenges us to look with pride at those stars and stripes waving in the breeze, we cannot forget that it is Thee who we really hold high in this hour of meditation and devotion. Heavenly Father, we thank Thee for the watchful eye which Thou hast shared with our forefathers in this land of liberty. We are grateful for the continued hand of bounty and blessing which Thou hast extended to our forebearers, and we pray that Thou wilt constantly guide and direct us that we may never forget the heritage which is ours and the responsibilities we share with our fellowmen. Amen.

WELCOME

The SPEAKER. The Allegheny delegation is delighted to have as its guest today—and because he has an airplane to catch very quickly we have to introduce him at the beginning of the session—the chairman of the Allegheny County board of commissioners, Mr. Jim Flaherty. Mr. Chairman.

Mr. JIM FLAHERTY. Thank you, Mr. Speaker.

It is a real honor and a pleasure to be here before this assembly and to welcome you to Harrisburg, I guess I might say, for the few days that you will be here.

I would like to thank you for the good work you have done during the preceding part of this term and wish you success during the remainder of it. Thank you very much.

MASTER ROLL CALL RECORDED

The SPEAKER. All members are urged to report promptly to the floor of the House as the master roll call will now be taken.

The following roll call was recorded:

YEAS—196

Abraham	Gamble	Manderino	Salvatore
Anderson	Garzia	Manmiller	Scanlon
Armstrong	Gatski	McCall	Scheaffer
Arthurs	Geesey	McClatchy	Schmitt
Barber	Geisler	McGinnis	Schweder
Beloff	George, C.	McIntyre	Scirica
Bennett	George, M.	McLane	Seltzer
Berlin	Giammarco	Mebus	Shuman
Berson	Gillette	Meluskey	Shupnik
Bittinger	Gleeson	Milanovich	Sirianni
Bittle	Goebel	Miller	Smith, E.
Borski	Goodman	Milliron	Smith, L.
Brandt	Gray	Miscevich	Spencer
Brown	Greenfield	Moehlmann	Spitz
Brunner	Greenleaf	Morris	Stairs
Burd	Grieco	Mowery	Stapleton
Burns	Halverson	Mrkoncic	Stewart
Caltagirone	Hamilton	Mullen, M. P.	Stuban
Caputo	Harper	Musto	Sweet
Cassidy	Hasay	Novak	Taddonio
Cessar	Haskell	Noye	Taylor, E.
Cianciulli	Hayes, D. S.	O'Brien, B.	Taylor, F.
Cimini	Hayes, S. E.	O'Brien, D.	Tenaglio
Cohen	Helfrick	O'Connell	Trello
Cole	Hoeffel	O'Donnell	Valicenti
Cowell	Honaman	O'Keefe	Vroon
Davies	Hutchinson, A.	Oliver	Wagner
DeMedio	Hutchinson, W.	Pancoast	Wansacz
DeVerter	Itkin	Parker	Wargo
DeWeese	Johnson	Peterson	Wass
DiCarlo	Jones	Petrarca	Weidner
Dietz	Katz	Piccola	Wenger
Dininni	Kernick	Pievsky	White
Dombrowski	Klingaman	Pitts	Williams
Donatucci	Knepper	Polite	Wilson
Dorr	Kolter	Pott	Wilt
Doyle	Kowalyshyn	Pratt	Wise
Duffy	Kukovich	Prendergast	Wright, D.
Dumas	Lashinger	Pyles	Wright, J. L.
Englehart	Laughlin	Rappaport	Yahner
Fee	Lehr	Ravenstahl	Yohn
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. M.	Levi	Renwick	Zeller
Flaherty	Levin	Rhodes	Zitterman
Foster, A.	Lincoln	Richardson	Zord
Foster, W.	Livengood	Rieger	Zwinkl
Freind	Logue	Ritter	
Fryer	Lynch	Ruggiero	Irvis,
Gallagher	Mackowski	Ryan	Speaker
Gallen	Madigan		

NAYS—0

NOT VOTING—4

Bellomini	Kelly	Thomas	Wiggins
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The SPEAKER. One hundred ninety-six members having indicated their presence, a master roll is established.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 2480 By Messrs. LEVI, MORRIS, PETRARCA, BELLOMINI, W. W. FOSTER and PETERSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing certain exceptions from limitations on weight.

Referred to Committee on Transportation.

No. 2481 By Messrs. YAHNER, THOMAS, MORRIS, RENWICK, Mrs. WISE, Messrs. WENGER, COLE, D. R. WRIGHT, ZELLER, KLINGAMAN, W. W. FOSTER, WILT, BROWN, DeVERTER, Mrs. GEORGE and Mr. MADIGAN

An Act amending the act of December 26, 1974 (P. L. 988, No. 323), entitled "A supplement to the act of February 6, 1974 (P. L. 80, No. 17), entitled 'An act providing for the capital budget for the fiscal year 1973-1974,' itemizing an emergency public improvement project***," authorizing additional projects and making editorial changes.

Referred to Committee on Appropriations.

No. 2482 By Messrs. ZELLER, GAMBLE, RAVENSTAHL, LOGUE, E. H. SMITH, NOYE, RENWICK, BITTINGER and DeMEDIO

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for the establishment of a bear hunting license; authorize the commission to further regulate bear hunting; provide additional penalties and eliminate certain penalties for killing game by mistake.

Referred to Committee on Game and Fisheries.

No. 2483 By Mr. GREENLEAF

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for highway maintenance by municipalities or private contractors.

Referred to Committee on Transportation.

No. 2484 By Mr. GREENLEAF

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," approved April 29, 1937 (P. L. 487, No. 115), limiting the use of registration records to election purposes and providing a penalty.

Referred to Committee on Urban Affairs.

No. 2485 By Mr. GREENLEAF

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing property tax exemptions and reductions for senior citizens and for reimbursement to municipalities from the lottery proceeds for reduced tax revenues.

Referred to Committee on Local Government.

No. 2486 By Messrs. WEIDNER, PITTS, Mrs. TAYLOR, Messrs. VROON, S. E. HAYES, Miss SIRIANNI, Messrs. E. H. SMITH, MADIGAN, ZELLER, Mrs. GEORGE, Messrs. ARMSTRONG, WENGER and DIETZ

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), providing for the exclusion from the definition of "employment," services performed for certain nonprofit church-related schools.

Referred to Committee on Labor Relations.

No. 2487 By Messrs. KLINGAMAN, YAHNER, THOMAS, MORRIS, W. W. FOSTER, SCHEAFFER, STAIRS, WENGER, ZELLER, STUBAN, GRIECO, DeWEESE, CASSIDY, MADIGAN, CALTAGIRONE, SWEET, D. R. WRIGHT, DeVERTER, WILT, SHUMAN, BROWN, Mrs. GEORGE, Messrs. COLE and MILLIRON

An Act requiring the licensing of certain nonresident producers of unprocessed fruits and vegetables.

Referred to Committee on Agriculture and Rural Affairs.

No. 2488 By Messrs. FRYER, MEBUS, COLE, MORRIS, WEIDNER, A. C. FOSTER, GARZIA, RUGGIERO, MACKOWSKI, Miss SIRIANNI, Messrs. ZELLER and SCHEAFFER

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), further providing for changes to the assessment roll.

Referred to Committee on Local Government.

No. 2489 By Messrs. FRYER, MEBUS, COLE, MORRIS, WEIDNER, A. C. FOSTER, GARZIA, RUGGIERO, MACKOWSKI, Miss SIRIANNI, Messrs. ZELLER and SCHEAFFER

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), further providing for changes to the assessment roll.

Referred to Committee on Local Government.

No. 2490 By Messrs. FRYER, MEBUS, COLE, MORRIS, WEIDNER, A. C. FOSTER, GARZIA, RUGGIERO, MACKOWSKI, Miss SIRIANNI, Messrs. ZELLER and SCHEAFFER

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the Third Class County Assessment Board Law, providing that changes to the assessment roll may be made at any time and changing notice requirements.

Referred to Committee on Local Government.

No. 2491 By Messrs. RENWICK, ENGLEHART,
GEORGE and SPENCER

An Act to authorize cities, boroughs, incorporated towns, townships and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims, or the judgments thereon, have been lost, and providing for the reinstatement of the liens of such claims and judgments.

Referred to Committee on Local Government.

No. 2492 By Messrs. RAPPAPORT, PIEVSKY,
GIAMMARCO and OLIVER

An Act authorizing the Department of General Services, with the approval of the Department of Environmental Resources, to sell and convey to the City of Philadelphia certain lands within the bed of the Delaware River in the Fifth Ward of the City of Philadelphia, Pennsylvania.

Referred to Committee on State Government.

No. 2493 By Messrs. A. K. HUTCHINSON and
SCHMITT

An Act amending the "Individual Accident and Sickness Insurance Minimum Standards Act," approved May 18, 1976 (P. L. 123, No. 54), authorizing additional forms of insurance for certain illnesses.

Referred to Committee on Insurance.

No. 2494 By Messrs. A. K. HUTCHINSON and
PETRARCA

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities, towns, townships and boroughs, within this Commonwealth," changing the method of distributing the tax.

Referred to Committee on Local Government.

No. 2495 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to base year.

Referred to Committee on Labor Relations.

No. 2496 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to pensions.

Referred to Committee on Labor Relations.

No. 2497 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to vacation pay.

Referred to Committee on Labor Relations.

No. 2498 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to duration of benefits.

Referred to Committee on Labor Relations.

No. 2499 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to benefit rates.

Referred to Committee on Labor Relations.

No. 2500 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), adding provisions relating to a waiting week.

Referred to Committee on Labor Relations.

No. 2501 By Mr. MADIGAN, Mrs. GEORGE, Messrs.
ARTHURS, NOYE, MOWERY and
WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to separation pay.

Referred to Committee on Labor Relations.

No. 2502 By Mr. LAUGHLIN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania to further provide for exemptions and special provisions relating to taxation of real property.

Referred to Committee on Finance.

No. 2503 By Messrs. LAUGHLIN, KNEPPER,
KOLTER, TADDONIO, TRELLO,
RAVENSTAHL, SCHWEDER and
KUKOVICH

An Act relating to appropriations to the Pennsylvania State Police.

Referred to Committee on Appropriations.

No. 2504 By Messrs. BROWN, KUKOVICH,
MELUSKEY, REED, Mrs. WISE, Mrs.
KERNICK and Mrs. GILLETTE

An Act prohibiting pension benefits to certain officials.
Referred to Committee on Local Government.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 226 By Messrs. A. K. HUTCHINSON, W. D. HUTCHINSON, DORR, GEESEY, NOYE, CASSIDY, PETERSON, PRATT, CIMINI, DIETZ, WASS, MORRIS, WEIDNER, A. C. FOSTER, D. R. WRIGHT, STUBAN, DAVIES, VROON, LEVI and ANDERSON

The House of Representatives requests the Bureau of Sales and Use Tax, Department of Revenue to cease and desist in its unreasonable demands for information from exempt charitable organizations and to terminate forthwith this requirement that charitable exemptions be annually renewed.

Referred to Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Senate informed that the Senate has concurred in the amendments made by the House of Representatives to

SB 844, PN 1837.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Senate concurred in and returned

HB 418, PN 693, and HB 1507, PN 1807.

SENATE MESSAGES

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The Senate returned the following House bill with amendments in which concurrence of the House is requested:

HB 1238, PN 3015.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, May 23, 1978, will be postponed until printed.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I request leaves of absence for Mr. BELLOMINI and Mrs. KELLY for the week's session.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leave of absence for Mr. THOMAS for the week's session.

The SPEAKER. Without objection, leaves are granted.

COMMITTEE REPORT VOTE CHALLENGED

The SPEAKER. Does the gentleman from Franklin, Mr. Bit-

tle, desire recognition before the clerk reads the report?

Mr. BITTLE. Yes, Mr. Speaker, I do. I would like to raise—and I hope a point of order is the proper form to raise this in—and I would like to challenge the vote of the Conservation Committee with respect to—

The SPEAKER. Will the gentleman yield? The members will please take their seats. There is an extraordinary procedure about to take place; a challenge is to be placed against a report of the committee. It may require the vote of the members to make this decision. The Chair would suggest that you sit and listen, all members.

The gentleman, Mr. Fee, is about to report a bill from committee. The gentleman, Mr. Bittle, has raised an objection to the reporting of the bill.

The Chair has recognized the gentleman, Mr. Bittle. The gentleman, Mr. Bittle, may proceed.

Mr. BITTLE. Mr. Speaker, by actual count, my own count and others that were taken in the room, the vote on that bill that was reported out was seven to six. Now, I know then that there were two members who were allegedly voted by proxy who were not present in the room when the vote was taken. Even with that count, Mr. Speaker, the vote could not exceed a vote of nine to six.

Rule 45 of the House requires that there be a quorum present. In addition to that, it requires that there be at least 10 majority votes present to report a bill from committee.

Now, the meeting got a little long yesterday, Mr. Speaker, and if you will bear with me for a second, everybody at the meeting, I think, was anxious to get out of there, including myself. I had my golf clubs in my closet, and I had other things that I could do on a nice day like that, but we were there. There were people who were not heard, and the bill was hurriedly reported from committee.

Following the meeting, I approached the area where the roll calls were kept, and the dialogue, Mr. Speaker, which I object very strenuously to, went something like, well, I do not know where the sheet is; well, I am not sure who was voted; well, can I see it? Well, I do not know who has it, I gave it to somebody. And, who really has this rollcall sheet? I am not sure. And then a voice in the back saying, "Some Republican wants to see it. Shall I show it to him?"

Mr. Speaker, I object very strenuously to that kind of procedure in our committee, because I think it demeans the activities of the committee, and I think it goes even further than that; I think it downgrades and demeans the activities of this House.

My contention is, Mr. Speaker, that when that bill, Senate bill, I guess it is, 744, was released from the committee, the actual count of members present in that room voting on it was seven affirmative votes for its release and six negative votes. And I do not think anybody's count can legitimately go beyond that. I challenge the House's ability to accept that report from the House Conservation Committee.

The SPEAKER. The gentleman, Mr. Bittle, has referred to the rule of the House which reads as follows: "No Committee report, except a report of the Appropriations Committee, shall be recognized by the House, unless the same has been acted

upon by a majority vote of the members of a Standing Committee present at a Committee session actually assembled and meeting as a Committee, provided"—and these are the motivating words—"provided such majority vote numbers at least ten members, . . ." And it is the contention of the gentleman, Mr. Bittle, that ten members did not vote in the majority.

This is new territory, and the Chair will rule, and perhaps set a precedent, that a report by a chairman is presumed to be legitimate unless proven otherwise. In other words, we must assume that a chairman abides by the rules when he makes the report. But here we have an instance where the chairman is challenged by a member of the committee.

Does the gentleman, Mr. Fee, wish to reply to the challenge?

Mr. FEE. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. There were 10 members present—well, not exactly present. Mr. Taylor and Mr. Goebel asked to leave the room to be recorded on a vote at another meeting. However, there were 10, and I do not understand the conversation that Mr. Bittle talked about. He asked me where the sheet was. I immediately went to my right, where the secretary, Mr. DeWeese, sits, and he in the meantime had passed it to the secretary of the committee. We gave him the sheet immediately, and his girl made copies of it. It is as simple as that, and there were 10 members there.

The SPEAKER. The gentleman, Mr. Fee, contends that he has abided by the rules the gentleman, Mr. Bittle, challenges.

The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, may I insert into it, I was present at the meeting, since my name was brought up? I went to the secretary of the committee and notified the secretary that I had to attend an Insurance Committee meeting and that I wished to be recorded in the affirmative on the particular bill in question.

The SPEAKER. The question can be resolved only now by a decision of the House. The Chair has ruled, presumptively, that the report of the Committee of Conservation is legitimate. If there be a challenge to the ruling of the Chair, then it is up to the House members to decide whether the Chair's ruling is correct or incorrect.

Does the gentleman, Mr. Bittle, challenge the ruling of the Chair?

Mr. BITTLE. I am sorry, Mr. Speaker, I was talking—

The SPEAKER. The Chair has ruled that a committee chairman's report is presumptively correct, presumptively within the confines of the rules. The only way that the gentleman, Mr. Bittle, in the Chair's opinion, can place this matter before the House is to challenge the ruling of the Chair, which the Chair will not take personally, incidentally. There are no personalities involved in this whatsoever. Then the House would decide whether or not the ruling of the Chair is accurate.

Now, if the gentleman, Mr. Bittle, wishes to confer on that to decide what he wishes to do, the Chair will place the House at ease until the gentleman makes a decision.

Mr. BITTLE. Mr. Speaker, I do not think I have to confer with anyone. If the Speaker will just allow me a little bit of lati-

tude, I will explain why I would like to challenge the ruling of the Chair.

For the information of the members, the two bills that we were considering yesterday are very, very controversial pieces of legislation and very, very important pieces of legislation. Our committee did not really consider those bills at all until that day. These are the floodplain management bills.

The Conservation Committee of the House did not really consider those bills at all until yesterday and only at that brief portion of the meeting or extended portion of the meeting, whatever you want to call it, in which these two numbered bills were brought before the members of the committee. I think that this type of legislation is important enough that it ought to remain in committee when there are amendments to be offered and there are people to be heard who have some expertise in the particular field that we are dealing with.

I was always impressed with the fact that that was a function of the Conservation Committee or any standing committee of this House. I do not think that that was done, Mr. Speaker. I do not like to see measures reported in that fashion. As I said before, I think it demeans the committee activity and I think it demeans this legislature.

I know and every member in that committee who was present yesterday knows that there were not in fact—I do not care what that piece of paper says. There were not in fact—10 members present and voting in the affirmative to release that bill from committee.

Mr. Speaker, we just have an opportunity to live by our own rules or to not live by our rules.

These things boil down to political matters. I hope this is not. I have a great deal of respect for the Conservation Committee. Mr. Fee and myself served on that committee since I got to the House in 1968, and he preceded me as a member of this House, and I assume he served on it that long. I do not like to see that kind of thing, be it political or otherwise, happening to a committee that has never been political through the entire time that I have been here whether under Mr. Laudadio or under Mr. Fee. For that reason, Mr. Speaker, I do not care what side of the aisle you sit on. All I ask is that we abide by the rules of this House and not accept the report of this committee until it is done in the proper fashion and in the proper forum. And for that reason, Mr. Speaker, I respectfully challenge the ruling of the Chair.

The SPEAKER. The Chair has ruled that the report of the Committee of Conservation filed by the chairman of that committee, Mr. Thomas Fee, is in order and should be accepted. That ruling has been challenged by the gentleman, Mr. Bittle, and the Chair now, because the ruling of the chair has been challenged—Is there a second? There is a second, I assume, to the challenge.

MR. FRYER REQUESTED TO PRESIDE TEMPORARILY

The SPEAKER. The Chair now turns the gavel over to the gentleman, Mr. Fryer, to preside during the challenge to the Chair's ruling.

Mr. RYAN. Mr. Speaker, before you step down.

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

Mr. RYAN. Mr. Speaker, I am somewhat confused. I did not know that Mr. Bittle was going to challenge the bill being released from committee and, frankly, have not had an opportunity to talk to Mr. Bittle about it just to get my own mind straight as to what is happening.

As I understand the rules—and I do have them before me and I have not read them, but I am referring to the statement you made on the rules—Do the rules provide, Mr. Speaker, that 10 members must vote in the affirmative to release a bill from committee?

The SPEAKER. As the Chair reads the rules, that is correct. It says, "provided such majority vote numbers at least ten members, . . .".

Mr. RYAN. Thank you, Mr. Speaker.

The Chair's ruling, as I understand it, is that there is a presumption that what the chairman turns in, or whoever reports the bill out, is presumptively done in compliance with the rules?

The SPEAKER. That is correct.

Mr. RYAN. Assuming for the moment that you are correct, and I am half inclined to think that you are, my problem comes about, how does a member, such as Mr. Bittle, make a challenge if we agree that there is a presumption that what the chairman turns in is correct, I would assume you are also suggesting it is a rebuttable presumption.

The SPEAKER. Precisely.

Mr. RYAN. If we agree that the presumption exists, at what point does Mr. Bittle or any other member get an opportunity to rebut that presumption?

The SPEAKER. The Chair gave Mr. Bittle the opportunity before formally accepting the report of committee so that there would not be a report in front of us. He is objecting really to the filing of the report of the committee. The Chair has said that it will accept that report under the presumption that the report is legitimate.

Mr. RYAN. May I interrogate the chairman, Mr. Fee?

The SPEAKER. Will the gentleman, Mr. Fee, stand for interrogation?

The gentleman indicates he will. The gentleman is in order and may proceed.

Mr. RYAN. Mr. Speaker, I would like the chairman to advise me and to advise this House whether or not there were 10 members voting in the affirmative to report these bills?

Mr. FEE. Indeed, there were, Mr. Speaker.

Mr. RYAN. I am sorry. I did not hear you.

Mr. FEE. There were, Mr. Speaker.

There were a lot more than 10 who were present at the meeting. The meeting was rather lengthy, and, in a brief rebuttal to Mr. Bittle, the meeting was very long. I think everybody in the room had ample time to say anything they had to say. Mr. O'Connell spoke at great length on many occasions. Senator Kury, the sponsor of the bill, was there to answer any questions that might have been pertinent to the bill. I think plenty of time was given to anybody who had any questions, except a man came in late and asked to speak later, after the bill was al-

ready introduced, and I told him to submit it and that he and we would have plenty of time to put his input in later.

Mr. RYAN. Mr. Speaker, I was not there. I am not really challenging what went on as far as the dialogue that may or may not have taken place in connection with the bill. I am really trying to adjust myself to the problem of the rules and the interpretation of the rules.

Did I understand you to say earlier that 10 people voted in favor of releasing these bills, but now the second part of my question: Were 10 people present or were proxies used for the reporting of the two bills?

Mr. FEE. Well, who was not there?

Mr. RYAN. I do not know. I am asking you.

Mr. FEE. There were 10 people there.

Mr. RYAN. There were 10 people present, at least 10 people present and voting in favor of releasing those bills? The 10 people who are reported as being in favor of reporting those bills were present at the time of that vote? Is that what you are saying?

Mr. FEE. Two of them, Mr. Speaker, had asked to be excused to go and vote in another committee. Mr. Goebel and Mr. Taylor had spoken to the secretary of the committee and left an affirmative vote for when the bill was finally brought up.

Mr. RYAN. All right. Now I think we are getting to the heart of the matter, Mr. Speaker, and that is whether or not—and I am not saying that this has not been done customarily. Please, do not misunderstand me, Mr. Speaker. I think the problem, as Mr. Fee explains it and as I understand it, is that there were evidently eight people there voting when the question was called for a vote. Those eight voted in the affirmative, and two others of our members left for other legitimate House business and left an affirmative vote or an instruction to cast an affirmative vote on these bills. Would that be accurate?

Mr. FEE. Yes, sir.

Mr. RYAN. And I think the question now, Mr. Speaker, for you or the House to rule on is—and under our rules it would seem to be that the facts are somewhat agreed upon. I do not know that Mr. Bittle agrees with these, but the chairman of the committee seems to agree that eight people were present voting in favor of the bill at the time the question was called; two people were absent on other legitimate House business and left instructions as to how their vote would be recorded. My question, Mr. Speaker, is—under our rules is that permitted and can those two votes be counted when challenged?

The SPEAKER. As the Chair reads the rules, and from the Chair's experience, the rule does not provide for proxy voting. Members must actually be assembled and present.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it is my understanding that there is a companion bill within that committee that the committee intends to consider. I have talked to Mr. Fee and, rather than prolong this harangue, he is willing to take this bill back to committee and bring it back to the floor with 10 votes, although he does not think that any mistake was made. But rather than prolong this parliamentary harangue here, he is willing to take it back, consider it with the companion bill, and bring it back to the floor.

The SPEAKER. Inasmuch as there has been no bill accepted, no report of committee accepted, we do not have to go through that. We simply do not have to have a report filed, if that is satisfactory to the gentleman, Mr. Bittle.

The gentleman, Mr. Bittle, indicates that it is satisfactory.

To answer the gentleman, Mr. Ryan, on this question of parliamentary procedure, the reading that the Chair makes of the rules—and the Chair will go through them more diligently this afternoon—is that there should be no proxy voting even though customarily committees of the House have done so. The rules, as the Chair reads them, do not provide for proxy voting.

The controversy, however, is now moot because the gentleman, Mr. Fee, agreed that he will not file the report of the committee.

The Chair will now recognize the minority whip.

Mr. RYAN. Mr. Speaker, I would not want my remarks construed in any way as being critical of Mr. Fee. I say, on the record, that in the years I have been here, what took place has customarily taken place. I want to stress the fact that I am not being critical of Mr. Fee as I know the facts. Now, there may be more facts to it that I could be critical of. But what has taken place is something that has taken place ordinarily here in the House and, if we are going to continue this practice, it may be that we should bring our rules into line with our practice.

Thank you, Mr. Speaker.

BILLS REPORTED FROM COMMITTEES AND TABLED

HB 381, PN 415

By Mr. GEISLER

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), requiring the issuance of certified birth certificates.

State Government.

HB 653, PN 3248 (Amended)

By Mr. GEISLER

An Act authorizing the Department of General Services with the approval of the Governor and the Department of Military Affairs to convey an easement over lands of the Commonwealth in the Borough of Sellersville, Bucks County to the Pennridge Wastewater Treatment Authority.

State Government.

HB 1057, PN 3249 (Amended)

By Mr. GEISLER

An Act establishing the Tricentennial Commission of Pennsylvania, providing for the powers and duties of the commission, and making an appropriation.

State Government.

HB 1133, PN 3259 (Amended)

By Mr. RUGGIERO

An Act regulating the practice of professional geologists; providing for the licensing and registration of persons practicing professional geology, and the certification of geologists in training; * * *

Professional Licensure.

HB 1335, PN 3250 (Amended)

By Mr. BENNETT

An Act relating to rights and duties of landlords and tenants.

Business and Commerce.

HB 1634, PN 1982

By Mr. GALLAGHER

An Act providing for utility expense reimbursements to non-public schools.

Education.

HB 1362, PN 1618

By Mr. FEE

An Act amending the "Pennsylvania Solid Waste-Resource Recovery Development Act," approved July 20, 1974 (P. L. 572, No. 198), further providing for untreated solids and dissolved materials.

Conservation.

HB 1807, PN 2205

By Mr. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for member's options.

Education.

HB 1880, PN 3251 (Amended)

By Mr. FEE

An Act amending "The Clean Streams Law," approved June 22, 1937 (P. L. 1987, No. 394), limiting the authority of the Department of Environmental Resources and courts in requiring construction of sewerage facilities by municipalities and making an appropriation.

Conservation.

HB 1978, PN 2453

By Mr. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing an additional limitation on creditable nonschool service.

Education.

HB 2185, PN 2786

By Mr. GEISLER

An Act providing for the observance of May 27 of each year as Hubert H. Humphrey, Jr. Day.

State Government.

HB 2199, PN 2806

By Mr. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increase.

Education.

HB 2291, PN 2917

By Mr. FRYER

An Act validating county treasurer's deeds made prior to December 31, 1965 where the property was not properly posted or the certificate of posting was not filed.

Local Government.

HB 2299, PN 3252 (Amended)

By Mr. B. F. O'BRIEN

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), mandating certain electric utilities to maintain a certain supply of fossil fuel at specified times.

Mines and Energy Management.

HB 2300, PN 3253 (Amended)

By Mr. RIEGER

An Act relating to the regulation of social workers.

Professional Licensure.

HB 2314, PN 2948

By Mr. FRYER

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for zoning ordinances.

Local Government.

HB 2362, PN 3019

By Mr. GEISLER

An Act authorizing the Department of General Services with the approval of the Department of Environmental Resources and the Governor to sell and convey to Lawrence Township, Clearfield County a tract of land situate therein for certain purposes and subject to certain specific licenses.

State Government.

HB 2392, PN 3254 (Amended)

By Mr. BENNETT

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), providing for alternate mortgage for forms.

Business and Commerce.

HB 2393, PN 3255 (Amended)

By Mr. BENNETT

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), referred to as the Loan Interest and Protection Law, further providing for variable interest rate mortgages, making changes in the definitions of "finance charge" and "loan yield" and providing for terms and conditions under which variable interest rate loans may be made.

Business and Commerce.

HB 2397, PN 3256 (Amended)

By Mr. BENNETT

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for the maintenance and relocation of a branch office acquired from the receiver of a closed institution.

Business and Commerce.

HB 2398, PN 3257 (Amended)

By Mr. BENNETT

An Act amending the "Department of Banking Code," approved May 15, 1933 (P. L. 565, No. 111), further providing for the applicability of the act and penalties for conflicts of interest; authorizing appointment as receiver of a closed institution, a public body of the United States; clarifying authority of the secretary to seek bids for the purchase of assets and assumption of liabilities of a closed institution.

Business and Commerce.

HB 2399, PN 3258 (Amended)

By Mr. BENNETT

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), further providing for the maintenance and relocation of a branch office acquired from the receiver of a closed association.

Business and Commerce.

HB 2439, PN 3137

By Mr. FRYER

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for the collection of garbage in villages.

Local Government.

SB 283, PN 285

By Mr. GEISLER

An Act authorizing the Department of General Services on behalf of the Commonwealth to acquire certain land in the Borough of Cornwall Lebanon County Pennsylvania.

State Government.

SB 677, PN 719

By Mr. FRYER

An Act amending the act of June 25, 1947 (P. L. 956, No. 403), entitled "An act to ascertain and appoint the fees to be received by the clerks of the courts of oyer and terminer and quarter sessions of the Commonwealth in counties of the third fourth fifth sixth seventh and eighth classes" changing the fee

for money collected and distributed pursuant to a support order.

Local Government.

SB 843, PN 1139

By Mr. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" imposing limitations in the use of free transportation by pupils regularly providing their own transportation.

Education.

SB 984, PN 1695

By Mr. BENNETT

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled as amended "Housing Finance Agency Law" authorizing the agency to promote develop administer engage in or finance additional programs including but not limited to a loans to lenders program a mortgage purchase program and a home improvements loan program to make loans and provide and accept assistance including contract administration for Federal housing assistance programs for the purpose of facilitating the construction of new housing and the rehabilitation and improvement of existing housing to make loans to mortgage lenders for the purpose of providing funds with which such lenders shall make residential mortgage loans to provide for conflicts of interests to supersede inconsistent provisions in other laws to add to the powers and duties of the agency and further to change and add definitions.

Business and Commerce.

SB 1268, PN 1704

By Mr. SCHMITT

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" further providing for the Public Utility Commission to levy limited assessments against public utilities for funding the Office of Consumer Advocate.

Consumer Affairs.

SB 1364, PN 1792

By Mr. GEISLER

An Act authorizing the Department of General Services with the concurrence of the Department of Environmental Resources in the name of the Commonwealth of Pennsylvania to sell and convey to Jones and Laughlin Steel Corporation a tract of land within the bed of the Monongahela River in the 15th Ward of the City of Pittsburgh Allegheny County Pennsylvania adjacent to and having a common boundary with lands presently owned by the same company to the north containing 1.8935 acres more or less.

State Government.

BILLS REREPORTED FROM COMMITTEES**HB 595, PN 650**

By Mr. FRYER

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), increasing millage of annual tax for road, bridge and general township purposes.

Rereported from Committee on Local Government.

HB 596, PN 651

By Mr. FRYER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), increasing the maximum rate of tax for general purposes.

Rereported from Committee on Local Government.

HB 597, PN 652

By Mr. FRYER

An Act amending the "The First Class Township Code," ap-

proved June 24, 1931 (P. L. 1206, No. 331), increasing millage of annual tax for general township purposes.

Rereported from Committee on Local Government.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the House, the Chair ruled from his own background and from the training he received at the University of Pittsburgh School of Law that there was a presumption that a report by a committee chairman was legitimate. Interestingly enough, that question has not been raised for the last 110 years. The only precedent we could find was dated 1868—that was a little before my time. I think I got here about 1870—and the Chair at that time ruled precisely the same as the Chair has ruled in 1978. So I feel a little bit happy about starting the week out that way.

COMMITTEE CHAIRMEN REPORTS PRESENTED

The SPEAKER. All committee chairmen will please forward the reports of their committee attendance immediately to the clerk.

Mr. PIEVSKY, chairman of the Appropriations Committee, presented the following report:

Attendance Report

May 23, 1978.

MAJORITY MEMBERS	Present	Absent
MR. CHAIRMAN, Max Pievsky	X	
Frank Oliver	X	
Joel Johnson, Subcommittee Chairman	X	
Amos Hutchinson, Subcommittee Chairman	X	
Bernard Dombrowski	X	
Joseph Ted Doyle		X
Thomas Fee		
Helen Gillette	X	
James Goodman	X	
Ivan Itkin	X	
Joseph Kolter	X	
Martin Mullen		X
Raphael Musto	X	
Joseph Petrarca	X	
James Prendergast		X
Samuel Rappaport		X
Fred Shupnik	X	
John Wansacz	X	
Joseph Wargo	X	
Kurt Zwinkl		X
MINORITY MEMBERS		
Frank O'Connell, Min. Chairman	X	
Harry Bittle		X
James Gallen	X	
John Hamilton	X	
H. Harrison Haskell		X
Charles Mebus	X	
Sheldon Parker	X	
L. Eugene Smith	X	

Benjamin Wilson	X
James Wright	X
Eugene Geesey	X

Signed
FRANK J. O'CONNELL
FRED J. SHUPNIK

ROLL CALL

House Bill 500, Printer's No. 2734

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	nay
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	absent
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	absent
Martin Mullen	absent
Raphael Musto	nay
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	nay
John Wansacz	absent
Joseph Wargo	absent
Kurt Zwinkl	absent
MINORITY MEMBERS	
Frank O'Connell, Minority Chairman	nay
Harry Bittle	absent
James Gallen	nay
John Hamilton	nay
H. Harrison Haskell	absent
Charles Mebus	absent
Sheldon Parker	yea
L. Eugene Smith	absent
Benjamin Wilson	absent
James Wright	nay
Eugene Geesey	yea

YEAS—9

NAYS—7

NOT VOTING—0

ABSENT—15

Signed
MAX PIEVSKY
FRANK J. O'CONNELL

ROLL CALL

House Bill 500, Printer's No. 2734

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	nay

Joel Johnson, Subcommittee Chairman	nay
Amos Hutchinson, Subcommittee Chairman	absent
Bernard Dombrowski	nay
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	nay
James Goodman	nay
Ivan Itkin	nay
Joseph Kolter	absent
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	nay
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	absent
Joseph Wargo	absent
Kurt Zwinkl	absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	nay
Sheldon Parker	nay
L. Eugene Smith	absent
Benjamin Wilson	yea
James Wright	nay
Eugene Geesey	nay

YEAS—7

NAYS—11

NOT VOTING—0

ABSENT—13

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

House Bill 500, Printer's Number 2734 (As Amended)

This bill, known as the "Personal Care Boarding Home Act" provides for the inspection and licensing of personal care boarding homes.

The bill contains the following provisions that will incur a cost:

- 1) Establishes a Personal Care Boarding Home Advisory Committee composed of the Secretary of Health, Welfare, Labor and Industry, Community Affairs, two members of the House of Representatives, two members of the Senate and nine non-governmental representatives. The advisory committee shall meet quarterly, hold public hearings, submit an annual report to the Legislature, monitor the implementation of rules and regulations, study the need for additional support services for personal care boarding homes, and prepare a bill of rights for personal care boarding home residents.
- 2) Requires personal care boarding homes to be licensed annually by the Department of Health. The licensing process includes a precertification investigation and as many reinvestigations as are deemed necessary by the department.

- 3) Requires the department to advertise, on a continuing basis, the licensing requirement.
- 4) Requires, when a personal care boarding home license is to be revoked, that the department provide care for or transfer to a facility that can provide needed services to any resident of the home with the exception of those residents choosing not to be transferred.

The bill contains the following provisions that will raise revenue:

Requires an annual licensing fee based on the following schedule:

Boarding Home Capacity	Annual Fee
2-14 Personal Care Residents	\$15
15-50 Personal Care Residents	\$25
51 or more Personal Care Residents	\$75

State Fund Cost Analysis

The following section identifies additional state fund costs to be incurred by the Department of Health or its authorized agents for licensing, and inspection of homes.

It is important to note that House Bill 500 requires the department to promulgate rules and regulations for implementation of this bill during the first 12 months after enactment. This means that costs for fiscal year 78/79 will be limited to those activities of the Advisory Committee that relate to the promulgation of those rules and regulations. The department was not able to provide a hard figure for those additional costs.

Licensing and Inspection Program Costs

The following cost projections are based on licensure experience with long term care units and on the inspection experiences of Labor and Industry and Environmental Resources. Fiscal year 1979/80 costs are maximum costs since the program will not be totally operational as of July 1, 1979.

FY 79/80	Additional Staff	2,957,000
	Benefits	887,000
	Operating Expenses	682,000
		\$4,526,000

Future fiscal year costs assume a 5% increase for inflation only.

FY 80/81	\$4,752,000
FY 81/82	4,990,000
FY 82/83	5,239,000
FY 83/84	5,501,000

Additional relocation costs will be a function of the number of number of licenses revoked under the regulations established by the department. Since those regulations do not exist it is not possible to determine the additional staff costs for the relocation program.

Additional Program Costs

House Bill 500 requires the relocation of residents from Personal Care Boarding Homes when the license is to be revoked and the resident agrees to relocation. Any relocations resulting from such revocations will impact on domiciliary and adult foster care programs, private nursing home populations and support services provided by Area Agencies on the Aging. Since the regulations for licensing personal care boarding homes do not currently exist it is not possible to determine how many licenses will be revoked or how many residents will move to other living arrangements. Therefore, it is not possible to determine the impact of House Bill 500 on these service areas.

Revenues Generated by HB 500

DPW and the Department of Health could not provide a breakdown of the number of personal care boarding homes by population. Therefore, the revenue estimate assumes that all 3,200 homes will fall into Class 2 of the licensing categories and that annual new registrations will be 4%.

Annual License Fee for a Personal Care Home

	79/80	80/81	81/82	82/83	83/84
Class 1 \$15					
Class 2 \$25 x 3,200	80,000	83,200	86,528	89,989	93,589
Class 3 \$75					

These funds will be deposited in the General Fund.

Annual License Fee for a Personal Care Home (Cont'd)

Fiscal year 78/79 costs resulting from HB 500, have not been included in the General Appropriations Act for fiscal year 78/79. If this bill becomes law, funds would have to be added to the General Appropriations Bill to cover costs associated with establishing the Advisory Committee on Personal Care Boarding Homes.

Prepared by: Steve Roskopf
House Appropriations Committee
April 20, 1978

Prior Printer's No. 544 Printer's No. 2734

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 500

Session of 1977

INTRODUCED BY MR. RHODES, MRS. KELLY, MESSRS. BURNS, DiCARLO, RICHARDSON, BERLIN, PANCOAST, COHEN, MELUSKEY, McLANE, BARBER, IRVIS, O'KEEFE, MISCEVICH, MRKONIC, CAPUTO, OLIVER, LINCOLN, WHITE, REED, COWELL, ITKIN, RAVENSTAHN, LOGUE, BROWN, MRS. HARPER, MESSRS. PRATT, ARTHURS AND TRELLO, MARCH 7, 1977.

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, AS AMENDED, HOUSE OF REPRESENTATIVES, MARCH 14, 1978.

An Act

Providing for the licensing of personal care boarding homes and the registration of noncare boarding homes, providing penalties and making an appropriation.

PROVIDING FOR THE LICENSING OF PERSONAL CARE BOARDING HOMES, PROVIDING PENALTIES AND MAKING AN APPROPRIATION.

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SECTION 407. EFFECTIVE DATE.

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

CHAPTER 1

GENERAL PROVISIONS

Section 101. Short title.

—This act shall be known and may be cited as the "Boarding Home Act."

Section 102. Legislative findings.

Many frail elderly or handicapped persons in the Commonwealth who need supportive living arrangements but not nursing care do not have families or relatives who can provide homes for them. A number of these persons currently reside in boarding homes or similar lodgings which in many cases are not providing the care, assistance and supervision actually required. There is at present no effective licensing or regulation of such boarding homes. Instances of severe neglect, exploitation, abuse or imprisonment have occurred.

Section 103. Purpose.

The purpose of this act is to protect the Commonwealth's frail elderly or handicapped citizens from hazardous conditions in certain types of congregate living arrangements. The act seeks to attain this purpose by requiring the registration and inspection of all boarding homes and by providing for the licensing and regulation of a special category of boarding homes called personal care homes. The intent of this act is to provide that all boarding homes meet minimum fire, safety, and health code standards that currently exist at the State and local municipality level. It is further the intent of this act to insure that personal care homes comply with certain standards consistent with the health care and social service needs of their residents. In so doing it is the intent of this act to avoid the imposition of arbitrary, unnecessary, and unreasonable rules and regulations on all boarding homes who are meeting the needs of their residents. It is our intent that this act shall clarify currently conflicting sets of rules and regulations of various State agencies so that all boarding homes shall have consistent standards applied to them, so that no boarding home operator making an honest effort to comply with standards and meet the needs of his residents shall be forced to close because of the application of unreasonable rules and regulations.

Section 104. Application.

This act is intended to apply broadly to all congregate living arrangements for two or more residents which regularly provide room and board, whether or not they provide any additional services. The term "boarding home" as defined herein is intended to include both:

(1) facilities or homes such as some hotels, motels or apartments which regularly provide one or more meals per day but not complete board; and

(2) facilities or homes which offer in addition to room and board services such as laundry, housekeeping or additional personal, social or health-related services to residents.

Section 105. Definitions.

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

"Ambulatory." Physically and mentally capable of getting in and out of bed and of making one's way from the facility to a place of safety in case of fire or other emergency without the aid of another person. Persons who use assistive devices such as canes, crutches, walkers, or wheel chairs are regarded as ambulatory if they meet the requirements of this definition.

"Applicant." A person or legal entity who, as owner, has applied for a license to operate a personal care home.

"Boarder." A resident whose needs can be met through a com-

mercial boarding home, and who are ambulatory, and who are physically and mentally capable of providing for themselves routine daily activities including but not limited to bathing, dressing, maintaining proper diet, maintaining his own health care needs such as taking prescribed medications or carrying out the directives of a doctor or nurse.

"Boarding home." Any facility, home, lodging or institution, however named, operated for profit or otherwise, which accommodates or is designed to accommodate two or more adults unrelated to the owner or manager and which offers or holds itself out to offer room and board on a 24-hour basis to non-transients. There are two categories of boarding homes:

- (1) commercial boarding homes; and
- (2) personal care homes.

"Commercial boarding homes." Any boarding home which provides or holds itself out to offer to its residents only basic accommodations or room and board, or, in addition to room and board, may offer or provide other such basic accommodations as laundry or housekeeping services, or use of living room or recreational areas for their residents. There shall be three classes of commercial boarding homes as follows:

- (1) Class I—maximum occupancy between 2 and 14 residents.
- (2) Class II—maximum occupancy between 15 and 50 residents.
- (3) Class III—maximum occupancy of 51 or more residents.

"Department." The Department of Health, in coordination with the Department of Public Welfare, the Department of Labor and Industry and the Department of Environmental Resources.

"Fully ambulatory." Ambulatory without the use of assistive devices such as canes, crutches, walkers or wheel chairs.

"Holding itself out." Offering specific services ranging in scope from providing room and board to providing all related personal care services. A boarding home shall be considered to be holding itself out to offer or provide specific services when the owner or manager of said home or facility:

- (1) applies to the department for registration as a commercial boarding home or applies to the department for a license to operate a personal care home;
- (2) lets it be known to the general public in any manner that he is operating a home or facility which provides such services; or
- (3) knowingly accepts personal care residents.

"Licensee." A person or legal entity to whom a license to operate a personal care home has been granted.

"Manager." The person having ultimate responsibility for the general management, daily operation and maintenance of a boarding home.

"Nontransient." A person who resides continuously for 30 days or more in a particular facility, home, lodging or institution.

"Owner." The person or legal entity having ultimate financial control of and responsibility for the general operation of the boarding home.

"Personal care home." A boarding home which provides or holds itself out to offer, in addition to room and board or other basic accommodations, some level of assistance of personal care, supervision, or assistance in daily routine activities such as bathing, dressing, diet, taking of medication prescribed for self-administration, or assistance in the financial management of a resident's personal affairs; or which houses, without proper notification, on a continuing basis any personal care residents. There shall be three classes of personal care homes as follows:

- (1) Class I—maximum occupancy between 2 and 14 residents.
- (2) Class II—maximum occupancy between 15 and 50 residents.
- (3) Class III—maximum occupancy of 51 or more residents.

"Personal care resident." A resident whose needs, because of age, health, physical or mental handicap or disability, cannot be met by a commercial boarding home, or who requires, in addition to room and board, assistance or supervision in such matters as bathing, dressing, diet, and health maintenance, including but not limited to assistance in administering pre-

scribed medications or in carrying out the directions or orders of a doctor or nurse, or who requires some level of assistance in maintaining his personal finances, or who needs the personal care, supervision, or assistance in daily routine activities provided by a personal care home.

"Personnel, employees, or staff." The owner or manager and all persons other than residents, whether paid or not, who regularly perform some duty or duties within the boarding home on a full-time or part-time basis.

"Relative." Parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, nephew, cousin, spouse, or any of the above acquired by marriage.

"Resident." Any person living in a boarding home on a 24 hour nontransient basis who is unrelated to the owner or manager. There are two categories of residents:

- (1) boarders; and
- (2) personal care residents.

"Team." A group of four individuals consisting of one each from the Department of Health, the Department of Public Welfare, the Department of Labor and Industry and the Department of Environmental Resources, appointed by the secretary of each department and under the general coordination of the Department of Health, or those county, city or local departments, offices, bureaus, or agencies which have authority to enforce boarding homes' compliance with certain regulations and standards.

"Unrelated." A person who is not a relative of the owner or manager by blood or marriage. Residents related to members of a firm, corporation, company, association or joint stock association licensed to operate a facility shall not be considered as related to the licensee.

CHAPTER 2

REGISTRATION OF BOARDING HOMES

Section 201. Requirement to register.

Within 180 days of the effective date of this act, all boarding homes must register with the Department of Health on forms to be supplied by the department. Together with such other information as the department may require, the forms shall include the following information:

(1) The name and address of the applicant and of the person who will be the operator of the boarding home, if different from the applicant. If the applicant is a copartnership, association or corporation, the application shall include the names and addresses of all the partners and officers, as the case may be.

(2) The location of the boarding home and, if the applicant is a copartnership, association or corporation, the state of organization or incorporation.

(3) The type of structure and the extent to which the facility meets current State and local fire and sanitary protection standards.

(4) The type of services provided to the residents, and the rates charged for such services.

(5) The maximum number of residents to be accommodated in the home. A registration fee shall be paid at the time of filing the registration form with the department, and shall be as follows:

- (i) Class I (2-14 residents) \$10
- (ii) Class II (15-50 residents) 20
- (iii) Class III (51 or more) 35

Section 202. Advertisement of registration requirement.

It shall be the department's responsibility, immediately following the effective date of this act and on a continuing basis thereafter, to advertise the registration requirement and to inform all known boarding homes of it.

Section 203. Penalty for failure to register.

Any owner of a boarding home who fails to register with the department within the time provided shall be liable to be charged with a misdemeanor of the third degree. If upon notice of failure to register the owner fails to register within 30 days, he or she shall be liable to be charged with a misdemeanor of the first degree and shall be prosecuted by the department.

Section 204. Determination of type of boarding home.

(a) Every registered boarding home shall either be designated as a commercial boarding home or be designated and licensed as a personal care home. During the first year following

the effective date of this act, a determination as to which class a given boarding home belongs to shall be made by the department within 90 days from the date the department receives the registration form. Thereafter such a determination shall be made by the department within 30 days of the date of receiving the registration form.

(b) A boarding home shall be classified as a commercial boarding home if:

- (1) the owner requests to be designated as such;
- (2) there are no personal care residents living in the home; or
- (3) if there are some personal care residents living in the home, and the owner attempts to cooperate with the Department of Public Welfare and the team in relocating those personal care residents to appropriate facilities, and the personal care residents refuse to be relocated, the owner shall be deemed to have complied with this section and shall be granted a certificate as a commercial boarding home.

(c) A boarding home shall be classified as a personal care home, and the owner shall be required to apply for a license to operate a personal care home if:

- (1) the owner wishes to apply for a license to operate a personal care home;
- (2) the owner is providing or holding himself out to offer personal care beyond the basic accommodations of room and board to the residents; or
- (3) there are personal care residents living in the home and the owner fails to cooperate with the Department of Public Welfare in efforts to relocate those residents to appropriate facilities.

Section 205. Investigation.

Upon receipt of a registration form the department shall conduct such investigation as is required as a basis for the determination prescribed in section 204. According to regulations to be published by the department, it shall visit the home, interview the owner and/or manager, if necessary interview the residents, and perform such other inspections or examinations as are required in order to obtain adequate information upon which to make a determination. Knowledge of the health or disability status and personal care needs of the present residents is required.

Section 206. Assistance in relocation.

(a) If in the course of implementing its responsibilities pursuant to sections 204 and 205 the department discovers residents who:

(1) require personal care services, and it is not the owner's intention to apply for a license to operate a personal care home; or

(2) require a level of care more intensive than personal care services, the department shall provide assistance in relocating such residents to an appropriate home, facility or institution.

(b) The department shall intervene promptly in a manner designed to be helpful and not disruptive to the resident. The department shall first interview the resident to verify his or her condition and to learn his or her wishes and plans, and if feasible assist the resident in carrying out those plans. Beyond this, it may be necessary for the department to contact relatives or friends of the resident, or, in extreme circumstances, provide the resident with protective services which may lead to legal intervention if there is no other way to ensure the safety, health and welfare of the resident.

Section 207. Access to boarding homes.

(a) Owners, managers and staff of boarding homes are required to permit access by authorized representatives of the department to all such homes in accordance with applicable sections of Articles IX and X of the Public Welfare Code as amended.

(b) Upon reasonable cause to suspect that the life, health or safety of one or more residents of a boarding home are in imminent danger, authorized representatives of the department are empowered to require access without notice at any hour.

Section 208. Notification of other departments and agencies.

The department shall on a quarterly basis notify the Departments of Health, Labor and Industry and Environmental Resources, and such other State or local agencies as have jurisdiction in regards to such matters as nursing home licensure, fire safety, sanitation and health factors, of all newly registered

boarding homes by name and address of operator by county. Such lists shall identify the ownership of the home and the compliance status with pertinent laws and regulations, if known.

CHAPTER 3

COMMERCIAL BOARDING HOMES

Section 301. Designation as a commercial boarding home.

Upon completion of the determination prescribed by section 204 the department shall issue to the operator of every boarding home designated as a commercial boarding home a formal document with the major heading "Designation as a commercial boarding home." In order to distinguish it clearly from a license or certificate of approval, this document shall state: "The Department of Public Welfare hereby declares that it has designated _____ (home) as a commercial boarding home to signify that it is not a personal care home. This home intends to accept as residents only individuals who are seeking the basic accommodations typical of boarding home services. This home legally may not accept as residents individuals who need personal care, supervision, service beyond basic accommodations, or assistance in daily routine activities such as bathing, dressing, diet, or the taking of medication."

Designation as a commercial boarding home shall not constitute approval of such commercial boarding home, and the owner shall not use or permit use of such designation to imply the contrary.

Section 302. Annual reregistration and renewal of designation.

All commercial boarding homes are required to reregister annually, and pay the appropriate reregistration fee as follows:

- (1) Class I—\$10
- (2) Class II—\$25
- (3) Class III—\$50

Within 30 days the department shall then review their status as a commercial boarding home, conducting such investigation as is deemed necessary, and either renew the designation as a commercial boarding home or inform the owner in writing that he is required to apply for a license to operate a personal care home, and stating specific reasons for this determination.

Section 303. Reporting requirement when a boarder becomes a personal care resident.

Whenever a resident in a commercial boarding home becomes incapacitated or functionally disabled to such a degree that over a period of time he or she is unable to care for himself or herself and apparently requires personal care services or nursing care, and neither the resident nor his or her family or friends succeed in locating alternative living arrangements more adequate to his or her needs, within a reasonable time not to exceed two weeks, the manager of the commercial boarding home shall immediately report this circumstance to the department. By compliance with this reporting requirement the manager avoids legal responsibility for a violation of this act which is due to circumstances beyond his or her control. If the situation persists without change, the manager shall repeat his report to the department in writing within two weeks.

Section 304. Assistance in relocation.

Upon receipt of a report such as is prescribed by section 303 the department shall provide assistance in relocation.

Section 305. No licensure, approval or certification.

Commercial boarding homes officially designated as such are not required by this act to meet any standards or regulations concerning the physical structure, staffing requirements, or other such matters, above and beyond the current applicable statutes and ordinances enforced by State or local authorities concerning fire safety, sanitation, and health standards. Owners and managers of commercial boarding homes are required by this act only to comply with certain requirements regarding their own behavior as specified in this act.

CHAPTER 4

PERSONAL CARE HOMES

Section 401. License required.

No person or legal entity shall establish, conduct, maintain or operate in the Commonwealth of Pennsylvania a personal care home or hold itself out to do so without having first obtained a license from the Department of Public Welfare.

Section 402. Separate license required.

Separate licenses are required for homes or facilities maintained on separate premises even though they have the same owner or are operated under the same management.

Section 403. Advice to applicants.

An agent of the department shall confer with the applicant concerning the inspection and licensing procedure, explaining the scope of the department's standards and regulations and of the various other approvals required in order to obtain a license, and advising the applicant of his option to seek the relocation of all personal care residents currently residing in his home and then to continue in operation as a commercial boarding home.

Section 404. Licensing procedures.

The procedures for licensing personal care homes shall conform to pertinent regulations published by the department dealing with licensure or approval of facilities, except in those specific respects concerning which this act prescribes different or additional procedures.

Section 405. Application for a license.

Every owner desiring to operate a boarding home within the Commonwealth shall file an application for a license with the department and pay the appropriate fee as prescribed herein. The application shall be on a form prescribed, prepared and furnished by the department, and, together with such other information as the department shall require, shall state:

(1) The name and address of the applicant and of the person who will be the operator of the boarding home, if different from the applicant. If the applicant is a copartnership, association or corporation, the application shall also state the names and addresses of all the partners and officers, as the case may be.

(2) The location of the boarding home and, if the applicant is a copartnership, association or corporation, the state of organization or incorporation.

(3) The type and extent of facilities of the boarding home for providing care, service or assistance, including sanitary and fire protection facilities.

Section 406. License fees.

The annual fee for a regular license to operate a personal care home shall be as follows:

- (1) Class I—\$30
- (2) Class II—\$75
- (3) Class III—\$125

The fee for a provisional license, as provided herein, shall be one twelfth of the annual fee for a regular license multiplied by the number of months for which the provisional license is issued.

Section 407. Prelicensure investigation.

(a) Upon receipt of an application for a license, the department shall cause a thorough investigation to be made as to the qualification of the applicant and, if the applicant is a copartnership, association or corporation, of all the officers or partners, as the case may be, and of the person designated in the application as the proprietor of the boarding home, the adequacy of the facilities of the home to furnish the type of care, services, supervision and assistance specified in the application and by the department, the sanitary and fire protection facilities, the reasonableness of rates charged to boarders and any other matter or thing which the department finds to be reasonable and necessary for the proper operation of a boarding home and the adequate protection of the life, health and safety of the boarders.

(b) The department shall promulgate rules and regulations necessary to carry out its responsibilities under this act. The department shall further designate and supervise a team, whose responsibility it will be to carry out the department's responsibilities as designated in subsection (a). The members of this team shall be appointed by the secretaries of their respective departments.

Section 408. Notice of deficiencies.

When the team has finished its preliminary investigation, the reports of the various Commonwealth inspectors shall be transmitted to the Department of Health, and to the applicant. The department shall inform the owner in writing of all respects in which the applicant home is not in compliance with this act, or with appropriate State or local rules or ordinances,

and shall inform the applicant of the steps that will be required to bring the home into compliance so that a license can be issued.

Section 409. Issuance of license; term, and content of license; payment of appropriate fee.

(a) The department, when satisfied through its precertification investigation, that the applicant for such license, and the proprietor named in the application, if different from the applicant, meets the standards and requirements as set forth in this act or as determined by the department, that the place sought to be used as a boarding home is suitable for such purpose and is properly equipped therefor, and when all requirements of this act have been complied with, shall issue a license to the applicant, upon payment of the appropriate license fee, which shall be paid into the State Treasury through the Department of Revenue.

(b) All licenses issued by the department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the department, shall not be transferable with respect to either the applicant or the facility, shall specify the maximum number of boarders who may be cared for in the facility at any one time, shall be posted in a conspicuous place on the premises used as a boarding home, and may be renewed from year to year upon payment of the license fee as prescribed in this act.

(c) The department may, upon its own initiative, and shall upon written complaint, cause a reinvestigation to be made of any boarding home prior to issuing a renewal of the original license.

Section 410. Provisional licenses.

(a) When there has been substantial but not complete compliance with all applicable statutes, ordinances and regulations and when the applicant has taken, or is taking appropriate steps to correct deficiencies, the department shall issue a provisional license for a specified period of not more than six months which may be renewed once.

(b) A provisional license shall be issued upon payment of the appropriate provisional license fee, such fee not being applied toward a regular license or another provisional license. Upon full compliance, a regular license shall be issued immediately by the department upon payment of the regular license fee.

(c) The department shall be responsible for providing technical assistance and advice to those persons who are eligible, or who desire to become eligible, for such a provisional license to correct deficiencies, fulfill the requirements of all applicable statutes, ordinances and regulations and to achieve eligibility for a provisional, and, ultimately, for a regular license.

Section 411. Time limit on consideration of application.

The department shall make a decision on each application for license and shall notify the applicant of its decision within 60 days of the receipt of the application. The department shall make a decision on each renewal application and shall notify the applicant of its decision within 30 days of the receipt of the renewal application.

Section 412. Revocation of licenses.

(a) Whenever the department shall, upon inspection, investigation or written complaint, learn of any violation of this act or of the rules and regulations adopted by the department, or of any failure to establish, provide or maintain the standards and facilities required by this act or by the department, shall give written notice to the offending licensee.

(b) Upon receipt of written notice from the department, the offending licensee shall have 60 days to bring said violations into conformity with those prescribed by this act or by the department. The department may revoke the license of said licensee if said violations do not cease within the prescribed period of time.

(c) The department, where the violations of which notice was given do not present an imminent danger to the life, health and safety of a boarder or boarders and where the licensee is taking appropriate steps to correct said violations, may grant no more than two additional extensions of time, not to exceed 60 days each, for an offending licensee to correct deficiencies or bring standards and facilities into conformity with the requirements of the law.

(d) The department, in all instances where it is determined

that a license should be revoked, shall have the responsibility of notifying the Department of Public Welfare of such revocation, and it shall be the responsibility of the Department of Public Welfare, in cooperation with the Department of Health, to relocate all residents into facilities meeting the requirements of this act, prior to closing the offending personal care home.

Section 413. Penalties for operation without a license.

Any person, or any or all officers or partners of any copartnership, association or corporation maintaining or operating within the Commonwealth of Pennsylvania a boarding home, for profit or otherwise, without a license as required by this act shall be guilty of a misdemeanor of the third degree and a second or subsequent violation shall be guilty of a misdemeanor of the first degree.

Section 414. Training of owners and managers.

Owners and managers of personal care homes shall meet the on-going training and educational requirements established in regulations to be promulgated by the Department of Health and the Department of Public Welfare. These regulations shall provide for satisfactory completion of a specially designed program at an accredited higher educational institution, under the supervision of the above departments. Failure to comply within two years after the initiation of such a training program shall be cause for the automatic termination of the license. Departmental regulations shall provide in appropriate circumstances for personal care home personnel other than the owner and manager to participate in such training, in lieu of owners and managers.

Department regulations shall also provide for exceptions to be granted to owners, managers, and personal care home personnel to the above provision for those persons who meet the standards required through a combination of experience in the field and appropriate higher education.

Section 415. Department access to individual residents.

For purposes of carrying out its responsibilities under this act, the department or any authorized agent thereof shall have full and free access to the home or facility, to its records, and to the residents, with full opportunity unrestricted by the owner or manager to interview, inspect or examine individual residents.

Section 416. Rights of residents with regard to access.

All residents of personal care homes shall be permitted to receive visitations by relatives, friends or acquaintances during reasonable visiting hours as established by the owner or manager. Nothing in this article shall be construed to restrict any right or privilege of any resident to receive visitors who are not authorized agents of the department nor representatives of community organizations or service programs, so long as those visitors do not infringe upon the rights or jeopardize the safety of other residents nor interfere unduly with the orderly operation of the home. Other rights of residents in this regard shall be promulgated in regulations developed by the department.

Section 417. Community service access.

The personal care home shall permit members of recognized community organizations, representatives of community legal service programs whose purposes include rendering assistance without charge, and agents of the Department of Public Welfare, including area agencies on aging, county boards of assistance, and community mental health and mental retardation centers, to have access to those areas of the home occupied by residents who are not relatives of the owner or operator. The purpose of visits by such persons may be to visit, talk with, and make personal, social and legal services available to all residents, and to engage in all other methods of assisting, advising and representing residents so as to extend to them the full enjoyment of their rights. Regulations governing community service access shall be promulgated by the department.

Section 418. Notice of access provisions.

A notice setting forth the provisions of this article concerning access shall be posted in a conspicuous place near the entrance of the home. A copy of sections 410 and 412 shall be made available by the manager to every person already a resident in a personal care home and to every new resident upon admission. The manager shall explain these rights regarding access to every new resident upon admission and keep the resident informed of these rights for the duration of his or her

residence.

Section 419. Enforcement action.

The department need not be joined as plaintiff in an action brought to enforce these access regulations.

Section 420. Other rights and privileges of residents.

(a) The manager shall make available to each resident a written agreement setting forth in specific terms the services to be provided, the basic rate charged for such services, the charges for services (if any) not covered by the basic rate, and the time period during which the agreement is in effect.

(b) Every resident shall be treated with consideration and respect, and shall be granted privacy in the provision of care for his or her personal needs. Every resident shall be free from coercion, discrimination, harassment, intimidation and reprisal.

(c) In the case of unanticipated sudden change in the condition of a resident, medications or other measures shall be used only as prescribed by a physician for a limited period of time. If the changed condition of the resident persists or recurs, the resident shall be considered for transfer to a more appropriate facility.

(d) If married and both spouses are residents of the home, they shall be permitted to share a room for their exclusive use if they so desire.

(e) The resident may manage his or her own personal financial affairs. If at the request of the resident the manager accepts responsibility for the resident's financial affairs, the resident must designate the transfer in writing. The written agreement shall indicate the amount of personal funds provided to the resident for his or her discretionary use. Further, the manager must give the resident a monthly accounting of all financial transactions made on the resident's behalf.

(f) If the resident appears to be having money management problems but is either unwilling to delegate responsibility for assisting him or her with financial affairs or is unable to identify anyone suitable in the resident's judgment for handling such responsibility, the operator shall report this situation to the department. The department shall, after exploring the circumstances, arrange for a substitute payee if this seems appropriate and shall provide protective services as needed.

(g) The resident shall be permitted to retain and use his personal clothing and possessions. Individual storage space for such items shall be provided for each resident.

(h) Individual residents shall be encouraged to do things for themselves and take care of their own needs to the greatest extent feasible and reasonable given their specific capabilities and limitations. All duties and responsibilities of residents for housekeeping or other chores shall be specified in the personal care home's rules and regulations.

(i) The manager shall pay residents for work they perform which is of consequential economic benefit to the manager or the home. This work shall be paid for according to 29 CFR Part 529 under the Fair Labor Standards Act.

(j) Each resident shall be permitted to associate and communicate privately with persons of his or her choice. All residents shall be permitted to send and receive their personal mail unopened and shall have reasonable access to a telephone. Residents shall be encouraged to participate in community programs and in social and religious activities, and to take advantage of community services.

Section 421. Employees' duty to report.

Employees of personal care homes shall report to the Department of Public Welfare any serious charges of misconduct on the part of the operator or other staff, without punishment or harassment by the employer.

Section 422. Duty to report suspected violations.

(a) The following persons and officials are required to report to the department when they have reasonable cause to suspect that a boarding home is being operated in violation of this act: all officers and employees of any city, county or State agency, department, commission or institution. Such persons shall include, but not be limited to, police officers, fire department employees and adult services workers.

(b) Any person may make such a report if such person has reasonable cause to suspect that a boarding home is being operated in violation of this act.

Section 423. Unlawful referrals and transfers.

It shall be unlawful for any official or employee, of any State, State-aided or municipal department, agency, commission, or institution or of an institution district to refer or transfer any individual to a boarding home if the official or employee knows that such home is not licensed as required by this act.

Section 424. Penalty for unlawful referral or transfer.

Any person who makes a referral or transfers an individual in violation of this act shall be guilty of a summary offense and shall be fined \$250 for the first offense, and \$500 for each subsequent offense.

CHAPTER 5.

MISCELLANEOUS PROVISIONS.

Section 501. Appropriation.

The sum of \$4,500,000 is hereby appropriated to the Department of Health for the establishment of registration and licensure procedures and for carrying out all services and responsibilities as prescribed in this act. The sum of \$1,500,000 is hereby appropriated to the Department of Public Welfare for the establishment of all services and responsibilities as prescribed in this act.

Section 502. Right to appeal.

Any owner or applicant may appeal any decision made by the department which affects designation as a commercial boarding home or licensure as a personal care home, as defined herein, in accordance with the licensure and approval appeal procedure set forth in Department of Public Welfare Manual Section 9000.

Section 503. Immunity from civil and criminal liability.

In the absence of willful misconduct or gross negligence, departmental employees or authorized agents of the department performing any of the functions authorized under this act shall not be civilly or criminally liable for a decision, action or its consequences.

Section 504. Repealer.

All acts and parts of acts are repealed insofar as they are inconsistent herewith.

Section 505. Effective date.

This act shall take effect in 60 days.

CHAPTER 1

GENERAL PROVISIONS

SECTION 101. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "PERSONAL CARE BOARDING HOME ACT."

SECTION 102. LEGISLATIVE FINDINGS.

MANY FRAIL ELDERLY OR HANDICAPPED PERSONS IN THE COMMONWEALTH WHO DO NOT HAVE FAMILIES OR RELATIVES TO PROVIDE HOMES FOR THEM NEED SUPPORTIVE LIVING ARRANGEMENTS. IN MOST CASES, THE LEVEL OF CARE, ASSISTANCE AND SUPERVISION THEY REQUIRE IS LOWER, AND LESS COSTLY THAN NURSING CARE. FOR MANY, WHAT IS NEEDED IS A SETTING WHICH FOSTERS THE RETENTION OR DEVELOPMENT OF THE SKILLS AND ATTITUDES WHICH OFTEN ATROPHY OR DO NOT DEVELOP IN A HIGHLY STRUCTURED, INSTITUTIONAL SETTING BUT ARE ENCOURAGED IN FACILITIES THAT RESEMBLE FAMILY HOMES AND THAT DO NOT UPROOT THE RESIDENTS FROM THE COMMUNITY NOR ISOLATE THEM FROM FRIENDS AND ACQUAINTANCES. A NUMBER OF THESE PERSONS CURRENTLY RESIDE IN FACILITIES COMMONLY REFERRED TO AS BOARDING HOMES, OR SIMILAR LODGINGS, WHICH IN MANY CASES ARE NOT PROVIDING THE CARE, ASSISTANCE AND SUPERVISION ACTUALLY REQUIRED. THERE IS AT PRESENT NO EFFECTIVE LICENSING OR REGULATION OF SUCH BOARDING HOMES. INSTANCES OF SEVERE NEGLECT, EXPLOITATION, ABUSE OR IMPRISONMENT HAVE OCCURRED.

SECTION 103. PURPOSE.

THE PURPOSE OF THIS ACT IS TO PROTECT THE COMMONWEALTH'S FRAIL ELDERLY AND HANDICAPPED CITIZENS FROM HAZARDOUS CONDITIONS IN CERTAIN TYPES OF CONGREGATE LIVING FACILITIES. THE ACT SEEKS TO ATTAIN THIS PURPOSE BY CENTRALIZING THE AUTHORITY FOR SETTING AND ENFORCING STANDARDS FOR PERSONAL CARE BOARDING HOMES IN ONE DEPARTMENT: BY MANDATING THE DRAFTING

OF REGULATIONS AND STANDARDS WHICH ARE CONSISTENT WITH THE FINDINGS EXPRESSED IN SECTION 102; AND BY PROVIDING FOR THE LICENSING AND REGULATION OF PERSONAL CARE BOARDING HOMES. IT IS FURTHER THE INTENT OF THIS ACT TO INSURE THAT PERSONAL CARE BOARDING HOMES MEET CERTAIN STANDARDS CONSISTENT WITH THE HEALTH CARE AND SOCIAL SERVICE NEEDS OF THEIR RESIDENTS. IN SO DOING IT IS THE INTENT OF THIS ACT TO AVOID THE IMPOSITION OF ARBITRARY, UNNECESSARY, AND UNREASONABLE RULES AND REGULATIONS ON PERSONAL CARE BOARDING HOMES. THE ACT FURTHER INTENDS TO ENCOURAGE THE DEVELOPMENT OF A COMPREHENSIVE CONTINUUM OF LONG TERM CARE, COMPOSING THE FULL RANGE OF HEALTH, HOUSING AND SUPPORTIVE SERVICES, ALL EQUALLY AVAILABLE AND ACCESSIBLE TO THE ELDERLY AND HANDICAPPED CITIZENS OF THE COMMONWEALTH WHO NEED THEM.

SECTION 104. DEFINITIONS.

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

"APPLICANT." A PERSON OR LEGAL ENTITY WHO, AS OWNER, HAS APPLIED FOR A LICENSE TO OPERATE A PERSONAL CARE HOME.

"DEPARTMENT." THE DEPARTMENT OF HEALTH AND ITS AUTHORIZED AGENTS.

"LICENSEE." A PERSON OR LEGAL ENTITY TO WHOM A LICENSE TO OPERATE A PERSONAL CARE HOME HAS BEEN GRANTED.

"MANAGER." THE PERSON HAVING ULTIMATE RESPONSIBILITY FOR THE GENERAL MANAGEMENT, DAILY OPERATION AND MAINTENANCE OF A PERSONAL CARE BOARDING HOME.

"OWNER." THE PERSON OR LEGAL ENTITY HAVING ULTIMATE FINANCIAL CONTROL OF AND RESPONSIBILITY FOR THE GENERAL OPERATION OF A PERSONAL CARE BOARDING HOME.

"PERSONAL CARE BOARDING HOME." ANY FACILITY, HOME, LODGING OR INSTITUTION, HOWEVER NAMED, OPERATED FOR PROFIT OR OTHERWISE, WHICH ACCOMMODATES OR IS DESIGNED TO ACCOMMODATE TWO OR MORE INDIVIDUALS UNRELATED TO THE OWNER OR MANAGER WHO REQUIRE, ON A CONTINUING BASIS, IN ADDITION TO ROOM AND BOARD, A MINIMAL LEVEL OF PERSONAL CARE, SUPERVISION, OR ASSISTANCE IN DAILY ROUTINE ACTIVITIES SUCH AS BATHING, DRESSING, DIET, OR THE TAKING OF MEDICATION PRESCRIBED FOR SELF-ADMINISTRATION, AND WHO MAY ALSO REQUIRE ASSISTANCE IN THE FINANCIAL MANAGEMENT OF HIS PERSONAL AFFAIRS.

"PERSONAL CARE RESIDENT." AN INDIVIDUAL WHO IS UNRELATED TO THE OWNER OR MANAGER OF A FACILITY AND WHO REQUIRES, ON A CONTINUING BASIS, IN ADDITION TO ROOM AND BOARD, A MINIMAL LEVEL OF PERSONAL CARE, SUPERVISION, OR ASSISTANCE IN DAILY ROUTINE ACTIVITIES SUCH AS BATHING, DRESSING, DIET, OR THE TAKING OF MEDICATION PRESCRIBED FOR SELF-ADMINISTRATION, AND WHO MAY ALSO REQUIRE ASSISTANCE IN THE FINANCIAL MANAGEMENT OF HIS PERSONAL AFFAIRS.

"PERSONNEL, EMPLOYEES, OR STAFF." THE OWNER OR MANAGER AND ALL PERSONS OTHER THAN RESIDENTS, WHETHER PAID OR NOT, WHO REGULARLY PERFORM SOME DUTY OR DUTIES WITHIN THE BOARDING HOME ON A FULL-TIME OR PART-TIME BASIS.

"RELATIVE." PARENT, CHILD, STEPPARENT, STEPCHILD, GRANDPARENT, GRANDCHILD, BROTHER, SISTER, HALF-BROTHER, HALF-SISTER, AUNT, UNCLE, NIECE, NEPHEW, COUSIN, SPOUSE, OR ANY OF THE ABOVE ACQUIRED BY MARRIAGE.

"UNRELATED." A PERSON WHO IS NOT A RELATIVE OF THE OWNER OR MANAGER BY BLOOD OR MARRIAGE. RESIDENTS RELATED TO MEMBERS OF A FIRM, CORPORATION, COMPANY, ASSOCIATION OR JOINT STOCK

ASSOCIATION LICENSED TO OPERATE A FACILITY SHALL NOT BE CONSIDERED AS RELATED TO THE LICENSEE.

SECTION 105. POWERS OF THE SECRETARY OF HEALTH.

THE SECRETARY OF HEALTH SHALL:

(1) PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE ADEQUATE PROTECTION OF THE LIFE, HEALTH AND SAFETY OF PERSONAL CARE HOME RESIDENTS.

(2) WITHIN EIGHT MONTHS OF THE PASSAGE OF THIS ACT, PROMULGATE RULES AND REGULATIONS APPLICABLE TO PERSONAL CARE BOARDING HOMES.

(3) WITHIN 12 MONTHS OF THE PASSAGE OF THIS ACT, FINALIZE AND PUBLISH ALL RULES AND REGULATIONS PROMULGATED IN ORDER TO CARRY OUT THIS ACT.

(4) ASSURE THAT INSPECTORS ENFORCING REGULATIONS UNDER THIS ACT SHALL BE COMPETENT IN ALL AREAS INCLUDED THEREIN SO THAT A SINGLE INSPECTOR WILL BE ABLE TO CONDUCT AND COMPLETE REQUIRED INSPECTIONS UNAIDED.

(5) ASSURE THAT THE PROVISIONS OF THIS ACT SHALL BE ENFORCED.

(6) SUPPLY STAFF TO THE PERSONAL CARE BOARDING HOME ADVISORY COMMITTEE AS CREATED IN CHAPTER 2 WHEN NECESSARY FOR THE COMPLETION OF THE ADVISORY COMMITTEE'S DUTIES.

CHAPTER 2

PERSONAL CARE BOARDING HOME ADVISORY COMMITTEE

SECTION 201. PERSONAL CARE BOARDING HOME ADVISORY COMMITTEE.

IT SHALL BE THE PURPOSE OF THE ADVISORY COMMITTEE TO INSURE THAT RULES AND REGULATIONS GOVERNING PERSONAL CARE BOARDING HOMES SHALL BE CONSISTENT WITH SECTIONS 102 AND 103.

SECTION 202. MEMBERSHIP.

THE COMMITTEE SHALL BE COMPOSED OF THE SECRETARY OF HEALTH, THE SECRETARY OF PUBLIC WELFARE, THE SECRETARY OF LABOR AND INDUSTRY, THE SECRETARY OF COMMUNITY AFFAIRS OR THEIR DESIGNEES: TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE AND THE OTHER BY THE MINORITY LEADER; AND TWO MEMBERS OF THE SENATE, ONE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE OTHER BY THE MINORITY LEADER OF THE SENATE; AND NINE NONGOVERNMENTAL REPRESENTATIVES AS FOLLOWS: THREE REPRESENTATIVES OF CONSUMER INTERESTS, TWO REPRESENTATIVES OF PROPRIETARY PERSONAL CARE BOARDING HOMES, TWO REPRESENTATIVES OF NONPROFIT PERSONAL CARE BOARDING HOMES, AND TWO REPRESENTATIVES OF NONPROFIT VOLUNTARY HEALTH AND SOCIAL AGENCIES.

THE NONGOVERNMENTAL REPRESENTATIVES SHALL BE APPOINTED BY THE GOVERNOR IN THE FOLLOWING MANNER: FIVE OF THE NONGOVERNMENTAL REPRESENTATIVES SHALL BE APPOINTED INITIALLY FOR A TERM OF TWO YEARS: FOUR OF THE NONGOVERNMENTAL REPRESENTATIVES SHALL BE APPOINTED INITIALLY FOR A TERM OF FOUR YEARS. THEREAFTER, ALL APPOINTMENTS SHALL BE FOR A TERM OF FOUR YEARS. NO COMMITTEE MEMBER SHALL BE REAPPOINTED MORE THAN ONCE. THE CHAIRMAN SHALL BE APPOINTED BY THE GOVERNOR FROM ONE OF THE NINE NONGOVERNMENTAL MEMBERS.

SECTION 203. POWERS OF THE COMMITTEE.

THE COMMITTEE SHALL:

(1) MEET QUARTERLY, OR AT THE CALL OF THE CHAIR.

(2) HOLD PUBLIC HEARINGS.

(3) SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE ON THEIR ACTIVITIES, FINDINGS AND RECOMMENDATIONS.

(4) MONITOR THE IMPLEMENTATION OF RULES AND REGULATIONS PUBLISHED PURSUANT TO THIS ACT.

(5) REVIEW ALL PERTINENT STATUTES AND RULES AND REGULATIONS FOR THE PURPOSE OF ASSISTING THE SECRETARY IN STANDARDIZING AND FORMING RULES AND REGULATIONS THAT WILL BE APPLIED TO PERSONAL CARE BOARDING HOMES PURSUANT TO THIS ACT.

(6) STUDY THE NEED FOR EXPANDING AVAILABLE SERVICES FOR RESIDENTS OF PERSONAL CARE BOARDING HOMES, SUCH AS VISITING NURSES AND HOME-MAKER SERVICES.

(7) PREPARE, FOR PROMULGATION AS RULES AND REGULATIONS OF THE DEPARTMENT, WITH THE SECRETARY'S APPROVAL, A BILL OF RIGHTS FOR RESIDENTS OF PERSONAL CARE BOARDING HOMES:

(I) WHICH SHALL BE ISSUED AS PROPOSED RULES WITHIN EIGHT MONTHS AND ADOPTED AS FINAL RULES AND REGULATIONS WITHIN 12 MONTHS AFTER PASSAGE OF THIS ACT; AND

(II) WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A REQUIREMENT THAT THE OWNER OF A PERSONAL CARE BOARDING HOME DISTRIBUTE A COPY OF SAID RIGHTS TO EACH RESIDENT UPON HIS ADMISSION INTO THE FACILITY AND THAT A COPY OF SAID RIGHTS BE POSTED IN A CONSPICUOUS PLACE WITHIN THE FACILITY.

CHAPTER 3

PERSONAL CARE BOARDING HOMES

SECTION 301. LICENSE REQUIRED.

NO PERSON OR LEGAL ENTITY SHALL ESTABLISH, CONDUCT, MAINTAIN OR OPERATE IN THE COMMONWEALTH OF PENNSYLVANIA A PERSONAL CARE BOARDING HOME WITHOUT HAVING FIRST OBTAINED A LICENSE FROM THE DEPARTMENT OF HEALTH.

SECTION 302. SEPARATE LICENSE REQUIRED.

SEPARATE LICENSES ARE REQUIRED FOR HOMES OR FACILITIES MAINTAINED ON SEPARATE PREMISES EVEN THOUGH THEY HAVE THE SAME OWNER OR ARE OPERATED UNDER THE SAME MANAGEMENT.

SECTION 303. ADVERTISEMENT OF LICENSURE REQUIREMENT.

IT SHALL BE THE DEPARTMENT'S RESPONSIBILITY, IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS ACT, AND ON A CONTINUING BASIS THEREAFTER, TO ADVERTISE THE LICENSURE REQUIREMENT AND TO INFORM ALL KNOWN PERSONAL CARE BOARDING HOMES OF IT.

SECTION 304. APPLICATION FOR A LICENSE.

EVERY OWNER DESIRING TO OPERATE A PERSONAL CARE BOARDING HOME WITHIN THE COMMONWEALTH SHALL WITHIN 12 MONTHS FOLLOWING THE ADOPTION OF FINAL RULES AND REGULATIONS PURSUANT TO THIS ACT, FILE AN APPLICATION FOR A LICENSE WITH THE DEPARTMENT. THE APPLICATION SHALL BE ON A FORM PRESCRIBED, PREPARED AND FURNISHED BY THE DEPARTMENT, AND, TOGETHER WITH SUCH OTHER INFORMATION AS THE DEPARTMENT SHALL REQUIRE, SHALL STATE:

(1) THE NAME AND ADDRESS OF THE APPLICANT AND OF THE PERSON WHO WILL BE THE OPERATOR OF THE PERSONAL CARE BOARDING HOME, IF DIFFERENT FROM THE APPLICANT. IF THE APPLICANT IS A PARTNERSHIP, ASSOCIATION OR CORPORATION, THE APPLICATION SHALL ALSO STATE THE NAMES AND ADDRESSES OF ALL THE PARTNERS AND OFFICERS, AS THE CASE MAY BE.

(2) THE LOCATION AND NAME OF THE PERSONAL CARE BOARDING HOME AND, IF THE APPLICANT IS A COPARTNERSHIP, ASSOCIATION OR CORPORATION, THE STATE OF ORGANIZATION OR INCORPORATION.

(3) THE TYPE AND EXTENT OF FACILITIES OF THE PERSONAL CARE BOARDING HOME FOR PROVIDING CARE, SERVICE OR ASSISTANCE, INCLUDING SANITARY AND FIRE PROTECTION FACILITIES.

(4) THE MAXIMUM NUMBER OF PERSONAL CARE RES-

IDENTS WHO MAY BE CARED FOR IN THE FACILITY AT ANY ONE TIME.

SECTION 305. PENALTY FOR FAILURE TO APPLY FOR A LICENSE.

ANY OWNER OF A PERSONAL CARE BOARDING HOME WHO FAILS TO APPLY FOR A PERSONAL CARE BOARDING HOME LICENSE WITH THE DEPARTMENT WITHIN 12 MONTHS FOLLOWING THE ADOPTION OF FINAL RULES AND REGULATIONS PURSUANT TO THIS ACT SHALL BE LIABLE TO BE CHARGED WITH A MISDEMEANOR OF THE THIRD DEGREE. IF UPON NOTICE OF FAILURE TO APPLY FOR A LICENSE THE OWNER FAILS TO APPLY WITHIN 30 DAYS, HE OR SHE SHALL BE LIABLE TO BE CHARGED WITH A MISDEMEANOR OF THE FIRST DEGREE AND SHALL BE PROSECUTED BY THE DEPARTMENT.

SECTION 306. EXEMPTIONS FROM PENALTIES FOR OPERATING A PERSONAL CARE BOARDING HOME WITHOUT A LICENSE.

AN OWNER OF A FACILITY IN WHICH RESIDE TWO OR MORE PERSONAL CARE RESIDENTS WILL NOT BE CONSIDERED AS OPERATING A PERSONAL CARE BOARDING HOME WITHOUT A LICENSE AND WILL NOT BE SUBJECT TO THE PENALTIES FOR OPERATING SAID FACILITY WITHOUT A LICENSE UNDER THE FOLLOWING CIRCUMSTANCES:

(1) IF, WITHIN 12 MONTHS FOLLOWING THE ADOPTION OF FINAL REGULATIONS BY THE DEPARTMENT PURSUANT TO THIS ACT, THE OWNER HAS NOTIFIED THE DEPARTMENT THAT:

(I) THERE ARE PERSONAL CARE RESIDENTS LIVING WITHIN THE FACILITY;

(II) HE DOES NOT INTEND TO APPLY FOR A LICENSE TO OPERATE A PERSONAL CARE BOARDING HOME; AND

(III) HE WILL COOPERATE WITH THE DEPARTMENT IN RELOCATING THESE PERSONAL CARE RESIDENTS TO AN APPROPRIATE FACILITY. HOWEVER, SUCH EXEMPTION SHALL EXPIRE 12 MONTHS FOLLOWING THE ADOPTION OF FINAL REGULATIONS BY THE DEPARTMENT PURSUANT TO THIS ACT; OR

(2) IF THE OWNER OF A FACILITY HAS APPLIED FOR A LICENSE TO OPERATE A PERSONAL CARE BOARDING HOME IN ACCORDANCE WITH THE REGULATIONS ESTABLISHED BY THE DEPARTMENT AND IS AWAITING A PRELICENSURE INVESTIGATION AND REPORT BY THE DEPARTMENT. HOWEVER, SUCH EXEMPTION SHALL EXPIRE SIX MONTHS FOLLOWING THE RECEIPT OF THE REPORT.

SECTION 307. RELOCATION OF PERSONAL CARE RESIDENTS PURSUANT TO A REPORT MADE IN SECTION 306.

UPON RECEIPT OF A REPORT BY AN OWNER OF A FACILITY, AS PROVIDED FOR IN SECTION 306, THE DEPARTMENT SHALL HAVE THE RESPONSIBILITY FOR RELOCATING PERSONAL CARE RESIDENTS IN THE FACILITY AND FOR PROVIDING APPROPRIATE SERVICES TO THE RESIDENTS PRIOR TO THEIR RELOCATION.

SECTION 308. LICENSE FEES.

THE ANNUAL FEE FOR A REGULAR LICENSE TO OPERATE A PERSONAL CARE BOARDING HOME SHALL BE AS FOLLOWS:

	CLASS OF PERSONAL CARE BOARDING HOME	ANNUAL FEE
CLASS	I — MAXIMUM CAPACITY BETWEEN 2-14 PERSONAL CARE RESIDENTS	\$15
CLASS	II — MAXIMUM CAPACITY BETWEEN 15-50 PERSONAL CARE RESIDENTS	\$25
CLASS	III — MAXIMUM CAPACITY 51 OR MORE PERSONAL CARE RESIDENTS	\$75

THE FEE FOR A PROVISIONAL LICENSE, AS PROVIDED HEREIN, SHALL BE ONE-TWELFTH OF THE ANNUAL FEE FOR A REGULAR LICENSE MULTIPLIED BY THE NUMBER OF MONTHS FOR WHICH THE PROVISIONAL LI-

CENSE IS ISSUED.

SECTION 309. PRELICENSURE INVESTIGATION.

(A) WITHIN 90 DAYS OF RECEIPT OF AN APPLICATION FOR A LICENSE, THE DEPARTMENT SHALL CAUSE A REASONABLE INVESTIGATION TO BE MADE AS TO THE QUALIFICATION OF THE APPLICANT AND, IF THE APPLICANT IS A COPARTNERSHIP, ASSOCIATION OR CORPORATION, OF ALL THE OFFICERS OR PARTNERS, AS THE CASE MAY BE, AND OF THE PERSON DESIGNATED IN THE APPLICATION AS THE PROPRIETOR OF THE PERSONAL CARE BOARDING HOME; THE ADEQUACY OF THE FACILITIES OF THE HOME TO FURNISH THE TYPE OF CARE, SERVICES, SUPERVISION AND ASSISTANCE SPECIFIED IN THE APPLICATION AND BY THE DEPARTMENT; THE SANITARY AND FIRE PROTECTION FACILITIES; AND ANY OTHER MATTER WHICH THE DEPARTMENT FINDS TO BE REASONABLE AND NECESSARY FOR THE PROPER OPERATION OF A PERSONAL CARE BOARDING HOME AND FOR THE ADEQUATE PROTECTION OF THE LIFE, HEALTH AND SAFETY OF THE PERSONAL CARE RESIDENTS.

(B) THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS ACT.

SECTION 310. NOTICE OF DEFICIENCIES.

WHEN THE DEPARTMENT HAS FINISHED ITS PRELICENSURE INVESTIGATION, A REPORT OF ITS FINDINGS SHALL BE TRANSMITTED TO THE APPLICANT WITHIN 90 DAYS AFTER COMPLETION OF THE PRELICENSURE INVESTIGATION. THE DEPARTMENT SHALL INFORM THE OWNER IN WRITING OF ALL RESPECTS IN WHICH THE HOME IS NOT IN COMPLIANCE WITH THIS ACT, OR WITH APPROPRIATE STATE OR LOCAL RULES OR ORDINANCES, AND SHALL INFORM THE APPLICANT OF THE STEPS THAT WILL BE REQUIRED TO BRING THE HOME INTO COMPLIANCE SO THAT A LICENSE CAN BE ISSUED.

SECTION 311. ISSUANCE OF LICENSE; TERM AND CONTENT OF LICENSE; PAYMENT OF APPROPRIATE FEE.

(A) THE DEPARTMENT, WHEN SATISFIED THROUGH ITS PRELICENSURE INVESTIGATION, THAT THE APPLICANT FOR SUCH LICENSE, AND THE PROPRIETOR NAMED IN THE APPLICATION, IF DIFFERENT FROM THE APPLICANT, MEETS THE STANDARDS AND REQUIREMENTS AS SET FORTH IN THIS ACT OR AS DETERMINED BY THE DEPARTMENT, THAT THE PLACE SOUGHT TO BE USED AS A PERSONAL CARE BOARDING HOME IS SUITABLE FOR SUCH PURPOSE AND IS PROPERLY EQUIPPED THEREFOR, AND WHEN ALL REQUIREMENTS OF THIS ACT HAVE BEEN COMPLIED WITH, SHALL WITHIN 90 DAYS AFTER THE COMPLETION OF A PRELICENSURE INVESTIGATION, ISSUE A LICENSE TO THE APPLICANT, UPON PAYMENT OF THE APPROPRIATE LICENSE FEE, WHICH SHALL BE PAID INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF REVENUE.

(B) ALL LICENSES ISSUED BY THE DEPARTMENT UNDER THIS ACT SHALL EXPIRE ONE YEAR NEXT FOLLOWING THE DAY ON WHICH ISSUED, SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT, SHALL NOT BE TRANSFERABLE WITH RESPECT TO EITHER THE APPLICANT OR THE FACILITY, SHALL SPECIFY THE MAXIMUM NUMBER OF PERSONAL CARE RESIDENTS WHO MAY BE CARED FOR IN THE FACILITY AT ANY ONE TIME, SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES USED AS A PERSONAL CARE BOARDING HOME, AND MAY BE RENEWED FROM YEAR TO YEAR UPON PAYMENT OF THE LICENSE FEE AS PRESCRIBED IN THIS ACT.

(C) THE DEPARTMENT MAY, UPON ITS OWN INITIATIVE, AND SHALL UPON WRITTEN COMPLAINT, CAUSE A REINVESTIGATION TO BE MADE OF ANY PERSONAL CARE BOARDING HOME PRIOR TO ISSUING A RENEWAL OF THE ORIGINAL LICENSE.

SECTION 312. PROVISIONAL LICENSES.

(A) WHEN THERE HAS BEEN SUBSTANTIAL BUT NOT

COMPLETE COMPLIANCE WITH ALL APPLICABLE STATUTES, ORDINANCES AND REGULATIONS AND WHEN THE APPLICANT HAS TAKEN, OR IS TAKING APPROPRIATE STEPS TO CORRECT DEFICIENCIES, THE DEPARTMENT SHALL ISSUE A PROVISIONAL LICENSE FOR A SPECIFIED PERIOD OF NOT MORE THAN SIX MONTHS WHICH MAY BE RENEWED ONCE.

(B) A PROVISIONAL LICENSE SHALL BE ISSUED UPON PAYMENT OF THE APPROPRIATE PROVISIONAL LICENSE FEE, SUCH FEE NOT BEING APPLIED TOWARD A REGULAR LICENSE OR ANOTHER PROVISIONAL LICENSE. UPON FULL COMPLIANCE, A REGULAR LICENSE SHALL BE ISSUED IMMEDIATELY BY THE DEPARTMENT UPON PAYMENT OF THE REGULAR LICENSE FEE.

(C) THE DEPARTMENT SHALL BE RESPONSIBLE FOR PROVIDING TECHNICAL ASSISTANCE AND ADVICE TO THOSE PERSONS WHO ARE ELIGIBLE, OR WHO DESIRE TO BECOME ELIGIBLE, FOR SUCH A PROVISIONAL LICENSE TO CORRECT DEFICIENCIES, FULFILL THE REQUIREMENTS OF ALL APPLICABLE STATUTES, ORDINANCES AND REGULATIONS AND TO ACHIEVE ELIGIBILITY FOR A PROVISIONAL, AND, ULTIMATELY, FOR A REGULAR LICENSE.

SECTION 313. TIME LIMIT ON CONSIDERATION OF APPLICATION.

TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT SHALL MAKE A DECISION ON EACH APPLICATION FOR LICENSE AND SHALL NOTIFY THE APPLICANT OF ITS DECISION WITHIN 90 DAYS OF THE RECEIPT OF THE APPLICATION. THE DEPARTMENT SHALL MAKE A DECISION ON EACH RENEWAL APPLICATION AND SHALL NOTIFY THE APPLICANT OF ITS DECISION WITHIN 30 DAYS OF THE RECEIPT OF THE RENEWAL APPLICATION.

SECTION 314. REVOCATION OF LICENSES.

(A) WHENEVER THE DEPARTMENT SHALL, UPON INSPECTION, INVESTIGATION OR WRITTEN COMPLAINT, LEARN OF ANY VIOLATION OF THIS ACT OR OF THE RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT, OR OF ANY FAILURE TO ESTABLISH, PROVIDE OR MAINTAIN THE STANDARDS AND FACILITIES REQUIRED BY THIS ACT OR BY THE DEPARTMENT, SHALL GIVE WRITTEN NOTICE TO THE OFFENDING LICENSEE.

(B) UPON RECEIPT OF WRITTEN NOTICE FROM THE DEPARTMENT, THE OFFENDING LICENSEE SHALL HAVE 60 DAYS TO BRING SAID VIOLATIONS INTO CONFORMITY WITH THOSE PRESCRIBED BY THIS ACT OR BY THE DEPARTMENT. THE DEPARTMENT MAY REVOKE THE LICENSE OF SAID LICENSEE IF SAID VIOLATIONS DO NOT CEASE WITHIN THE PRESCRIBED PERIOD OF TIME.

(C) THE DEPARTMENT, WHERE THE VIOLATIONS OF WHICH NOTICE WAS GIVEN DO NOT PRESENT AN IMMINENT DANGER TO THE LIFE, HEALTH AND SAFETY OF A BOARDER OR BOARDERS AND WHERE THE LICENSEE IS TAKING APPROPRIATE STEPS TO CORRECT SAID VIOLATIONS, MAY GRANT NO MORE THAN TWO ADDITIONAL EXTENSIONS OF TIME, NOT TO EXCEED 60 DAYS EACH, FOR AN OFFENDING LICENSEE TO CORRECT DEFICIENCIES OR BRING STANDARDS AND FACILITIES INTO CONFORMITY WITH THE REQUIREMENTS OF THE LAW.

(D) THE DEPARTMENT, WHERE THE VIOLATIONS OF WHICH NOTICE WAS GIVEN DO NOT PRESENT AN IMMINENT DANGER TO THE LIFE, HEALTH AND SAFETY OF A BOARDER OR BOARDERS, MAY, IN LIEU OF REVOCATION OF THE FACILITY'S LICENSE, IMPOSE FINES FOR SAID VIOLATIONS, NOT TO EXCEED \$1,000 PER VIOLATION, AS IT MAY DEEM APPROPRIATE, AND IN PURSUANCE OF RULES AND REGULATIONS PUBLISHED BY THE DEPARTMENT IN FURTHERANCE OF THE PURPOSES OF THIS ACT.

(E) WHENEVER THE DEPARTMENT SHALL, UPON INSPECTION, OR INVESTIGATION LEARN OF A VIOLATION OF THIS ACT OR OF THE RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT THAT PRESENTS

EXTREME JEOPARDY OR IMMINENT DANGER TO THE LIFE, HEALTH AND SAFETY OF A PERSONAL CARE RESIDENT OR RESIDENTS, SHALL REVOKE THE LICENSE OF SAID FACILITY IMMEDIATELY.

(F) THE DEPARTMENT, IN ALL INSTANCES WHERE IT IS DETERMINED THAT A LICENSE SHOULD BE REVOKED, SHALL HAVE THE RESPONSIBILITY FOR PROVIDING FOR THE TRANSFER OF ALL PERSONAL CARE RESIDENTS IN THE FACILITY TO BE CLOSED TO APPROPRIATE FACILITIES AND FOR PROVIDING ADEQUATE CARE TO THE PERSONAL CARE RESIDENTS OF THE FACILITY PRIOR TO RELOCATION.

SECTION 315. RIGHT TO ENTER AND INSPECT.

FOR THE PURPOSES OF DETERMINING THE SUITABILITY OF THE APPLICANTS AND OF THE PREMISES OR WHETHER OR NOT ANY PREMISES IN FACT QUALIFIES AS A FACILITY AS DEFINED IN SECTION 105 OF THIS ACT OR THE CONTINUING CONFORMITY OF THE LICENSEES TO THIS ACT AND TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT, ANY AUTHORIZED AGENT OF THE DEPARTMENT SHALL HAVE THE RIGHT TO ENTER, VISIT AND INSPECT ANY FACILITY, LICENSED OR REQUIRING A LICENSE UNDER THIS ACT AND SHALL HAVE FULL AND FREE ACCESS TO THE RECORDS OF THE FACILITY AND TO THE INDIVIDUALS THEREIN AND FULL OPPORTUNITY TO INTERVIEW, INSPECT, OR EXAMINE SUCH INDIVIDUALS.

SECTION 316. PENALTIES FOR OPERATION WITHOUT A LICENSE.

ANY PERSON, OR ANY OR ALL OFFICERS OR PARTNERS OF ANY COPARTNERSHIP, ASSOCIATION OR CORPORATION MAINTAINING OR OPERATING WITHIN THE COMMONWEALTH OF PENNSYLVANIA A PERSONAL CARE BOARDING HOME, FOR PROFIT OR OTHERWISE, WITHOUT A LICENSE AS REQUIRED BY THIS ACT SHALL BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE AND A SECOND OR SUBSEQUENT VIOLATION SHALL BE GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

SECTION 317. RIGHT TO APPEAL.

ANY OWNER OR APPLICANT MAY APPEAL ANY DECISION MADE BY THE DEPARTMENT IN ACCORDANCE WITH APPEAL PROCEDURES ESTABLISHED IN REGULATIONS PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS ACT.

SECTION 318. DEPARTMENT ACCESS TO INDIVIDUAL RESIDENTS.

FOR PURPOSES OF CARRYING OUT ITS RESPONSIBILITIES UNDER THIS ACT, THE DEPARTMENT OR ANY AUTHORIZED AGENT THEREOF SHALL HAVE FULL AND FREE ACCESS TO THE PERSONAL CARE BOARDING HOME, WHETHER OR NOT THE FACILITY HAS BEEN LICENSED AS SUCH, TO ITS RECORDS, AND TO THE RESIDENTS, WITH FULL OPPORTUNITY UNRESTRICTED BY THE OWNER OR MANAGER TO INTERVIEW, INSPECT OR EXAMINE INDIVIDUAL RESIDENTS.

SECTION 319. RIGHTS OF RESIDENTS WITH REGARD TO ACCESS.

ALL RESIDENTS OF PERSONAL CARE BOARDING HOMES SHALL BE PERMITTED TO RECEIVE VISITATIONS BY RELATIVES, FRIENDS OR ACQUAINTANCES DURING REASONABLE VISITING HOURS AS ESTABLISHED BY THE OWNER OR MANAGER. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO RESTRICT ANY RIGHT OR PRIVILEGE OF ANY RESIDENT TO RECEIVE VISITORS WHO ARE NOT AUTHORIZED AGENTS OF THE DEPARTMENT NOR REPRESENTATIVES OF COMMUNITY ORGANIZATIONS OR SERVICE PROGRAMS, SO LONG AS THOSE VISITORS DO NOT INFRINGE UPON THE RIGHTS OR JEOPARDIZE THE SAFETY OF OTHER RESIDENTS NOR INTERFERE UNDULY WITH THE ORDERLY OPERATION OF THE HOME. OTHER RIGHTS OF RESIDENTS IN THIS REGARD SHALL BE PROMULGATED IN REGULATIONS DEVELOPED BY THE DEPARTMENT.

SECTION 320. COMMUNITY SERVICE ACCESS.

THE PERSONAL CARE BOARDING HOME SHALL PERMIT MEMBERS OF RECOGNIZED COMMUNITY ORGANI-

ZATIONS, REPRESENTATIVES OF COMMUNITY LEGAL SERVICE PROGRAMS WHOSE PURPOSES INCLUDE RENDERING ASSISTANCE WITHOUT CHARGE, AND AGENTS OF AREA AGENCIES ON AGING, COUNTY BOARDS OF ASSISTANCE, AND COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION CENTERS, TO HAVE ACCESS TO THOSE AREAS OF THE HOME OCCUPIED BY RESIDENTS WHO ARE NOT RELATIVES OF THE OWNER OR OPERATOR. THE PURPOSE OF VISITS BY SUCH PERSONS MAY BE TO VISIT, TALK WITH, AND MAKE PERSONAL, SOCIAL AND LEGAL SERVICES AVAILABLE TO ALL RESIDENTS, AND TO ENGAGE IN ALL OTHER METHODS OF ASSISTING, ADVISING AND REPRESENTING RESIDENTS SO AS TO EXTEND TO THEM THE FULL ENJOYMENT OF THEIR RIGHTS. REGULATIONS GOVERNING COMMUNITY SERVICE ACCESS SHALL BE PROMULGATED BY THE DEPARTMENT.

SECTION 321. NOTICE OF ACCESS PROVISIONS.

A NOTICE SETTING FORTH THE PROVISIONS OF THIS ARTICLE CONCERNING ACCESS SHALL BE POSTED IN A CONSPICUOUS PLACE NEAR THE ENTRANCE OF THE HOME. A COPY OF SECTIONS OF THIS ACT RELATING TO ACCESS SHALL BE MADE AVAILABLE BY THE MANAGER TO EVERY PERSON ALREADY A RESIDENT IN A PERSONAL CARE BOARDING HOME AND TO EVERY NEW RESIDENT UPON ADMISSION. THE MANAGER SHALL EXPLAIN THESE RIGHTS REGARDING ACCESS TO EVERY NEW RESIDENT UPON ADMISSION AND KEEP THE RESIDENT INFORMED OF THESE RIGHTS FOR THE DURATION OF HIS OR HER RESIDENCE.

SECTION 322. ENFORCEMENT POWERS.

FAILURE BY THE OWNER, MANAGER, OR EMPLOYEES OF A FACILITY TO ALLOW ACCESS OF AGENTS OF THE DEPARTMENT OR COMMUNITY SERVICES AGENCIES TO SAID FACILITY IN COMPLIANCE WITH THIS ACT SHALL BE PUNISHABLE AS A MISDEMEANOR OF THE THIRD DEGREE.

SECTION 323. ENFORCEMENT ACTION.

THE DEPARTMENT NEED NOT BE JOINED AS PLAINTIFF IN AN ACTION BROUGHT TO ENFORCE THESE ACCESS REGULATIONS.

SECTION 324. DUTY TO REPORT SUSPECTED VIOLATIONS.

(A) THE FOLLOWING PERSONS AND OFFICIALS ARE REQUIRED TO REPORT TO THE DEPARTMENT WHEN THEY HAVE REASONABLE CAUSE TO SUSPECT THAT A PERSONAL CARE BOARDING HOME IS BEING OPERATED IN VIOLATION OF THIS ACT: ALL OFFICERS AND EMPLOYEES OF ANY CITY, COUNTY OR STATE AGENCY, DEPARTMENT, COMMISSION, OR INSTITUTION, INCLUDING BUT NOT LIMITED TO, POLICE OFFICERS, FIRE DEPARTMENT EMPLOYEES, ADULT SERVICES WORKERS AND EMPLOYEES OF PERSONAL CARE BOARDING HOMES.

(B) ANY PERSON MAY MAKE SUCH A REPORT IF SUCH PERSON HAS REASONABLE CAUSE TO SUSPECT THAT A PERSONAL CARE BOARDING HOME IS BEING OPERATED IN VIOLATION OF THIS ACT.

SECTION 325. UNLAWFUL REFERRALS AND TRANSFERS.

IT SHALL BE UNLAWFUL FOR ANY OFFICIAL OR EMPLOYEE, OF ANY STATE, STATE-AIDED OR MUNICIPAL DEPARTMENT, AGENCY, COMMISSION, OR INSTITUTION OR OF AN INSTITUTION DISTRICT TO REFER OR TRANSFER ANY INDIVIDUAL TO A PERSONAL CARE BOARDING HOME IF THE OFFICIAL OR EMPLOYEE KNOWS THAT SUCH HOME IS NOT LICENSED AS REQUIRED BY THIS ACT.

SECTION 26. PENALTY FOR UNLAWFUL REFERRAL OR TRANSFER.

ANY PERSON WHO KNOWINGLY MAKES A REFERRAL OR TRANSFERS AN INDIVIDUAL IN VIOLATION OF THIS ACT SHALL BE GUILTY OF A SUMMARY OFFENSE AND SHALL BE FINED \$250 FOR THE FIRST OFFENSE, AND \$1,000 FOR EACH SUBSEQUENT OFFENSE.

MISCELLANEOUS PROVISIONS

SECTION 401. APPROPRIATION.

THE SUM OF \$6,000,000 IS HEREBY APPROPRIATED TO THE DEPARTMENT OF HEALTH FOR THE ESTABLISHMENT OF LICENSURE PROCEDURES AND FOR CARRYING OUT ALL SERVICES AND RESPONSIBILITIES AS PRESCRIBED IN THIS ACT.

SECTION 402. DISPOSITION OF FUNDS.

ALL FEES, FINES, PENALTIES, AND OTHER MONEYS PAID, RECEIVED, RECOVERED AND COLLECTED UNDER THE PROVISIONS OF THIS ACT SHALL BE PAID INTO THE STATE TREASURY AND SHALL BE RETURNED TO THE GENERAL FUND.

SECTION 403. IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY.

IN THE ABSENCE OF WILLFUL MISCONDUCT OR GROSS NEGLIGENCE, DEPARTMENTAL EMPLOYEES OR AUTHORIZED AGENTS OF THE DEPARTMENT PERFORMING ANY OF THE FUNCTIONS AUTHORIZED UNDER THIS ACT SHALL NOT BE CIVILLY OR CRIMINALLY LIABLE FOR A DECISION, ACTION OR ITS CONSEQUENCES.

SECTION 404. APPLICATION OF SPECIAL OCCUPANCY REGULATIONS.

AS OF THE EFFECTIVE DATE OF THIS ACT, THE SPECIAL OCCUPANCY BOARDING HOME RULES AND REGULATIONS OF THE ACT OF APRIL 27, 1927 (P. L. 465, NO. 299), REFERRED TO AS THE FIRE AND PANIC ACT SHALL NOT APPLY TO PERSONAL CARE BOARDING HOMES.

SECTION 405. RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC WELFARE.

(A) THE DEPARTMENT OF PUBLIC WELFARE SHALL, COMMENCING WITH THE 13TH MONTH AFTER THE EFFECTIVE DATE OF THIS ACT, INCLUDE WITHIN THE "COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN" A SPECIFIC SECTION DEFINING SERVICES FOR RESIDENTS OF LICENSED PERSONAL CARE BOARDING HOMES AND ESTIMATING THE AMOUNT TO BE SPENT. THE DEPARTMENT OF PUBLIC WELFARE SHALL SUBMIT SUCH SECTION TO THE SECRETARY OF HEALTH PRIOR TO ITS INCLUSION IN THE PLAN FOR HIS REVIEW AND COMMENT.

(B) WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT AND ON A CONTINUING BASIS THEREAFTER, THE DEPARTMENT OF PUBLIC WELFARE SHALL SUBMIT TO THE DEPARTMENT OF HEALTH THE NAME AND LOCATION OF ANY FACILITY:

(1) WHICH IT HAS REASON TO BELIEVE IS A PERSONAL CARE BOARDING HOME; OR

(2) TO WHICH IT HAS REFERRED AN INDIVIDUAL WHO THE DEPARTMENT BELIEVES QUALIFIES AS A PERSONAL CARE RESIDENT.

SECTION 406. REPEALS.

(A) THE ACT OF APRIL 27, 1927 (P. L. 465, NO. 299), ENTITLED, AS AMENDED "AN ACT TO PROVIDE FOR THE SAFETY OF PERSONS EMPLOYED, HOUSED, OR ASSEMBLED IN CERTAIN BUILDINGS AND STRUCTURES NOT IN CITIES OF THE FIRST CLASS, SECOND CLASS, AND SECOND CLASS A, BY REQUIRING CERTAIN CONSTRUCTION AND WAYS OF EGRESS, EQUIPMENT, AND MAINTENANCE; PROVIDING FOR THE LICENSING OF PROJECTIONISTS; EXCEPT IN CITIES OF THE FIRST CLASS AND SECOND CLASS; REQUIRING THE SUBMISSION OF PLANS FOR EXAMINATION AND APPROVAL; PROVIDING FOR THE PROMULGATION OF RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS ACT; PROVIDING FOR THE ENFORCEMENT OF THIS ACT BY THE DEPARTMENT OF LABOR AND INDUSTRY AND, IN CERTAIN CASES, BY THE CHIEFS OF FIRE DEPARTMENTS IN CITIES OF THE THIRD CLASS; PROVIDING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT; AND REPEALING CERTAIN ACTS," IS REPEALED INsofar AS IT APPLIES TO PERSONAL CARE BOARDING HOMES EXCEPT AS TO THE ENFORCEMENT OF STANDARD C-2 RULES AND REGULATIONS UNTIL JULY 1, 1979; ON JULY 1, 1979, THE POWER TO ENFORCE STANDARD C-2 RULES AND REGULATIONS IS REPEALED INsofar

AS IT APPLIES TO PERSONAL CARE BOARDING HOMES.

(B) ARTICLES IX AND X, ACT OF JUNE 13, 1967 (P. L. 31, NO. 21), KNOWN AS THE "PUBLIC WELFARE CODE," ARE REPEALED INsofar AS THEY APPLY TO BOARDING HOMES FOR THE AGED AND HANDICAPPED AND PERSONAL CARE HOMES.

(C) ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY ARE INCONSISTENT HERewith.

SECTION 407. EFFECTIVE DATE.

THIS ACT SHALL TAKE EFFECT JULY 1, 1978.

ROLL CALL

House Bill 668, Printer's No. 1302

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwikl	absent
MINORITY MEMBERS	
Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

AMENDMENTS TO HOUSE BILL NO. 668

Mr. Max Pievsky 30

Printer's No. 1302

Amend Bill, page 20, lines 22 through 30; page 21, lines 1 through 7, by striking out all of said lines and inserting

Section 12. Tax credits for assessments paid.

(a) A member insurer may offset against its premiums tax liability to this Commonwealth a proportionate part of the assessment described in section 8 to the extent of 20% of such proportionate part of such assessment for each of the five calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, the uncredited proportionate part of such assessment may be offset against the member insurer's premium tax liability for the year it ceases doing business.

(b) The proportionate part of an assessment which may be offset against a member company's premium tax liability to the Commonwealth shall be determined according to a fraction of which the denominator is the total premiums received by the company during the calendar year immediately preceding the year in which the assessment is paid and the numerator is that portion of the premiums received during such year on account of policies of life or health insurance in which the premium rates are guaranteed during the continuance of the respective policies without a right exercisable by the company to increase said premium rates.

(c) Any sums acquired by refund, pursuant to section 8(f) from the association which have theretofore been written off by contributing insurers and offset against premium taxes as provided in this section and are not then needed for purposes of this act, shall be paid by the association to the commissioner and deposited by him with the State Treasurer for credit to the General Fund of this Commonwealth.

FISCAL NOTE

House Bill 668, Printer's No. 1302 (as amended)

This bill proposes to establish the Pennsylvania Life and Health Insurance Guaranty Association. The Association would provide for the payment of covered claims under certain life, health, and accident insurance and annuity policies in the event of an insolvency. The bill also creates and empowers the Association's organization and provides for an assessment of all insurers for operations and payment of claims which would be offset against their premium tax liability.

Fiscal Impact

The premium tax offset provision of this bill could have a direct effect on the General Fund in the form of a loss of premium tax revenues should the Guaranty Association be required to cover an insolvency.

It is difficult to estimate the number of life or health insolvencies which may occur over the years. No life carrier has gone under in at least 10 years. Health and accident insurers become insolvent more frequently.

The impact of this provision is this: when the company cannot recoup losses in later years by increasing rates the Commonwealth, not the insurance industry, would be responsible to insure that no citizen is left without payment should an insolvency occur. Should any claims be made during this time while the insolvency is being resolved, the Guaranty Association would cover the claims by assessing the member insurers.

For example, if ten policyholders of an insolvent firm died during the next year with total claims of \$150,000, it can be estimated that at least one-half of that sum would be covered by the firm itself, (that depends on the degree of the insolvency) and the Guaranty Association may have to pick up as much as \$75,000.

The premium tax liability for this year would then be reduced by each member to equal 20% of the assessment. Or in reality, \$15,000 would be claimed this year and the succeeding four years against the tax and would be lost to the General Fund.

Basically, life carriers are well regulated and chances for insolvency are minimal. Health and accident insurers are less stable in this economy, but can pass off their additional expenditures (the assessments) in the form of higher rates. While the costs seem minimal should this offset be included, such a provision could lead to a significant loss in revenue based upon the number of insolvencies.

Source: Pennsylvania Department of Insurance

Prepared by: Glenn Rosenberg
House Appropriations Committee
April 14, 1978

Prior Printer's No. 746

Printer's No. 1302

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 668

Session of 1977

INTRODUCED BY MESSRS. SCHMITT, SCHWEDER, GIAMMARCO, MRS. HARPER, MESSRS. LIVENGOD, ZEARFOSS, MACKOWSKI, MADIGAN, MOWERY AND VROON, MARCH 22, 1977.

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 1977.

An Act

establishing the Pennsylvania Life and Health Insurance Guaranty Association; providing for the payment of covered claims under certain life, health and accident insurance, and annuity policies, the avoidance of excessive delay and the avoidance of financial loss to claimants or policyholders in the payment thereof as a result of the insolvency of insurers; assisting in the detection and prevention of insurer impairments and insolvencies; providing for the formulation and administration of a plan of operation; and conferring powers and imposing duties upon the Insurance Commissioner, the Pennsylvania Life and Health Insurance Guaranty Association and certain insurers.

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- Section 10. Powers and duties of the commissioner.
- Section 11. Prevention of insolvencies.
- SECTION 12. CREDITS FOR ASSESSMENTS PAID.
- Section 12-13. Miscellaneous provisions.
- Section 13-14. Examination of the association; annual report.
- Section 14-15. Tax exemptions.
- Section 15-16. Immunity.
- Section 16-17. Stay of proceedings; reopening default judgments.
- Section 17-18. Prohibited advertisement of this act in sale of insurance.
- Section 18-19. Timely filing of claims.
- Section 19-20. Nonduplication of recovery.
- Section 20-21. Assessments not burdens or prohibitions.
- Section 21-22. Membership in the Pennsylvania Insurance Guaranty Association and exemption from assessments.
- Section 22-23. Powers and duties of commissioner not limited.
- Section 24-25. Effective date.

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

Section 1. Short title.

This act shall be known and may be cited as the "Life and Health Insurance Guaranty Association Act."

Section 2. Purpose.

The purpose of this act is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health and accident insurance policies, annuity contracts, endorsements, riders and contracts supplemental thereto, including but not limited to settlement options, subject to certain limitations, against failure in the performance of

contractual obligations due to the impairment or insolvency of the insurer issuing such policies or contracts. To provide this protection an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages, the members of the association are subject to assessment to provide funds to carry out the purpose of this act, and the association is authorized to assist the commissioner in the detection and prevention of insurer impairments or insolvencies.

Section 3. Scope.

(a) This act shall apply to direct written individual and group life insurance policies, health and accident insurance policies, annuity contracts, endorsements, riders and contracts supplemental thereto, including but not limited to settlement options, issued by member insurers chartered or licensed to transact such insurance in this Commonwealth.

(b) This act shall not apply to:

(1) The part of a variable life insurance or variable annuity contract not guaranteed by an insurer.

(2) The part of any policy or contract under which the risk is borne by the policyholder.

(3) A policy or contract or part thereof assumed by the impaired or insolvent insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued.

(4) A certificate, contract, or subscriber agreement issued by a hospital plan corporation or a nonprofit hospital plan as defined in 40 Pa. C. S. § 6301 (relating to application of chapter).

(5) A certificate, contract, or subscriber agreement issued by a professional health service corporation, a nonprofit dental service plan, a nonprofit optometric service plan, or a nonprofit professional health service plan, as defined in 40 Pa. C. S. § 6302 (relating to definitions).

(6) A certificate or contract issued by a fraternal benefit society pursuant to its underwriting powers as set forth in 40 Pa. C. S. § 6526 (relating to power to write insurance).

(7) A certificate, contract or subscriber agreement issued by an organization subject to the provisions of the act of December 29, 1972 (P. L. 1701, No. 364), known as the "Voluntary Non-profit Health Service Act of 1972."

Section 4. Definitions.

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

"Account." Any of the three accounts created by section 5.

"Association." The Pennsylvania Life and Health Insurance Guaranty Association.

"Commissioner." The Insurance Commissioner of the Commonwealth of Pennsylvania.

"Contractual obligation." Any obligation under covered policies or contracts.

"Covered policy." Any policy or contract within the scope of this act.

"Impaired insurer." A member insurer deemed by the commissioner to be potentially unable to fulfill its contractual obligations but not an insolvent insurer.

"Insolvent insurer." A member insurer which becomes insolvent and is placed under a final order of liquidation, rehabilitation or conservation by a court of competent jurisdiction of the insurer's domiciliary state.

"Member insurer." Any person licensed to transact in this Commonwealth any kind of insurance to which this act applies.

"Person." Any individual, corporation, partnership, association or voluntary organization.

"Premiums." Direct written gross insurance premiums and annuity considerations received on covered policies, less return premiums and considerations thereon and dividends paid or credited to policyholders on such business, and experience rated refunds or credits paid or credited to policyholders on such business. Premiums do not include premiums and considerations on contracts between insurers and reinsurers.

"Resident." Any person who resides in this Commonwealth at the time a member insurer is determined to be an impaired or insolvent insurer and to whom contractual obligations are owed.

Section 5. Creation of the association.

(a) There is created a nonprofit, unincorporated association

to be known as the Pennsylvania Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this Commonwealth. The association shall perform its functions under a plan of operation as provided herein and shall exercise its powers through a board of directors. For purposes of administration and assessment, the association shall maintain three accounts:

(1) The life insurance account.

(2) The health and accident insurance account.

(3) The annuity account.

(b) Supplementary contracts shall be covered under the account in which the basic policy is covered for purposes of assessment.

(c) The association shall come under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance laws of this Commonwealth.

Section 6. Board of directors.

(a) The board of directors of the association shall consist of not less than five nor more than nine member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner. To select the initial board of directors and initially organize the association the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial members.

(b) In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

(c) Members of the board may be reimbursed from the assets of the association for reasonable expenses incurred by them as members of the board of directors. They shall not otherwise be compensated by the association for their services.

Section 7. Powers and duties of the association.

(a) Whenever a domestic insurer is an impaired insurer, the association may, subject to any conditions imposed by the association and approved in writing by the impaired insurer and the commissioner, other than those conditions which impair the contractual obligations of the impaired insurer:

(1) guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the covered policies of the impaired insurer;

(2) provide such moneys, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (1) and assure payment of the contractual obligations of the impaired insurer pending action thereunder; or

(3) lend money to the impaired insurer.

(b) Whenever a domestic insurer is an insolvent insurer, the association shall, subject to the written approval of the commissioner:

(1) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of the insolvent insurer;

(2) assure payment of the contractual obligations of the insolvent insurer; or

(3) provide such moneys, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

(c) Whenever a foreign or alien insurer is an insolvent insurer, the association shall, subject to the written approval of the commissioner:

(1) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of residents;

(2) assure payment of the contractual obligations of the insolvent insurer to residents; or

(3) provide such moneys, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

This subsection shall not apply where the commissioner has determined that a foreign or alien member insurer's domiciliary jurisdiction or state of entry provides, by statute or regulation,

protection for residents of this Commonwealth substantially similar to that provided by this act.

(d) In carrying out subsections (b) and (c), permanent policy liens, or contract liens may be imposed in connection with any guarantee, assumption or reinsurance agreement if the court:

(1) Finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, to be in the public interest.

(2) Approves the specific policy liens or contract liens to be used.

Before being obligated under subsections (b) and (c), the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of cash or policy loan values, and such temporary moratoriums and liens may be imposed if they are approved by the court.

(e) If the association fails to act within a reasonable period of time, as provided in section 5(b) and (c), the commissioner shall have the powers and duties of the association under this act with respect to insolvent insurers.

(f) The association may render assistance and advice to the commissioner, upon his request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.

(g) The association shall have standing to appear before any court in this Commonwealth with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this act. Such standing shall extend to all matters germane to the powers and duties of this association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired or insolvent insurer and the determination of the covered policies and contractual obligations.

(h) A person receiving benefits under this act shall be deemed to have assigned the rights under the covered policy to the association to the extent of the benefits received because of this act whether the benefits are payments of contractual obligations or continuation of coverage. The association may require an assignment to it of such rights by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any rights or benefits conferred by this act upon such person. The association under this subsection shall have the same priority against the assets of the insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(i) The association shall not be liable for any contractual obligations of insolvent insurers which are \$100 or less with respect to the total contractual obligations owing to any one person.

(j) The contractual obligations of the insolvent insurer for which the association becomes or may become liable shall be in excess of \$100 and shall be as great as but no greater than the contractual obligations of the insolvent insurer would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (d), but the aggregate liability of the association on any one life shall not exceed \$100,000 with respect to the payment of cash values, or \$300,000 for all benefits. This dollar limitation shall include all benefits which become payable after the date of insolvency and all benefits that may be accrued and unpaid on the date of the insolvency.

(k) The association may:

(1) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this act.

(2) Sue or be sued, including taking any legal action necessary or proper for recovery of unpaid assessments under section 8.

(3) Borrow money to effect the purposes of this act. Notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets.

(4) Employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this act.

(5) Negotiate and contract with any liquidator, rehabilitator, conservator or ancillary receiver to carry out the powers and duties of the association.

(6) Take such legal action as may be necessary to avoid payment of improper claims.

(7) Exercise, for the purposes of this act and to the extent approved by the commissioner, the powers of a domestic life or health and accident insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer.

Section 8. Assessments.

(a) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments shall be due not less than 30 days after written notice to the member insurers and shall accrue interest at 8% per annum after the due date.

(b) There shall be three classes of assessments:

(1) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses not related to a particular impaired or insolvent insurer and examinations conducted under the authority of section 11(e).

(2) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 7, with regard to an impaired or insolvent domestic insurer.

(3) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 7 with regard to an insolvent foreign or alien insurer.

(c) (1) The amount of any class A assessment shall be determined by the board and may be made on a non-pro rata basis. Such assessment for costs and expenses other than for examinations shall not exceed \$50 per company in any one calendar year. The amount of any class B or C assessment shall be allocated for assessment purposes among the accounts in section 5(a) in the proportion that the premiums received by the impaired or insolvent insurer on the covered policies under each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bear to the premiums received by such insurer for such calendar year on all covered policies.

(2) Class B assessments for each account shall be made separately for each state in which the impaired or insolvent domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the impaired or insolvent insurer on covered policies under each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bear to such premiums received in all such states for such calendar year by the impaired or insolvent insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such state by each assessed member insurer on covered policies under each account for the last calendar year preceding the assessment bear to such premiums received on business in each state for such calendar year preceding assessment by all assessed member insurers.

(3) Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this Commonwealth by each assessed member insurer on covered policies under each account for the last calendar year preceding the assessment bear to such premiums received on business in this Commonwealth for such calendar year preceding the assessment by all assessed member insurers.

(4) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this act. Classification of assessments under subsection (b) and computation of assessments under this paragraph shall be made with a reasonable degree of accuracy, recognizing that ex-

act determinations may not always be possible.

(d) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations, or would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section.

(e) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed 2% of such insurer's premiums on its policies covered by each account received in this Commonwealth during the calendar year preceding the assessment. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in such account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(f) The board may, by an equitable method established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to the account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

(g) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this act, to consider the amount reasonably necessary to meet its assessment obligations under this act.

(h) The association shall issue to each insurer paying any assessment under this act a certificate of contribution, in a form prescribed by the commissioner, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset, but in no event may it be shown as an asset on the insurer's financial statement to the extent that the insurer has offset an assessment against its premium tax liability to this Commonwealth.

Section 9. Plan of operation.

(a) (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.

(2) If the association fails to submit a suitable plan of operation within 180 days of the effective date of this act or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this act. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(b) All member insurers shall comply with the plan of operation.

(c) The plan of operation shall:

(1) Establish procedures for handling the assets of the association.

(2) Establish the amount and method of reimbursing members of the board of directors.

(3) Establish regular places and times for meetings of the board of directors.

(4) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of di-

rectors.

(5) Establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner.

(6) Establish additional procedures for assessments.

(7) Contain additional provisions necessary and proper for the execution of the powers and duties of the association.

(d) The plan of operation may provide that any or all powers and duties of the association, except those under section 7, (k), (3) and section 8, are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this act.

Section 10. Powers and duties of the commissioner.

(a) The commissioner shall:

(1) Provide the association with a statement of the premiums in the appropriate states for each member insurer when requested by the board of directors.

(2) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to comply promptly with such demand shall not excuse the association from the performance of its powers and duties under the act.

(3) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the commissioner shall be appointed conservator.

(b) The commissioner may suspend or revoke after notice and hearing, the certificate of authority to transact insurance in this Commonwealth of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the commissioner may levy a penalty or any member insurer which fails to pay an assessment when due. Such penalty shall not exceed 5% of the unpaid assessment per month, but no penalty shall be less than \$100 per month.

(c) An action of the board of directors or the association may be appealed to the commissioner by any member insurer if such appeal is taken within 30 days of the action being appealed. A final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction.

Section 11. Prevention of insolvencies.

(a) It shall be the duty of the commissioner:

(1) To notify the commissioners of all of the other states, territories of the United States and the District of Columbia when he takes any of the following actions against a member insurer based specifically in consideration of the financial solvency of the insured:

(i) revocation of license;

(ii) suspension of license; or

(iii) makes any formal order that such company restrict its premium writing, obtain additional contributions to surplus, withdraw from the State, reinsure all of any part of its business, or an increase in capital, surplus, or any other account for the security of policyholders or creditors.

(2) To mail such notice to all commissioners within 30 days of the date on which the action was taken.

(3) To report to the board of directors when he has taken any of the actions set forth in paragraph (1) or has received a report from any other commissioner indicating that any such action has been taken in another state. The report shall contain all significant details of the action taken or the report received from another commissioner.

(4) To report to the board of directors when he has reasonable cause to believe from any examination, whether completed

or in process, a member company, which may be an impaired or insolvent insurer, notwithstanding the provisions of section 213 of the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty one."

(5) To furnish to the board of directors the early warning tests developed by the National Association of Insurance Commissioners. The board may use the information contained therein in carrying out its duties and responsibilities under this section. The report and the information contained therein shall be kept confidential by the board of directors until it is made public by the commissioner or other lawful authority.

(b) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member companies and companies seeking transact insurance business in this Commonwealth.

(c) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any insurance company seeking to do business in this Commonwealth. Such reports and recommendations shall not be considered public documents.

(d) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information it has indicating a member insurer may be impaired or insolvent.

(e) The board of directors may, upon majority vote, request the commissioner to order an examination of any member insurer which the board in good faith believes may be impaired. The commissioner shall begin such examination within 30 days of the receipt of the request. The examination may be conducted as a national association of insurance commissioners' examination or by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated the same as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public. This shall not preclude the commissioner from complying with subsection (a). The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner. It shall not be open to public inspection prior to the release of the examination report to the public.

(f) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

(g) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the commissioner containing such information as it may have in its possession bearing on the history and causes of such insolvency. The board shall cooperate with the board of directors of guaranty associations in other states in preparing a report on the history and causes for insolvency of a particular insurer. It may adopt, by reference, a report prepared by other associations.

SECTION 12. CREDITS FOR ASSESSMENTS PAID.

(A) A MEMBER INSURER MAY OFFSET AGAINST ITS PREMIUM TAX LIABILITY TO THIS COMMONWEALTH AN ASSESSMENT DESCRIBED IN SECTION 8 TO THE EXTENT OF 20% OF THE AMOUNT OF SUCH ASSESSMENT FOR EACH OF THE FIVE CALENDAR YEARS FOLLOWING THE YEAR IN WHICH SUCH ASSESSMENT WAS PAID. IN THE EVENT A MEMBER INSURED SHOULD CEASE DOING BUSINESS, ALL UNCREDITED ASSESSMENTS MAY BE OFFSET AGAINST ITS PREMIUM TAX LIABILITY FOR THE YEAR IT CEASES DOING BUSINESS.

(B) ANY SUMS ACQUIRED BY REFUND, PURSUANT TO SECTION 8(F) FROM THE ASSOCIATION WHICH HAVE THERETOFORE BEEN WRITTEN OFF BY CONTRIBUTING INSURERS AND OFFSET AGAINST PREMIUM TAXES AS PROVIDED IN THIS SECTION AND ARE NOT THEN NEEDED FOR PURPOSES OF THIS ACT, SHALL BE PAID BY THE ASSOCIATION TO THE COMMISSIONER AND DEPOSITED BY HIM WITH THE STATE TREASURER FOR CREDIT TO THE GENERAL FUND OF THIS COMMONWEALTH.

Section 12-13. Miscellaneous provisions.

(a) Nothing in this act shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

(b) Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under section 7. Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the association to render a report of its activities under section 13 14.

(c) For the purpose of carrying out its obligations under this act, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee pursuant to section 7(h). All assets of the impaired or insolvent insurer attributable to covered policies shall be used by the association to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this act. ~~Assets~~ **FOR PURPOSES OF THIS SUBSECTION, ASSETS** attributable to covered policies under any account, as used in this subsection shall be determined as being that proportion of the total assets of the impaired or insolvent insurer which the reserves that should have been established for policies under such account bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(d) (1) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policyowners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination, consideration shall be given to the welfare of the policyholders of the continuing or successor insurer.

(2) No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association for funds expended in carrying out its powers and duties under section 7, with respect to such insurer, have been fully recovered by the association.

(e) (1) If an order for liquidation or rehabilitation of an insurer domiciled in this State has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of paragraphs (2), (3) and (4).

(2) No such distribution shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, in accordance with the standards of Article III of the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921."

(3) A person who was an affiliate controlling the insurer at the time the distributions were paid shall be liable to the extent of the distributions received by him. Whenever two persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(4) The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

(5) If any person liable under paragraph (3) is insolvent, all the affiliates that controlled it at the time the distribution was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

Section 13-14. Examination of the association; annual report.

The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner, not later than May 1 of each year, a finan-

cial report for the preceding calendar year in a form approved by the commissioner and a report of its activities during the preceding calendar year.

Section 14. 15. Tax exemptions.

The association shall be exempt from the payment of all fees and taxes levied by this Commonwealth or any of its subdivisions, except taxes levied on real property.

Section 15. 16. Immunity.

There shall be no liability on the part of and cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or his representatives, for any action taken by them in the performance of their powers and duties under this act.

Section 16. 17. Stay of proceedings: reopening default judgments.

All proceedings in which the insolvent insurer is a party in any court in this Commonwealth shall be stayed 90 days from the date the insolvency is determined by the Commonwealth Court to permit proper legal action by the association on any matters germane to its powers or duties. As to any judgment against an insolvent insurer in relation to a contractual obligation under any decision, order, verdict, or finding based on default, the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

Section 17. 18. Prohibited advertisement of this act in sale of insurance.

(a) No person, including an insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement which uses the existence of the association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by this act. This section shall not apply to the Pennsylvania Life and Health Insurance Guaranty Association.

(b) Any person who violates the above prohibition may, after notice and hearing and upon order of the commissioner, be subject, at the discretion of the commissioner, to one or more of the following:

(1) a monetary penalty of not more than \$1,000 for each act or violation but not to exceed an aggregate penalty of \$10,000; or

(2) suspension or revocation of his license or certificate of authority.

Section 18. 19. Timely filing of claims.

Notwithstanding any other provisions of this act, contractual obligation shall not include a claim filed after the final date set by the court for the filing of claims against the liquidator of an insolvent insurer.

Section 19. 20. Nonduplication of recovery.

A person having a claim or benefit payment which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured. A recovery under this act shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

Section 20. 21. Assessments not burdens or prohibitions.

Assessments made by insurance guaranty associations or similar entities pursuant to the laws of any other state shall not be considered burdens or prohibitions under section 212 of the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty one."

Section 21. 22. Membership in the Pennsylvania Insurance Guaranty Association and exemption from assessments.

(a) Insurers shall participate in and remain a member insurer of the association as a condition of authority to write life insurance policies, health and accident insurance policies, or annuity contracts in this Commonwealth.

(b) A member insurer of the Pennsylvania Insurance Guar-

anty Association shall no longer be subject to assessment by the Pennsylvania Insurance Guaranty Association for covered claims, as defined in section 103 of the act of November 25, 1970 (P. L. 716, No. 232), known as "The Pennsylvania Insurance Guaranty Association Act," arising under health and accident policies, endorsements, riders, and contracts supplemental thereto written in this Commonwealth BY ANY MEMBER INSURER ADJUDICATED INSOLVENT ON OR AFTER THE EFFECTIVE DATE OF THIS ACT BY A COURT OF COMPETENT JURISDICTION OF THE INSOLVENT INSURER'S DOMICILIARY STATE.

(c) A member of the Pennsylvania Life and Health Insurance Guaranty Association who is also a member of the Pennsylvania Insurance Guaranty Association under the act of November 25, 1970 (P. L. 716, No. 232), known as "The Pennsylvania Insurance Guaranty Association Act," solely because of health and accident policies written within this Commonwealth may, by written notice to the Pennsylvania Insurance Guaranty Association, withdraw as a member thereof and shall not be subject to any other assessments by the Pennsylvania Insurance Guaranty Association.

Section 22. 23. Powers and duties of commissioner not limited.

The duties and powers of the commissioner as set forth in this act are in addition to and not in limitation of any other powers and duties of the commissioner prescribed by law.

Section 23. 24. Constitutionality.

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

Section 24. 25. Effective date.

This act shall take effect ~~immediately~~ IN 60 DAYS.

ROLL CALL

House Bill 1249, Printer's No. 1472

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwikl	absent
MINORITY MEMBERS	
Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent

Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

House Bill 1249, Printer's No. 1472

This bill would designate the Pennsylvania Historical and Museum Commission as the state agency with primary responsibility for the initiation, encouragement, support, and coordination of historic preservation efforts in Pennsylvania. Various powers and duties to support this charge are included. An Historic Preservation Board would be established. Political sub-divisions and State agencies would be required to provide assistance to the Commission in carrying out the purposes of this bill. There would be criminal penalties for conducting unauthorized field investigations or alterations at archeological sites on Commonwealth owned property. This act would take effect immediately.

In practice, this bill will serve to give legislative recognition to activities already being carried out by the Commission. Since no new responsibilities are added there will be no need for additional funding. Thus, there is no fiscal impact. While the section on criminal penalties could produce some money through the collection of fines, this is not too likely; a similar Federal law already enforceable in Pennsylvania has not resulted in any prosecutions.

Source: Pennsylvania Historical and Museum Commission

Prepared by: Al Ferguson
House Appropriations Committee
April 10, 1978

Printer's No. 1472

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1249

Session of 1977

INTRODUCED BY MESSRS. MORRIS, J. L. WRIGHT, LAUDADIO, WARGO, GALLAGHER, GREENFIELD, RIEGER, SCHMITT, COLE, GEISLER, DiCARLO, GARZIA, MRS. KELLY, MESSRS. FEE, DeMEDIO, MANDERINO, GOODMAN, STUBAN, MRS. WISE, MESSRS. SWEET, GIAMMARCO, McCALL, ZWIKL, CALTAGIRONE, ZITTERMAN, MILLIRON, LETTERMAN, STEWART, BITTINGER, LIVENGOOD, D. R. WRIGHT, DeWEESE, BURNS, WEIDNER AND WILSON, JUNE 7, 1977.

REFERRED TO COMMITTEE ON STATE GOVERNMENT,
JUNE 7, 1977.

An Act

imposing powers and duties on the Pennsylvania Historical and Museum Commission with respect to historical preservation; establishing the Historic Preservation Board and prescribing its powers and duties; providing for archeological field investigations on public land; requiring notice before certain property can be transferred; providing for inter-agency cooperation and providing penalties.

The General Assembly of the Commonwealth of Pennsyl-

vania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the "Historic Preservation Act."

Section 2. Findings and declaration of policy.

It is hereby determined and declared as a matter of legislative finding and policy that:

(1) Section 27 of Article I of the Constitution of Pennsylvania makes the Commonwealth trustee for the preservation of the historic values of the environment.

(2) The conservation of Pennsylvania's historic heritage and the preservation of public records, historic documents and objects of historic interest, and the identification, restoration and preservation of architecturally and historically significant sites and structures are duties vested primarily in the Pennsylvania Historical and Museum Commission.

(3) The irreplaceable historical, architectural, archeological and cultural heritage of the Commonwealth should be preserved and protected for the benefit of all the people, including future generations.

(4) The preservation and protection of historic resources within the Commonwealth promotes the public health, prosperity and general welfare.

(5) The rapid social and economic development of our contemporary society threatens to destroy the remaining vestiges of our historic heritage.

(6) It is in the public interest for the Commonwealth, its citizens and its political subdivisions to engage in comprehensive programs of historic preservation for the enjoyment, education and inspiration of all the people, including future generations.

Section 3. Definitions.

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

"Archeological field investigations." The study of human culture at any archeological site by means of surveying, digging, sampling, excavation or removing archeological specimens.

"Archeological specimens." All artifacts, remains, objects or any other evidence of historic, prehistoric, or anthropological value, whether found above or below the surface of the earth.

"Commission." The Pennsylvania Historical and Museum Commission.

"Historic preservation." The research, restoration, rehabilitation and other activities furthering the protection, enhancement, continued existence or enjoyment of historic resources.

"Historic resources." Any building, structure, object, district, place, site or area significant in the history, architecture, archeology or culture of the Commonwealth, its communities or the Nation.

"Pennsylvania Register of Historic Places." A selected inventory of historic resources determined by the commission to be significant in the history, architecture, archeology or culture of the Commonwealth, its communities or the Nation.

"Private organizations." Any organization constituted to engage in historic preservation.

"Public officials." Officers, agents and employees of the Federal Government, Commonwealth of Pennsylvania, its counties, townships, municipalities and other political subdivisions.

Section 4. The Pennsylvania Historical and Museum Commission.

The commission shall be the agency primarily responsible for the initiation, encouragement, support and coordination of historic preservation efforts in the Commonwealth.

Section 5. Powers and duties of the commission.

The commission shall have the following powers and duties:

(1) Initiate and coordinate a Statewide survey to identify and document the historic resources in the Commonwealth, whether publicly or privately owned.

(2) Compile, maintain, continually revise and publish a selected inventory of significant historic resources in the Commonwealth, to be known as the Pennsylvania Register of Historic Places, pursuant to a criteria of significance approved by the commission.

(3) Conduct research and compile documentation regarding historic resources.

(4) Prepare a comprehensive plan for the preservation of the historic resources within the Commonwealth, including suggested priorities for the allocation of public and private financial resources.

(5) Undertake the activities necessary to qualify the Commonwealth for participation in programs and sources of Federal assistance for historic preservation purposes.

(6) Provide information and advice on historic resources and historic preservation to public officials, private individuals and organizations.

(7) Advise public officials regarding the planning and implementation of undertakings affecting historic resources, including overall land-use planning.

(8) Provide technical and financial assistance to public officials, private individuals and organizations engaged in historic preservation activities.

(9) Undertake activities to stimulate public interest in historic preservation, including publications, newsletters and conferences.

(10) Coordinate and comment upon activities of public officials affecting historic resources and preservation activities.

(11) Solicit, receive and utilize funds from any public or private source for historic preservation purposes.

(12) Acquire easements in historic resources and associated properties by gift, purchase, devise, bequest or any other lawful transfer when acquisition is necessary for the preservation of the historic resource.

(13) Rent or lease historic resources and associated properties for historic preservation purposes.

(14) Contract with public officials, agents or other states, private individuals and organizations for historic preservation purposes.

(15) Develop a comprehensive plan and program for the protection and investigation of archeological resources within the Commonwealth.

(16) Issue appropriate regulations for the implementation of this section.

Section 6. Historic Preservation Board.

There is hereby established a Historic Preservation Board, composed of no less than nine citizens designated by the commission, pursuant to recommendations by the State Historic Preservation Officer. The membership shall include at least one member with demonstrated competence in each of the following disciplines: architecture, archeology, architectural history and history.

Section 7. Powers and duties of the Historic Preservation Board.

The Historic Preservation Board shall have the following powers and duties:

(1) Advise the commission on criteria of significance for inclusion of historic resources in the Pennsylvania Register of Historic Places.

(2) Review and recommend nominations of historic resources within the Commonwealth to the National Register of Historic Places.

(3) Review and comment upon the commission's comprehensive preservation plan for historic resources within the Commonwealth.

(4) Undertake such other activities determined by the commission to be necessary or desirable for the preservation of historic resources within the Commonwealth.

Section 8. Term and compensation of Historic Preservation Board members.

Members of the State Historic Preservation Board shall serve for a term of two years without compensation, other than reimbursement for actual and necessary expenses incurred in the performance of their duties.

Section 9. Archeological field investigation on public land.

(a) The Commonwealth reserves to itself the exclusive right to conduct archeological field investigations on archeological sites owned or controlled by it, its agencies, departments and institutions in order to protect and preserve archeological specimens and information, which shall remain the property of the Commonwealth and shall be utilized for scientific and public educational purposes.

(b) The commission shall be the agency responsible for the

preservation, protection and proper investigation of archeological sites located on land owned or controlled by the Commonwealth's agencies, departments and institutions.

(c) The commission shall conduct a survey of archeological sites located within the Commonwealth, and may make available the results of such a survey to all agencies of the Commonwealth and its political subdivisions that, in the opinion of the commission, may conduct activities which would affect such archeological sites.

(d) The commission may issue permits for archeological field investigations, subject to such restraints and conditions as it may prescribe; provided that such activity is undertaken with a view toward disseminating the knowledge gained through such undertakings; and provided that a summary written report of such undertakings, containing relevant maps, documents, drawings, and photographs be submitted to the commission; and further provided that all archeological specimens collected pursuant to such permit shall be the exclusive property of the Commonwealth, which through the commission shall make appropriate arrangements for their appreciation and study.

Section 10. Cooperation with the commission.

All public officials shall cooperate fully with the commission in the preservation, protection and investigation of archeological sites and to that end:

(1) Notify the commission before undertaking any Commonwealth, Commonwealth assisted, licensed or contracted project that may affect archeological sites.

(2) When any public official is aware that any undertaking in connection with any Commonwealth, Commonwealth assisted, Commonwealth licensed or contracted project, activity or program affects or may affect archeological sites, the official shall notify the commission and shall provide the commission with information concerning the project, program or activity. The provision of this section shall be known to all contractors and other agents whose activities may affect archeological sites.

(3) The commission, upon notification or determination that archeological sites are or may be adversely affected, may within 60 days after reasonable notice to the responsible public official conduct or cause to be conducted a survey or other investigations to recover, preserve or otherwise protect information from the archeological site.

Section 11. Criminal penalties.

Any person who shall conduct field investigation activities on any land owned or controlled by the Commonwealth, without first obtaining a permit therefore from the commission or any person who shall appropriate, deface, destroy or otherwise alter any archeological site or specimen located upon lands owned or controlled by the Commonwealth, except in the course of activities pursued under the authority of a permit granted by the commission, shall be guilty of a misdemeanor punishable by a fine not exceeding \$500 or by imprisonment for a period not to exceed six months or both, and in addition, shall forfeit to the Commonwealth all archeological specimens, collected or excavated together with any photographs and records relating to such specimens.

Section 12. Transfer of Commonwealth owned land involving historic resources.

(a) The Commonwealth, its agencies, departments, bureaus, instrumentalities, officials, agents or employees shall give the commission timely notice of proposed transfers of Commonwealth owned or controlled real property under their jurisdiction.

(b) The Commonwealth, its agencies, departments, bureaus, instrumentalities, officials, agents or employees may, upon recommendation of the commission, condition the transfer and may execute such covenants, deed restrictions or other contractual arrangements as will most likely result in the preservation of any historic resources located on or under the property to be transferred.

Section 13. Inter-agency cooperation.

All agencies, departments, bureaus, commissions, instrumentalities, agents and employees of the Commonwealth shall:

(1) Consult the commission before demolishing, altering or transferring any property under their jurisdiction that is or may be of historical, architectural, archeological or cultural significance.

(2) Seek the advice of the commission on possible alternatives to the demolition, alteration or transfer of property under their jurisdiction that is on or may be eligible for the Pennsylvania Register of Historic Places.

(3) Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation or restoration, of historic resources under their ownership or control that are listed on or are eligible for the Pennsylvania Register of Historic Places.

(4) Institute procedures and policies to assure that their plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in the Commonwealth.

(5) Submit the procedures and policies described in paragraphs (2) and (3) to the commission for review and comment.

Section 14. Enforcement of historic preservation laws and policies.

The Attorney General, the commission, any political subdivision of the Commonwealth, any person, partnership, corporation, association or other legal entity may maintain an action in any administrative tribunal or court of competent jurisdiction for the protection or preservation of any historic resource in the Commonwealth.

Section 15. Constitutional construction.

The provisions of this act shall be severable and, if any of the provisions thereof shall be held unconstitutional, such decisions shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted has such unconstitutional provisions not been included therein.

Section 16. Effective date.

This act shall take effect immediately.

ROLL CALL

House Bill 1611, Printer's No. 2553

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwinkl	absent
MINORITY MEMBERS	
Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	yea
Sheldon Parker	yea

L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

House Bill 1611, Printer's No. 2553

This bill, known as the "Consumer Credit Protection Act" preserves consumer claims and defenses under consumer credit contracts. House Bill 1611 would establish a Pennsylvania law that would give enforcement authority to the Attorney General and provide legal remedies for consumers who bring private actions for violations of the Act.

According to the Bureau of Consumer Protection, no additional costs will result from House Bill 1611. Any actions entered into as a result of House Bill 1611 will be carried out with existing personnel.

Prepared by: Steve Roszkopf
House Appropriations Committee
April 07, 1978

Prior Printer's No. 1935

Printer's No. 2553

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1611

Session of 1977

INTRODUCED BY MESSRS. SCHMITT, IRVIS, MANDERINO, GREENFIELD, MORRIS, FRYER, O'DONNELL, BORSKI, JOHNSON, COHEN, GLEESON, BRANDT, WARGO, SHUPNIK, GARZIA, SALVATORE, BERLIN, WIGGINS, DeMEDIO, MRKONIC, SHELTON, RIEGER, GALLAGHER, CIANCIULLI, MUSTO, WANSACZ, CAPUTO, COWELL, BROWN, McLANE, PETRARCA, STAPLETON, GEORGE, CALTAGIRONE, COLE, TENAGLIO, D. M. O'BRIEN, REED, MILLIRON, CIMINI, GIAMMARCO, RITTER, DOYLE, KLINGAMAN, BRUNNER, SCHWEDER, McINTYRE, ITKIN, GRAY, TRELLO, WILSON, NOVAK, ABRAHAM, MISCEVICH, MRS. KERNICK, MESSRS. LINCOLN, LETTERMAN, YAHNER, SCIRICA, SWEET, RENWICK, BELLomini, ENGLEHART, MILANOVICH, LAUGHLIN, McCALL, M. M. MULLEN, MELUSKEY, MRS. GILLETTE, MESSRS. VALICENTI, LOGUE, GAMBLE, JONES, HOFFEL, OLIVER, MRS. KELLY, MESSRS. KOWALYSHYN, TADDONIO, R. R. FISCHER, HOPKINS, NOYE, HALVERSON, LEHR, PYLES, GREENLEAF, WILLIAMS, RHODES, DOMBROWSKI, O'CONNELL, SCHEAFER, TAYLOR, ZITTEMAN, STUBAN, GEISLER, BARBER, MRS. HARPER, MESSRS. DUMAS, RUGGIERO, RICHARDSON, WHITE, BERSON, LIVENGOD, BITTINGER, STEWART, D. R. WRIGHT, ZEARFOSS, GEESEY, GALLEN, PICCOLA, SHUMAN, HELFRICK, PRATT AND GATSKI, AUGUST 13, 1977.

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 31, 1978.

An Act

relating to the preservation of consumer claims and defenses, and prescribing remedies and penalties.
The General Assembly of the Commonwealth of Pennsyl-

vania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the "Consumer Credit Protection Act."

Section 2. Definitions.

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

"Business arrangement." Any understanding, procedure, course of dealing, or arrangement, formal or informal, between a creditor and seller, in connection with the sale of goods or services to consumers or the financing thereof. A "BUSINESS ARRANGEMENT" WITHIN THE MEANING OF THIS ACT MUST BE ONE WHICH IS AN ONGOING RELATIONSHIP AND WHICH IS SPECIFICALLY AND CLEARLY RELATED TO RETAIL SALES OR RETAIL SALES FINANCING AND INCLUDES BUT IS NOT LIMITED TO THOSE RELATIONSHIPS CONTEMPLATING THE MAINTENANCE OF LOAN APPLICATION FORMS IN THE OFFICE OF THE SELLER; AN AGREEMENT BY THE SELLER WITH THE CREDITOR TO PREPARE LOAN DOCUMENTS; REFERRALS BY THE CREDITOR OF CUSTOMERS TO A SALES OUTLET; PAYMENT OF CONSIDERATION TO A SELLER FOR FURNISHING LOAN CUSTOMERS OR TO A CREDITOR FOR FURNISHING SALES PROSPECTS; THE ASSIGNMENT OF INDIRECT PAPER OR THE REFERRAL OF LOAN CUSTOMERS TO A CREDITOR; ACTIVE CREDITOR PARTICIPATION IN A SALES PROGRAM; JOINT ADVERTISING EFFORTS; OR AN AGREEMENT TO PURCHASE PAPER ON AN INDIRECT BASIS. A "BUSINESS ARRANGEMENT" WITHIN THE MEANING OF THIS ACT DOES NOT INCLUDE A COMMERCIAL CHECKING ACCOUNT; A COMMERCIAL CREDIT AGREEMENT WHICH HAS NO RELATIONSHIP TO CONSUMER SALES ACTIVITIES OR THE FINANCING THEREOF; A COMMERCIAL LEASE; THE FACTORING OF ACCOUNTS RECEIVABLE; A GENERAL BUSINESS LOAN; THE FINANCING OF INVENTORY; THE INSTALLATION IN A SELLER'S PLACE OF BUSINESS OF A SYSTEM FOR APPROVAL OF PERSONAL CHECKS; THE MERE FACT THAT A CREDITOR ISSUES A JOINT PROCEEDS CHECK TO A SELLER AND BUYER OR THE FACT THAT A SELLER AND LENDER MUST CONFER IN ORDER TO PERFECT A SECURITY INTEREST; OR THE LIKE.

"Consumer." A natural person who seeks or acquires goods or services primarily for personal, family, or household use.

"Consumer credit contract." Any instrument which evidences or embodies a debt arising from a purchase money loan transaction or a credit sale.

"Credit card issuer." A person who extends to cardholders the right to use a credit card in connection with purchases of goods or services.

"Credit sale." Any sale with respect to which consumer credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or for a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"Creditor." A person who in the ordinary course of business lends purchase money or finances the sale of goods or services to consumers on a deferred payment basis; provided such person is not acting for the purposes of a particular transaction in the capacity of a credit card issuer.

"Financing a sale." Extending credit to a consumer in connection with a credit sale.

"Purchase money loan." A cash advance which is received by a consumer in return for a service charge, or time-price differential, OR A FINANCE CHARGE INCLUDING ANY INTEREST, DISCOUNT OR OTHER CONSIDERATION, PAID OR PAYABLE BY THE CONSUMER, which is applied, in whole or substantial part, to a purchase of goods or services from a seller who refers consumers to the creditor or is affiliated with the creditor by common control, contract, or business arrangement. A REFERRAL BY A SELLER WITHIN THE MEANING

OF THIS DEFINITION OCCURS WHEN A SELLER ENGAGES IN COOPERATIVE OR CONCERTED CONDUCT WITH A LENDER TO CHANNEL CONSUMERS TO A PARTICULAR LENDER ON A CONTINUING BASIS. THE MERE FACT THAT A SELLER MAY SUGGEST CREDIT SOURCES TO HIS CUSTOMER OR OTHERWISE PROVIDE INFORMATION IN THIS REGARD DOES NOT CONSTITUTE A REFERRAL OF CONSUMERS BY THE SELLER WITHIN THE MEANING OF THIS DEFINITION. A PATTERN OF REFERRALS OF CONSUMERS BY THE SELLER TO A PARTICULAR CREDITOR SHALL BE PRIMA FACIE EVIDENCE OF COOPERATIVE AND CONCERTED CONDUCT BETWEEN THE SELLER AND LENDER WITHIN THE MEANING OF THIS SECTION. FORMAL CONSIDERATION NEED NOT PASS BETWEEN THE SELLER AND LENDER TO CONSTITUTE A REFERRAL. THE FACT THAT A SELLER AND LENDER ARE COOPERATIVELY ENGAGED IN AN EFFORT WHICH IS MUTUALLY BENEFICIAL TO THEIR SEPARATE BUSINESS INTERESTS IS SUFFICIENT.

"Seller." A person who, in the ordinary course of business, sells or leases goods or services to consumers.

~~"Service charge" or "time price differential." The amount however denominated or expressed which the consumer contracts to pay or pays for the privilege of purchasing goods or services to be paid for by the buyer in installments; it does not include the amounts, if any, charged for insurance premiums, delinquency charge, attorney's fees, court costs, collection expenses or official fees. Wherever either of such terms is required to be used under the provisions of this act the other may be used interchangeably.~~

"Trade" and "commerce." The advertising, offering for sale, sale or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situate, and includes any trade or commerce directly or indirectly affecting the people of this Commonwealth.

Section 3. Preservation of consumers' claims and defenses.

In connection with any sale or lease of goods or services to consumers, in or affecting trade and commerce:

(1) It is unlawful for a seller, directly or indirectly, to take or receive a consumer credit contract which fails to contain the following provision in at least ten point, boldface, type:

NOTICE

ANY HOLDER OF THIS CONSUMER CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED PURSUANT HERETO OR WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER BY THE DEBTOR SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.

(2) It is unlawful for a seller, directly or indirectly, to accept, as full or partial payment for such sale or lease, the proceeds of any purchase money loan (as purchase money loan is defined herein), unless any consumer credit contract made in connection with such purchase money loan contains the following provision in at least ten point, boldface, type:

NOTICE

ANY HOLDER OF THIS CONSUMER CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER BY THE DEBTOR SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.

(3) Compliance with Federal Trade Commission regulations relating to the necessity for notices or the form of notices for the preservation of consumer claims and defenses in connection with any sale or lease of goods or services to consumers shall constitute compliance with this section.

Section 4. Prohibited contract terms.

The following terms are unlawful in a contract:

(1) The consumer agrees not to assert against the creditor or seller or any assignee or transferee of the consumer's contract or agreement any claim or defense arising out of the consumer transaction.

(2) The consumer waives any right of action against the cred-

itor or seller, any assignee, or any person acting on behalf of either, for any violation of this act or any breach of the peace or other wrongful act committed in the enforcement of the contract or agreement; but this provision shall not prohibit a release of any accrued cause of action as a part of a bona fide settlement of a dispute.

Section 5. Duties of the Attorney General.

The Attorney General shall have the power and it shall be his duty to enforce this act.

Section 6. Assurances of voluntary compliance.

In the administration of this act, the Attorney General may accept an assurance of voluntary compliance with respect to any method, act or practice deemed to be violative of the act from any person who has engaged or was about to engage in such method, act or practice. Such assurance may include a stipulation for voluntary payment by the alleged violator providing for the restitution by the alleged violator to buyers, of money, property or other things received from them in connection with the violation of this act. Any such assurance shall be in writing and be filed with the court of common pleas in the county in which the alleged violator resides, has his principal place of business, or is doing business, or the Commonwealth Court. Such assurance of voluntary compliance shall not be considered an admission of violation for any purpose. Matters thus closed may at any time be reopened by the Attorney General for further proceedings in the public interest.

Section 7. Restraining prohibited acts.

Whenever the Attorney General has reason to believe that any person is using or is about to use any method, act or practice declared in this act to be unlawful and that proceedings would be in the public interest, he may bring an action in the name of the Commonwealth against such person to restrain by temporary or permanent injunction the use of such method, act or practice. The action may be brought in the court of common pleas of the county in which such person resides, has his principal place of business, or is doing business, or may be brought in the Commonwealth Court. The said courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this act, and such injunctions shall be issued without bond.

Section 8. Payment of costs and restitution.

Whenever any court issues a permanent injunction to restrain and prevent violations of this act, the court may in its discretion provide for payment by defendant or defendants to the Commonwealth of the court costs of the action. In addition, the court may in its discretion direct that the defendant or defendants restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any violation of this act, under terms and conditions established by the court.

Section 9. Civil penalties; violation of injunction or assurance of voluntary compliance.

Any person who violates the term of an injunction issued under section 7 or any of the terms of an assurance of voluntary compliance duly filed in court shall forfeit and pay to the Commonwealth a civil penalty of not more than \$5,000 for each violation. For the purposes of this section, the court issuing an injunction, or in which an assurance of voluntary compliance is filed shall retain jurisdiction, and the cause shall be continued; and, in such cases the Attorney General, acting in the name of the Commonwealth, may petition for recovery of civil penalties and any other equitable relief deemed needed or proper.

Section 10. Civil penalties; willful violations.

In any action brought under section 7, if the court finds that a person, is willfully using or has willfully used a method, act or practice declared unlawful, the Attorney General, acting in the name of the Commonwealth of Pennsylvania, may recover, on behalf of the Commonwealth of Pennsylvania, a civil penalty not exceeding \$1,000 per violation, which civil penalty shall be in addition to other civil penalties which may be granted under this act.

Section 11. Private actions.

(a) Any person who purchases or leases goods or services primarily for personal, family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use of employment by any person of a

method, act or practice declared unlawful by this act, may UNDER THIS ACT bring a private action BUT NOT A CLASS ACTION, in the court of common pleas of the county or judicial district in which the seller resides or has his principal place of business or is doing business or in which the transaction took place or where the buyer resides, to recover actual damages or \$100, whichever is greater. The court may, in its discretion, award up to three times the actual damages sustained, but not less than \$100, and may provide such additional relief as it deems necessary or proper.

(b) A final judgment or decree rendered in any proceeding brought by or on behalf of this Commonwealth under the provisions of this act to the effect that a defendant has violated said act shall be prima facie evidence against such defendant under this act as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

SECTION 12. CONSTRUCTION OF STATUTE.

INSOFAR AS PRACTICABLE, THIS ACT SHALL BE CONSTRUED IN HARMONY WITH RULING JUDICIAL INTERPRETATIONS OF COMPARABLE FEDERAL STATUTES, RULES AND REGULATIONS PRESERVING CLAIMS AND DEFENSES IN CONNECTION WITH ANY SALE OR LEASE OF GOODS OR SERVICES TO CONSUMERS.

Section 12. Effect on other acts.

(a) The provisions of this act shall be construed as harmonious with the following acts, except that in the case of any conflict the provisions of this act shall control:

(1) The act of June 28, 1947 (P. L. 1110, No. 476), known as the "Motor Vehicle Sales Finance Act."

(2) The act of April 6, 1953 (P. L. 3, No. 1), known as the "Uniform Commercial Code."

(3) The act of August 14, 1963 (P. L. 1082, No. 464), known as the "Home Improvement Finance Act."

(4) The act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act."

(b)

SECTION 13. REPEALS.

Section 208 of the act of August 14, 1963 (P. L. 1082, No. 464), known as the "Home Improvement Finance Act," and section 402 of the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," are hereby repealed absolutely.

Section 13. 14. Effective date.

This act shall take effect in 60 days.

ROLL CALL

House Bill 1652, Printer's No. 1989

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea

Kurt Zwikl	absent
MINORITY MEMBERS	
Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

House Bill 1652, Printer's No. 1989

This bill proposes two basic amendments to the Game Law. The first further prohibits selling licenses for a fee in excess of the regular charge. The second deals with allowing residents to obtain three-day licenses to hunt on regulated shooting grounds.

Fiscal Impact

The bill proposes a \$20 fine for each sale or attempted sale of licenses for antlerless deer, archery hunting, muzzleloading firearms deer season, or regular hunting licenses at a rate higher than the normally charged fee. The Game Commission has not kept statistics on past violations and, as this is a new provision, cannot predict an amount of the revenue increase.

The second set of amendments proposed extend to Pennsylvania residents the ability to purchase a special three-day license for regulated shooting grounds. As most resident hunters would normally purchase regular licenses it is unlikely that there will be many residents to take advantage of this restricted license. As this is a new provision, the Game Commission cannot predict an amount of the revenue increase.

All proceeds from these increased fines and licenses will go to the Game Fund.

Source: Pa. Game Commission

Prepared by: Glenn R. Rosenberg
House Appropriations Committee
March 22, 1978

Printer's No. 1989

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1652

Session of 1977

INTRODUCED BY MESSRS. LETTERMAN, MILLIRON, YAHNER, CASSIDY, BENNETT, ARTHURS, FEE AND RENWICK, SEPTEMBER 27, 1977.

REFERRED TO COMMITTEE ON GAME AND FISHERIES, SEPTEMBER 27, 1977.

An Act

amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled

"An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," further prohibiting the sale by any person of any license for a fee in excess of the fee established by law; providing penalties for violations of license fee requirements; authorizing three-day licenses to residents of the Commonwealth to hunt on regulated shooting grounds and increasing the issuing agent's fee for issuing such licenses.

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

Section 1. Sections 302 and 303, act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," amended October 21, 1975 (P. L. 431, No. 122), are amended to read:

Section 302. Resident License Fees.—Each such resident as defined in sections 101 and 301, upon application made, in writing, to an agent authorized to issue such licenses within the Commonwealth, and upon presentation of proof by the applicant that he or she is a resident of this Commonwealth as previously defined in this act by producing a current Pennsylvania motor vehicle registration card, or tax receipts evidencing payment of State income tax, earned income tax or other local taxes pursuant to the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," or some other positive means of verifying residency, and the establishment of his or her identity to the satisfaction of the authority issuing the license, unless any such person has been disqualified for a license in the manner hereinafter specified, and the payment to said agent or the commission of eight dollars and twenty-five cents (\$8.25) except as hereinafter provided for certain minors and older persons, shall be entitled to a resident hunter's license and a tag with the number of the license thereon, which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth. Residents with the above qualifications, who are between the ages of twelve and sixteen inclusive or who are sixty-five years of age or more at the time of application, shall be entitled to a resident hunter's license and tag upon payment to said agent or the commission of, in the case of persons sixty-five years of age or more, five dollars and twenty-five cents (\$5.25) and, in the case of persons between the ages of twelve and sixteen, five dollars and twenty-five cents (\$5.25). The application for the issuance of a license in such cases shall, in addition to the other information required, give the date of birth of the applicant.

Any resident disabled veteran of any war whose disability consists of the loss of one or more limbs or the loss of the use of one or more limbs, or who presents a physician's certificate of total or one hundred per cent disability, and who meets the above qualifications shall be issued such license upon application to any county treasurer without the payment of the above license fee provided for the use of the Commonwealth. The application for the issuance of a license in such case shall in addition to the other information required, contain a statement that the applicant is a war veteran and that his disability was service incurred. The county treasurer may likewise require of such applicant the production of such applicant's discharge papers.

It shall be unlawful for any person to sell or attempt to sell any resident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.

Section 303. Nonresident Hunting License Fees.—Every nonresident of this Commonwealth, upon application made, in writing, to any agent authorized to issue such licenses, or to the commission, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon payment to said agent or commission of forty dollars and thirty-five cents (\$40.35) shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon, which shall entitle the holder to hunt for all wild birds and wild animals which may legally be hunted in this Commonwealth, until the close of the license year. Other licenses valid for use by nonresidents shall be as follows:

Nonresident trapper's license which shall be issued only upon application to the Commission in Harrisburg and which shall be effective for the same period as hunters' licenses shall entitle the holder to take through the use of traps or deadfalls only wild birds and wild animals which may legally be trapped in this Commonwealth, except beavers, forty dollars (\$40). Nothing in this clause shall be construed to prohibit the holder of a nonresident trapper's license from using a sidearm or a rifle not larger than a .22 rimfire caliber to kill legally caught birds and animals.

It shall be unlawful for any person to sell or attempt to sell any nonresident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.

Section 2. Section 303.1 of the act, amended December 10, 1970 (P. L. 896, No. 282) and December 6, 1972 (P. L. 1453, No. 327), is amended to read:

Section 303.1. Three-Day Licenses to [Nonresidents to] Hunt on Regulated Shooting Grounds.—[Every person,] Residents and nonresidents of the Commonwealth twelve (12) years of age or upward, upon application in writing to the authorized agent, in such form as the commission may prescribe, and [the presentation of proof that he or she is a nonresident of the Commonwealth or an unnaturalized person of foreign birth who presents proof of legal entry into the United States, shall,] upon [the] payment to the issuing agent of three dollars (\$3.00), for the use of the commission, and [fifteen cents (\$0.15),] twenty-five cents (\$.25), for the use of the county if the issuing agent is the county treasurer, otherwise for the use of the issuing agent, shall be entitled to the license, herein referred to as a "Three-Day Special Regulated Shooting Ground License," which shall be valid for a period of three (3) consecutive days, Sundays excluded. [and] Such license shall entitle the holder thereof to hunt for, take or kill, on lawfully operated regulated shooting grounds, [all wild birds and wild animals which may be legally hunted, taken or killed in this Commonwealth on such grounds, and to participate in a shoot held thereon, under a regulated shooting grounds permit.] only those species of birds which the regulated shooting grounds permittee has released thereon which shall be limited to pheasants, bobwhite quail of the subspecies approved by the commission, chukar partridges, and domestically propagated mallard ducks.

A tag or button, in such size and form as the commission may determine, shall be issued with each license, which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it, in such a manner that the tag or button and the numerals thereon is plainly visible. The holder of such license shall be subject to the restrictions and requirements of all laws and regulations of the commission, now in force or hereafter adopted, and to the penalties prescribed for violation thereof.

Upon filing an appropriate bond, with corporate surety, in the sum of one thousand dollars (\$1000), approved by the Department of Justice, the permittees of regulated shooting grounds, or an officer of a corporate permittee, who, for that purpose, are hereby made agents of the commission, shall be authorized to issue Three-Day [Nonresident and Alien] Special Regulated Shooting Ground Licenses as hereinbefore described.

Each issuing agent shall keep a record and make monthly reports and remittances in the form and manner and at the time prescribed by sections three hundred ten and three hundred eleven of The Game Law.

[Nothing herein contained shall prevent holders of nonresident and alien hunting licenses from hunting on regulated shooting grounds by requiring them to obtain an additional license as prescribed above.]

It shall be unlawful for any person to sell or attempt to sell any Special Regulated Shooting Ground License for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.

Any person who is properly licensed to hunt within this Commonwealth in accordance with the provisions of section 302 or 303 of this act whichever the case may be, shall be excluded from the necessity of obtaining a Three-Day Special Regulated Shooting Ground License.

Section 3. Section 321 of the act, amended April 14, 1976 (P. L. 104, No. 45), is amended to read:

Section 321. Penalties.—Any nonresident of this Commonwealth who shall hunt, chase, trap, take, shoot at, wound, or kill, or attempt to hunt, chase, trap, take, shoot at, wound, kill, or have in possession any wild birds or animals, without a nonresident hunting or trapping license having been lawfully issued to him, shall be sentenced to pay a fine of one hundred dollars (\$100) and costs of prosecution for each offense, and each day shall be considered a separate offense.

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of two dollars (\$2) and costs of prosecution.

Any person, properly licensed, who shall fail to display his license tag as hereinbefore provided, shall be sentenced to pay a fine of five dollars (\$5) and costs of prosecution, provided it is shown the person has purchased a license; otherwise, if a resident of Pennsylvania, a penalty of twenty dollars (\$20) and costs of prosecution shall be imposed, and if a nonresident, a penalty of one hundred dollars (\$100) and costs of prosecution shall be imposed.

Any person who violates any of the provisions of this article except as above provided, shall, upon conviction, be sentenced to pay a fine of twenty dollars (\$20) and costs of prosecution of each offense: Provided, That an additional fine of twenty dollars (\$20) and costs of prosecution shall be imposed when any person is convicted of:

(a) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission, or by this act, and each day shall be considered a separate offense;

(b) Securing a hunter's license either in his own or an assumed name during any period of time that he has been denied such privilege by the commission;

(c) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or any court of record because of inflicting bodily injury upon himself or any other person while hunting or trapping, shall, upon conviction, in addition to the penalties provided, be sentenced to suffer imprisonment for a period of thirty (30) days.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

Any person who sells or attempts to sell a hunting license of any description for a monetary fee in excess of the fees fixed pursuant to the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of twenty dollars (\$20) for each sale or attempted sale and the costs of prosecution.

Section 4. Subsections (c), (e) and (f) of section 501 of the act, subsection (c) amended December 10, 1970 (P. L. 896, No. 282) and June 27, 1973 (P. L. 83, No. 36), subsection (e) amended December 10, 1970 (P. L. 896, No. 282), December 6, 1972 (P. L. 1453, No. 327) and October 3, 1973 (P. L. 272, No. 76), and subsection (f) added May 31, 1974 (P. L. 305, No. 97), are amended to read:

Section 501. Open Seasons.—* * *

(c) **Resident, Nonresident, and Alien Hunters' Licenses and Tags for Antlerless Deer.**—If in any year the commission, by resolution, declares an open season for antlerless deer, it shall issue resident, nonresident and alien hunters' licenses and tags for antlerless deer to hunt for or kill such deer, at a fee of two dollars thirty-five cents for the hunting license year beginning September 1, 1973 and three dollars thirty-five cents for the hunting license years beginning September 1, 1974 and thereafter under such rules and regulations governing the issuance of such licenses and tags as it may deem necessary to limit the number of persons who may hunt for such deer in any county of the Commonwealth, provided public notice of such action is given as hereinafter required: And provided, however, That no applications, for antlerless deer licenses received from nonresidents and aliens shall be approved or licenses issued in advance of thirty days prior to the opening date of such antlerless deer season. Such licenses and tags shall be issued without restriction or regard to the county residence of the Pennsylvania applicant may be issued only to holders of resident, nonresident, or alien hunting licenses, and such licenses and tags shall not be transferable from one person to another nor shall they be refunded or reissued to anyone. Notwithstanding the provisions of any regulation limiting the number of licenses and tags the commission shall issue resident hunters' licenses and tags for antlerless deer to members of Armed Forces who are residents of Pennsylvania and who are on full time active duty, or to residents who were honorably discharged from the Armed Forces within sixty days of the date of the application upon substantial proof of their military status.

Resident, nonresident, and alien hunters' licenses and tags for antlerless deer shall be issued only by the county treasurers in counties where such deer may be hunted and killed, who, for that purpose, are hereby made agents of the commission.

For services rendered in collecting and paying over fees and issuing licenses and tags, by mail or otherwise, such agents may retain the sum of thirty-five cents from the amount paid by each licensee, which amount shall be paid into the county treasury, except that such agents other than the county treasurer may retain therefrom any amounts necessary to reimburse them for any expenses, including compensation of employees, incurred in collecting such fees and issuing such licenses and tags.

It shall be unlawful for any person to sell or attempt to sell any antlerless deer hunting license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of such license shall constitute a separate offense.

When such licenses are issued to restrict the number of persons who may hunt antlerless deer in any county of the Commonwealth, any citizen of the United States residing within the Commonwealth who is a bona fide owner or lessee of lands which lie within the county declared open to the hunting of said deer, or any member of the family or household, or regularly hired help of such owner or lessee, if such person is a citizen of the United States, actually residing upon and cultivating such lands, is hereby declared eligible to hunt antlerless deer without a resident hunters' license for antlerless deer upon said property, and, by and with the consent of the owner thereof, upon the lands immediately adjacent and connected with his own lands, other than lands owned by or under the control of the Commonwealth.

The terms "antlerless deer" and "deer without visible antlers," as used in this subsection or any other provision of the Game Law which this act amends, are hereby defined to mean a deer without an antler sometimes called horn, or a deer without antlers both of which are less than three inches long, the term "antler," as herein used or in any other provision of the Game Law which this act amends, meaning the bony growth on the head of a deer regardless of its size or development.

When the commission adopts and promulgates such rules and regulations relative to resident and nonresident hunters' licenses and tags for antlerless deer, it is unlawful for any person other than a landowner or lessee of the county or a member of his household, as hereinbefore enumerated, to hunt for antler-

less deer without a resident or nonresident hunters' license and tag for antlerless deer, or to take such deer contrary to the rules and regulations adopted by the commission.

The tag issued with an antlerless deer license shall be displayed on the outer garment immediately below the regular resident or nonresident hunting license tag. Any person who fails to display the tag herein provided shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10) and costs of prosecution, provided it shall be determined the person has purchased a license; otherwise, a penalty of twenty dollars (\$20) and costs of prosecution shall be imposed.

* * *

(e) **Open Season for Hunting Deer with Bows and Arrows.**—In each year in which there is an open season for hunting deer there shall, in addition, be an open season for hunting deer with bows and arrows exclusively, unless otherwise declared by resolution of the commission and the provisions of subsection (c) of this section shall not apply thereto. The duration and time of such additional open season, together with the description of the deer which may be lawfully killed, shall each year be fixed by the commission. During any such additional open season, it shall be unlawful to hunt for, kill or attempt to kill, any deer, without a license as hereinafter prescribed, or with any weapon other than a bow and arrow.

No person shall hunt for or kill any deer during such additional open archery season with bow and arrow without first having secured a hunting license and, in addition thereto, an archery license from the commission or any agent designated as an issuing agent of the commission, the fee for which is hereby fixed at two dollars. Such license shall be attached to the hunters' license certificate for the current year and shall be countersigned in ink diagonally across its face by the licensee before hunting in the open season herein provided for.

The county treasurer of each county and each other person designated the agent for the commission for the issuance of archery licenses may retain for the use of the county if the issuing agent is the county treasurer, otherwise to the agent for such service the sum of twenty cents paid by the applicant in addition to the license fee prescribed. The provisions of this act with respect to the issuance of licenses, collections of fees and records shall apply to the issuance of archery licenses.

It shall be unlawful for any person to sell or attempt to sell any archery hunting license for a monetary fee in excess of the fee fixed pursuant to this subsection. The sale or attempted sale of each such license shall constitute a separate offense.

(f) **Muzzleloading Firearms Deer Season.**—The commission may, by resolution, declare an open season for hunting deer with muzzleloading firearms during any hunting license year which shall hereinafter be known and referred to as Muzzleloading Firearms Deer Season.

In any year in which a Muzzleloading Firearms Deer Season shall be declared as hereinbefore provided, the Muzzleloading Firearms Deer Season shall not be established prior to the close of the regular rifle deer seasons for the then current hunting license year. The commission shall, notwithstanding any other provisions of this act, adopt rules and regulations governing the hunting and killing of deer during such Muzzleloading Firearms Deer Season which shall include but not be limited to, the duration and time of such deer season, the description of the deer which may lawfully be killed, the type of muzzleloading firearms which may lawfully be used to hunt for and kill deer during such season, the area or areas within the Commonwealth where deer may lawfully be hunted and killed, and any other rules and regulations deemed necessary to properly regulate, manage, and control the hunting and killing of deer during such season. For the purpose of this section, a muzzleloading firearm shall not be less than .44 calibre and shall not be equipped with a telescope.

It shall be unlawful for any person to hunt for, take, kill or wound, or attempt to take, or kill, or for any person to aid or assist in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season without first having legally obtained a resident, nonresident or alien hunter's li-

cense as defined in sections 302 and 303 of this act and, in addition thereto, a Muzzleloading Firearms Deer Season license which may be obtained from the commission or any agent designated by the commission to issue such licenses, the fee for which is hereby fixed at three dollars twenty-five cents (\$3.25). Such license shall be in such form as the commission shall prescribe and shall be valid from the first day of September of one year to the thirty-first day of August of the year next following. The lawful holder of such license shall sign his full name in ink diagonally across its face before hunting deer in the open season herein provided for and shall carry such license upon his person at all times while hunting during such season.

Any agent designated by the commission to issue Muzzleloading Firearms Deer Season licenses may retain the sum of twenty-five cents (\$.25) of the hereinbefore prescribed license fee for each such license issued as payment for services rendered. The several provisions of this act governing the issuance of hunting licenses by issuing agents with respect to keeping records, filing reports, and collecting and remitting license fees shall apply in like manner, force and effect to agents designated by the commission to issue Muzzleloading Firearms Deer Season licenses.

It shall be unlawful for any person to sell or attempt to sell any Muzzleloading Firearms Deer Season license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.

It shall be unlawful for any person to hunt for, take, kill or wound or attempt to take, kill or wound, or to aid or assist any person in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season contrary to the provisions of this section or rules and regulations adopted by the commission as hereinbefore provided.

Any person who shall violate any of the provisions of this section or any rules and regulations adopted by the commission pursuant thereto, shall, upon conviction, be sentenced to pay the penalties prescribed in section 506 of this act.

Section 5. Section 506 of the act, amended May 31, 1974 (P. L. 305, No. 97) and October 17, 1974 (P. L. 743, No. 250), is amended to read:

Section 506. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

For taking, killing, wounding, possessing, or transporting from one locality to another within this State, or for attempting to take, kill, or wound, contrary to this article, or any rules and regulations relative to the taking of game, fur-bearing animals, nongame birds, or any other wild birds or wild animals adopted by the commission:

- (a) Each elk, four hundred dollars (\$400), and in the discretion of the court, six months imprisonment;
- (b) Each deer, two hundred dollars (\$200);
- (c) Each bear, four hundred dollars (\$400);
- (d) Each wild turkey fifty dollars (\$50); and each ruffed grouse, ringneck pheasant, quail, partridge, or woodcock, swan, wild goose, brant or wild duck, twenty-five dollars (\$25);
- (e) Each raccoon, twenty-five dollars (\$25);
- (f) Each bobcat or wildcat, fifty dollars (\$50);
- (g) For each other bird or animal, ten dollars (\$10).
- (h) Failure of lawful holder of Muzzleloading Firearms Deer Season license to sign his full name in ink diagonally across its face, two dollars (\$2).

(i) Failure to carry the required Muzzleloading Firearms Deer Season license on his person while hunting for deer during such season, ten dollars (\$10).

(j) Hunting for deer during the Muzzleloading Firearms Deer Season, or for aiding or assisting any person in any manner to hunt for deer during such season without first having obtained the required license, or for using a license belonging to another person, twenty dollars (\$20).

(k) For the sale or attempted sale of any antlerless deer hunting license, any archery hunting license, or any Muzzleloading

Firearms Deer Season license for a monetary fee in excess of the fees prescribed by this article, the sum of twenty dollars (\$20) for each sale or attempted sale and the costs of prosecution.

For violating any of the provisions of this article not above specifically provided for, or for violating any of the rules and regulations of the commission adopted under the provisions of this article, twenty-five dollars (\$25) and costs of prosecution for each offense.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

Section 6. This act shall take effect immediately.

ROLL CALL

House Bill 1667, Printer's No. 2008

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwinkl	absent
MINORITY MEMBERS	
Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

House Bill 1667, Printer's No. 2008

The bill amends the Tax Reform Code to impose the capital stock tax on foreign non-profit corporations having capital stock in Pennsylvania. Domestic non-profit corporations are exempt from the tax.

Fiscal Impact

The bill would result in an increase in revenue beginning in fiscal year 1978/79 due to the inclusion of some previously exempt corporations in the tax base. However, the amount of additional revenue cannot be estimated due to a complete lack of data.

Prepared by: Eileen Healy, Revenue Analyst
House Appropriations Committee
April 19, 1978

Printer's No. 2008

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1667

Session of 1977

INTRODUCED BY MR. WILSON, SEPTEMBER 28, 1977.

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 28, 1977.

An Act

amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," rendering certain foreign nonprofit corporations liable for the capital stock franchise tax.

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

Section 1. The act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," is amended by adding a section to read:

Section 602.2. Foreign Corporations Not-for-profit.—This act shall be applicable to foreign nonprofit corporations having capital stock.

Section 2. This act shall take effect immediately and shall be applicable to tax years beginning January 1 next following the date of final enactment.

ROLL CALL

House Bill 1702, Printer's No. 2577

MAJORITY MEMBERS

MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea

VOTE

Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwikl	absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	nay
John Hamilton	nay
H. Harrison Haskell	absent
Charles Mebus	nay
Sheldon Parker	yea
L. Eugene Smith	nay
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—19

NAYS—4

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

House Bill 1702, Printer's No. 2577

This bill proposes an amendment to the Administrative Code of 1929 in order to add consumer members to various licensing boards in the Bureau of Professional and Occupational Affairs.

The following boards are affected by this legislation:

Board	Cur. Members*	with 1702 Cons. Mem. (New)	Total Members*
Medical Education and Licensure	9	2 (1)	10
Physical Therapy Examiners	5	2 (1)	6
Pharmacy	6	2 (2)	8
Dental	9	2 (2)	11
Optometry	8	2 (2)	10
Osteopathy	8	2 (2)	10
Nurses	6	2 (2)	8
Funeral Directors	6	2 (2)	8
Veterinarians	6	2 (2)	8
Public Accountants	10	2 (1)	11
Architects	6	2 (2)	8
Professional Engineers	6	2 (2)	8
Real Estate	7	2 (2)	9
Cosmetology	5	2 (2)	7
Chiropractors	6	2 (2)	8
Barbers	6	2 (2)	8
Podiatrists	7	2 (2)	9
Auctioneers	6	2 (2)	8
Psychologists	7	2 (2)	9
Landscape Architects	5	2 (2)	7

* Commissioner of P & OA ex-officio on all boards.

This bill would add 37 consumer members to 20 professional boards. Each member is entitled to per diem and mileage reimbursement for services rendered to the boards. This would be an additional cost to the Bureau of Professional and Occupational Affairs of:

37 members × \$1,380 per year average cost = \$51,060 per year.

In addition, the bill provides for the preparation of a manual outlining the general duties of all members of licensing boards and commissions. This should be a one time cost of approximately \$6,000.

There is also a provision for the assemblage of a semi-annual conference with a total yearly cost of approximately \$4,000.

Therefore, the total cost of this bill would be approximately \$55,000 per year and a one time additional cost of \$6,000 for the manual. The Department of State in calculating the revised fee structure contained in House Bill 1528 included provisions for the financing of these consumer representatives.

Source: Department of State
House Committee on Professional Licensure

Prepared by: Glenn Rosenberg
House Appropriations Committee
April 11, 1978

Corrective Reprint
Prior Printer's Nos. 2062, 2569 Printer's No. 2577

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1702

Session of 1977

INTRODUCED BY MESSRS. BORSKI, SCHMITT, GRAY, GEISLER, RICHARDSON, JONES, McINTYRE, GIAMMARCO, WARGO, MRS. KELLY, MESSRS. ZITTERMAN, COHEN, CIANCIULLI, IRVIS, ENGLEHART, REED, PYLES, MANDERINO, GOODMAN, GALLEN, GREENFIELD, MRS. SCANLON, MESSRS. OLIVER, WIGGINS, D. M. O'BRIEN, KATZ, BURNS, POLITE, PICCOLA, PRENDERGAST, WILSON AND WHITE, OCTOBER 3, 1977.

AS RE-REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 30, 1978.

An Act

amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, and Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," adding members of the public at large to certain licensing boards, including the State Board of Psychologist Examiners, the State Board of Public Accountants and the State Board of Landscape Architects within the act, making editorial changes, further providing for the powers and duties of the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection and making repeals.

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

Section 1. As much as relates to the Department of State in section 202, act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," amended December 16, 1975 (P. L. 493, No. 148), is amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

In the Department of State,
Commissioner of Professional and Occupational Affairs,
State Real Estate Commission,
State Board of Medical Education and Licensure,
State Board of Physical Therapy Examiners,
State Board of Pharmacy,
State Dental Council and Examining Board,
State Board of Optometrical Examiners,
State Board of Osteopathic Examiners,
State Board of Nurse Examiners,
State Board of Barber Examiners,
State Board of Cosmetology,
State Board of Veterinary Medical Examiners,
State Board of Chiropractic Examiners,
State Board of Podiatry Examiners,
State Board of Examiners of Public Accountants,
State Board of Examiners of Architects,
State Registration Board for Professional Engineers,
State Board of Funeral Directors,
State Board of Examiners of Nursing Home Administrators,
State Board of Auctioneer Examiners,
State Board of Psychologist Examiners,
State Board of Public Accountants,
State Board of Landscape Architects.

* * *

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 2. Section 412 of the act, amended July 20, 1974 (P. L. 549, No. 189), is amended to read:

Section 412. State Board of Medical Education and Licensure.—The State Board of Medical Education and Licensure shall consist of [nine] ten members, two of whom shall be the Commissioner of Professional and Occupational Affairs in the Department of State and the Secretary of Health, the [seven] eight remaining members shall be appointed by the Governor as follows:

(i) Five members shall be physicians who are licensed to practice medicine and surgery in the Commonwealth and may be chosen from among candidates whose names have been submitted to the Governor by the Pennsylvania Medical Society;

(ii) One member shall be a person who is knowledgeable in the field of allied health sciences; and

(iii) [One member] Two members shall be [a person] persons representing the public at large.

The terms of members of the board shall be four years from the respective dates of their appointment.

[Five] Six members of the board shall constitute a quorum.

The board shall select, from among their number, a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the Commissioner of Professional and Occupational Affairs and the Secretary of Health, shall receive thirty dollars per diem, while actually engaged in the work of the board. The secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Commissioner of Professional and Occupational Affairs.

Section 3. Section 412.1 of the act, added December 16, 1975 (P. L. 493, No. 148), is amended to read:

Section 412.1. [Board Membership; Vacancies; Expenses;

Meetings] State Board of Physical Therapy Examiners.—

(a) There is hereby created the State Board of Physical Therapy Examiners to administer the act of October 10, 1975 (P. L. 383, No. 110), known as the "Physical Therapy Practice Act."

(b) The composition of the board shall be [five] six members, all of whom shall be residents of Pennsylvania. Four members shall be physical therapists licensed to practice in the Commonwealth, each having had at least five years of experience as a physical therapist, three years of which must have immediately preceded the appointment to the board. The remaining [member] members shall be [a representative] representatives of the public. The members of the board shall be appointed by the Governor. The Pennsylvania Physical Therapy Association shall submit a list of names to the Governor for his consideration in making appointments or filling vacancies to the board with respect to the physical therapy members. The terms of the members of the board shall be three years from the respective date of their appointment and no member shall be appointed for more than two consecutive terms.

(c) Each board member shall receive actual traveling, hotel, food and other necessary expenses incurred while engaged in the discharge of official duties, as well as a per diem allowance of fifty dollars (\$50).

(d) There shall be four stated meetings of the board each year at a place within the Commonwealth as determined by the board for the transaction of its business, but the board may hold special meetings, at its discretion and by vote of the majority upon due notice thereof to all members of the board.

(e) [Three] Four members of the board shall constitute a quorum.

Section 4. Section 413 of the act, amended May 2, 1949 (P. L. 781, No. 193), is amended to read:

Section 413. State Board of Pharmacy.—The State Board of Pharmacy shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two persons who shall be members representing the public at large, and five persons[, who shall be appointed for terms of six years,] from among the most skillful pharmacists in Pennsylvania, who are not teachers or instructors in any educational institution teaching pharmacy. ALL APPOINTED MEMBERS SHALL SERVE SIX-YEAR TERMS. Each PHARMACIST appointee must have been registered as a pharmacist in Pennsylvania at least ten years previous to his appointment, and he must be actually engaged in conducting a pharmacy.

[Three] Four members of the board shall constitute a quorum. The board shall select from their number a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall be paid [fifteen] THIRTY dollars per diem, when actually engaged in the performance of their official duties, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 5. Section 414 of the act is amended to read:

Section 414. State Dental Council and Examining Board.—The State Dental Council and Examining Board shall consist of the president of the Pennsylvania State Dental Society, [the Superintendent of Public Instruction,] the Secretary of Health, [and six persons,] the Commissioner of Professional and Occupational Affairs and eight persons, at least two of whom shall represent the public at large, whose [term] terms of office shall be six years.

The Pennsylvania State Dental Society shall have power to nominate, from its membership, at least double the number of PROFESSIONAL candidates required to fill the vacancies occurring annually in the membership of the State Dental Council

and Examining Board. Such candidates shall have been engaged in the actual practice of dentistry in this Commonwealth during a period of not less than ten years. The Governor shall appoint members to fill [all] PROFESSIONAL vacancies, occurring from any cause, only from the candidates nominated as aforesaid. No member of the faculty of a dental college shall be eligible to appointment as a member of the State Dental Council and Examining Board. In the event of failure of the Pennsylvania State Dental Society to nominate candidates, as aforesaid, the Governor shall appoint members in good standing of the said society without other restriction.

The members of the State Dental Council and Examining Board shall annually select one of their number to act as chairman, and shall elect a secretary who need not be a member of the board.

Each of the members of the State Dental Council and Examining Board, other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, the Secretary of Health, and the president of the Pennsylvania State Dental Society, shall receive [fifteen] THIRTY dollars per diem, while actually engaged in the work of the board, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 6. Section 415 of the act, amended May 2, 1949 (P. L. 781, No. 193), is amended to read:

Section 415. State Board of Optometrical Examiners.—The State Board of Optometrical Examiners shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and seven members, all of whom shall be optometrists, citizens of Pennsylvania, who possess the requisite qualifications to practice optometry under the laws of this Commonwealth, and who shall have been so practicing in this Commonwealth during the five years immediately preceding their appointment.

The terms of members of the board shall be four years from the respective dates of their appointment.

No member of the board shall be a member of the faculty of any undergraduate school or college teaching optometry.

[Four] Five members of the board shall constitute a quorum, and the board shall select, from its membership, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] THIRTY dollars per diem for each day actually devoted to the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 7. Section 416 of the act, amended February 2, 1956 (P. L. 992, No. 310), is amended to read:

Section 416. State Board of Osteopathic Examiners.—The State Board of Osteopathic Examiners shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and seven members, five of whom shall be graduates of a legally incorporated and reputable college of osteopathy, and shall have been licensed to practice osteopathy under the laws of this Commonwealth, and shall not be in any manner financially interested in or connected with the faculty or management of any osteopathic school or college, and shall have been engaged in the practice of osteopathy in this Commonwealth for a period of at least five years. The remaining two members shall be doctors of medicine licensed to practice medicine and surgery in this Common-

wealth, for a period of not less than five years immediately prior to their appointment.

The osteopathic members of the board, qualified as aforesaid, shall be appointed from a full list of the members in good standing of the Pennsylvania Osteopathic Association, which list shall be furnished to the Governor by the president and secretary of such association annually. In the case of the failure of the Pennsylvania Osteopathic Association to submit such a list to the Governor, the Governor shall appoint members in good standing of such association without restriction.

The medical members of the board, qualified as aforesaid, shall be appointed from a full list of the members in good standing of the Medical Society of the State of Pennsylvania, which list shall be furnished to the Governor by the president and secretary of such society annually. In the case of the failure of the Medical Society of the State of Pennsylvania to submit such a list to the Governor, the Governor shall appoint members in good standing of such society without restriction.

The terms of the members of the board shall be four years from the respective dates of their appointment.

[Five] Six members of the board shall constitute a quorum, and the board shall annually select, from among its number, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] THIRTY dollars per diem, when actually engaged in the performance of their official duties, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 8. Section 418 of the act, amended May 22, 1951 (P. L. 323, No. 70), is amended to read:

Section 418. State Board of Nurse Examiners.—The State Board of Nurse Examiners shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and five members, who shall be registered nurses, graduated from schools of nursing where practical and theoretical instruction is given in general surgical and medical nursing, and who shall have been engaged in nursing in the Commonwealth of Pennsylvania for at least five years since registration.

The Governor shall, upon the expiration of the term of office of any PROFESSIONAL member, appoint a person, with the above specified qualifications, from a list of not less than ten names submitted to him by the board of directors of the Pennsylvania State Nurses' Association, for a term of six years, and until a successor is appointed and qualified BUT IN NO EVENT LONGER THAN SIX MONTHS BEYOND THE SIX-YEAR TERM. Vacancies shall be filled in like manner.

[Three] Four members of the board shall constitute a quorum, and the board shall select, from among its members, a chairman, and shall elect a secretary who need not be a member of the board.

The board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall also appoint and fix the compensation of one or more State educational advisors of schools of nursing, who shall have the same qualifications as the members of the board.

The members of the board, other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] THIRTY dollars per diem, when actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 9. Section 419 of the act, amended June 21, 1937 (P. L. 1865, No. 373), is amended to read:

Section 419. State Board of [Undertakers] Funeral Directors.—[The State Board of {Undertakers} Funeral Directors shall consist of the Secretary of Health, ex officio, ~~two members who shall be persons representing the public at large~~, and five persons, who shall be practicing {undertakers} funeral directors. The terms of members of the board shall be for such periods of time as is now provided by law.

{Three} ~~Four~~ members of the board shall constitute a quorum. The board shall select from among their number a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the Secretary of Health, shall receive fifteen dollars per diem, when actually engaged in the transaction of official business.

The secretary of the board shall receive such reasonable compensation as the board may determine, with the approval of the Secretary of Health.] THE STATE BOARD OF FUNERAL DIRECTORS SHALL CONSIST OF THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, EX OFFICIO, TWO MEMBERS WHO SHALL BE PERSONS REPRESENTING THE PUBLIC AT LARGE, AND FIVE PERSONS WHO SHALL BE LICENSED FUNERAL DIRECTORS OF GOOD MORAL CHARACTER AND WHO SHALL ALSO HAVE BEEN ACTIVELY ENGAGED IN THE PRACTICE OF FUNERAL DIRECTING FOR AT LEAST TEN YEARS IMMEDIATELY PRECEDING THEIR APPOINTMENT. MEMBERS SHALL BE APPOINTED BY THE GOVERNOR FOR TERMS OF FIVE YEARS, EXPIRING ON THE THIRTY-FIRST DAY OF AUGUST OR UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED BUT NOT LONGER THAN SIX MONTHS BEYOND THE FIVE-YEAR PERIOD. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM ONLY. FOUR MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM. THE BOARD SHALL SELECT FROM AMONG THEIR NUMBER A CHAIRMAN AND SHALL ELECT A SECRETARY WHO NEED NOT BE A MEMBER OF THE BOARD. EACH MEMBER OF THE BOARD, OTHER THAN THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, SHALL RECEIVE THIRTY DOLLARS PER DIEM WHEN ACTUALLY ENGAGED IN THE TRANSACTION OF OFFICIAL BUSINESS AND SAID MEMBERS SHALL ALSO RECEIVE THE AMOUNT OF ACTUAL TRAVELING, HOTEL AND OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

Section 10. Section 420 of the act, amended May 2, 1949 (P. L. 781, No. 193), is amended to read:

Section 420. State Board of Veterinary Medical Examiners shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and five members, who shall be of good standing in the veterinary profession, and shall be graduates of a legally incorporated and reputable veterinary school. They shall have practiced veterinary medicine for at least five years immediately preceding their appointment.

[Three] Four members of the board shall constitute a quorum.

The board shall select, from among their number, a chair-

man, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] THIRTY dollars per diem, while actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 11. The act is amended by adding a section to read:

Section 421. State Board of Examiners of Public Accountants.—The State Board of Examiners of Public Accountants shall consist of eleven members, one of whom shall be the Commissioner of Professional and Occupational Affairs in the Department of State and the ~~nine~~ TEN remaining members shall be appointed by the Governor as follows:

(1) Six members shall be certified public accountants who have held certificates of certified public accountant issued by this Commonwealth for at least ten years immediately preceding their appointment, all of whom are holders of live permits as required by the act of May 26, 1947 (P. L. 318, No. 140), known as "The C. P. A. Law," and four of whom have been actively engaged in the practice of public accounting as their principle occupation at the time of their appointment. Two members shall be appointed from the eastern part of the State, two from the western part, and two from the central part. No member of the board shall be a teacher or instructor in any coaching school which has as its primary purpose preparation for the examination under this act or any person who has a financial interest in such coaching school. The Governor may appoint members to the board from a list of qualified persons submitted to him by the Council of the Pennsylvania Institute of Certified Public Accountants.

(2) Two members shall be persons representing the public at large. Such public members shall not be affiliated in any manner with the profession and shall not hold public office during the term of membership on the board.

(3) Two members shall be public accountants registered under this act who may be appointed by the Governor from a list of qualified persons submitted to him by the Pennsylvania Society of Public Accountants.

(4) The present confirmed members of the existing board, as of the effective date of this act, shall continue to serve as board members until their present terms of office expire.

(5) The terms of the members of the board shall be four years from the respective dates of their appointment. No board member shall serve more than two consecutive four-year terms and shall not be eligible for reappointment until after four years have elapsed.

(6) Six members of the board shall constitute a quorum. The board shall select, from among their number, a chairman, and shall elect a secretary who need not be a member of the board.

Section 12. Sections 422 and 425 of the act, amended May 2, 1949 (P. L. 781, No. 193), are amended to read:

Section 422. State Board of Examiners of Architects.—The State Board of Examiners of Architects shall consist of the

[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and five members, all of whom shall be architects, who have been in active practice in this Commonwealth for not less than ten years prior to their appointment.

The terms of members of the board shall be six years.

[Three] Four members of the board shall constitute a quorum.

The board shall annually select from among their number a president, and shall elect a secretary who need not be a member of the board.

Each member of the board, except the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] THIRTY dollars per diem, while actually engaged in the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 425. State Registration Board for Professional Engineers.—The State Registration Board for Professional Engineers shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and five members, all of whom shall be registered professional engineers and full corporate members in good standing in at least one of the following societies: American Society of Civil Engineers, American Institute of Mining and Metallurgical Engineers, American Society of Mechanical Engineers, or American Institute of Electrical Engineers. The PROFESSIONAL MEMBERS of the board shall be so selected that not more than two of them shall be members of the same society. Each member of the board shall be a citizen of the United States and a resident of this Commonwealth, EACH PROFESSIONAL MEMBER shall have been engaged in the practice of the profession of engineering for at least ten years, and shall have been in responsible charge of engineering work for at least five years.

The terms of members of the board shall be six years.

[Three] Four members of the board shall constitute a quorum.

The board shall select, from their number, annually, a president, and shall elect a secretary who need not be a member of the board.

Each member of the board, except the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] THIRTY dollars per diem, when actually attending to the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 13. Section 453 of the act, amended September 22, 1961 (P. L. 1584, No. 667), is amended to read:

Section 453. State Real Estate Commission.—The State Real Estate Commission is hereby created and shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and six other persons, each of whom shall at the time of his appointment be a licensed and qualified real estate broker under the existing law of this Commonwealth, and shall have been engaged in the real estate business in this Commonwealth for a period of not less than ten years immediately prior to his appointment. Each of said [six] members of the board shall be appointed by the Governor, one of whom shall have been licensed as a real estate broker, or limited real estate broker, for a period of at least five years and shall have been engaged in the field of selling cemetery lots for at least ten years immediately prior to his appointment.

The term of office of each of said [six] members shall be five years from his appointment, or until his successor has been appointed and qualified, except that of the original members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years from the date of his appointment, or until his successor is appointed and qualified. The initial term of the sixth member shall be for four years from the date of his appointment, or until his successor shall have been appointed and qualified] BUT NOT LONGER THAN SIX MONTHS BEYOND THE FIVE-YEAR PERIOD. In the event that any of said members shall die or resign during his term of office his successor shall be appointed in the same way, and with the same qualifications as above set forth, and shall hold office for the unexpired term.

[Three] Four members of the commission shall constitute a quorum. The board shall elect a chairman from among its members and a secretary who need not be a member of the commission. The secretary shall serve at the pleasure of the commission and shall receive such reasonable compensation as it, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs,

shall fix. The secretary shall have such powers and perform such duties, not contrary to law, as the commission may prescribe.

Each member of the commission other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs shall receive actual traveling expenses and per diem compensation at the rate of [fifteen dollars (\$15)] THIRTY DOLLARS (\$30) per day for the time actually devoted to the business of the commission.

Section 14. Section 459 of the act, added May 12, 1949 (P. L. 1289, No. 383) and subsection (a) amended October 17, 1974 (P. L. 761, No. 258), is amended to read:

Section 459. State Board of Cosmetology.—(a) The State Board of Cosmetology shall consist of [five] seven persons who have been citizens of this State for at least five years prior to their appointment and shall be residents of the Commonwealth during their term of office. Such board shall be appointed by the Governor. [within thirty days after the effective date of this act.] Five members of the board shall be at least twenty-five years of age and shall have had at least five years' practical experience in the majority of the practices of cosmetology. One member of the board may be the owner of a school of cosmetology but two members of said board shall not be graduates of the same school. The sixth and seventh members of the board shall be persons representing the public at large.

(b) The board shall elect one of its members as chairman and shall elect a secretary who need not be a member of the board who shall have such powers and shall perform such duties, not contrary to law, as the board shall prescribe.

(c) [Three] Four members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least [three] four members.

(d) The members of the board shall receive [fifteen dollars (\$15)] THIRTY DOLLARS (\$30) per diem for each day actually devoted to the work of the board and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 15. Section 461 of the act, amended September 20, 1955 (P. L. 587, No. 154), is amended to read:

Section 461. State Board of Chiropractic Examiners.—The State Board of Chiropractic Examiners is hereby created and shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large

and five (5) members [to be appointed by the Governor within sixty (60) days after the effective date of this act. The term of office of each member so appointed, except as herein otherwise provided, shall be four (4) years until his successor be appointed and qualified.

Each member of the board] each of whom shall be a graduate of a legally incorporated and reputable school or college of chiropractic, shall have been engaged in the full-time practice of chiropractic in this State for at least five (5) years immediately preceding May twenty-three, one thousand nine hundred forty-nine and at the time of his appointment duly licensed as a chiropractor under the provisions of the "Chiropractic Registration Act of 1951," or at the time of his appointment shall have been duly licensed for a period of five (5) consecutive years as a chiropractor under the provisions of said act. No member shall be in any manner financially interested in or connected with the faculty or management of any chiropractic school or college. Not more than two (2) members of the board shall be graduates of any one school or college of chiropractic. The term of each member shall be four (4) years until his successor is appointed and qualified BUT NOT LONGER THAN SIX MONTHS BEYOND THE FOUR-YEAR PERIOD.

Any vacancy occurring in the board shall be filled by the Governor for the unexpired term only. [In the original appointment of the members of the board, one (1) member shall be appointed for the term of one (1) year, one (1) member for the term of two (2) years, one (1) member for the term of three (3) years, and two (2) members for the term of (4) years. [Three (3)] Four (4) members of the board shall constitute a quorum, and the board shall annually select from among its members a chairman and shall elect a secretary who need not be a member of the board.

The members of the board other than the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs shall receive actual traveling expenses and [fifteen dollars (\$15)] THIRTY DOLLARS (\$30) per diem when actually engaged in the performance of the official duties, and the secretary shall receive such compensation as the board shall determine, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 16. Section 462 of the act, added July 19, 1951 (P. L. 1144, No. 252), is amended to read:

Section 462. State Board of Barber Examiners.—

(a) The State Board of Barber Examiners shall consist of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large and five members, [

Each member of the board, at the time of his appointment and qualification] each of whom shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a registered barber under the laws of this Commonwealth, and shall have continuously followed the occupation of barbering in the Commonwealth for a period of at least five years next preceding his appointment.

(b) Not more than two members of any one organization, association or group composed of barbers or persons interested primarily in the welfare and advancement of barbers, barber shops or barber schools shall serve on the board at the same time.

(c) The board shall elect one of its members as chairman, and shall elect a secretary who need not be a member of the board.

(d) [Three] Four members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least [three] four members.

(e) The secretary shall have such powers and shall perform such duties, not contrary to law, as the board shall prescribe.

(f) The members of the board, other than the [Superintendent-

ent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen dollars (\$15)] **THIRTY DOLLARS (\$30)** per diem for each day actually devoted to the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.

Section 17. Section 464 of the act, amended August 14, 1963 (P. L. 865, No. 416), is amended to read:

Section 464. State Board of Podiatry Examiners.—A State Board of Podiatry Examiners is hereby created and shall consist of the Commissioner of Professional and Occupational Affairs, two members **APPOINTED BY THE GOVERNOR** who shall be persons representing the public at large and six members appointed by the Governor, four of whom shall be podiatrists who possess the requisite qualifications to practice podiatry under the laws of this Commonwealth and who have been practicing podiatry in this Commonwealth for five years immediately preceding their appointment, and two of whom shall be physicians licensed to practice medicine and surgery in this Commonwealth. The terms of members of the board shall be four years from the respective dates of their appointment. No member of the board shall be a member of the faculty of any school or college teaching podiatry. [Four] **Five** members of the board shall constitute a quorum, and the board shall select from its membership a chairman and secretary. The members of the board other than the Commissioner of Professional and Occupational Affairs shall receive [fifteen dollars (\$15)] **THIRTY DOLLARS (\$30)** per diem for each day devoted to the work of the board.

Section 18. Section 470 of the act, added June 22, 1970 (P. L. 375, No. 121), is amended to read:

Section 470. State Board of Examiners of Nursing Home Administrators.—(a) There is hereby created the State Board of Examiners of Nursing Home Administrators, consisting of [eleven] **twelve** members, as follows: **six** members shall be nursing home administrators, (two from not-for-profit facilities, two from operated-for-profit facilities, and two from county facilities); three members who have been actively involved with the care of chronically ill and infirm aged patients and who represent professions or occupations other than nursing home administration such as medicine, nursing, hospital administration; [one member] **two** members representative of the consumer; and the Secretary of Public Welfare, ex officio. The members of the initial board who are nursing home administrators shall be required only to possess the qualifications and be eligible for licensure as nursing home administrators. No more than three of the members of the board shall be officials or full-time employees of State or local governments. Any member of the board who has a change in the status for which he was appointed shall continue as a member for the remainder of his term. All members of the board shall be citizens of the United States and shall be residents of this Commonwealth. Nursing home administrators appointed to the initial board shall be issued licenses without examination and without satisfying any other requirements, provided they meet the age, citizenship and good moral character criteria as provided in the Nursing Home Administrators License Act.

(b) **Three** members of the initial board shall be appointed for a one-year term of office; three members of the initial board shall be appointed for a two-year term of office; and four members of the initial board shall be appointed for a three-year term of office. Thereafter, the term of office for each member of the board shall be three years. No member shall serve more than two consecutive full terms except that terms of initial board members of less than three years shall not be considered full-term.

(c) Appointments to the board shall be made by the Governor, by and with the advice and consent of [two-thirds] a major-

ity of all the members of the Senate, after consultation with the associations and societies appropriate to the disciplines and professions representative of the vacancies to be filled.

The Governor may remove any examiner for misconduct, incapacity, incompetence, or neglect of duty after the examiner so charged has been served with a written statement of charges and has been given an opportunity to be heard.

Each member shall receive actual traveling expenses and per diem compensation at the rate of thirty dollars (\$30) per day while he is engaged in the performance of his official duties. The board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

(d) The board shall elect annually from its membership a chairman and vice chairman.

The board shall hold two or more meetings each year. At any meeting a majority shall constitute a quorum.

(e) The chairman of the board shall appoint a secretary to the board with the consent of the majority of the members of the board, who shall serve at the pleasure of the board. He shall be the executive officer to the board but shall not be a member of the board. He shall perform such duties as are prescribed by the board.

Section 19. 18. Section 476 of the act, added October 21, 1972 (P. L. 985, No. 244), is amended to read:

Section 476. State Board of Auctioneer Examiners.—The State Board of Auctioneer Examiners shall consist of the Commissioner of Professional and Occupational Affairs, ex officio, two members who shall be persons representing the public at large, and five members, who shall be licensed auctioneers, have served as a licensed auctioneer for ten years or more and conducts at least fifty each year.

[Three] **Four** members of the board shall constitute a quorum, and the board shall select from among its members, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive thirty-five dollars (\$35) per diem, when actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Secretary of the Commonwealth.

Section 20. 19. The act is amended by adding sections to read:

Section 476.1 State Board of Psychologist Examiners.—(a) The State Board of Psychologist Examiners shall consist of nine members who are citizens of the United States, residents of the Commonwealth of Pennsylvania for a three-year period, eight of whom are to be appointed by the Governor, and the Commissioner of Professional and Occupational Affairs who shall serve, ex officio, as the ninth member of the board.

When the term of each member of the board ends, the Governor shall appoint his successor for a term of three years. Any vacancy occurring on the board shall be filled by the Governor by appointment for the unexpired term. Board members shall continue to serve until their successors are appointed **BUT NOT LONGER THAN SIX MONTHS BEYOND THE THREE-YEAR PERIOD.**

The board shall have at least two members who, at the time of appointment are engaged primarily in rendering professional services in psychology and at least two members who at the time of appointment are engaged in research in psychology or the teaching of psychology, one of whom shall be from a university granting doctoral degrees in psychology, all of whom shall be eligible for licensing under the act of March 23, 1972 (P. L. 136, No. 52), referred to as the Psychologists License

Act. One member of the board shall be appointed by the Governor from nominations of members of the office of mental health and mental retardation submitted by the commissioners. One member of the board shall be appointed by the Governor from nominations of mental health and mental retardation advocacy groups submitted by their boards of directors. Two members shall be appointed by the Governor as representatives of the public at large.

No board member shall serve more than two consecutive terms.

Each board member shall receive actual necessary traveling expenses incidental to board meetings, plus per diem expenses as approved by the Commissioner of Professional and Occupational Affairs upon recommendation of the board.

The board shall annually in the month prescribed by the board, hold a meeting, and elect a chairman and vice-chairman. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the board. Five members of the board shall constitute a quorum at any meeting or hearing.

(b) The board shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses; and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of license.

(2) To adopt, and, from time to time, revise such rules and regulations not inconsistent with the law as may be necessary. Such rules and regulations shall include, but not be limited to, a code of ethics for psychologists in the State, based upon ethical standards for psychologists of the American Psychological Association.

(3) To examine for, deny, approve, issue, revoke, suspend and renew the licenses of psychologist applicants pursuant to this act, and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of and the rules and regulations adopted and cause the prosecution and enjoinder of all such violations.

(5) To expend moneys necessary to the proper carrying out of their assigned duties.

(6) To waive examination and grant a license in cases deemed exceptional by the board.

Provided, however, that any one or more of the powers hereinbefore set forth may be assumed and exercised by the board at any time, upon its adoption of a resolution to so act, with notice thereof given in writing to the Commissioner of Professional and Occupational Affairs.

Section 476.2. State Board of Landscape Architects.—The State Board of Landscape Architects shall consist of seven persons appointed by the Governor which shall aid and assist in the administration of the act of January 24, 1966 (1965 P. L. 1527, No. 535), known as the "Landscape Architects' Registration Law." Two members of the board shall represent the public

at large. The remaining members of the board, not less than three of whom shall be landscape architects and not less than one of whom shall be a landscape nurseryman, shall be appointed for terms of three years and one of whom shall be elected chairman and one of whom shall be elected secretary. The members of the board shall hold office until their successors are appointed and qualified BUT NOT LONGER THAN SIX MONTHS BEYOND THE THREE-YEAR PERIOD. The Commissioner of Professional and Occupational Affairs shall be an ex-officio member of the board. The members shall receive thirty dollars (\$30) per diem for each day actually engaged in attendance at meetings of the board. The members shall also receive the amount of actual traveling, hotel and other necessary expenses incurred in the performance of their duties.

Section 21, 20. Subsection (b) of section 810 of the act, added June 3, 1963 (P. L. 63, No. 44), is amended to read:

Section 810. Professional and Occupational Affairs. * * *

(b) In addition to the powers and duties imposed under the provisions of subsection (a) hereof, the Commissioner of Professional and Occupational Affairs shall be an ex-officio member of each of the said boards except that he or his designee shall have no right to vote on any matter before the boards or commissions nor shall he or his designee receive any compensation or expenses for attending sessions of the boards or commissions.

Section 22, 21, 20. The act is amended by adding a section to read:

Section 813. Public Members of Licensing Boards and Commissions.—(a) A member of a licensing board or commission designated in this act as representing the public at large shall be a private citizen and shall not:

(1) be a member of any profession or occupation which is regulated or licensed by the board, commission, or Bureau of Professional and Occupational Affairs;

(2) be related to or part of the immediate family of any member of the profession or occupation to be licensed or regulated by the particular board or commission;

(3) be affiliated in any way with the profession or occupation to be licensed or regulated; or

(4) hold any other appointive or elective public office or position within this Commonwealth or another state of the United States Government during the appointive term for which he serves.

(b) Any person not meeting the standards set forth herein shall be ineligible for membership on the board or commission as a public member.

(c) The terms of such public members shall be the same as the other appointive members of the respective board or commission and they shall be entitled to receive the same compensation and expenses as provided by law for other non-public members of the same board or commission. Any vacancy occurring before the expiration of the appointive term of a public member shall be filled by the Governor with another public member for the unexpired term in the manner provided by law.

(d) The Bureau of Professional and Occupational Affairs

shall prepare and periodically revise a manual outlining the general duties of all members of licensing boards and commissions with particular emphasis on methods of protecting the general public.

(e) The Bureau of Professional and Occupational Affairs, in consultation with the Bureau of Consumer Protection and the three public members chosen as provided herein, shall conduct semiannual conferences on the functions of the public members and on developing and implementing methods of protecting the general public. Annually at one of these conferences, the public members present shall elect three representatives from among their membership to consult with the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection on matters relating to the role and function of the public members and on the format and contents of the semiannual conferences. The term of such representatives shall be one year.

Section ~~23-22~~ 21. The Governor shall appoint the public members authorized by this act within 90 days of its final enactment. The public members so appointed shall be required to attend an orientation session which shall be conducted by the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection within three months after the swearing in of at least 50% of the public members herein authorized. The Commissioner of Professional and Occupational Affairs shall consult with the Bureau of Consumer Protection in regard to the development of the curriculum for the orientation session and the semiannual conferences with the public members. At the orientation session, the public members present shall select three representatives who shall consult with the Commissioner of Professional and Occupational Affairs and the Bureau of Consumer Protection with regard to the ongoing semiannual conferences for the public members mandated in section 813(e).

Section ~~24-23~~ 22. (1) Clause (1) of section 2 of the act of January 24, 1966 (1965 P. L. 1527, No. 535), known as the "Landscape Architects' Registration Law," is hereby repealed.

(2) Sections 4 and 5 of the act of March 23, 1972 (P. L. 136, No. 52), entitled "An act relating to the practice of psychology, providing for licensing of psychologists, making certain acts illegal and providing penalties," are repealed.

(3) Section 2.1 of the act of May 26, 1947 (P. L. 318, No. 140), known as "The C. P. A. Law," is repealed.

Section ~~25-24~~ 23. This act shall take effect in 60 days.

ROLL CALL

Senate Bill 451, Printer's No. 1037

MAJORITY MEMBERS

MR. CHAIRMAN, Max Pievsky

Frank Oliver

Joel Johnson, Subcommittee Chairman

Amos Hutchinson, Subcommittee Chairman

Bernard Dombrowski

Joseph Ted Doyle

Thomas Fee

Helen Gillette

James Goodman

Ivan Itkin

Joseph Kolter

Martin Mullen

VOTE

nay

absent

nay

nay

nay

absent

absent

nay

yea

nay

yea

absent

Raphael Musto

nay

Joseph Petrarca

absent

James Prendergast

absent

Samuel Rappaport

absent

Fred Shupnik

nay

John Wansacz

yea

Joseph Wargo

absent

Kurt Zwikl

absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman

yea

Harry Bittle

absent

James Gallen

yea

John Hamilton

yea

H. Harrison Haskell

absent

Charles Mebus

yea

Sheldon Parker

yea

L. Eugene Smith

nay

Benjamin Wilson

yea

James Wright

yea

Eugene Geesey

yea

YEAS—11

NAYS—9

ABSENT—11

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

Senate Bill 451, Printer's Number 1037

This bill proposes to amend the Prevailing Wage Act by extending its provisions to include maintenance done under contract for projects in excess of \$25,000. It also extends the current provisions (construction, reconstruction, demolition, alteration and repair) to any project over \$25,000 financed by a public body (e.g., industrial development programs). Other amendments include further specifying duties of public officials in conforming with the act and providing for criminal and civil remedies for noncompliance.

Fiscal Impact

There are several levels of government where costs will be increased due to this bill. Precise estimates are difficult to make due to: 1) a lack of information gathered on maintenance contracts in local units, including current wages paid, 2) the absence of a definition for maintenance, 3) the conflicting claims by state agencies regarding the methods used to make prevailing wage determinations, and 4) disagreements over the breadth of coverage of the provisions of the bill.

The Appropriations Committee has fully researched the competing claims of the varied interests in this bill and makes the following cost estimate of Senate Bill 451.

State Agencies

There are two types of costs for the state — administrative and those resulting from the application of the provisions of the bill.

1) Administrative

Labor and Industry estimates that the cost of administering this bill would be \$100,000 annually to provide for five additional persons to make compliance determinations and for training.

2) Extension of Provisions

a) Department of Commerce's P. I. D. A. program would be the program most dramatically effected. All of the former provisions of the bill would be extended to P. I. D. A. financed projects. This may increase costs of industrial development programs in rural areas. Estimates of the cost are \$25,000,000 per year.

b) Department of Community Affairs' C. E. T. A. and weatherization programs are affected by the striking of the exemption for work performed under a manpower training program. The department has pointed out that C. E. T. A.'s hourly rates pay between \$2.30 and \$4.80 an hour. If prevailing wage were imposed, the number of units weatherized would be cut in half.

c) PennDOT estimates major cost increases due to the extension of prevailing wage to snow removal contracts, equipment rental agreements, service purchase contracts and maintenance contracts. PennDOT has indicated an annual increase in costs in the Motor License Fund exceeding \$7 million.

d) The Department of Environmental Resources has indicated that stream channel maintenance projects which contract equipment and the labor to operate the machines would come under the provisions of this bill. D. E. R. has identified an additional cost of \$25,000 per year.

e) The Department of Public Welfare contracts our capital maintenance programs. Based on 1976-77 expenditures, the Department has indicated an increase of 30% or \$75,000 per year.

Local Government Units

In 1974, nearly \$2.3 billion was spent for operating and maintenance work in cities, boroughs, counties, first and second class townships and school districts. Extending that to 1977 dollars that would mean nearly \$3 billion spent in the current year. If it is assumed that less than 5% of these expenses are maintenance contracts and are in areas not already paying prevailing wage that would mean approximately \$150 million in contracts let per year are affected by this bill. If costs were to increase by 10% due to this bill, that would mean an additional cost to local government in the Commonwealth of \$15 million annually.

Totals State Costs

Labor & Industry (administrative)	\$ 100,000
Commerce (P. I. D. A.)	25,000,000
Community Affairs (C. E. T. A.)	-undetermined-
PennDOT	7,000,000
D. E. R.	25,000
Public Welfare	75,000

\$32,200,000

Local Governments

\$15,000,000

Total Cost of Bill

\$47,200,000

Sources: Governor's Budget Office, Department of Community Affairs, Department of Labor and Industry, Department of Commerce, Department of Environmental Resources, Department of Transportation, Pennsylvania League of Cities, Pennsylvania School Boards Association Inc., Pennsylvania State Association of Boroughs, Pennsylvania State Association of Township Commissioners, Pennsylvania State Association of Township Supervisors.

Prepared by: Glenn R. Rosenberg, Budget Analyst
House Committee on Appropriations

Prior Printer's No. 461 Printer's No. 1037

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Senate Bill No. 451

Session of 1977

INTRODUCED BY SMITH, ORLANDO, NOSZKA AND
SWEENEY, MARCH 14, 1977.

SENATOR ARLENE, LABOR AND INDUSTRY, AS
AMENDED, JUNE 8, 1977.

An Act

amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "An act relating to public works contracts; providing for prevailing wages; imposing duties upon the Secretary of Labor and Industry; providing remedies, penalties and repealing existing laws," changing and adding definitions, specifying duties of certain officers of public bodies, adding criminal and civil remedies and changing certain time limitations.

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

Section 1. Clauses (4) and (5) of section 2, act of August 15, 1961 (P. L. 987, No. 442), known as the "Pennsylvania Prevailing Wage Act," clause (5) amended August 9, 1963 (P. L. 653, No. 342), are amended and ~~clauses are~~ A CLAUSE IS added to read:

Section 2. Definitions.—As used in this act—

* * *

(4) "Public body" means the Commonwealth of Pennsylvania, any of its political subdivisions, any authority created by the General Assembly of the Commonwealth of Pennsylvania or created by the legislative body of any of its political subdivisions and any instrumentality or agency of the Commonwealth of Pennsylvania or any of its political subdivisions, including any industrial development authority.

(5) "Public work" means construction, reconstruction, demolition, alteration, [and/or] repair [work other than] and maintenance work, done under contract and paid for in whole or in part out of the funds of a public body or financed in whole or in part by a public body where the estimated cost of the total project is in excess of twenty-five thousand dollars (\$25,000), but shall not include work performed under a rehabilitation [or manpower] training program. When a project is to be constructed, reconstructed, altered or repaired by a nonpublic body as a condition of a contract for the eventual purchase or lease of a project by a public body, or by an entity wholly or partially financed by a public body, such construction, reconstruction, alteration, repairs or maintenance shall be public work. The fact that a public body may wholly or partially pay or finance a project to or through intermediary agencies, bodies, corporations or other entities shall not prevent a project which otherwise would qualify as a public work from being a public work.

* * *

(11) "Financing" includes the supply of money, credit, or capital, as for example in the case of a loan, grant, guaranty or surety.

~~(12) "Maintenance work" does not include road resurfacing or bridge repairing.~~

Section 2. Sections 3 and 4 of the act, amended August 9, 1963 (P. L. 653, No. 342), are amended to read:

Section 3. Specifications.—The specifications for every contract for any public work [to which any public body is a party.] shall contain a provision stating the minimum wage rate that must be paid to the workmen employed in the performance of the contract.

Section 4. Duty of the Public Body.—It shall be the duty of the chief executive officer and the treasurer, fiscal or financial officer of every public body which proposes the making or financing of a contract for any project of public work to determine from the secretary the prevailing minimum wage rates

which shall be paid by the contractor to the workmen upon such project. Reference to such prevailing minimum rates shall be published at the direction of the chief executive officer and the treasurer, fiscal or financial officer of the public body, in the notice issued for the purpose of securing bids for such project of public work. Whenever any contract for a project of public work is entered into, the prevailing minimum wages as determined by the secretary shall be incorporated into and made a part of such contract and shall not be altered during the period such contract is in force.

Whenever a contract for a project of public work is financed by a public body, it shall be the duty of the chief executive officer and the treasurer, fiscal or financial officer of the public body to include in the financing agreement the requirement that the prevailing minimum wages as determined by the secretary shall be incorporated into and made a part of the contract for the project of public work and shall not be altered during the period such contract is in effect.

Section 3. Section 6 of the act is amended to read:

Section 6. Duty of Contractor.—Every contractor and subcontractor shall keep an accurate record showing the name, craft and the actual hourly rate of wage paid to each workman employed by him in connection with public work, and such record shall be preserved for two years from date of payment. The record shall be open at all reasonable hours to the inspection of the public body awarding or financing the contract and to the secretary.

Section 4. Section 8 of the act, amended August 9, 1963 (P. L. 653, No. 342), is amended to read:

Section 8. Review of Rates, Petition and Hearing.—Any prospective bidder or his representative, any representative of any group of employers engaged in the particular type of construction, reconstruction, alteration and demolition, or repair work involved, any representative of any craft or classification of workmen or the public body may, within ten days after the publication and issue of the specifications covering the particular contract for public work involved, file with the secretary a verified petition to review the determination of any such rate or rates. Within two days thereafter a copy of such petition shall be filed with the public body authorizing or financing the public work. The petition shall set forth the facts upon which it is based. The secretary shall, upon notice to the petitioner, the public body authorizing or financing the public work and the recognized collective bargaining representatives for the particular crafts and classifications involved, and also to all persons entitled to receive notice pursuant to subsection (a) of section 7 hereof, institute an investigation and hold a public hearing within twenty days after the filing of such petition. Within ten days thereafter, the secretary shall make a determination and transmit it, in writing, to the public body and to the interested parties. Such determination shall be final unless within ten days an appeal is filed with the Appeals Board.

Upon receipt by the public body of the notice of the filing of such petition, the public body awarding or financing the contract or authorizing or financing the public work shall extend the closing date for the submission of bids until five days after the final determination of the general prevailing minimum wage rates pursuant to this section and the publication of such findings.

Upon the filing of any such petition, notice thereof and of the extension of the closing date for submission of bids, shall be given forthwith by the awarding or financing public body in a special bulletin to all interested parties as defined herein, notice shall also be given to the bidders by the awarding or financing public body of the final determination of the secretary or Appeals Board which shall also be included in the contract. The determination of the secretary or Appeals Board shall be included in the contract.

Section 5. Section 9 and subsections (a) and (b) of section 10 of the act are amended to read:

Section 9. Posting of Rates.—Contractors and subcontractors performing public work [for a public body] subject to the provisions of this act shall post the general prevailing minimum wage rates for each craft and classification involved, as determined by the secretary, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work, or at such place or places as are used by them to pay workmen their wages.

Section 10. Duty of Public Body.—(a) Before final payment is made by, or on behalf of or with the financial assistance of

any public body of any sum or sums due on public work, it shall be the duty of the treasurer of the public body or other officer or person charged with the custody and disbursement of the funds of the public body to require the contractor and subcontractor to file statements, in writing, in form satisfactory to the secretary, certifying to the amounts then due and owing from such contractor and subcontractor, filing such statement to any and all workmen for wages due on account of public work, setting forth therein the names of the persons whose wages are unpaid and the amount due to each respectively, which statement so to be filed shall be verified by the oath of the contractor and subcontractor, as the case may be, that he has read such statement subscribed by him, knows the contents thereof and that the same is true of his own knowledge: Provided, nevertheless, That nothing herein shall impair the right of a contractor to receive final payment because of the failure of any subcontractor to comply with provisions of this act.

(b) In case any workman shall have filed a protest, in writing, within [three] six months from the date of the occurrence of the incident complained of, with the secretary, objecting to the payment to any contractor to the extent of the amount or amounts due or to become due to the said workman for wages or for labors performed on public works, the secretary shall direct the fiscal or financial officer of the public body, or other person charged with the custody and disbursements of the funds of the public body, to deduct from the whole amount of any payment on account thereof the sum or sums admitted by any contractor in such statement or statements so filed, to be due and owing by him on account of wages earned on such public work before making payment of the amount certified for payment and may withhold the amount so deducted for the benefit of the workmen whose wages are unpaid, as shown by the verified statement filed by any contractor, and may pay directly to any workmen the amount shown to be due to him for such wages by the statements filed as hereinbefore required, thereby discharging the obligation of the contractor to the person receiving such payment to the extent of the amount thereof.

Section 6. Subsection (a) of section 11 of the act is amended, and subsections are added to read:

Section 11. Remedies and Penalties.—(a) The fiscal or financial officer [, or] of any public body having public work performed under which any workman shall have been paid less than the prevailing wage, shall forthwith notify the secretary, in writing, of the name of the person or firm failing to pay the prevailing wages.

(i) A chief executive officer, treasurer, fiscal or financial officer of any public body who shall wilfully, intentionally, recklessly or negligently fail to fulfill any of his duties and responsibilities under this act, shall be guilty of a misdemeanor of the third degree and shall, upon conviction, be sentenced to undergo imprisonment not exceeding one year or to pay a fine not exceeding two thousand five hundred dollars (\$2,500), or both.

(j) Whenever workmen have not received prevailing wages wholly or partly because of the failure of the public body, its chief executive officer or treasurer, fiscal or financial officer, to

fulfill its or their duties and responsibilities under this act, then the public body shall be liable for and shall pay to the aggrieved workmen an amount equal to the difference between the wages which they received and the prevailing wages to which they were entitled.

Section 7. Section 13 of the act is amended to read:

Section 13. Workmen's Rights.—Any workmen paid less than the rates specified in the contract shall have a right of action for the difference between the wage so paid and the wages stipulated in the contract, which right of action shall be instituted within [six] twelve months from the occurrence of the event creating such right.

Section 8. This act shall take effect immediately.

ROLL CALL

Senate Bill 586, Printer's No. 1727

MAJORITY MEMBERS

MR. CHAIRMAN, Max Pievsky
Frank Oliver
Joel Johnson, Subcommittee Chairman
Amos Hutchinson, Subcommittee Chairman
Bernard Dombrowski
Joeeph Ted Doyle
Thomas Fee
Helen Gillette
James Goodman
Ivan Itkin
Joseph Kolter
Martin Mullen
Raphael Musto
Joseph Petrarca
James Prendergast
Samuel Rappaport
Fred Shupnik
John Wansacz
Joseph Wargo
Kurt Zwikl

VOTE

yea
yea
yea
yea
yea
absent
absent
yea
yea
yea
absent
yea
yea
absent
absent
yea
yea
yea
absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman
Harry Bittle
James Gallen
John Hamilton
H. Harrison Haskell
Charles Mebus
Sheldon Parker
L. Eugene Smith
Benjamin Wilson
James Wright
Eugene Geesey

yea
absent
yea
yea
absent
yea
yea
yea
yea
yea
yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

Senate Bill 586, Printer's Number 1727

This bill provides for the certification of Physician Assistants and Physician Assistant Education and Training Programs.

The Medical Licensure Board is required to promulgate regulations, establish an exam based upon national criteria, biennially review each certification, and establish a fee of \$10 for each initial certification and biennial review, and \$25 for each application to supervise a Physician Assistant.

Regulations have already been drafted. The fiscal implications then, relate to processing applications, conducting exams and conducting the biennial review.

The Medical Licensure Board estimates that, depending upon the rate of applications, the cost would range between \$9,000 and \$15,000 the first year when all of the applications would come in initially and between \$3,000 and \$12,000 every year thereafter.

There are approximately 158 Physician Assistants presently in the state, with three programs which are expected to graduate about 75 Physician Assistants annually. If it is reasonable to assume that there will be one application to supervise each Physician Assistant, the revenue will be about \$5,000 the first year and about \$2,000 annually thereafter. These funds would go to the General Fund.

The Revenue, therefore, will not cover the cost of implementing the legislation.

Prepared by: Richard E. Willey
Budget Analyst
House Appropriations Committee
May 8, 1978

House Amended

Prior Printer's Nos. 616, 1049, 1095, 1109 Printer's No. 1727

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Senate Bill No. 586

Session of 1977

INTRODUCED BY COPPERSMITH, ROMANELLI, HILL, HESS, STAUFFER, FLEMING AND O'PAKE, MARCH 28, 1977.

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 3, 1978.

An Act

amending the act of July 20, 1974 (P. L. 551, No. 190), entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and establishing means and methods whereby the right to practice medicine and surgery and any of its branches and limited right to practice medically related acts may be obtained, and exemptions therefrom; imposing powers and duties on the State Board of Medical Education and Licensure; providing for appropriation of board fees to carry out the provisions thereof, and for the granting, revocation and suspension of licenses; providing penalties for violations; and making repeals," further regulating the practice of medicine and surgery, imposing certain duties ~~on the Department of Health~~ and providing penalties.

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

Section 1. Section 2, act of July 20, 1974 (P. L. 551, No. 190), known as the "Medical Practice Act of 1974," is amended by adding definitions to read:

Section 2. Definitions.—As used in this act, the following terms shall have the following meanings ascribed to them in this section unless the context clearly determines otherwise:

* * *

(11) "Certification." The approval of individuals by the board

to serve as ~~physicians'~~ PHYSICIAN assistants. It shall also mean the approval of programs by the board for the training and education of ~~physicians'~~ PHYSICIAN assistants.

(12) "Medical care facility." A general, tuberculosis, mental, chronic disease or other type of hospital, an ambulatory clinic or center, a health maintenance organization, institution and corporation medical departments and centers, student health centers, a physical rehabilitation facility, a skilled or intermediate care nursing facility, a radiology laboratory, a renal dialysis center, a diagnostic center, a home health care agency, or a clinical laboratory, regardless of whether such medical care facility is for profit, nonprofit or governmental; or a program affiliated with a medical care facility which renders treatment or care for drug or alcohol abuse or dependence; or other settings where medical care and services are rendered.

(13) ~~"Physician's~~ "PHYSICIAN assistant." A person certified by the board to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

(14) ~~"Physician's~~ "PHYSICIAN assistant to a primary care physician." A person certified by the board to assist a physician or group of physicians engaged in primary care.

(15) ~~"Physician's assistant to a secondary care physician."~~ A person certified by the board to assist a physician or group of physicians engaged in medical specialties.

(16) (15) "Proficiency examination." An examination approved by the board for the national certification of ~~physicians'~~ PHYSICIAN assistants, including, ~~but not limited to~~ those examinations, approved for such purpose by the National Commission on Certification of ~~Physicians'~~ PHYSICIAN Assistants.

Section 2. Section 3 of the act is amended to read:

Section 3. Practice of Medicine and Surgery without License Prohibited; Penalties.—It shall be unlawful for any person in the Commonwealth to engage in the practice of medicine and surgery, or pretend to a knowledge of any branch or branches of medicine and surgery, or to hold himself or herself forth as a practitioner in medicine and surgery, or to assume the title of doctor of medicine and surgery or doctor of any specific disease, or to diagnose diseases, or to treat diseases by the use of medicines and surgery as defined in clause (3) of section 2 of this act or by any other means, or to sign any death certificate, unless otherwise authorized by law or to hold himself or herself forth as able to do so, excepting those hereinafter exempted, unless he or she has first fulfilled the requirements of this act and has received a certificate of licensure or permission from the board, which license shall be properly recorded in the office of the board. {Acts of medical diagnosis or prescription of medical therapeutic or corrective measures may be performed by persons licensed pursuant to the act of May 22, 1951 (P. L. 317, No. 69), known as "The Professional Nursing Law," if authorized by rules and regulations jointly promulgated by the board and the State Board of Nurse Examiners.} Nothing in this act shall be construed to prohibit services and acts rendered by a qualified ~~physician's~~ PHYSICIAN assistant, ~~registered nurse~~, technician or other allied medical person if such services and acts are rendered under the supervision, direction or control of a licensed physician. It shall be unlawful for any person to practice as a ~~physician's~~ PHYSICIAN assistant unless certified and approved by the board. It shall also be unlawful

for any ~~physician's~~ PHYSICIAN assistant to render medical care and services except under the supervision and direction of the supervising physician. The aborting of a pregnancy shall be considered the practice of surgery. On first offense any person wilfully violating the provisions of this section of this act shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than six months in the county prison, or both, at the discretion of the court; and on each additional offense shall be subject to a fine of not less than two thousand dollars (\$2,000) and imprisonment of not less than six months or more than one year, at the discretion of the court. In the event the violation is the aborting of a pregnant woman the person convicted thereof shall be guilty of a misdemeanor and shall be subject to a fine of not less than ten thousand dollars (\$10,000) or imprisonment for five years, or both.

Section 3. Section 5 of the act is amended by adding a subsection to read:

Section 5. Standards for Medical Training and Facilities.—

(d) Requirements for the certification of training and educational programs for ~~physicians'~~ PHYSICIAN assistants shall be formulated by the board in accordance with such national criteria as are established by national organizations or societies as the board may accept.

Section 4. Sections 10 and 12 of the act are amended to read:

Section 10. Licenses; Exemptions, Non-resident Practitioners; Graduate Students; Biennial Registration.—(a) All physicians who have complied with the requirements of the board, and who shall have passed a final examination, and who have otherwise complied with the provisions of this act, shall receive from the Commissioner of Professional and Occupational Affairs in the Department of State, or whoever exercises equivalent authority acting for the board, a license entitling them to the right to practice medicine and surgery without restriction in this Commonwealth. Each such license shall be duly recorded in the office of the board, in a record to be properly kept for that purpose which shall be open to public inspection; and a certified copy of said record shall be received as evidence in all courts in this Commonwealth in the trial of any case: Provided, That this section relating to licenses to practice medicine and surgery shall not apply to medical officers in the medical service of the Armed Forces of the United States, or the United States Public Health Service, or Veterans Administration, or physicians employed within Federal services, while in discharge of their official duties; or to any one who may be a duly licensed practitioner of medicine in any state or commonwealth who may be called upon by a licensed physician of this Commonwealth to consult with him in a case under treatment; or to physicians of other jurisdictions who are training [for certification] to be certified in special departments of medicine and surgery under subsection (b) of this section; or anyone while actually serving as a clinical clerk under the supervision of the medical or surgical staff in any hospital. Nothing contained in this section shall be construed to entitle a clinical clerk to practice medicine and surgery or to prescribe drugs: And provided further, That any duly licensed physician residing in or maintaining his office of practice in any state near the boundary line between said state and this Commonwealth whose practice extends into this Commonwealth shall have the right to practice in this Commonwealth, at the discretion of the board, provided he files with the secretary of the board a certified copy of his license in the state where he resides, and provided that the board of examiners of the adjoining state reciprocates by extending the same privilege to physicians in this Commonwealth when he shall receive from the secretary of the board a license which shall be automatically revoked if he changes his said residence or office of practice. A record of all persons so licensed shall be kept in the office of the board and shall have the standing before the law of any other license issued by the board.

(b) Physicians who are legally authorized to practice medi-

cine and surgery in this or other states or territories of the United States and the Dominion of Canada, and who apply for training and [certification] to be certified in special departments of medicine and surgery in institutions in this Commonwealth recognized by the board with advice and consultation with the various examining boards in medical specialties approved by the Council on Medical Education of the American Medical Association as proper for such training, shall receive a graduate certificate that is limited to said training within the complex of the hospital and/or its affiliates or community hospitals where he is engaged in such training. This training experience shall not be converted into a staff service. It shall be valid for one year but may be renewed from year to year. Any person who has been certified in a specialty discipline recognized by the board, and who makes an application for licensure to practice medicine and surgery without restriction in the Commonwealth, upon the payment of a reasonable fee as determined from time to time by the board and at the discretion of the board may be given a qualifying examination. Such examination shall emphasize the subject matter of the specialty discipline for which the applicant has been trained but may also include material from the general field of medical science.

(c) It shall be the duty of all persons now or hereafter licensed to practice medicine and surgery without restriction to be registered with the board; and, thereafter, to register in like manner at such intervals and by such methods as the board shall determine by regulations; but in no case shall such renewal period be longer than two years. The form and method of such registration shall be determined by the board.

(d) Each person so registering with the board shall pay, for each biennial registration, a reasonable fee as determined from time to time by the board, which fee shall accompany the application for such registration.

(e) Upon receiving a proper application for such registration accompanied by the fee above provided for, the board shall issue its certificate of registration to the applicant. Said certificate together with its renewals shall be good and sufficient evidence of registration under the provisions of this act.

(f) The board shall grant certification to ~~physicians'~~ PHYSICIAN assistants. The board shall grant certification to applicants who have fulfilled the following criteria:

(1) satisfactory performance on the proficiency examination, to the extent that a proficiency examination exists ~~as determined by the board; and~~

(2) satisfactory completion of a certified program for the training and education of ~~physicians'~~ PHYSICIAN assistants.

In the event that completion of a formal training and educational program is a prerequisite to taking the proficiency examination, the board shall have the power if it determines that the experience of the applicant is of such magnitude and scope so as to render further formal training and education nonessential to the applicant in assisting a physician in the provision of medical care and services, to waive the training and education requirements under this section FOR A PERIOD NOT TO EXCEED BEYOND TWO YEARS FROM THE EFFECTIVE DATE OF THIS ACT.

(g) The certification of ~~physicians'~~ PHYSICIAN assistants shall be subject to biennial renewal by the board.

(h) ~~The board shall grant provisional certification under the following conditions:~~

(1) ~~The applicant shall be eligible to take the proficiency examination upon completion of the provisional certification period.~~

(2) (H) The application shall include a written request from

the applicant's supervising physician.

(3) ~~The period of provisional certification may not extend beyond twenty-four consecutive months.~~

(i) The supervising physician shall file with the board an application to utilize a ~~physician's~~ PHYSICIAN assistant containing a description of the manner in which the physician's PHYSICIAN assistant will assist the supervising ~~physician~~ in his practice, THE METHOD AND FREQUENCY OF SUPERVISION, THE GEOGRAPHIC LOCATION OF THE PHYSICIAN ASSISTANT AND IN NO INSTANCE MAY A PHYSICIAN SUPERVISE MORE THAN TWO PHYSICIAN ASSISTANTS AT ANY TIME. In cases where a group of physicians will supervise a ~~physician's~~ PHYSICIAN assistant, the names of all supervisory physicians shall be included on the application.

(j) The board shall approve the applications which meet the criteria set by this act and the regulations promulgated pursuant thereto.

(k) The board shall establish such rules and regulations as it deems necessary to protect the public and to implement the provisions of this act, including, but not limited to the following:

(1) Reasonable procedures for identification of ~~physicians'~~ PHYSICIAN assistants and for informing patients and the public at large of the use of ~~physicians'~~ PHYSICIAN assistants.

(2) ~~Criteria to distinguish between a physician's assistant to a primary care physician and a physician's assistant to a secondary care physician. Information concerning the use of each type of physician's~~ PHYSICIAN assistant shall be collected and reports thereof furnished to the General Assembly annually by the ~~Department of Health.~~ BOARD OF MEDICAL EDUCATION AND LICENSURE. INCLUDING THE GEOGRAPHIC LOCATION OF PHYSICIAN ASSISTANTS AND THE SETTING OF THEIR PRACTICE I.E., RURAL, CLINIC, HOSPITALS OR PHYSICIAN'S OFFICES.

(1) Nothing in this act shall be construed to permit a certified ~~physician's~~ PHYSICIAN assistant to practice medicine without the supervision and direction of a licensed physician approved by the appropriate board, but such supervision and direction shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered.

(m) This act shall not be construed to prohibit the performance by the ~~physician's~~ PHYSICIAN assistant of any service within his skills, which is delegated by the supervising physician, and which forms a usual component of that physician's scope of practice.

(n) Nothing in this act shall be construed to prohibit the employment of ~~physicians'~~ PHYSICIAN assistants by a medical care facility where such ~~physicians'~~ PHYSICIAN assistants function under the supervision and direction of a physician or group of physicians.

(o) ~~No medical services may be performed by a physician's assistant under this act which include the measurement of the~~

~~powers or range of human vision or the determination of the refractive status of the human eye. This subsection does not prohibit the performance of routine vision screenings.~~

(O) THE PHYSICIAN ASSISTANT BEING CERTIFIED IN THIS ACT AND FUNCTIONING UNDER THE SUPERVISION OF THE PHYSICIAN DEFINES HIS/HER STATUS AS AN EMPLOYEE AND SUBJECT TO THE NORMAL EMPLOYER/EMPLOYEE REIMBURSEMENT PROCEDURES.

(P) NO MEDICAL SERVICES MAY BE PERFORMED BY A PHYSICIAN ASSISTANT UNDER THIS ACT WHICH INCLUDE THE MEASUREMENT OF THE RANGE OF POWERS OF HUMAN VISION OR THE DETERMINATION OF THE REFRACTIVE STATUS OF THE HUMAN EYE. THIS SUBSECTION DOES NOT PROHIBIT THE PERFORMANCE OF ROUTINE VISION SCREENINGS OR THE PERFORMANCE OF REFRACTIVE SCREENINGS IN THE PHYSICIAN'S OFFICE.

~~(P)~~ (Q) Nothing in this act shall be construed to allow ~~physicians'~~ PHYSICIAN assistants to practice chiropractic.

(R) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PERMIT A PHYSICIAN ASSISTANT TO INDEPENDENTLY PRESCRIBE OR DISPENSE DRUGS. THE BOARD OF MEDICAL EDUCATION AND LICENSURE AND THE STATE BOARD OF PHARMACY WILL JOINTLY DEVELOP REGULATIONS TO PERMIT A PHYSICIAN ASSISTANT TO PRESCRIBE AND DISPENSE DRUGS AT THE DIRECTION OF A LICENSED PHYSICIAN.

Section 12. [Examination] Fees.—The board shall have the power to charge a reasonable fee for all examinations, as determined from time to time by the board. A fee of ten dollars (\$10) shall be charged for each initial certification and biennial renewal of certificates for ~~physicians'~~ PHYSICIAN assistants. A fee of twenty-five dollars (\$25) shall be charged for each application by a physician or group of physicians to supervise a ~~physician's~~ PHYSICIAN assistant.

Section 5. Section 15 of the act is amended by adding a ~~subsection~~ SUBSECTIONS to read:

Section 15. Reasons for Refusal; Revocation or Suspension of License.—* * *

(d) The board shall have authority to refuse, revoke or suspend the ~~license of a physician's~~ CERTIFICATION OF A PHYSICIAN assistant for any or all of the following reasons:

(1) Failing to demonstrate the qualification for certification contained in this act or regulations of the board.

(2) Making misleading, deceptive, untrue or fraudulent representations in his serving as a ~~physician's~~ PHYSICIAN assistant; practicing fraud or deceit in obtaining a certification to serve as a ~~physician's~~ PHYSICIAN assistant; or making a false or deceptive biennial registration with the board.

(3) Conviction of a felony in this Commonwealth or any other state, territory or country. Conviction as used in this paragraph shall include a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(4) Having his certification to serve as a ~~physician's~~ PHYSICIAN assistant revoked or suspended or having other disciplinary action taken, or his application for certification re-

fused, revoked or suspended by the proper certifying authority of another state, territory or country.

(5) Being unable to serve as a ~~physician's~~ PHYSICIAN assistant with reasonable skill and safety to the physician's patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition.

(6) In enforcing clause (5), the board shall, upon probable cause, have authority to compel a ~~physician's~~ PHYSICIAN assistant to submit to a mental or physical examination by physicians designated by it. Failure of a ~~physician's~~ PHYSICIAN assistant to submit to such examination shall constitute an admission of the allegations against him unless the failure is due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A ~~physician's~~ PHYSICIAN assistant affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent assistance of a physician in the physician's practice of medicine, with reasonable skill and safety to the physician's patients.

(7) Violating a lawful regulation promulgated by the board or violating a lawful order of the board, previously entered by the board in a disciplinary proceeding.

(8) Knowingly rendering medical care and services except under the supervision and direction of the supervising physician.

(9) Being guilty of immoral or unprofessional conduct shall include any departure from, or the failure to conform to, the standards of acceptable and prevailing practice for ~~physicians'~~ PHYSICIAN assistants, in which proceeding actual injury to a patient need not be established.

(E) When the board finds that the certification of a ~~physician's~~ PHYSICIAN assistant may be refused, revoked or suspended under the terms of subsection (a), it may:

(1) Deny the application for certification.

(2) Administer a public or private reprimand.

(3) Revoke, suspend, limit, or otherwise restrict a certification as determined by the board.

(4) Require a ~~physician's~~ PHYSICIAN assistant to submit to the care, counseling, or treatment of a physician or physicians designated by the board.

(5) Suspend enforcement of its finding thereof and place him on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue, in its discretion, a certification to serve as a ~~physician's~~ PHYSICIAN assistant, and impose any disciplinary or corrective measure which it might originally have imposed.

Section 6. Nothing herein shall make illegal any type of relationship directly supervised by a physician which was proper before the enactment of this act.

Section 7. The last sentence of clause (1) of section 2, act of May 22, 1961 (P. L. 317, No. 69), known as "The Professional Nursing Law," is repealed.

Section 8 7. This act shall take effect January 1, 1978 1979.

ROLL CALL

Senate Bill 665, Printer's No. 707

MAJORITY MEMBERS

	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwinkl	absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

Senate Bill 665, Printer's No. 707

This bill proposes an amendment to an Act of July 14, 1970 (P. L. 485, No. 165) which removed the statutory limits imposed upon interest rates and interest costs to be paid on obligations issued by the State or political subdivisions for a limited time, by extending the Act thru June 30, 1980.

This bill is necessary for all the affected governmental units in order to allow them to borrow at interest rates higher than those set in the variety of statutes dating back to 1933. This statute was first enacted in 1970 and has been renewed biannually since that date. This bill would go out of effect on June 30, 1978 if not reenacted.

No money could be legally borrowed at current rates which are for the most part higher than those included in the statutes unless this bill is reenacted. This bill is especially important to the authorities and turnpike commission.

Source: Local Government Commission

Prepared by: Glenn Rosenberg
House Appropriations Committee
April 12, 1978

Printer's No. 707

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Senate Bill No. 665

Session of 1977

INTRODUCED BY EARLY, ORLANDO, STAUFFER, LEWIS
AND JUBELIRER, MARCH 30, 1977.

REFERRED TO CONSUMER AFFAIRS, MARCH 30, 1977.

An Act

amending the act of July 14, 1970 (P. L. 485, No. 165), entitled "An act removing for a limited time the statutory limits imposed upon interest rates and interest costs to be paid on obligations issued by State and local governments, authorities, agencies and instrumentalities," changing the time limit.

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

Section 1. Section 1, act of July 14, 1970 (P. L. 485, No. 165), entitled "An act removing for a limited time the statutory limits imposed upon interest rates and interest costs to be paid on obligations issued by State and local governments, authorities, agencies and instrumentalities," amended March 16, 1976 (No. 23), is amended to read:

Section 1. The limits heretofore imposed by the following statutes upon the rates of interest and interest costs permitted to be paid upon bonds, obligations and indebtedness issued by the Commonwealth or its agencies or instrumentalities or authorities, and by local political subdivisions or their agencies or authorities, are hereby removed for such bonds, obligations or indebtedness so issued during the period commencing July 1, 1970 and ending June 30, [1978] 1980:

(1.1) The act of April 18, 1913 (P. L. 96, No. 69), entitled "An act authorizing any county and city, in any county in which the county-seat is within the limits of such city, to erect a joint county and municipal building: providing for the conditions under which such building may be erected, and for the ownership thereof; providing for the selection of a site for said building, and authorizing said county and city to make a sale or exchange of properties under certain conditions for the purpose of securing such site; authorizing the acquisition of additional property for such building by purchase or condemnation; and authorizing the county to issue bonds in payment of any indebtedness incurred for its share of the cost of such building and land."

(1.2) The act of May 8, 1919 (P. L. 130, No. 96), entitled "An act authorizing any county and city in any county in which the county-seat is within the limits of such city, to erect a joint county and municipal building or buildings; providing for the conditions and agreements under which such building or buildings may be erected and occupied, and for the ownership thereof; providing for the selection of a site for said building or buildings, and authorizing said county and city to make a sale or exchange of properties under certain conditions for the purpose of securing such site; authorizing the acquisition of property for such building or buildings by purchase or condemnation; and authorizing the county to issue bonds in payment of any indebtedness incurred for its share of the cost of such building, or buildings, and land."

(1.3) The act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P. L. 1955, No. 569).

(1.4) The act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481, No. 567).

(1.5) The act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law."

(2) The act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

(2.1) The act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law."

(3) The act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law."

(4) The act of July 5, 1947 (P. L. 1217, No. 498), known as the "State Public School Building Authority Act."

(5) The act of August 14, 1951 (P. L. 1232, No. 282), entitled "An act authorizing and empowering the Pennsylvania Turnpike Commission to combine the turnpike and its extensions now constructed and to be constructed or parts thereof, for financing purposes under the provisions of this act; authorizing the issuance of turnpike revenue bonds of the Commonwealth, notes or other obligations, to pay the cost of such combined turnpike and its extensions; authorizing the commission to refund any bonds, notes or other obligations theretofore issued by the commission under the provisions of any act, including the payment of any redemption premium thereon, notwithstanding any limitations or restrictions as to time of refunding or rate of interest contained in any act heretofore approved, whether or not any of the projects in respect of which such securities being refunded were issued are combined; authorizing the commission to fix tolls from time to time for the use of the projects so combined; authorizing the commission to construct and finance as a whole or in sections; providing for preliminary or interim financing through the issuance of notes or other obligations, constituting the same legal investments in certain instances; and exempting the same from taxation; providing for bonds to be given by each appointed member of the commission and the secretary and treasurer thereof, conditioned upon the faithful performance of the duties of his office in the administration of the Pennsylvania Turnpike System; and providing for salaries for the appointed members of the commission in lieu of the salaries heretofore authorized by law."

(6) The act of September 29, 1951 (P. L. 1646, No. 433), entitled, as amended, "An act authorizing the Commonwealth to negotiate temporary emergency loans to defray current and other expenses of the State government during any fiscal period evidenced by tax anticipation notes, secured by and payable from current revenues of any current period levied, assessed, collectible and accruing during such fiscal period and the revenues of the Motor License Fund; defining the powers and duties of the Governor, the Auditor General and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation."

(6.1) The act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code."

(7) The act of July 29, 1953 (P. L. 1034, No. 270), known as the "Public Auditorium Authorities Law."

(8) The act of April 6, 1956 (P. L. 1414, No. 465), known as the "Second Class County Port Authority Act."

(9) The act of June 22, 1964 (P. L. 131, No. 8), known as the "Project 70 Land Acquisition and Borrowing Act."

(10) The act of December 6, 1967 (P. L. 678, No. 318), known as "The Pennsylvania Higher Educational Facilities Authority Act of 1967."

(11) The act of January 19, 1968 (P. L. 996, No. 443), known as "The Land and Water Conservation and Reclamation Act."

(12) The act of May 15, 1969 (P. L. 40, No. 14), known as the "Vietnam Conflict Veterans' Compensation Bond Act."

Section 2. This act shall take effect immediately.

ROLL CALL

Senate Bill 705, Printer's No. 1077

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	nay
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea

Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	absent
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	absent
Joseph Wargo	absent
Kurt Zwinkl	absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman	absent
Harry Bittle	absent
James Gallen	nay
John Hamilton	nay
H. Harrison Haskell	absent
Charles Mebus	nay
Sheldon Parker	nay
L. Eugene Smith	nay
Benjamin Wilson	yea
James Wright	nay
Eugene Geesey	nay

YEAS—11

NAYS—8

ABSENT—12

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

Senate Bill 705, Printer's No. 1077

This bill proposes to amend the State Highway Law by adding a section to allow for the Secretary of Transportation to abandon any highway route on the State highway system if the municipality wherein it is located approves the action by ordinance or resolution.

This bill would empower the PennDOT Secretary to delete roads from the highway system with only the approval of the municipality required. Currently the legislature must amend the appropriate highway bill to delete these roads.

There could be a savings of several hundred dollars of Commonwealth funds per legislative session should this bill be enacted. Several bills are introduced each year to amend the highway acts to delete roads. This would eliminate the cost of legislative consideration of the bill including printing, fiscal notes, etc.

The bill would take effect in 60 days.

Prepared by: Glenn Rosenberg
House Appropriations Committee
April 17, 1978

Prior Printer's No. 749 Printer's No. 1077
THE GENERAL ASSEMBLY OF PENNSYLVANIA

Senate Bill No. 705

Session of 1977

INTRODUCED BY LYNCH, KELLEY AND STAPLETON,
APRIL 18, 1977.

AS AMENDED ON THIRD CONSIDERATION, JUNE 14,
1977.

An Act

amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled
"An act relating to roads, streets, highways and bridges;
amending, revising, consolidating and changing the laws ad-
ministered by the Secretary of Highways and by the Depart-
ment of Highways relating thereto," providing for removal
by the secretary of routes on the State highway system.

The General Assembly of the Commonwealth of Pennsyl-
vania hereby enacts as follows:

Section 1. The act of June 1, 1945 (P. L. 1242, No. 428),
known as the "State Highway Law," is amended by adding a
section to read:

Section 222. Abandonment of Routes on State Highway
System.—The secretary may abandon any highway route on
the State highway system, or part thereof, if the municipality
wherein it is located BY ORDINANCE OR RESOLUTION ap-
proves the action and agrees to assume expense of maintenance
and improvement of the same.

Section 2. This act shall take effect in 60 days.

ROLL CALL

Senate Bill 1004, Printer's No. 1159

MAJORITY MEMBERS

MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwinkl	absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent

Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

FISCAL NOTE

Senate Bill 1004, Printer's No. 1159

This bill proposes an amendment to the Second Class County
Code in order to change the appropriations requirements for
county historical societies in those counties.

Fiscal Impact

The current code restricts payment by a county to the oldest
county historical society and limits such an appropriation to
\$4,000 annually. This bill would allow unlimited grants to any
number of county historical societies in the affected second
class counties.

As this is a may bill it is not possible to predict whether any
county would increase its support of these historical societies
due to the removal of this provision.

No additional expenditure of Commonwealth funds is in-
cluded in this bill.

Source: Pa. State Association of County Commissioners

Prepared by: Glenn R. Rosenberg
House Appropriations Committee
March 23, 1978

Printer's No. 1159

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Senate Bill No. 1004

Session of 1977

INTRODUCED BY SCHAEFER AND LEWIS, JULY 5, 1977.

REFERRED TO LOCAL GOVERNMENT, JULY 5, 1977.

An Act

amending the act of July 28, 1953 (P. L. 723, No. 230), en-
titled, as amended, "An act relating to counties of the second
class and second class A; amending, revising, consolidating
and changing the laws relating thereto," changing provisions
relating to appropriations to county historical societies.

The General Assembly of the Commonwealth of Pennsyl-
vania hereby enacts as follows:

Section 1. Section 2129, act of July 28, 1953 (P. L. 723, No.
230), known as the "Second Class County Code," amended May
29, 1968 (P. L. 133, No. 71), is amended to read:

Section 2129. Payment to Historical Societies.—The board
of commissioners may pay, out of the county funds not other-
wise appropriated, a sum of money [not exceeding four thou-
sand dollars (\$4,000)] annually to [the] county historical [socie-
ty] societies, to assist in paying the running expenses thereof.

[If there is more than one such society in the county, such pay-
ment may be made only to the oldest society.] Where any such
society is comprised of residents of more than one county, the
commissioners of said respective counties may jointly pay said
sum in such proportion as they shall agree.

No such appropriation shall be renewed until vouchers have been filed with the commissioners showing that the appropriation for any prior year has been expended for the purpose herein designated.

Section 2. This act shall take effect immediately.

ROLL CALL

House Bill 2454, Printer's No. 3188

MAJORITY MEMBERS

MR. CHAIRMAN, Max Pievsky	yea
Frank Oliver	yea
Joel Johnson, Subcommittee Chairman	yea
Amos Hutchinson, Subcommittee Chairman	yea
Bernard Dombrowski	yea
Joseph Ted Doyle	absent
Thomas Fee	absent
Helen Gillette	yea
James Goodman	yea
Ivan Itkin	yea
Joseph Kolter	yea
Martin Mullen	absent
Raphael Musto	yea
Joseph Petrarca	yea
James Prendergast	absent
Samuel Rappaport	absent
Fred Shupnik	yea
John Wansacz	yea
Joseph Wargo	yea
Kurt Zwikl	absent

MINORITY MEMBERS

Frank O'Connell, Minority Chairman	yea
Harry Bittle	absent
James Gallen	yea
John Hamilton	yea
H. Harrison Haskell	absent
Charles Mebus	yea
Sheldon Parker	yea
L. Eugene Smith	yea
Benjamin Wilson	yea
James Wright	yea
Eugene Geesey	yea

YEAS—23

NAYS—0

ABSENT—8

Signed

MAX PIEVSKY

FRANK J. O'CONNELL

Bill Analysis

House Bill 2454, Printer's No. 3188
Prime Sponsor: Representative Pievsky

This bill, a supplement to the Federal Appropriations Act, appropriates \$120,000 to the State Police for the present fiscal year and for the next fiscal year, to allow the State Police to put additional troopers on patrol during the Memorial, Independence, and Labor Day weekends.

The funds are Federal funds granted to Pennsylvania from the National Highway Traffic Safety Administration.

Prepared by:

Committee: Appropriations

Name: Richard E. Willey

Date: May 23, 1978

An Act

appropriating certain Federal augmentation moneys to the Pennsylvania State Police for two fiscal years to implement Operation C.A.R.E.

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

Section 1. The following Federal augmentation amount, or as much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania State Police for the fiscal years 1977-1978 and 1978-1979, to supplement the sum of \$29,000,000 appropriated for general government expenses:

"National Highway Traffic Safety Administration — Operation C.A.R.E." — To enable the State Police to participate in a multistate program to interstate highway patrol and enforcement committed to the goal of accident reduction during the Memorial, Independence, and Labor Day weekends . . . \$120,000

Section 2. This act shall take effect immediately and the amount appropriated therein shall be utilized during the fiscal years 1977-1978 and 1978-1979.

Mr. BENNETT, chairman of the Business and Commerce Committee, presented the following report:

May 25, 1978.

SUBJECT: Business & Commerce Committee Meeting Minutes — May 24, 1978

TO: Honorable K. Leroy Irvis, Speaker

FROM: Honorable Reid L. Bennett, Chairman
Business & Commerce Committee

The Business and Commerce Committee held a meeting on Wednesday, May 24, 1978, in Room 401, beginning at 10:30 A.M. The roll was taken by Chairman Bennett as follows:

PRESENT: Bennett, Arthurs, Laughlin, Letterman, Liven-good, McCall, Milliron, O'Keefe, Pratt, Ravenstahl, Tenaglio, Zwikl, L. E. Smith, DeVerter, Dorr, Grieco, Halverson, Scheaffer, Spencer and Taddonio.

ABSENT: Kowalyszyn, Williams and Knepper.

CONSIDERATION OF BILLS:

House Bill 2392, Printer's No. 3085 — A motion was made by Rep. Laughlin to table House Bill 2392, and seconded by Rep. Taddonio. A roll call vote was taken, and the motion failed by a vote of 2 yeas — 18 nays.

House Bills 2392 & 2393, Printer's Nos. 3085 & 3086 — These bills were considered as a package, and agreed to amendments were offered for both bills. Rep. Letterman then made the motion to release the bills as amended, and Rep. Zwikl seconded the motion. A roll call vote was taken, and the motion to release the bills as amended was passed 18 yeas - 2 nays.

House Bills 2397, 2398 & 2399, Printer's Nos. 3090, 3091 & 3092 — These three bills were considered as a package, and agreed to amendments were offered for all three bills. Rep. McCall made the motion to report the bills from Committee as amended, and Rep. Letterman seconded the motion. A roll call vote was taken, and the motion passed 19 yeas - 1 nay.

Senate Bill 984, Printer's No. 1695 — Rep. Ravenstahl made the motion to report Senate Bill 984 as committed, and Rep. Livengood seconded the motion. A roll call vote was taken and the motion passed by a vote of 16 yeas - 4 nays.

House Bill 1335, Printer's No. 1572 — This bill was scheduled for consideration by the full Committee; however, the Chairman decided to wait until Tuesday, May 30, 1978, to consider this bill so that the Housing Sub-Committee, to which the bill had been referred, would have additional time to prepare the bill for the full Committee membership.

ADJOURNMENT:

Having no further business, Rep. O'Keefe made the motion to adjourn the meeting, and Rep. Zwinkl seconded the motion. The meeting was adjourned at 2:00 P.M.

Attendance Report

May 24, 1978.

MAJORITY MEMBERS

	Present	Absent
MR. CHAIRMAN, Reid L. Bennett	X	
Jack R. Arthurs	X	
Russell Kowalyszyn		X
Charles Laughlin	X	
Russell Letterman	X	
Henry Livengood	X	
Thomas McCall	X	
John Milliron	X	
Peter O'Keefe	X	
Ralph Pratt	X	
Robert Ravenstahl	X	
Francis Tenaglio	X	
Hardy Williams		X
Kurt Zwinkl	X	

MINORITY MEMBERS

L. Eugene Smith	X	
Walter DeVerter	X	
Donald Dorr	X	
Joseph Grieco	X	
Kenneth Halverson	X	
James Knepper		X
John E. Scheaffer	X	
Warren Spencer	X	
Lee C. Taddonio	X	

Signed

ROBERT P. RAVENSTAHL

Secretary

ROLL CALL

House Bill 2392, Printer's No. 3085

MAJORITY MEMBERS

	VOTE
MR. CHAIRMAN, Reid L. Bennett	nay
Jack R. Arthurs	nay
Charles Laughlin	yea
Russell Letterman	nay
Henry Livengood	nay
Thomas McCall	nay

John Milliron	nay
Peter O'Keefe	nay
Ralph Pratt	nay
Robert Ravenstahl	nay
Francis Tenaglio	nay
Kurt Zwinkl	nay

MINORITY MEMBERS

L. Eugene Smith	nay
Walter DeVerter	nay
Donald Dorr	nay
Joseph Grieco	nay
Kenneth Halverson	nay
John E. Scheaffer	nay
Warren Spencer	nay
Lee C. Taddonio	yea

YEAS—2

NAYS—18

NOT VOTING—0

Signed

ROBERT P. RAVENSTAHL

Secretary

ROLL CALL

House Bills 2392 & 2393, Printer's Nos. 3085 & 3086

MAJORITY MEMBERS

	VOTE
MR. CHAIRMAN, Reid L. Bennett	yea
Jack R. Arthurs	yea
Charles Laughlin	nay
Russell Letterman	yea
Henry Livengood	yea
Thomas McCall	yea
John Milliron	yea
Peter O'Keefe	yea
Ralph Pratt	yea
Robert Ravenstahl	yea
Francis Tenaglio	yea
Kurt Zwinkl	yea

MINORITY MEMBERS

L. Eugene Smith	yea
Walter DeVerter	yea
Donald Dorr	yea
Joseph Grieco	yea
Kenneth Halverson	yea
John E. Scheaffer	yea
Warren Spencer	yea
Lee C. Taddonio	nay

YEAS—18

NAYS—2

NOT VOTING—0

Signed

ROBERT P. RAVENSTAHL

Secretary

AMENDMENTS TO HOUSE BILL NO. 2392

Printer's No. 3085

Amend Sec. 1 (Sec. 915), page 3, line 28, by removing the comma after "statute" and inserting : Provided, That any applicant to whom a variable interest rate mortgage is offered is also offered a direct reduction loan at reasonably competitive terms and rate, and that any association offering variable interest rate loans which ceases to offer such loans shall be prohibited from again offering variable interest rate loans for a period of seven years from the date of making its last variable interest rate loan.

Amend Sec. 1 (Sec. 915), page 5, line 23, by striking out "reductive" and inserting reduction

AMENDMENTS TO HOUSE BILL NO. 2393

Printer's No. 3086

Amend Sec. 2 (Sec. 301), page 3, line 24 by striking out "valid" and inserting lawful

Amend Sec. 2 (Sec. 301), page 4, line 15 by inserting a period after "loan"

Amend Sec. 2 (Sec. 301), page 4, lines 15 through 18 by striking out "or when the variance between the" in line 15 and all of lines 16 through 18

Amend Sec. 2 (Sec. 301), page 4, line 19 by inserting after "paragraphs" (3),

Amend Sec. 2 (Sec. 301), page 4, lines 21 through 24 by striking out "variance between the" in line 21, and all of lines 22 through 24 and inserting difference between the present index rate and present mortgage rate varies not less than one-fourth of a percentage point from the difference between the index and mortgage rates at the date of the first contracted loan repayment.

Amend Sec. 2 (Sec. 301), page 5, by inserting between lines 2 and 3

(8) When a change in the interest rate is required or permitted by a movement in the prescribed index, the lender shall give notice to the borrower by mail, addressed to the borrower's last known post office address, not less than thirty days prior to any change in interest rate, which notice shall clearly and concisely disclose:

(i) the effective date of the interest rate change;

(ii) the interest rate change, and if an increase, the extent to which the increased rate will exceed the rate in effect immediately before the increase;

(iii) the changes in the index which caused the interest rate change;

(iv) the amount of the borrower's contractual monthly principal and interest payments before and after the effective date of the change in the interest rate, any change in the term of the mortgage and any option that the mortgage debtor may have to extend or reduce the mortgage term and retain constant periodic payments.

(9) A statement attached to the mortgage and to any evidence of debt issued in connection therewith printed or written in a size equal to at least 10-point bold type, consisting of the following language:

NOTICE TO BORROWER: THIS DOCUMENT CONTAINS PROVISIONS FOR A VARIABLE INTEREST RATE.

(10) No residential mortgage lender may take a residential mortgage providing for a variable interest rate unless it has clearly and conspicuously disclosed to the mortgage debtor in the mortgage application:

(i) That the mortgage rate is subject to change in the future.

(ii) An explanation of the effect of changes in the index on the rate and term of the mortgage.

(iii) An explanation of the index.

(iv) A statement in 10-point bold type containing the following language:

IF THE MORTGAGE LENDER OFFERS TO GIVE YOU A MORTGAGE WITH A VARIABLE INTEREST RATE, YOU ARE ENTITLED BY LAW TO ALSO BE OFFERED A MORTGAGE WITH AN INTEREST RATE WHICH WILL NOT CHANGE. BY LAW, THIS FIXED INTEREST RATE MORTGAGE MUST BE OFFERED TO YOU AT REASONABLY COMPETITIVE TERMS AND RATE.

(11) The Secretary of Banking may by regulation prescribe language and forms which shall be deemed to comply with these disclosure requirements with the exception of the language contained in subsection e(9) and 10(iv).

ROLL CALL

House Bills 2397, 2398 & 2399,
Printer's Nos. 3090, 3091 & 3092

MAJORITY MEMBERS

MR. CHAIRMAN, Reid L. Bennett

Jack R. Arthurs

Charles Laughlin

Russell Letterman

Henry Livengood

Thomas McCall

John Milliron

Peter O'Keefe

Ralph Pratt

Robert Ravenstahl

Francis Tenaglio

Kurt Zwickl

MINORITY MEMBERS

L. Eugene Smith

Walter DeVerter

Donald Dorr

Joseph Grieco

Kenneth Halverson

John E. Scheaffer

Warren Spencer

Lee C. Taddonio

VOTE

yea

yea

yea

yea

yea

yea

yea

yea

yea

yea

yea

yea

yea

yea

nay

yea

yea

yea

yea

yea

YEAS—19

NAYS—1

NOT VOTING—0

Signed

ROBERT P. RAVENSTAHL

Secretary

AMENDMENTS TO HOUSE BILL NO. 2397

Printer's No. 3090

Amend Sec. 3, page 2, line 23, by striking out "in 60 days" and inserting immediately

AMENDMENTS TO HOUSE BILL NO. 2398

Printer's No. 3091

Amend Sec. 8, page 7, line 25, by striking out "in 60 days" and inserting immediately

AMENDMENTS TO HOUSE BILL NO. 2399

Printer's No. 3092

Amend Sec. 3, page 2, line 21, by striking out "in 60 days" and inserting immediately

ROLL CALL

Senate Bill 984, Printer's No. 1695

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Reid L. Bennett	yea
Jack R. Arthurs	yea
Charles Laughlin	yea
Russell Letterman	yea
Henry Livengood	yea
Thomas McCall	yea
John Milliron	nay
Peter O'Keefe	nay
Ralph Pratt	yea
Robert Ravenstahl	yea
Francis Tenaglio	yea
Kurt Zwinkl	yea
MINORITY MEMBERS	
L. Eugene Smith	yea
Walter DeVerter	yea
Donald Dorr	nay
Joseph Grieco	yea
Kenneth Halverson	yea
John E. Scheaffer	nay
Warren Spencer	yea
Lee C. Taddonio	yea

YEAS—16

NAYS—4

NOT VOTING—0

Signed

ROBERT P. RAVENSTAHL

Secretary

Mr. FEE, chairman of the Conservation Committee, presented the following report:

CONSERVATION COMMITTEE

The Conservation Committee held no meetings or other activities during the period March 14, 1978 through April 11, 1978.

CONSERVATION COMMITTEE

The Conservation Committee met in the Majority Caucus

Room at 1:00 P.M. on May 30, 1978. Absent were Reps. Logue, Kernick, Ravenstahl, Stewart, and Dietz.

Senate Bill 744 and House Bill 1362 were reported from committee. House Bill 1880 was reported from committee as amended. A motion was made by Rep. Bittinger, second by Rep. Hoeffel, to report Senate Bill 743 out of committee. Prior to roll call on this particular motion, Rep. Arthurs made a motion to amend the previous motion to report Senate Bill 743 out of committee. Rep. Arthurs's motion was seconded by Rep. Zord. Roll call was then taken on this amendment and the amendment carried. Senate Bill 743 was not reported out of committee.

All reports are attached.

The Conservation Committee held no other meetings or activities during the period May 23 through May 31, 1978.

Attendance Report

May 30, 1978.

MAJORITY MEMBERS	Present	Absent
MR. CHAIRMAN, Thomas J. Fee	X	
Charles Logue, Vice Chairman		X
Jack Arthurs	X	
Adam Bittinger	X	
William DeWeese	X	
Joseph Hoefel	X	
Phyllis Kernick		X
Russell Letterman	X	
Robert Ravenstahl		X
William Stewart		X
Ted Stuban	X	
Fred Taylor	X	
A. J. Valicenti	X	
Helen Wise	X	
MINORITY MEMBERS		
Joseph Zord, Minority Chairman	X	
Harry Bittle	X	
James Burd	X	
Ronald Goebel	X	
Joseph Manmiller	X	
Clarence Dietz		X
Joseph Pitts	X	
Anthony Scirica	X	
Noah Wenger	X	

Signed

H. WILLIAM DeWEESE

Secretary

ROLL CALL

House Bill 1880

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Thomas J. Fee	yea
Charles Logue, Vice Chairman	absent
Jack Arthurs	yea
Adam Bittinger	yea
William DeWeese	yea
Joseph Hoefel	yea

Phyllis Kernick	absent	YEAS—13	
Russell Letterman		NAYS—0	
Robert Ravenstahl	absent	NOT VOTING—2	
William Stewart	absent	Figures above are in error. Vote was 14—0. Reps. Arthurs	
Ted Stuban	yea	and Taylor abstained. Motion was made by Rep. Zord, not Rep.	
Fred Taylor	yea	Fee.	
A. J. Valicenti		Signed	
Helen Wise	yea	H. W. DeWEESE	
MINORITY MEMBERS		Secretary	
Joseph Zord, Minority Chairman	nay	ROLL CALL	
Harry Bittle		Senate Bill 743	
James Burd	yea	MAJORITY MEMBERS	VOTE
Ronald Goebel	yea	MR. CHAIRMAN, Thomas J. Fee	nay
Joseph Manmiller		Charles Logue, Vice Chairman	absent
Clarence Dietz	absent	Jack Arthurs	yea
Joseph Pitts	nay	Adam Bittinger	nay
Anthony Scirica		William DeWeese	nay
Noah Wenger	yea	Joseph Hoefel	nay
YEAS—9		Phillis Kernick	absent
NAYS—2		Russell Letterman	yea
Figures reported above are in error. Should be 11 yeas and 9		Robert Ravenstahl	absent
nays.		William Stewart	absent
Signed		Ted Stuban	nay
H. W. DeWEESE		Fred Taylor	
Secretary		A. J. Valicenti	nay
ROLL CALL		Helen Wise	nay
House Bill 1362		MINORITY MEMBERS	
MAJORITY MEMBERS	VOTE	Joseph Zord, Minority Chairman	yea
MR. CHAIRMAN, Thomas J. Fee	yea	Harry Bittle	yea
Charles Logue, Vice Chairman	absent	James Burd	yea
Jack Arthurs		Ronald Goebel	
Adam Bittinger	yea	Joseph Manmiller	yea
William DeWeese	yea	Clarence Dietz	absent
Joseph Hoefel	yea	Joseph Pitts	yea
Phillis Kernick	absent	Anthony Scirica	
Russell Letterman		Noah Wenger	yea
Robert Ravenstahl	absent	YEAS—8	
William Stewart	absent	NAYS—7	
Ted Stuban	yea	Signed	
Fred Taylor	yea	H. William DeWEESE	
A. J. Valicenti		Secretary	
Helen Wise	yea	Motion by Rep. Arthurs, second by Rep. Zord, that original	
MINORITY MEMBERS		motion be amended that before bill is released to the floor of	
Joseph Zord, Minority Chairman	yea	the House, the committee sit and consider all amendments that	
Harry Bittle	yea	have been proposed before we take a final vote for release to	
James Burd	yea	the floor of the House.	
Ronald Goebel	yea	ROLL CALL	
Joseph Manmiller	yea	Senate Bill 744	
Clarence Dietz	absent	MAJORITY MEMBERS	VOTE
Joseph Pitts	yea	MR. CHAIRMAN, Thomas J. Fee	yea
Anthony Scirica		Charles Logue, Vice Chairman	absent
Noah Wenger	yea		

Jack Arthurs	yea
Adam Bittinger	yea
William DeWeese	yea
Joseph Hoefel	yea
Phyllis Kernick	absent
Russell Letterman	yea
Robert Ravenstahl	absent
William Stewart	absent
Ted Stuban	yea
Fred Taylor	yea
A. J. Valicenti	yea
Helen Wise	yea
MINORITY MEMBERS	
Joseph Zord, Minority Chairman	nay
Harry Bittle	nay
James Burd	nay
Ronald Goebel	yea
Joseph Manmiller	nay
Clarence Dietz	absent
Joseph Pitts	nay
Anthony Scirica	
Noah Wenger	nay

YEAS—11

NAYS—6

Signed

H. William DeWEESE

Secretary

Mr. GALLAGHER, chairman of the Education Committee, presented the following report:

May 31, 1978.

SUBJECT: House Education Committee Meetings

TO: Hon. K. Leroy Irvis, Speaker

FROM: James J. A. Gallagher, Chairman
Education Committee

The Education committee held a meeting on Wednesday, May 24, at 10:10 a.m. in Room 252. Copies of the attendance sheet and minutes of that meeting are attached.

The Education Committee also held a meeting on Thursday, May 25, at 1:10 p.m. in Room 401. Copies of the attendance sheet and minutes of that meeting are attached.

MINUTES OF THE EDUCATION COMMITTEE MEETING

Wednesday, May 24, 1978.

The meeting was called to order at 10:10 a.m. in Room 252 by Chairman James J. A. Gallagher. A copy of the attendance sheet is attached.

Chairman Gallagher reminded the members of the meeting on Thursday, May 25 at which time there will be consideration of the Master Plan for Higher Education.

Bills on the agenda for consideration were:

S. B. 843 PR 1139—Provides for districts to take a nose count at the start of the school year to determine which students will be using free bus transportation and those who plan

to provide their own two-way transportation for the school year. Those who opt for their own means of getting to and from would be relegated to that status for the entire year—unless granted a change by the superintendent.

Mr. Burns raised the problem of students who initially elect to provide their own transit—until the first snow falls or the car won't start.

On the motion of Mrs. Wise, seconded by Mr. Burns, the bill was reported to the Floor by unanimous voice vote.

* * *

H. B. 1978 PR 2453—Mr. Schweder, the prime sponsor, pointed out that a similar provision for the Teacher Retirement Code had been considered at the time of recodification—and prior to that—but was never adopted. The bill allows the buy-back for retirement purposes of non-public school service provided the individual had been qualified for a provisional or permanent public school certification at the time the service was rendered. There would be a limitation of five-years of such non-public service. As with other non-credible service, the individual would have to pay his share and the State share.

On the motion of Mr. Schweder, seconded by Mr. Lincoln, the bill was reported by unanimous voice vote.

* * *

H. B. 1127 PR 1333—Allows teacher retirees eligible for disability pension can select one of the four options available to non-disability annuitants for the receipt of his pension. The bill would have very limited application among members of the retirement system and the fiscal impact would depend upon those who might avail themselves. Actuarial data would be the same as non-disability.

On the motion of Mrs. Wise, seconded by Mr. Milanovich, the vote to report the measure was 8 to 6—less than the required 10 votes for reporting.

* * *

H. B. 2199 PR 2806—Provides for a cost of living increase to members of the Public School Retirement System, with the largest percentage of increase going to those who have been retired the longest. The increase also is tied to the Urban Consumer Price Index of U. S. Labor Department with each percentage of increase factor comparable to two-thirds in that Index since June, 1973.

On the motion of Mr. Lincoln, seconded by Mr. Milanovich, the bill was reported by unanimous voice vote.

* * *

H. B. 1807 PR 2205—Permits a teacher retiree who went out with disability and had 30 or more years of service to the actuarial determination for his pension based upon data applicable to non-disability annuitants. Bill is said to affect less than a dozen persons in the system. Is problematical how many of these would take advantage of these provisions.

On the motion of Mr. Lincoln, seconded by Mrs. Wise, the bill was reported by unanimous voice vote.

On the motion of Mr. Lincoln, seconded by Mrs. Wise, the bill was reported by unanimous voice vote.

* * *

H. B. 1634 PR 1982—Provides for reimbursement to non-public schools to cover the costs of their fuel and utility ex-

penses. Would be based on the per-pupil cost of these expenses for the public schools during the base year of 1976-77. Preliminary estimates indicate the per-student cost in public schools is \$60. Since there are over 400,000 non public students in the State, the fiscal impact would be in excess of \$25 million.

Bill creates a Non-Public Schools Utility Expense Fund which would be funded through the Cigarette Tax. It was estimated that the fund would require about 10% of that tax.

Mr. Davies questioned the constitutionality of the bill in that there would be no handle on the actual usage of the facilities for which fuel and utilities are being reimbursed. They could be used for secular purposes.

Mr. Freind said he felt the bill was constitutional on much the same grounds that are applicable to the funding of transportation for non-public students.

Mr. Milanovich said he would like to see some alternate mechanism for funding non-public programs. He noted that the Cigarette Tax fund will be further depleted by the proposed Cancer projects of the Health Department.

On the motion of Mr. Schweder, seconded by Mr. Lincoln, the bill was reported by a vote of 13-2.

* * *

H. B. 1225 PR 1447

H. B. 1226 PR 1448—These companion bills were considered in tandem. Several apprehensions concerning the designation of "medically deprived" areas were expressed by the Committee.

Mr. Noye observed that in his district there were a sufficient number of doctors to prevent the area from being declared medically deprived. But most of the doctors in the area are past retirement age and anxious to do so. It has been extremely difficult to find replacements, however.

Mr. Lincoln proposed that the bills be referred to the Basic Education Subcommittee for the purpose of conducting public hearings. It was suggested too that the Health & Welfare Committee be consulted in connection with the hearings.

Mr. Milanovich moved to report the bills in order to determine if there was sufficient sentiment on the Committee. On a second by Mr. Lincoln, the vote was 1-11 to report.

Mr. Noye then moved to refer the bills to the Basic Education Subcommittee for the purposes of public hearings. With a second by Mr. Lincoln, the vote was by unanimous voice.

There was a general consensus that House members from the rural areas be contacted in conjunction with the hearings in order to get their sentiments—or witnesses from those areas. Mrs. Wise also urged that somebody from the Penn State Medical School at Hershey be contacted as a possible witness.

There being no further business to come before the Committee, the meeting was adjourned at 11:15 a.m.

Respectfully submitted,
FRED R. MILANOVICH,
Secretary

PHILIP M. MURPHY
for Dr. Pancoast

Attendance Report

May 24, 1978.

MEMBER	Present	Absent
Gallagher	X	
Pancoast	X	
Lincoln	X	
O'Donnell		X
Burns	X	
Cohen	X	
Cowell	X	
Davies	X	
DiCarlo	X	
Fischer		X
Freind	X	
Garzia	X	
Hutchinson		X
McLane	X	
Milanovich	X	
Miller		X
Noye	X	
Rhodes		X
Richardson		X
Schweder	X	
Taylor	X	
Wiggins		X
Wise	X	

ROLL CALL

House Bill 1127

MEMBER	VOTE
Gallagher	yea
Pancoast	nv
Lincoln	nay
O'Donnell	absent
Burns	yea
Cohen	nay
Cowell	nay
Davies	yea
DiCarlo	yea
Fischer	absent
Freind	nv
Garzia	nay
Hutchinson	absent
McLane	yea
Milanovich	yea
Miller	absent
Noye	nay
Rhodes	absent
Richardson	absent
Schweder	yea
Taylor	nay
Wiggins	absent
Wise	yea

YEAS—8
NAYS—6
NOT VOTING—9

ROLL CALL

House Bill 1634

MEMBER	VOTE
Gallagher	yea
Pancoast	absent
Lincoln	yea
O'Donnell	absent
Burns	yea
Cohen	yea
Cowell	yea
Davies	nay
DiCarlo	yea
Fischer	absent
Freind	yea
Garzia	yea
Hutchinson	absent
McLane	yea
Milanovich	yea
Miller	absent
Noye	yea
Rhodes	absent
Richardson	absent
Schweder	yea
Taylor	yea
Wiggins	absent
Wise	nay

YEAS—13
NAYS—2
NOT VOTING—8

ROLL CALL

House Bills 1225-1226

MEMBER	VOTE
Gallagher	nv
Pancoast	nv
Lincoln	nay
O'Donnell	absent
Burns	nv
Cohen	nay
Cowell	nay
Davies	nay
DiCarlo	nay
Fischer	absent
Freind	nv
Garzia	nay
Hutchinson	absent
McLane	nay
Milanovich	nay
Miller	absent
Noye	nay
Rhodes	absent
Richardson	absent

Schweder	nay
Taylor	nay
Wiggins	absent
Wise	yea

YEAS—1
NAYS—11
NOT VOTING—11

ROLL CALL

Senate Bill 843

Passed—Unan. Voice

ROLL CALL

House Bill 1978

Passed—Unan. Voice

ROLL CALL

House Bill 2199

Passed—Unan. Voice

ROLL CALL

House Bill 1807

Passed—Unan. Voice

EDUCATION COMMITTEE MEETING

Wednesday, May 24, 1978.

Member	District	Per Diem	Mileage
Ed Burns	18th	44 ⁰⁰	240
J. Michael Schweder	135th	44 ⁰⁰	180
James J. A. Gallagher	141st	44 ⁰⁰	240
Dave DiCarlo	3rd	44 ⁰⁰	—
Helen D. Wise	77th	44 ⁰⁰	—
John Davies	129th	44 ⁰⁰	120
Fred C. Noye	86th	44 ⁰⁰	56
Fred Milanovich	15th	44 ⁰⁰	—
Elinor Z. Taylor	156th	44 ⁰⁰	164
J. William Lincoln	52nd	44 ⁰⁰	—
Ronald R. Cowell	34th	44 ⁰⁰	—
William J. McLane	112th	44 ⁰⁰	260
David Richardson	63rd	44 ⁰⁰	—
Stephen R. Freind	166th	44 ⁰⁰	220
Mark B. Cohen	202nd	44 ⁰⁰	—

MINUTES OF THE EDUCATION COMMITTEE MEETING

Thursday, May 25, 1978.

The meeting was called to order by Chairman James J. A. Gallagher at 1:10 p.m. in Room 401. A copy of the attendance sheet is attached.

Purpose of the meeting was to receive a preview and to permit Committee members the opportunity to comment and question the proposed Master Plan for Higher Education.

Representing the Department of Education at the meeting was Secretary Caryl M. Kline; Higher Education Commissioner

Edward C. McGuire; Assistant Commissioner Harold Wisor; and Planning Coordinator James Spang.

The State Board of Education was represented by William H. Rea and Arthur B. Sinkler, of the Council on Higher Education. Mr. Rea was the original Chairman of the Board's master planning group—known as the 1202 Commission. Mr. Sinkler is the current Chairman.

Also on hand were Darrell Holmes, President of East Stroudsburg State College and President of the Pennsylvania Association of Colleges and Universities; and James Ream, Executive Director of PACU.

Secretary Kline outlined the history of the long range planning initiative which began with Congressional Acts 1202 and 1203 which were amendments to the Education Bill of 1965. This legislation provided funding for the States to undertake long range planning in higher education.

She said Pennsylvania has moved ahead more rapidly than most other states in developing its Master Plan.

Commissioner McGuire said all of the effort thus far has been performed with Federal moneys—not a nickel in State funding. He said the college community has contributed extensively toward the Master Plan with over 250 volunteers involved.

Mr. Sinkler provided a brief slide presentation dealing with the development and progress of the Plan, indicating the six major areas of Task Force concentration—including higher education needs, programs and services, delivery, financing among others.

The Council of Higher Education will announce its intent to adopt the Master Plan during the July 14-15 meeting of the State Board. The Plan will then be submitted to public meetings for commentary and suggestions.

Mr. Sinkler said he hopes to have the Plan adopted by September, 1978.

He commented that two major considerations in the plan deal with demographics and economics. It emphasizes the theme of regionalization. There are 25 major recommendations—many of them entailing Legislative action. He said the Council is anxious to obtain input on these areas.

Among the significant elements of legislative action are a new form of control for State Institutions. State officials, by their position, are officers of the State-owned colleges and at the same time regulate many others.

He stressed the need for PHEAA funding for part-time students and said the oft-considered but never adopted concept of formula funding would have to be examined again.

Chairman Gallagher said the Committee and its staff would be available to assist in preparing legislation necessary to the implementation of the Master Plan.

There followed a series of questions and answers:

Mr. Garzia—Why the need for grants to part-time students?

There number is growing and generally they require a job to support themselves, thus restricting full matriculation. Mostly young marrieds.

Mr. Burns—Would the Master Plan generate competition for potential Community College students?

Plans for two-year associate degree programs would be in areas unserved by Community Colleges.

Mr. McLane—How are funding mechanisms developed for State colleges?

(Mr. McGuire) Pay all of the fixed expenses—which covers 85% of the funding. The remainder is available for discretionary programming. Said he would furnish Mr. McLane a copy of the Work Sheets on funding procedures for all the State colleges.

Mr. Schweder—Why not close PSU branch campus at Allentown as recommended by Governor's Task Force?

(Rea) Have had a running battle with PSU on question of branches. Is currently a moratorium on new branch campuses, but State Board has no authority to close those in existence.

Mr. Schweder—How do we stop the proliferation of programs among State and private institutions in same areas?

(Wisor) With regional operation now, these problems arise for a vote at that level. This would tend to eliminate future problems but doesn't correct those in existence. The question concerning duplication of programs is whether or not they are serving a useful purpose.

Mr. Schweder—As far as costs are concerned, we appear to be driving a wedge between the public and private institutions. Would it not be better to allocate all funds to PHEAA and let the students choose?

(McGuire) There appears to be as many who would favor putting all available funds into the public sector and thus provide a reasonably inexpensive education for all.

Mr. Davies—Is there any consideration of bringing the employer into the funding system to let him pick up part of the tab for his employee?

(McGuire) Department already is into this prospect acting as something of a broker between industries and colleges.

There being no further business to come before the Committee, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,
FRED R. MILANOVICH,
Secretary

PHILIP M. MURPHY,
for Dr. Pancoast

Attendance Report

May 25, 1978.

MEMBER	Present	Absent
Gallagher	X	
Pancoast	X	
Lincoln	X	
O'Donnell		X
Burns	X	
Cohen	X	
Cowell		X
Davies	X	
DiCarlo	X	
Fischer		X
Freind	X	
Garzia	X	
Hutchinson		X

Attendance Report			
May 23, 1978.			
		MEMBER	Present Absent
McLane	X	MR. CHAIRMAN, John L. Brunner	X
Milanovich		Vice Chairman	
Miller	X	Matthew Cianciulli	X
Noye	X	Roger Duffy	X
Rhodes	X	Ralph Garzia	X
Richardson	X	Joseph Rhodes	X
Schweder	X	Robert O'Donnell	X
Taylor	X	Margaret George	X
Wiggins	X	Frank Melusky	X
Wise	X	Agnes Scanlon	X

No votes taken. Meeting was to provide an update and progress report on the Master Plan for Higher Education.

EDUCATION COMMITTEE MEETING

Thursday, May 25, 1978.

Member	District	Per Diem	Mileage
Fred Noye	86th	44 ⁰⁰	56
Ed Burns	18th	44 ⁰⁰	240
William J. McLane	112th	44 ⁰⁰	—
J. Michael Schweder	135th	44 ⁰⁰	—
Ralph A. Garzia	160th	44 ⁰⁰	210
J. Davies	129th	44 ⁰⁰	120
Mark B. Cohen	202nd	44 ⁰⁰	—
G. S. Pancoast	147th	—	—
Stephen R. Freind	166th	44 ⁰⁰	220
Elinor Z. Taylor	156th	—	—
J. William Lincoln	52nd	44 ⁰⁰	—
David DiCarlo	3rd	44 ⁰⁰	—
James J. A. Gallagher	141st	—	—

Mr. RITTER, chairman of the Federal-State Relations Committee, presented the following report:

May 31, 1978.

Mr. Speaker:

The Committee on Federal-State Relations did not meet during the week of May 22nd.

Respectfully submitted,

JAMES P. RITTER,
Chairman

Mr. BRUNNER, chairman of the Finance Committee, presented the following report:

April 13, 1978.

SUBJECT: Finance Committee Meetings

TO: Office of the Speaker

FROM: John L. Brunner, Chairman
House Finance Committee

This is to advise the Finance Committee did not meet during the week of December 5, 1977—nor did the Committee meet the week of January 30, 1978.

Attendance Report			
May 23, 1978.			
		MEMBER	Present Absent
		MR. CHAIRMAN, John L. Brunner	X
		Vice Chairman	
		Matthew Cianciulli	X
		Roger Duffy	X
		Ralph Garzia	X
		Joseph Rhodes	X
		Robert O'Donnell	X
		Margaret George	X
		Frank Melusky	X
		Agnes Scanlon	X
		David Wright	X
		Hardy Williams	X
		Robert Bellomini	X
		Robert Geisler	X
		Goerge Pott	X
		Charles Mebus	X
		G. Sieber Pancoast	X
		Herbert Zearfoss	X
		William Yohn	X
		Marvin Weidner	X
		Nicholas Moehlmann	X
		Peter Vroon	X
		H. Harrison Haskell	X

JOHN L. BRUNNER,
Chairman

ROLL CALL

House Bill 2292, Printer's No. 2918

MEMBER	VOTE
MR. CHAIRMAN, Brunner	yea
Cianciulli	yea
Duffy	yea
Garzia	yea
Rhodes	nay
O'Donnell	yea
George	yea
Melusky	yea
Scanlon	yea
Wright	yea
Williams	absent
Bellomini	nv
Geisler	nv
Mebus	yea
Pancoast	yea
Zearfoss	nay
Yohn	yea
Weidner	yea
Moehlmann	nay
Vroon	nay
Pott	yea

Haskell

absent

JOHN L. BRUNNER,
Chairman

ROLL CALL

Senate Bill 74, Printer's No. 1694

MEMBER

MR. CHAIRMAN, Brunner

Cianciulli

Duffy

Garzia

Rhodes

O'Donnell

George

Melusky

Scanlon

Wright

Williams

Bellomini

Geisler

Mebus

Pancoast

Zearfoss

Yohn

Weidner

Moehlmann

Vroon

Pott

Haskell

VOTE

yea

yea

yea

yea

nay

yea

nay

yea

yea

yea

yea

yea

nay

nay

nay

yea

nay

nay

nay

nay

Mr. RENWICK, chairman of the Game and Fisheries Committee, presented the following report:

SUBJECT: Meetings

TO: Honorable K. Leroy Irvis
SpeakerFROM: William F. Renwick, Chairman
Committee on Game & Fisheries

The Committee on Game & Fisheries did not hold any meetings the week of May 22, 1978.

Mrs. KELLY, chairman of the Health and Welfare Committee, presented the following report:

May 31, 1978.

SUBJECT: Weekly Committee Meeting Report

TO: The Speaker of the House of Representatives

FROM: Anita P. Kelly, Chairman
Committee of Health and Welfare

During the week of May 22, 1978, there were no meetings of the Committee on Health and Welfare.

ANITA P. KELLY
Chairman
Committee on Health and Welfare

Mr. KOWALYSHYN, chairman of the Insurance Committee, presented the following report:

SUBJECT: Insurance Committee Meeting

TO: Insurance Committee Members

FROM: Russell Kowalyshyn, Chairman

Please let it be advised that there were no meetings of the House Insurance Committee during the week of January 30, 1978.

SUBJECT: Insurance Committee Meeting

TO: Insurance Committee Members

FROM: Russell Kowalyshyn, Chairman

Please let it be advised that there were no meetings of the House Insurance Committee during the week of February 6, 1978.

SUBJECT: Insurance Committee Meeting

TO: Committee Members

FROM: Russell Kowalyshyn, Chairman

Please be advised that there were no meetings of the House Insurance Committee during the week of April 3, 1978.

Mr. BERSON, chairman of the Judiciary Committee, presented the following report:

March 14, 1978.

SUBJECT: Committee Meeting

TO: Office of the Speaker

FROM: Norman S. Berson, Chairman
Judiciary Committee

A meeting of the Judiciary Committee was held on Monday, March 13, 1978 in the Majority Caucus Room at 11:00A.M.

The following bills were reported out:

House Bill 754 — As amended.

House Bill 1485 — As amended.

House Bill 1661 — As amended.

House Bill 1892 — As amended.

House Bill 1913 — As amended.

Senate Bill 189 — As amended.

Senate Bill 190 — As committed.

Senate Bill 192 — As committed.

Senate Bill 193 — As committed.

Senate Bill 197 — As amended.

Senate Bill 648 — As committed.

Senate Bill 1114 — As committed.

Senate Bill 1118 — As committed.

Senate Bill 1122 — As committed

House Bill 904 — As amended.

Senate Bill 1233 — As amended.

Mr. BARBER, chairman of the Liquor Control Committee, presented the following report:

April 3, 1978.

The Honorable K. Leroy Irvis
Speaker
Room 139
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Lee:

The Liquor Control Committee met on Tuesday, March 28, 1978 in Room 401.

There was no business attended to due to the lack of a quorum.

Sincerely,

JAMES D. BARBER,
Chairman
Liquor Control Committee

April 10, 1978.

Honorable K. Leroy Irvis
Speaker
Room 139
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Lee:

The Liquor Control Committee held no meetings during the week of April 3, 1978.

Thank you.

Sincerely,

JAMES D. BARBER,
Chairman
Liquor Control Committee

April 18, 1978.

The Honorable K. Leroy Irvis
Speaker
Room 139
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Lee:

During the week of April 10, 1978, the Liquor Control Committee held a public hearing in Erie, Pennsylvania on April 14, 1978.

Thank you.

Sincerely

JAMES D. BARBER,
Chairman
House Liquor Control Committee

Mr. FRYER, chairman of the Local Government Committee,

presented the following report:

May 31, 1978.

SUBJECT: Local Government Committee Meetings
TO: Honorable K. Leroy Irvis, Speaker
FROM: Honorable Lester K. Fryer, Chairman
Room 149-A ext. 3-8683

Attached hereto are the attendance and roll call forms for a meeting of the Local Government Committee meeting held on the date of May 24, 1978, at 10 A.M., in Room 328.

This was the only meeting of the Local Government Committee during the week of May 22, 1978.

Attendance Report

May 24, 1978, Room 328.

MAJORITY MEMBERS	Present	Absent
MR. CHAIRMAN, Lester K. Fryer	X	
Donald Abraham	X	
Kenneth Cole	X	
A. J. DeMedio	X	
Ronald Gamble	X	
Ralph Garzia	X	
Margaret George	X	
Henry Livengood	X	
Charles Logue	X	
Frank Meluskey	X	
Samuel Morris	X	
Philip Ruggiero	X	
Fred Trello	X	
Joseph Zeller	X	
MINORITY MEMBERS		
Marvin Weidner, Minority Chairman	X	
Kenneth Brandt	X	
A. C. Foster	X	
Joseph Levi	X	
William Mackowski	X	
John Scheaffer		X
Carmel Sirianni	X	
Gerald Spitz	X	
Paul Wass	X	

Signed
FRED A. TRELLO
Secretary

ROLL CALL

House Bill 1764

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Lester K. Fryer	nay
Donald Abraham	yea
Kenneth Cole	nay
A. J. DeMedio	yea
Ronald Gamble	yea
Ralph Garzia	yea
Margaret George	yea

Henry Livengood	yea	ROLL CALL	
Charles Logue	yea	House Bill 2314	
Frank Meluskey	yea	MAJORITY MEMBERS	
Samuel Morris	nay	MR. CHAIRMAN, Lester K. Fryer	VOTE
Philip Ruggiero	nay	Donald Abraham	yea
Fred Trello	yea	Kenneth Cole	yea
Joseph Zeller	yea	A. J. DeMedio	yea
MINORITY MEMBERS		Ronald Gamble	yea
Marvin Weidner	nay	Ralph Garzia	yea
Kenneth Brandt	nay	Margaret George	yea
A. C. Foster	nay	Henry Livengood	yea
Joseph Levi	nay	Charles Logue	yea
William Mackowski	yea	Frank Meluskey	yea
John Scheaffer	absent	Samuel Morris	yea
Carmel Sirianni	nay	Philip Ruggiero	yea
Gerald Spitz	nay	Fred Trello	yea
Paul Wass	nay	Joseph Zeller	yea
YEAS—11		MINORITY MEMBERS	
NAYS—11		Marvin Weidner	yea
NOT VOTING—1		Kenneth Brandt	yea
Signed		A. C. Foster	yea
FRED A. TRELLO		Joseph Levi	yea
ROLL CALL		William Mackowski	yea
House Bill 2291		John Scheaffer	absent
MAJORITY MEMBERS		Carmel Sirianni	yea
MR. CHAIRMAN, Lester K. Fryer	VOTE	Gerald Spitz	yea
Donald Abraham	yea	Paul Wass	yea
Kenneth Cole	yea	YEAS—22	
A. J. DeMedio	nay	NAYS—0	
Ronald Gamble	yea	NOT VOTING—1	
Ralph Garzia	yea	Signed	
Margaret George	yea	FRED A. TRELLO	
Henry Livengood	yea	Mr. B. F. O'BRIEN, chairman of the Mines and Energy Management Committee, presented the following report:	
Charles Logue	yea	May 31, 1978.	
Frank Meluskey	yea	SUBJECT: Committee Attendance Report	
Samuel Morris	nay	TO: The Honorable K. Leroy Irvis	
Philip Ruggiero	yea	The Speaker	
Fred Trello	yea	FROM: Bernard F. O'Brien, Chairman	
Joseph Zeller	yea	James Wright, Minority Chairman	
MINORITY MEMBERS		Mines and Energy Management Committee	
Marvin Weidner	yea	Attached is the Attendance Report for the meeting the Mines and Energy Management Committee held on May 30, 1978.	
Kenneth Brandt	yea	Attendance Report	
A. C. Foster	nv	May 30, 1978.	
Joseph Levi	yea	MAJORITY MEMBERS	
William Mackowski	yea	MR. CHAIRMAN, Bernard F. O'Brien	Present Absent
John Scheaffer	absent	Fred Taylor	X
Carmel Sirianni	yea	Camille George	X
Gerald Spitz	yea	Thomas McCall	X
Paul Wass	nay	YEAS—18	
YEAS—18		NAYS—3	
NAYS—3		NOT VOTING—2	
Signed		FRED A. TRELLO	

James Goodman	X	
Ivan Itkin	X	
Donald Abraham		X
George Misceovich		X
William DeWeese	X	
Ron Gatski		X
Fred Trello		X
Dave Sweet	X	
Ron Gamble		X
Paul Yahner		X
MINORITY MEMBERS		
James Wright, Jr.	X	
Stanford I. Lehr	X	
L. Eugene Smith	X	
Jess Stairs	X	
John Davies	X	
Edward F. Burns	X	
D. Michael Fisher	X	
Edward Helfrick		X
Paul Wass		X

Signed
CAMILLE GEORGE
SECRETARY

Mr. RIEGER, acting chairman of the Professional Licensure Committee, presented the following report:

Mr. Speaker:

The House Professional Licensure Committee met on Monday, May 22, 1978 at 12:15 P.M. in Room 115a and reported out one bill and tabled another. The report was turned in the same day.

HON. WILLIAM W. RIEGER
Acting Chairman

ROLL CALL

House Bill 2434, Printer's No. 3127

MAJORITY MEMBERS		VOTE
William W. Reiger		yea
Ulysses Shelton		nv
Philip Ruggiero		yea
Reid L. Bennett		yea
Matthew Cianciulli, Jr.		yea
Aljia Dumas		yea
James McIntyre		yea
Anita Palermo Kelly		yea
Frank Oliver		yea
David P. Richardson		yea
Agnes M. Scanlon		nv
Francis X. Tenaglio		nv
John White		yea
James F. Jones, Jr.		yea
MINORTY MEMBERS		
Harry Bittle		yea
Roosevelt I. Polite		nv
Anthony J. Cimini		nv

William Foster	nv
David D. Hayes	nv
William K. Klingaman, Sr.	yea
Joseph C. Manmiller	yea
John Scheaffer	yea
Donald Dorr	yea

YEAS—16
NOT VOTING—7

Signed
MATTHEW CIANCIULLI
Secretary

AMENDMENTS TO HOUSE BILL NO. 2434

Mr. Cianciulli
Printer's No. 3127

Amend Sec. 1 (Sec. 3.1), page 2, line 11, by inserting a bracket before "within"

Amend Sec. 1 (Sec. 3.1), page 2, line 11, by striking out the bracket before "one"

Amend Sec. 1 (Sec. 3.1), page 2, line 11, by striking out "/eighteen months"

Amend Sec. 1 (Sec. 3.1), page 2, line 12, by removing the comma after "effect" and inserting /prior to January 1, 1980,

ROLL CALL

House Bill 2434, Printer's No. 3127

MAJORITY MEMBERS		VOTE
William W. Rieger		yea
Ulysses Shelton		nv
Philip Ruggiero		yea
Reid L. Bennett		yea
Matthew Cianciulli, Jr.		yea
Aljia Dumas		yea
James McIntyre		yea
Anita Palermo Kelly		yea
Frank Oliver		yea
David P. Richardson		yea
Agnes M Scanlon		nv
Francis X. Tenaglio		nv
John White		yea
James F. Jones, Jr.		yea
MINORITY MEMBERS		
Harry Bittle		yea
Roosevelt I. Polite		nv
Anthony J. Cimini		nv
William Foster		nv
David D. Hayes		nv
William K. Klingaman, Sr.		yea
Joseph C. Manmiller		yea
John Scheaffer		yea
Donald Dorr		yea

YEAS—16
NOT VOTING—7

Signed
MATTHEW CIANCIULLI
Secretary

ROLL CALL

House Bill 1573, Printer's No. 1894

MAJORITY MEMBERS

VOTE

William W. Rieger	yea
Ulysses Shelton	nv
Philip Ruggiero	yea
Reid L. Bennett	yea
Matthew Cianciulli, Jr.	yea
Aljia Dumas	yea
James McIntyre	yea
Anita Palermo Kelly	yea
Frank Oliver	yea
David P. Richardson	yea
Agnes M. Scanlon	nv
Francis X. Tenaglio	nv
John White	yea
James F. Jones, Jr.	yea

MINORITY MEMBERS

Harry Bittle	yea
Roosevelt I. Polite	nv
Anthony J. Cimini	nv
William Foster	nv
David D. Hayes	nv
William K. Klingaman, Sr.	yea
Joseph C. Manmiller	yea
John Scheaffer	yea
Donald Dorr	yea

YEAS—16
NOT VOTING—7Signed
MATTHEW CIANCIULLI
Secretary

Attendance Report

May 22, 1978.

MAJORITY MEMBERS

Present Absent

William W. Rieger	X	
Ulysses Shelton		X
Philip Ruggiero	X	
Reid L. Bennett	X	
Matthew Cianciulli, Jr.	X	
Aljia Dumas	X	
James McIntyre	X	
James F. Jones, Jr.	X	
Anita Palermo Kelly	X	
Frank Oliver	X	
David P. Richardson	X	
Agnes M. Scanlon		X
Francis X. Tenaglio		X
John White	X	

MINORITY MEMBERS

Harry Bittle	X	
Roosevelt I. Polite		X
Anthony J. Cimini		X
William Foster		X

David Hayes	X
William K. Klingaman, Sr.	X
Joseph C. Manmiller	X
John Scheaffer	X
Donald Dorr	X

Signed
MATTHEW CIANCIULLI
Secretary

Mr. GEISLER, chairman of the State Government Committee, presented the following report:

May 31, 1978.

Mr. Speaker:

Attached please find attendance and roll call sheets for the State Government Committee meeting held on May 23, 1978.

HON. ROBERT A. GEISLER
Chairman

Attendance Report

May 23, 1978.

MAJORITY MEMBERS		Present	Absent
MR. CHAIRMAN, Robert Geisler		X	
Frank Oliver		X	
Phyllis Kernick		X	
Ted Berlin			X
Harold Brown		X	
Mark Cohen			X
Ronald Cowell		X	
Roger Duffy		X	
Cliff Gray		X	
Ruth Harper		X	
Joe Hoeffel		X	
Steve Reed			X
Bill Renwick		X	
Tom Stapleton			X
MINORITY MEMBERS			
Ben Wilson			X
Ken Brandt			X
Donald Dorr		X	
June Honaman		X	
Nick Moehlmann			X
Hal Mowery			X
Carmel Sirianni			X
Earl Smith			X
George Wagner			X

Signed
PHYLLIS KERNICK
Secretary

OFFICIAL LEAVE REQUEST

I, Ben Wilson ask for official leave of absence from attending the meeting of the State Government Committee on May 23, 1978 for the following reason:

Conflicting committee meeting (Transportation).

Signed: Ben Wilson

ROLL CALL

Senate Bill 7, Printer's No. 509

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Robert Geisler		yea
Frank Oliver		yea
Phyllis Kernick		yea
Ted Berlin		nv
Harold Brown		yea
Mark Cohen		nv
Ronald Cowell		yea
Roger Duffy		yea
Cliff Gray		yea
Ruth Harper		yea
Joe Hoeffel		yea
Steve Reed		nv
Bill Renwick		yea
Tom Stapleton		nv
MINORITY MEMBERS		
Ben Wilson	excused	
Ken Brandt	nv	
Don Dorr	yea	
June Honaman	yea	
Nick Moehlmann	nv	
Hal Mowery	nv	
Carmel Sirianni	nv	
Earl Smith	nv	
George Wagner	nv	
YEAS—12		
NAYS—0		
NOT VOTING—11		
Signed		
PHYLLIS KERNICK		
Secretary		

Mr. BELLOMINI, chairman of the Transportation Committee, presented the following report:

May 31, 1978.

Honorable K. Leroy Irvis
Speaker of the House
Main Capitol Building
Harrisburg, Pennsylvania

Dear Mr. Irvis:

This is to inform you that there were no Transportation Committee meetings held during the week of May 22nd.

Respectfully submitted,

REP. JOSEPH A. PETRARCA
Secretary
Transportation Committee

Mr. CAPUTO, chairman of the Urban Affairs Committee, presented the following report:

May 31, 1978.

SUBJECT: Report of the Urban Affairs Committee

TO: Honorable K. Leroy Irvis, Speaker

FROM: Charles N. Caputo, Chairman
Urban Affairs Committee

The Urban Affairs Committee met at the call of the Chairman on May 23, 1978. The meeting was called off the floor and the following bills were acted upon as indicated below:

House Bill No. 829, Printer's No. 933 — Reported as Committed.

House Bill No. 2124, Printer's No. 2704 — Reported as Committed.

House Bill No. 2460, Printer's No. 3194 — Reported as Committed.

Attendance Report

May 23, 1978.

MAJORITY MEMBERS		Present	Absent
MR. CHAIRMAN, Charles N. Caputo		X	
Leland M. Beloff			X
Robert A. Borski, Jr.		X	
Thomas R. Caltagirone		X	
Matthew J. Cianciulli, Jr.		X	
Thomas E. Flaherty		X	
Henry J. Giammarco		X	
Ruth B. Harper		X	
Joel J. Johnson		X	
Samuel Rappaport		X	
William W. Rieger			X
Agnes M. Scanlon		X	
Frank J. Zitterman		X	
MINORITY MEMBERS			
Frank J. Lynch, Chairman			X
Stephen R. Freind		X	
Alvin Katz		X	
James W. Knepper, Jr.		X	
Stanford I. Lehr		X	
Marvin E. Miller, Jr.			X
Dennis O'Brien		X	
Lee C. Taddonio		X	
Peter R. Vroon		X	

Signed
HENRY J. GIAMMARCO
Secretary

ROLL CALL

House Bill No. 829, Printer's No. 933

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Charles N. Caputo		yea
Leland M. Beloff		absent
Robert A. Borski, Jr.		yea
Thomas R. Caltagirone		yea

Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
Henry J. Giammarco	yea
Ruth B. Harper	yea
Joel J. Johnson	yea
Samuel Rappaport	yea
William W. Rieger	absent
Agnes M. Scanlon	yea
Frank J. Zitterman	yea
MINORITY MEMBERS	
Frank J. Lynch, Chairman	absent
Stephen Freind	yea
Alvin Katz	yea
James W. Knepper, Jr.	yea
Stanford I. Lehr	yea
Marvin E. Miller, Jr.	absent
Dennis O'Brien	yea
Lee C. Taddonio	yea
Peter R. Vroon	yea

YEAS—18

NAYS—0

NOT VOTING—0

Signed

HENRY J. GIAMMARCO

Secretary

ROLL CALL

House Bill 2124, Printer's No. 2704

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Charles N. Caputo		yea
Leland M. Beloff		absent
Robert A. Borski, Jr.		yea
Thomas R. Caltagirone		yea
Matthew J. Cianciulli		yea
Thomas E. Flaherty		yea
Henry J. Giammarco		yea
Ruth B. Harper		yea
Joel J. Johnson		yea
Samuel Rappaport		yea
William W. Rieger		absent
Agnes M. Scanlon		yea
Frank J. Zitterman		yea
MINORITY MEMBERS		
Frank J. Lynch, Chairman		absent
Stephen F. Freind		yea
Alvin Katz		yea
James W. Knepper, Jr.		yea
Stanford I. Lehr		yea
Marvin E. Miller, Jr.		absent
Dennis O'Brien		yea
Lee C. Taddonio		yea
Peter R. Vroon		yea

YEAS—18

NAYS—0

NOT VOTING—0

Signed

HENRY J. GIAMMARCO

Secretary

ROLL CALL

House Bill 2460, Printer's No. 3194

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Charles N. Caputo		yea
Leland M. Beloff		absent
Robert A. Borski, Jr.		yea
Thomas R. Caltagirone		yea
Matthew J. Cianciulli		yea
Thomas E. Flaherty		yea
Henry J. Giammarco		yea
Ruth B. Harper		yea
Joel J. Johnson		yea
Samuel Rappaport		yea
William W. Rieger		absent
Agnes M. Scanlon		yea
Frank J. Zitterman		yea
MINORITY MEMBERS		
Frank J. Lynch, Chairman		absent
Stephen F. Freind		yea
Alvin Katz		yea
James W. Knepper, Jr.		yea
Stanford I. Lehr		yea
Marvin E. Miller, Jr.		absent
Dennis O'Brien		yea
Lee C. Taddonio		yea
Peter R. Vroon		yea

YEAS—18

NAYS—0

NOT VOTING—0

Signed

HENRY J. GIAMMARCO

Secretary

CALENDAR BILLS ON SECOND CONSIDERATION

The House considered for the second time and agreed to the following bills, which were then ordered transcribed for third consideration:

HB 497, PN 541; HB 898, PN 1029; HB 1243, PN 1466; HB 1249, PN 1472; HB 1291, PN 1517; HB 1292, PN 1518; HB 1666, PN 2007; HB 1667, PN 2008; HB 1767, PN 2146; HB 1836, PN 2241; HB 2177, PN 2864; HB 904, PN 2738; HB 1661, PN 2729; HB 1913, PN 2731; HB 2180, PN 2781; SB 189, PN 1697; SB 190, PN 638; SB 192, PN 194; SB 193, PN 470; SB 197, PN 1696; SB 648, PN 690; SB 1042, PN 1740; SB 1212, PN 1668; SB 1319, PN 1669; SB 1320, PN 1670; HB 472, PN 2858; HB 1305, PN 2682; HB 1652, PN 1989; HB 2091, PN 2641; HB 2092, PN 2642; HB 2099, PN 2649; HB 2142, PN 2722; HB 1698, PN 2058; SB 647, PN 689; HB 2069, PN 2597; SB 1180, PN 1832; HB 668, PN 3208; HB 1980, PN 2862; SB 736, PN 1857; HB 2149, PN 3082; HB 2301, PN 3131; SB 252, PN 967; SB 253, PN

1005; HB 2160, PN 2761; SB 665, PN 707; HB 1611, PN 2553; HB 1589, PN 1913; HB 1702, PN 2577; SB 586, PN 1727; and SB 704, PN 1004.

SB 1105 TABLED

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

Mr. DiCARLO. Mr. Speaker, I move that SB 1105, PN 1566, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HB 845 TABLED

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Englehart.

Mr. ENGLEHART. Mr. Speaker, I move that HB 845, PN 2578, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules be temporarily suspended so that we may add, on motion, a list of men and women to be added to or deleted from the various lists of bills filed with the chief clerk.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

Abraham	Gallagher	Mackowski	Ruggiero
Anderson	Gallen	Madigan	Ryan
Armstrong	Gamble	Manderino	Salvatore
Arthurs	Garzia	Manmiller	Scanlon
Barber	Gatski	McCall	Scheaffer
Beloff	Geesey	McClatchy	Schmitt
Bennett	Geisler	McGinnis	Schweder
Berlin	George, C.	McIntyre	Scirica
Berson	George, M.	McLane	Seltzer
Bittinger	Giammarco	Mebus	Shuman
Bittle	Gillette	Meluskey	Shupnik
Borski	Gleeson	Milanovich	Sirianni
Brandt	Goebel	Miller	Smith, E.
Brown	Goodman	Milliron	Smith, L.
Brunner	Gray	Miscevich	Spencer
Burd	Greenfield	Moehlmann	Stairs
Burns	Greenleaf	Morris	Stapleton
Caltagirone	Grieco	Mowery	Stewart
Caputo	Halverson	Mrkoncic	Stuban
Cassidy	Harper	Mullen, M. P.	Sweet
Cessar	Hasay	Musto	Taddonio
Cianciulli	Haskell	Novak	Taylor, E.
Cimini	Hayes, D. S.	Noye	Taylor, F.
Cohen	Hayes, S. E.	O'Brien, B.	Tenaglio
Cole	Helfrick	O'Brien, D.	Trello
Cowell	Hoeffel	O'Connell	Valicenti
Davies	Honaman	O'Donnell	Vroon
DeVerter	Hutchinson, A.	O'Keefe	Wagner

DeWeese	Hutchinson, W.	Oliver	Wansacz
DiCarlo	Itkin	Pancoast	Wargo
Dietz	Jones	Parker	Wass
Dininni	Katz	Peterson	Weidner
Dombrowski	Kernick	Petrarca	Wenger
Donatucci	Klingaman	Pievsky	White
Dorr	Knepper	Pitts	Williams
Doyle	Kolter	Polite	Wise
Duffy	Kowalyshyn	Pott	Wright, D.
Dumas	Kukovich	Prendergast	Wright, J. L.
Englehart	Lashinger	Pyles	Yohn
Fee	Laughlin	Rappaport	Zeller
Fischer, R. R.	Lehr	Ravenstahl	Zitterman
Fisher, D. M.	Letterman	Reed	Zord
Flaherty	Levi	Renwick	Zwinkl
Foster, A.	Levin	Rhodes	
Foster, W.	Lincoln	Richardson	Irvis,
Freind	Livengood	Rieger	Speaker
Fryer	Logue	Ritter	

NAYS—6

Piccola	Wilson	Yahner	Zearfoss
Spitz	Wilt		

NOT VOTING—9

Bellomini	Johnson	Lynch	Thomas
DeMedio	Kelly	Pratt	Wiggins
Hamilton			

YEAS—185

NAYS—6

NOT VOTING—9

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

SPONSORS ADDED AND DELETED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following list of names of members be added to or deleted from the filed list of bills:

ADDITIONS

HB-2457, Joseph R. Pitts and HB 2444, Stephen Reed.

DELETIONS

HB-2425, Nicholas Moehlmann.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS SIGNED BY SPEAKER

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

HB 418, PN 693

An Act amending "The Notary Public Law" approved August 21, 1953 (P. L. 1323, No. 373), reducing the residency requirement for eligibility and providing for surrender of the seal and for a penalty.

HB 1507, PN 1807

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), providing for a certain election of tax relating to aircraft.

HB 675 REMOVED FROM TABLE

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

MR. KOWALYSHYN. Mr. Speaker, I have a motion to remove a bill from the table so that it can be with its companion bill which is now on the calendar. I move, Mr. Speaker, that HB 675, PN 753, be taken from the table.

The SPEAKER. It is moved by the gentleman, Mr. Kowalyshyn, that HB 675, PN 753, which appears on the calendar of tabled bills, be taken from the calendar of tabled bills, lifted from the table, and placed on the active calendar.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Abraham	Gamble	Manderino	Salvatore
Anderson	Garzia	Manmiller	Scanlon
Armstrong	Gatski	McCall	Scheaffer
Arthurs	Geesey	McClatchy	Schmitt
Barber	Geisler	McGinnis	Schweder
Beloff	George, C.	McIntyre	Scirica
Bennett	George, M.	McLane	Seltzer
Berlin	Giammarco	Mebus	Shuman
Berson	Gillette	Meluskey	Shupnik
Bittinger	Gleeson	Milanovich	Sirianni
Bittle	Goebel	Miller	Smith, E.
Brandt	Goodman	Milliron	Smith, L.
Brown	Gray	Miscevich	Spencer
Brunner	Greenfield	Moehlmann	Spitz
Burd	Greenleaf	Morris	Stairs
Burns	Grieco	Mowery	Stapleton
Caltagirone	Halverson	Mrkonic	Stewart
Caputo	Harper	Mullen, M. P.	Stuban
Cassidy	Hasay	Musto	Sweet
Cessar	Haskell	Novak	Taddonio
Cianciulli	Hayes, D. S.	Noye	Taylor, F.
Cimini	Hayes, S. E.	O'Brien, B.	Tenaglio
Cohen	Helfrick	O'Brien, D.	Trello
Cole	Hoeffel	O'Connell	Valicenti
Cowell	Honaman	O'Donnell	Vroon
Davies	Hutchinson, A.	O'Keefe	Wagner
DeMedio	Hutchinson, W.	Oliver	Wansacz
DeVerter	Itkin	Pancoast	Wargo
DeWeese	Jones	Parker	Wass
DiCarlo	Katz	Peterson	Weidner
Dietz	Kernick	Petrarca	Wenger
Dininni	Klingaman	Piccola	White
Dombrowski	Knepper	Pievsky	Williams
Donatucci	Kolter	Pitts	Wilson
Dorr	Kowalyshyn	Polite	Wilt
Doyle	Kukovich	Pott	Wise
Dumas	Lashinger	Prendergast	Wright, D.
Englehart	Laughlin	Pyles	Wright, J. L.
Fee	Lehr	Rappaport	Yahner
Fischer, R. R.	Letterman	Ravenstahl	Yohn
Fisher, D. M.	Levi	Reed	Zearfoss
Flaherty	Levin	Renwick	Zeller
Foster, A.	Lincoln	Rhodes	Zitterman
Foster, W.	Livengood	Richardson	Zord
Freind	Logue	Rieger	Zwinkl
Fryer	Lynch	Ritter	

Gallagher
Gallen

Mackowski
Madigan

Ruggiero
Ryan

Irvis,
Speaker

NAYS—0

NOT VOTING—10

Bellomini
Borski
Duffy

Hamilton
Johnson
Kelly

Pratt
Taylor, E.

Thomas
Wiggins

YEAS—190

NAYS—0

NOT VOTING—10

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

REMARKS ON VOTE

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

Mr. HAMILTON. Mr. Speaker, apparently my button is out of order. I would like to be recorded as voting "yes" on the motion to take HB 675 from the table.

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

Will you check the Hamilton switch and see if it is operative, please?

HB 462 REMOVED FROM TABLE AND REREFERRED

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

Mr. D. M. FISHER. Mr. Speaker, I would like to remove a bill from the table and have it rereferred to committee and have a statement submitted for the record.

The SPEAKER. The gentleman is in order. What is the number of the bill?

Mr. D. M. FISHER. Mr. Speaker, I move that HB 462, on page 13 of the tabled calendar, be removed from the table and rereferred to the Committee on Conservation.

The SPEAKER. It is moved by the gentleman, Mr. Fisher, that HB—

Mr. MANDERINO. Mr. Speaker, this was not checked with the majority leader, and I do not have the tabled bill. I would like to see what we are talking about.

The SPEAKER. The House will be at ease until the majority leader has seen the tabled bill.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. At the declaration of the recess, the Labor Relations Committee will meet in room 121.

JUDICIARY COMMITTEE MEETING

The SPEAKER. At the declaration of the recess, the Judiciary Committee will meet in room 401. That is contrary to the earlier announcement which was for the caucus room. The

meeting of the Judiciary Committee will be in room 401.

CONSIDERATION OF MOTION ON HB 462 RESUMED

The SPEAKER. Is the majority leader ready on the motion now?

Does the gentleman, Mr. Fisher, wish to make the motion?

Mr. D. M. FISHER. Yes, Mr. Speaker.

The SPEAKER. It has been moved by the gentleman Mr. Fisher, that HB 462, PN 501, which appears on page 13 of the tabled calendar of bills, be removed from the calendar and immediately rereferred to the Committee on Conservation.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Abraham	Gamble	Manderino	Scheaffer
Anderson	Garzia	Manmiller	Schmitt
Armstrong	Gatski	McCall	Schweder
Barber	Geesey	McClatchy	Scirica
Beloff	Geisler	McGinnis	Seltzer
Bennett	George, C.	McIntyre	Shuman
Berlin	George, M.	McLane	Shupnik
Berson	Giammarco	Mebus	Sirianni
Bittinger	Gillette	Meluskey	Smith, E.
Bittle	Gleeson	Milanovich	Smith, L.
Borski	Goebel	Miller	Spencer
Brandt	Goodman	Milliron	Spitz
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stewart
Burns	Grieco	Mowery	Stuban
Caltagirone	Halverson	Mrkonc	Sweet
Caputo	Hamilton	Mullen, M. P.	Taddonio
Cassidy	Harper	Musto	Taylor, E.
Cessar	Hasay	Novak	Taylor, F.
Cianciulli	Haskell	Noye	Tenaglio
Cimini	Hayes, D. S.	O'Brien, B.	Trello
Cohen	Hayes, S. E.	O'Brien, D.	Valicenti
Cole	Helfrick	O'Connell	Vroon
Cowell	Hoeffel	O'Donnell	Wagner
Davies	Honaman	O'Keefe	Wansacz
DeMedio	Hutchinson, A.	Oliver	Wargo
DeVerter	Hutchinson, W.	Pancoast	Wass
DeWeese	Itkin	Parker	Weidner
DiCarlo	Jones	Peterson	Wenger
Dietz	Katz	Petrarca	White
Dininni	Kernick	Piccola	Williams
Dombrowski	Klingaman	Pievsky	Wilson
Donatucci	Knepper	Pitts	Wilt
Dorr	Kolter	Polite	Wise
Doyle	Kowalshyn	Pott	Wright, D.
Duffy	Kukovich	Prendergast	Wright, J. L.
Dumas	Lashinger	Pyles	Yahner
Englehart	Laughlin	Rappaport	Yohn
Fee	Lehr	Ravenstahl	Zearfoss
Fischer, R. R.	Letterman	Reed	Zeller
Fisher, D. M.	Levi	Renwick	Zitterman
Flaherty	Levin	Richardson	Zord
Foster, A.	Lincoln	Rieger	Zwinkl
Foster, W.	Livengood	Ritter	
Freind	Logue	Ruggiero	Irvis,
Fryer	Lynch	Ryan	Speaker
Gallagher	Mackowski	Salvatore	
Gallen	Madigan	Scanlon	

NAYS—0

NOT VOTING—7

Arthurs
Bellomini

Johnson
Kelly

Pratt
Rhodes

Thomas
Wiggins

YEAS—193

NAYS—0

NOT VOTING—7

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. D. M. FISHER. Mr. Speaker, I would like to submit some remarks for the record on HB 462.

The SPEAKER. The gentleman will send the remarks to the clerk. We will have them recorded and they will appear in the record.

Mr. D. M. FISHER presented the following remarks for the Legislative Journal:

Mr. Speaker, I rise at this time to make a few comments concerning the case of the Department of Community Affairs v. Upper St. Clair Township which was finally decided at the state level by the Pennsylvania Supreme Court on April 28, 1978. The Township of Upper St. Clair with a present population of 22,000 is my home community.

In 1972, Upper St. Clair made application with the Department of Community Affairs for Project 500 funds to develop its Brookside Park Project. Said application requested the sum of \$55,000, or 50 percent, to help the Township develop the park in question. On August 17, 1972, the then Department Secretary, the Honorable William Wilcox, denied Upper St. Clair's request on the basis that the Township failed to persuade DCA that it was not engaging in exclusionary development policies which would adversely affect access to minorities. A departmental hearing board recommended that the Secretary adhere to his denial of funds. This action was taken although no discretion was given to the Secretary to withhold funds from an eligible applicant by the Legislature under the Land, Water, Conservation and Reclamation Act. Subsequent to the department's refusal, Upper St. Clair appealed this decision to the Commonwealth Court. *Upper St. Clair v. Department of Community Affairs*, 13 Commonwealth Court 71, 317 A.2d 906 (1974), the Court reversed the Secretary and ruled that the Township was eligible for the funds. The Commonwealth Court's decision was appealed by DCA to the Supreme Court which recently affirmed their decision in an Opinion rendered by Justice Manderino.

The Supreme Court's Opinion chastised DCA for refusing the application, which at the same time being unable to show that the Township's development policies were unconstitutional or unconstitutionally applied. In my opinion, this is a clear case where a state government bureaucrat, the Secretary of DCA, has by departmental action overstepped the legislative bounds in attempting to impose social policy through the withholding of state funds in contravention of the legislative intent. Some six years later, the Township of Upper St. Clair is now being told that their application should have been granted.

Unfortunately, at this date Project 500 funds are now totally exhausted, and the cost of the park which was estimated at \$110,000 has now risen to \$250,000. In addition thereto, the citizens of Upper St. Clair expended out of their tax dollars approximately \$18,000 to fight and eventually win this case through the courts. In all likelihood this park will never be built and the citizens of my community and the surrounding communities will be denied the access to recreational pursuits intended by the legislation passed by this General Assembly. It

is, however, fortunate for this Legislature and for the people of Pennsylvania that a community such as Upper St. Clair pursued this action when they were aggrieved by a bureaucratic decision in order to help clarify the law and provide a valuable precedent for other communities. Therefore, I believe the Township officials of Upper St. Clair and the taxpayers deserve a vote of thanks. Let us hope this case will be a lesson to state bureaucrats of the future not to overextend their legislative mandates.

ANNOUNCEMENT BY MR. GOODMAN

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

Mr. GOODMAN. Mr. Speaker, Representative Berlin asked me to remind the members to send in their forms for this comprehensive health screening exam which will be given to the members next Tuesday, June 6. He asked that you either send in the form or call to notify them that you will be taking the exam, and you will be scheduled for a time.

REPUBLICAN CAUCUS

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

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The Republican caucus will begin immediately when we recess. Thank you.

HOUSE SCHEDULE

The SPEAKER. The recess to be declared will not require the reporting of the members back on the floor of the House, but the Chair will remain open, hopefully, to receive messages from the Senate. The Speaker will be back in the Chair at approximately 4 p.m., keeping the Chair open for messages to be referred from the Senate.

The Chair now recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, so that we do not mislead any members, I think that the Appropriations Committee is meeting this afternoon, and there are several bills that may be reported.

DEMOCRATIC CAUCUS

The SPEAKER. Does the gentleman, Mr. Englehart, wish to call for an immediate caucus?

Mr. ENGLEHART. Mr. Speaker, did I not hear an announcement of several committee meetings?

The SPEAKER. There were announcements of two committee meetings. The Labor Relations Committee was announced and the Judiciary Committee.

Mr. ENGLEHART. I suggest then that the Democratic caucus begin promptly at 2:30, and we perhaps can finish it by 4.

The SPEAKER. There will be a Democratic caucus beginning at 2:30, and a Republican caucus beginning immediately.

The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, since we are not going to adjourn now, could you advise us what time we will begin session tomorrow, sir?

The SPEAKER. Ten o'clock.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The SPEAKER. Ten o'clock. We hope to have you out of here this week tomorrow. It depends, of course. All of you recognize that we have an appropriation bill which is of vast importance that it be passed. It is now being worked on by the Senate. We hope to have that bill in our possession this afternoon. If we do, then we will be prepared to have you out of here, hopefully, tomorrow. But we will begin session tomorrow morning at 10 a.m.

COMMITTEE MEETING

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

Mr. TRELLO. Mr. Speaker, there will be a meeting of the Special Committee to Investigate the State-related Universities immediately after the recess, in room 450, Mr. Shupnik's office.

RECESS

The SPEAKER. This House now stands in recess until 4 p.m.

AFTER RECESS

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

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on today's calendar will be passed over. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 2505 By Messrs. IRVIS and CAPUTO

An Act relating to the valuation and assessment of real property subject to local taxation in counties of the second class, prescribing penalties and making repeals.

Referred to Committee on Urban Affairs.

No. 2506 By Messrs. SCHMITT, KUKOVICH, PYLES and COHEN

An Act amending the "Consumer Discount Company Act," approved April 8, 1937 (P. L. 262, No. 66), authorizing certain loans by foreign lenders and limiting interest and other charges collected by foreign lenders.

Referred to Committee on Consumer Affairs.

No. 2507 By Messrs. ZEARFOSS, McLANE, D. M. FISHER, SCHWEDER, SPITZ and BURNS

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), prohibiting the issuance of certain assessable policies.

Referred to Committee on Insurance.

No. 2508 By Mr. BERLIN

An Act amending the act of January 10, 1968 (1967 P. L.

925, No. 417), referred to as the Legislative Officers and Employees Law, further providing for a cost-of-living increase.

Referred to Committee on State Government.

No. 2509 By Mr. ZEARFOSS

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the Third Class County Assessment Board Law, providing for notice to taxing districts.

Referred to Committee on Local Government.

No. 2510 By Mr. ZEARFOSS

An Act amending "The Pennsylvania Civil Procedural Support Law," approved July 13, 1953 (P. L. 431, No. 95), providing for temporary orders of support upon the filing of the complaint.

Referred to Committee on Judiciary.

No. 2511 By Mr. ZEARFOSS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a presumption of criminal purpose from the possession of certain weapons and requiring a firearms license to be carried on the person.

Referred to Committee on Judiciary.

No. 2512 By Messrs. DiCARLO and LINCOLN

An Act relating to the licensing and practice of cosmetology.

Referred to Committee on Professional Licensure.

No. 2513 By Mr. KOLTER

An Act amending the "Emergency Telephone Act," approved April 28, 1978 (No. 42), establishing the bureau in the Department of General Services, and providing for the permanency of the bureau.

Referred to Committee on Appropriations.

No. 2514 By Mr. PIEVSKY

An Act making an appropriation to the Bureau of Occupational and Professional Affairs in the Department of State for the period between July 1, 1978 and June 30, 1979.

Referred to Committee on Appropriations.

No. 2515 By Mr. PIEVSKY

An Act appropriating the Federal augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1978 to June 30, 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1978.

Referred to Committee on Appropriations.

No. 2516 By Mr. PICCOLA (By Request)

An Act providing a format for newspaper corrections or retractions.

Referred to Committee on Business and Commerce.

No. 2517 By Mr. L. E. SMITH

An Act authorizing the Department of General Services with the approval of the Governor to sell and convey 4.045 acres, more or less, of land situate in the Township of Cherry Hill,

County of Indiana and Commonwealth of Pennsylvania.

Referred to Committee on State Government.

No. 2518 By Mr. ENGLEHART, PIEVSKY, BITTINGER, STEWART and RITTER

An Act amending the act of December 21, 1977 (P. L. 520, No. 15A), entitled "An act making an appropriation to the Governor for disaster relief and assistance for the Great Flood of July 1977," to further provide for allocations of appropriations by the Governor.

Referred to Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Senate presented the following bills for concurrence:

SB 720, PN 1839

Referred to Committee on Local Government.

SB 722, PN 1840

Referred to Committee on Local Government.

SB 723, PN 767

Referred to Committee on Local Government.

SB 724, PN 1856

Referred to Committee on Local Government.

SB 1326, PN 1814

Referred to Committee on Urban Affairs.

SB 1472, PN 1873

Referred to Committee on Appropriations.

SB 1475, PN 1869

Referred to Committee on Appropriations.

BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker:

SB 844, PN 1837.

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled as amended "Pennsylvania Municipalities Planning Code" providing for additional guarantees for completion of final subdivision plats as specified.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Speaker, awaiting the return of the Appropriations Committee.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE AND TABLED

SB 1472, PN 1873

By Mr. PIEVSKY

An Act making an appropriation to the Department of Public Welfare for the payment of cash assistance for the fiscal period July 1, 1977 to June 30, 1978.

Appropriations.

BILL REMOVED FROM TABLE

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

Mr. PIEVSKY. Mr. Speaker, I move that SB 1472, which has been placed upon the calendar of tabled bills, be removed immediately from the tabled bills and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REPORTED FROM COMMITTEES AND TABLED

HB 2280, PN 3281 (Amended)

By Mr. PIEVSKY

An Act to appropriate Federal funds available for implementation of Title II, Public Law 94-369 to the Department of Public Welfare.

Appropriations.

HB 2371, PN 3282 (Amended)

By Mr. PIEVSKY

An Act amending the act of October 5, 1972 (Sp. Sess. No. 1, P. L. 2019, No. 4), entitled "An act implementing the provisions of clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas, affected by the Great Storm and Floods of September, 1971 and June, 1972 through urban redevelopment assistance; ***," providing for the borrowing of an additional sum of rehabilitate areas affected by the Great Flood of July, 1977 and providing for the disposition and appropriation of the additional funds.

Appropriation.

HB 2420, PN 3261 (Amended)

By Mr. VALICENTI

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), requiring certain employers to furnish certain information concerning computation of wages at time of payment. (Messrs. Valicenti, Prendergast, Novak, A. K. Hutchinson, Brunner, Musto, Sweet, Stewart and DeMedio)

Labor Relations.

HB 2462, PN 3196

By Mr. PIEVSKY

An Act providing for the capital budget for the fiscal year 1978-1979.

Appropriations.

BILLS REREPORTED FROM COMMITTEES

HB 757, PN 3279 (Amended)

By Mr. PIEVSKY

An Act amending "The Support Law," approved June 24, 1937 (P. L. 2045, No. 397), providing that no lien shall be im-

posed against the real property of certain persons receiving assistance and providing for the release of liens of record.

Rereported from Committee on Appropriations.

HB 2027, PN 3280 (Amended)

By Mr. PIEVSKY

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), providing further benefits.

Rereported from Committee on Appropriations.

SB 74, PN 1903 (Amended)

By Mr. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175) entitled "The Administrative Code of 1929" creating the Department on Aging and prescribing its functions powers and duties.

Rereported from Committee on Appropriations.

SB 522, PN 540

By Mr. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" further providing for powers and duties of the Secretary of Transportation as to real property.

Appropriations.

SB 967, PN 1494

By Mr. PIEVSKY

An Act establishing minimum wages and providing for hours of labor of seasonal farm workers and requiring certain records; providing for inspection of seasonal farm labor camps; providing for the promulgation of rules and regulations; establishing rights of access and egress providing penalties; and repealing certain acts.

Appropriations.

BILLS REMOVED FROM TABLE

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

Mr. PIEVSKY. Mr. Speaker, I move that HBs 2462, 2280, and 2371 be immediately removed from the tabled calendar and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HOUSE BILL INTRODUCED AND REFERRED

No. 2520

By Messrs. TRELLO, ABRAHAM, D. M.

FISHER and KNEPPER

An Act authorizing the Department of General Services with the approval of the Secretary of Environmental Resources, in the name of the Commonwealth of Pennsylvania to grant an easement to Dravo Corporation, a Pennsylvania corporation, a 9.5 acre tract of land within the bed of the Back Channel of the Ohio River situate in Neville Township, Allegheny County, Pennsylvania, ***.

Referred to Committee on State Government.

ADJOURNMENT

Mr. PETERSON moved that this House of Representatives do now adjourn until Thursday, June 1, 1978, at 10 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:57 p.m., e.d.t., the House adjourned.