

# COMMONWEALTH OF PENNSYLVANIA

## Legislative Journal

MONDAY, MARCH 24, 1980

Session of 1980

164th of the General Assembly

No. 22

### HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

#### PRAYER

THE HONORABLE WILLIAM TELEK, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray:

Heavenly Father, the source of all wisdom, whose statutes are good and gracious and whose law is truth, guide us, the Representatives of the State of Pennsylvania, that by just and prudent laws we may promote the well-being of all our people.

You have charged us with the task of building in our state a home where all people may dwell in unity, liberty and justice.

We pray for strength and purpose to make us faithful and accountable to all the people, fulfilling our roles of service and responsibility that we may ever seek justice, protect the weak, and construct institutions for peace and mutual aid. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

#### JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of February 26 and 27, 1980?

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, March 18, 1980, will be postponed until printed.

#### HOUSE BILLS INTRODUCED AND REFERRED

No. 2372 By Representative D. R. WRIGHT.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), authorizing intermediate units to own equipment.

Referred to Committee on APPROPRIATIONS, March 18, 1980.

No. 2373 By Representatives B. F. O'BRIEN, J. L. WRIGHT, JR., MANDERINO, MILLER, HOFFEL, ITKIN, COWELL, COHEN, SCHMITT, STUBAN, YAHNER, DeMEDIO, A. C. FOSTER, JR., BENNETT, PICCOLA AND LEHR.

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for radiation emergency response.

Referred to Committee on STATE GOVERNMENT, March 18, 1980.

No. 2374 By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, DORR, A. C. FOSTER, JR., GEESEY, BARBER, WENGER, FREIND, HOFFEL AND COWELL.

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for emergency preparedness planning.

Referred to Committee on STATE GOVERNMENT, March 18, 1980.

No. 2375 By Representatives BURNS, B. D. CLARK, GALLAGHER, KOLTER, McCALL, PETRARCA AND CHESS.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for vehicle depreciation charges.

Referred to Committee on EDUCATION, March 18, 1980.

No. 2376 By Representatives DeMEDIO, MANDERINO, DININNI, PETRARCA, COCHRAN, FISCHER, SWEET, FEE, KOLTER, McCALL AND YAHNER.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the transfer of vehicles purchased from dealers who fail to remit fees and taxes to the Commonwealth and increasing penalties on such dealers.

Referred to Committee on TRANSPORTATION, March 18, 1980.

**No. 2377** By Representatives SIRIANNI AND THOMAS.

An Act amending Title 75 (Vehicles) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for inspections and related appeals.

Referred to Committee on JUDICIARY, March 18, 1980.

**No. 2378** By Representative RAPPAPORT.

An Act amending the act of July 9, 1976 (P. L. 582, No. 140), entitled "An act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Transportation to sell and convey to Urban Community Alternatives certain lots or pieces of ground together with buildings and improvements thereon situate in the City of Philadelphia," further providing for the consideration for the sale, removing the restriction and reversion section and making an editorial correction.

Referred to Committee on STATE GOVERNMENT, March 18, 1980.

**No. 2379** By Representatives RIEGER AND SCHMITT.

An Act providing for the regulation and control of contracts for the development of inventions; imposing powers and duties on the Attorney General and district attorneys and providing for civil and criminal penalties.

Referred to Committee on JUDICIARY, March 18, 1980.

**No. 2380** By Representatives B. F. O'BRIEN, J. L. WRIGHT, JR., RIEGER, YAHNER, BENNETT, ITKIN, LEHR, MANMILLER, PICCOLA, DININNI, SCHMITT, COWELL, COHEN AND HOFFEL.

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for the duties of the State director of the Pennsylvania Emergency Management Agency.

Referred to Committee on STATE GOVERNMENT, March 18, 1980.

**No. 2381** By Representative HALVERSON.

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to convey to the Center Church of the Brethren, a certain parcel of land situate in Middle Creek Township, Somerset County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, March 18, 1980.

**No. 2382** By Representatives LETTERMAN, LIVE-NGOOD, BITTLE AND FEE.

An Act providing for the establishment of a recycling incentive to encourage counties to develop and implement recycling plans; providing for a restricted departmental fund; imposing a fee for waste disposal; imposing duties on permitted landfill operators and providing penalties.

Referred to Committee on CONSERVATION, March 18, 1980.

**No. 2383** By Representative CALTAGIRONE.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the use of the photo drivers' licenses for identification.

Referred to Committee on LIQUOR CONTROL, March 18, 1980.

**No. 2384** By Representative CALTAGIRONE.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for deposit of bail security.

Referred to Committee on JUDICIARY, March 18, 1980.

**No. 2385** By Representative CALTAGIRONE.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for removal of vehicles by a property owner and providing an implied lien for the costs of removal.

Referred to Committee on TRANSPORTATION, March 18, 1980.

**No. 2386** By Representatives McKELVEY, SALVATORE AND ROCKS.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, creating a statutory cause of action for wrongful initiation of civil proceedings.

Referred to Committee on JUDICIARY, March 18, 1980.

**No. 2387** By Representatives HASAY, A. K. HUTCHINSON, DOMBROWSKI, GALLEN, LEVI, TELEK, CIMINI, COSLETT, BELARDI, SERAFINI, NOYE, GRIECO, WASS, ARTY, SHUPNIK AND MADIGAN.

An Act amending the "Volunteer Firemen's Relief Association Act," approved June 11, 1968 (P. L. 149, No. 84), further providing for the spending of funds of a volunteer firemen's relief association.

Referred to Committee on INSURANCE, March 18, 1980.

**No. 2388** By Representative RIEGER.

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further regulating cemetery companies, requiring annual audits, increasing penalties.

Referred to Committee on BUSINESS AND COMMERCE, March 18, 1980.

**No. 2389** By Representatives YOHN, McCLATCHY, GLADECK, NAHILL, CORNELL AND LASHINGER.

An Act providing for the creation of a commission on demolition; providing for the licensing of persons engaged in the business of demolition of buildings; establishing safety measures to be followed and providing penalties.

Referred to Committee on STATE GOVERNMENT, March 18, 1980.

**No. 2390** By Representative A. K. HUTCHINSON.

An Act prohibiting State or local transit and transportation authorities from chartering buses.

Referred to Committee on TRANSPORTATION, March 18, 1980.

**No. 2391** By Representative CIMINI.

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, further providing for the addition of private police officers under contract with housing authorities in the definitions of "police officer" and "political subdivision."

Referred to Committee on LOCAL GOVERNMENT, March 18, 1980.

**No. 2392** By Representative CIMINI.

An Act amending the "Housing Authorities Law," approved May 28, 1937 (P. L. 955, No. 265), providing certain additional powers to housing authorities to contract for police services.

Referred to Committee on LOCAL GOVERNMENT, March 18, 1980.

**No. 2393** By Representatives E. Z. TAYLOR, POLITE AND DeVERTER.

An Act amending the "Motor Vehicle Sales Finance Act," approved June 28, 1947 (P. L. 1110, No. 476), further providing for the finance charge of certain motor vehicles.

Referred to Committee on BUSINESS AND COMMERCE, March 18, 1980.

**No. 2394** By Representatives McKELVEY, ROCKS, GRUPPO, SALVATORE, McMONAGLE, ALDEN, B. D. CLARK, ITKIN, McVERRY, WHITE, FISHER, MULLEN, PERZEL, HOEFFEL AND DURHAM.

An Act providing for the joint custody of children.

Referred to Committee on JUDICIARY, March 18, 1980.

**No. 2395** By Representatives BOWSER, THOMAS, YAHNER, PETERSON, MADIGAN, CUNNINGHAM, WASS, MACKOWSKI, LEVI, CIMINI, WENGER, GRIECO, S. E. HAYES, JR., DiCARLO, ZELLER AND GEIST.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for highway use by school buses, emergency vehicles and vehicles making local deliveries or pickups and further providing for penalties.

Referred to Committee on TRANSPORTATION, March 18, 1980.

**No. 2396** By Representatives A. K. HUTCHINSON, MANDERINO, KUKOVICH, PETRARCA, FEE AND DeMEDIO.

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the exclusion of certain non-operating authorities from the jurisdiction of the commission.

Referred to Committee on CONSUMER AFFAIRS, March 18, 1980.

**No. 2397** By Representatives A. K. HUTCHINSON, SCHMITT, GAMBLE AND FEE.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), increasing the gross premiums tax assessed on insurance companies.

Referred to Committee on FINANCE, March 18, 1980.

**No. 2398** By Representatives A. K. HUTCHINSON, GAMBLE AND FEE.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the disposition of a portion of the revenues received from the taxation of certain insurance company premiums.

Referred to Committee on FINANCE, March 18, 1980.

**No. 2399** By Representatives A. K. HUTCHINSON, FEE AND DeMEDIO.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring lighted headlights on trucks of Class 4 and higher.

Referred to Committee on TRANSPORTATION, March 18, 1980.

**No. 2400** By Representatives A. K. HUTCHINSON AND FEE.

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), providing for the taxation of diesel and similar fuels, and making repeals.

Referred to Committee on TRANSPORTATION, March 18, 1980.

**No. 2401** By Representatives PETERSON, MADIGAN, BURD, BOWSER AND LEVI.

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the Barber's License Law, further providing for manager-barber licenses.

Referred to Committee on PROFESSIONAL LICENSURE, March 18, 1980.

**No. 2402** By Representatives LETTERMAN, BENNETT, BRANDT AND W. W. FOSTER.

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for the sale of inedible parts of game.

Referred to Committee on GAME AND FISHERIES, March 18, 1980.

**No. 2403** By Representative KANUCK.

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), providing penalties relating to the sale of drug paraphernalia.

Referred to Committee on HEALTH AND WELFARE, March 21, 1980.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

- No. 198** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL AND COWELL.

House urge Congress and the Federal Communication Commission utilize national emergency radio systems for accurate communications during nuclear emergencies.

Referred to Committee on RULES, March 18, 1980.

- No. 199** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL AND COWELL.

Pennsylvania Emergency Management Agency investigate the use of the National Weather Service reporting system for broadcasting emergency alert information.

Referred to Committee on RULES, March 18, 1980.

- No. 200** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL, B. F. O'BRIEN, WENGER AND SCHMITT.

Pennsylvania Emergency Management Agency and the Department of Agriculture develop a program of information as to handling of household pets in time of nuclear emergency.

Referred to Committee on RULES, March 18, 1980.

- No. 201** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL, COWELL AND WENGER.

House urge the Governor and the Pennsylvania Emergency Management Agency establish a training program for personnel expected to assist in the event of a nuclear emergency.

Referred to Committee on RULES, March 18, 1980.

- No. 202** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN AND HOFFFEL.

House urges Pennsylvania Public Utility Commission adopt regulations; cost of programs necessary to train emergency reaction teams to handle nuclear or radiological emergencies.

Referred to Committee on RULES, March 18, 1980.

- No. 203** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL, SCHMITT, B. F. O'BRIEN AND WENGER.

House urge Congress implement a nuclear protection insurance program.

Referred to Committee on RULES, March 18, 1980.

- No. 204** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL AND COWELL.

House urge Pennsylvania Emergency Management Agency and Department of Environmental Resources install radiation monitoring devices surrounding all nuclear plants.

Referred to Committee on RULES, March 18, 1980.

- No. 205** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL, COWELL, B. F. O'BRIEN, WENGER AND SCHMITT.

House urge Pennsylvania Emergency Management Agency investigate alternative means of notification with religious groups who do not have systems available during nuclear or other emergencies.

Referred to Committee on RULES, March 18, 1980.

- No. 206** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN, McKELVEY, RAPPAPORT, REED, DORR, A. C. FOSTER, JR., GEESEY, BARBER, FREIND, MOEHLMANN, HOFFFEL, COWELL, B. F. O'BRIEN AND SCHMITT.

House urge Congress establish an emergency loan program for persons required to relocate as a result of nuclear or other emergency.

Referred to Committee on RULES, March 18, 1980.

- No. 207** By Representatives J. L. WRIGHT, JR., MANMILLER, PICCOLA, YAHNER, STUBAN, COHEN, KLINGAMAN,

McKELVEY, RAPPAPORT, REED,  
DORR, A. C. FOSTER, JR., GEESEY,  
BARBER, FREIND, MOEHLMANN,  
HOEFFEL AND WENGER.

House urge Bureau of Radiation Protection establish a Division of Nuclear Plant Inspectors for inspection at all nuclear plants.

Referred to Committee on RULES, March 18, 1980.

**No. 208** By Representatives J. L. WRIGHT, JR.,  
MANMILLER, PICCOLA, YAHNER,  
STUBAN, COHEN, KLINGAMAN,  
McKELVEY, RAPPAPORT, REED,  
DORR, A. C. FOSTER, JR., BARBER,  
B. F. O'BRIEN, FREIND, MOEHLMANN  
AND SCHMITT.

House urge Nuclear Regulatory Commission review existing facilities and proposals for reprocessing of radioactive waste.

Referred to Committee on RULES, March 18, 1980.

**No. 209** By Representatives J. L. WRIGHT, JR.,  
MANMILLER, PICCOLA, YAHNER,  
STUBAN, COHEN, KLINGAMAN,  
McKELVEY, RAPPAPORT, REED,  
A. C. FOSTER, JR., BARBER, FREIND  
AND MOEHLMANN.

House urge the implementation of a plan of nuclear plant siting.

Referred to Committee on RULES, March 18, 1980.

**No. 210** By Representatives J. L. WRIGHT, JR.,  
MANMILLER, PICCOLA, YAHNER,  
STUBAN, COHEN, KLINGAMAN,  
McKELVEY, RAPPAPORT, REED,  
A. C. FOSTER, JR., BARBER, FREIND,  
MOEHLMANN, B. F. O'BRIEN,  
WENGER, HOEFFEL, COWELL,  
SCHMITT AND DORR.

House urge Nuclear Regulatory Commission institute a program to educate the citizens of the United States in the basic aspects of nuclear power.

Referred to Committee on RULES, March 18, 1980.

**No. 211** By Representatives J. L. WRIGHT, JR.,  
MANMILLER, PICCOLA, YAHNER,  
STUBAN, COHEN, KLINGAMAN,  
McKELVEY, RAPPAPORT, REED,  
DORR, A. C. FOSTER, JR., GEESEY,  
DININNI, BARBER, FREIND,  
MOEHLMANN AND HOEFFEL.

House urge Nuclear Regulatory Commission provide at each nuclear power plant a team of personnel trained in plant characteristics and emergency procedures.

Referred to Committee on RULES, March 18, 1980.

**No. 212** By Representatives J. L. WRIGHT, JR.,  
MANMILLER, PICCOLA, YAHNER,  
STUBAN, COHEN, KLINGAMAN,  
McKELVEY, RAPPAPORT, REED,

DORR, A. C. FOSTER, JR., BARBER,  
WENGER, FREIND, MOEHLMANN,  
HOEFFEL AND COWELL.

Department of Education implement a plan of programs in the public school system relative to nuclear energy, radiation and emergency preparedness.

Referred to Committee on RULES, March 18, 1980.

House extends its condolences to parents and family of Lonnie D. Young.

**No. 214** By Representatives A. K. HUTCHINSON,  
FEE, KOLTER, SEVENTY, PETRARCA,  
KNIGHT, TRELLO, PISTELLA, STAIRS  
AND TADDONIO.

House memorialize Congress adopt legislation which would transfer the President's proposed import fee to the various states on the basis of their use of oils and fuel.

Referred to Committee on FEDERAL-STATE-RELATIONS, March 18, 1980.

**No. 215** By Representatives CALTAGIRONE,  
IRVIS, MANDERINO, PETRARCA,  
FREIND, ITKIN, WHITE, ZITTERMAN,  
BROWN, HELFRICK, COCHRAN,  
CIMINI, BENNETT, GAMBLE,  
MULLEN, MRKONIC, YAHNER,  
FISCHER, LEHR, HASAY, PISTELLA,  
HARPER, SALVATORE AND DAVIES.

House urge Department of Public Welfare rescind its plan to eliminate the program of staff chaplaincies in State mental health and mental retardation centers.

Referred to Committee on RULES, March 18, 1980.

**No. 216**  
(Concurrent) By Representatives KLINGAMAN,  
WENGER, MANMILLER, SIRIANNI,  
HELFRICK, ZELLER, MACKOWSKI,  
WASS, HASAY, W. W. FOSTER, LEVI,  
BURD, S. E. HAYES, JR., WARGO,  
M. R. CLARK, BROWN, LAUGHLIN,  
STEIGHNER, COCHRAN, LETTERMAN,  
SHUPNIK, SPITZ, ANDERSON,  
SCHEAFFER, ZWIKL, TELEK,  
F. TAYLOR, BELARDI, COSLETT,  
SERAFINI, THOMAS, LEHR, McCALL  
AND W. D. HUTCHINSON.

General Assembly memorialize Congress of the United States begin process of changing the prohibition against prayer in public schools.

Referred to Committee on FEDERAL-STATE-RELATIONS, March 18, 1980.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

**SB 207, PN 1595**

Referred to Committee on Education, March 21, 1980.

**SB 1063, PN 1594**

Referred to Committee on Professional Licensure, March 21, 1980.

**SB 1186, PN 1464**

Referred to Committee on Local Government, March 21, 1980.

**SB 1187, PN 1465**

Referred to Committee on Local Government, March 21, 1980.

**SB 1188, PN 1466**

Referred to Committee on Local Government, March 21, 1980.

**SB 1189, PN 1467**

Referred to Committee on Local Government, March 21, 1980.

**SB 1233, PN 1635**

Referred to Committee on Conservation, March 21, 1980.

**LEAVES OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. WEIDNER for the week's session.

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

Mr. PIEVSKY. Mr. Speaker, I request leaves of absence for Messrs. MILANOVICH, DUFFY, AUSTIN, ZWIKL and RHODES for today's session.

The SPEAKER. Without objection, leaves are granted.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**YEAS—183**

Alden	Gallagher	Lynch, E. R.	Rodgers
Anderson	Gallen	McCall	Ryan
Armstrong	Gamble	McClatchy	Salvatore
Arty	Gannon	McIntyre	Scheaffer
Barber	Gatski	McKelvey	Schmitt
Belardi	Geesey	McMonagle	Schweder
Bennett	Geist	McVerry	Serafini
Berson	George, C.	Mackowski	Seventy
Bittle	George, M. H.	Madigan	Shadding
Bowser	Giammarco	Manderino	Shupnik
Brandt	Gladeck	Manmiller	Sieminski
Brown	Goebel	Michlovic	Sirianni
Burd	Goodman	Micozzie	Smith, E. H.
Burns	Grabowski	Miller	Smith, L. E.
Caltagirone	Gray	Moehlmann	Spencer
Cappabianca	Greenfield	Mowery	Spitz
Cessar	Grieco	Mrkonic	Stairs
Chess	Gruppo	Mullen	Steighner

Cimini	Halverson	Murphy	Stewart
Clark, B. D.	Harper	Musto	Stuban
Clark, M. R.	Hasay	Nahill	Sweet
Cochran	Hayes, Jr., S.	Novak	Swift
Cohen	Helfrick	Noye	Taddonio
Cole	Hoeffel	O'Brien, B. F.	Taylor, E. Z.
Cornell	Honaman	O'Brien, D. M.	Taylor, F.
Coslett	Hutchinson, A.	O'Donnell	Telek
Cowell	Hutchinson, W.	Oliver	Thomas
Cunningham	Irvis	Perzel	Trello
DeMedio	Itkin	Peterson	Vroon
DeVerter	Johnson, E. G.	Petrarca	Wachob
DeWeese	Johnson, J. J.	Piccola	Wargo
DiCarlo	Jones	Pievsky	Wass
Davies	Kanuck	Pistella	Wenger
Dawida	Klingaman	Pitts	White
Dietz	Knight	Polite	Wilson
Dininni	Kolter	Pott	Wilt
Dombrowski	Kowalshyn	Pratt	Wright, D. R.
Dorr	Kukovich	Pucciarelli	Wright, Jr., J.
Durham	Lashingar	Punt	Yahner
Earley	Laughlin	Pyles	Yohn
Fee	Lehr	Rappaport	Zeller
Fischer	Letterman	Reed	Zitterman
Fisher	Levi	Richardson	Zord
Foster, W. W.	Levin	Rieger	
Foster, Jr., A.	Lewis	Ritter	Seltzer,
Freind	Livengood	Rocks	Speaker
Fryer			

**NAYS—0**

**NOT VOTING—13**

Austin	Dumas	Milanovich	Weidner
Beloff	Hayes, D. S.	Rhodes	Williams
Borski	Knepper	Street	Zwikl
Duffy			

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

**WELCOMES**

The SPEAKER. The Chair welcomes to the floor of the House, Mr. and Mrs. Robert Shimrak and family. Mrs. Shimrak has appeared on a number of national TV and radio shows as the founder and president of the Butler Clippers, a group of homemakers committed to fighting inflation. They are here today as the guests of Mr. Steighner of Butler.

The Chair welcomes to the floor of the House from Montgomery County, Jay Francis, who is here today as the guest of Mr. Polite.

The Chair is holding in reserve for a real treat, and at this time would like to introduce, a former distinguished member of this House from Fayette County, "Sluggger" Klingensmith, who is here today as the guest of the delegation from Fayette County.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED**

**HB 401, PN 3119 (Amended)**

By Rep. SPENCER

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

JUDICIARY.

**HB 822, PN 895** By Rep. SPENCER

An Act amending Title 20 (Decedents, Estates and Fiduciaries), of the Pennsylvania Consolidated Statutes, increasing certain interest rates.

JUDICIARY.

**HB 850, PN 3120 (Amended) (Unanimous)**  
By Rep. GEESEY

An Act amending the act of February 19, 1980 (No. 9), entitled "An act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen," requiring persons engaged in the sale of cemetery lots to be licensed, imposing powers upon the real estate commission with respect to cemeteries and providing penalties.

PROFESSIONAL LICENSURE.

**HB 1834, PN 2257** By Rep. SPENCER

An Act amending the "Uniform Acknowledgment Act," approved July 24, 1941 (P. L. 490, No. 188), providing for acknowledgment by an attorney at law.

JUDICIARY.

**HB 2211, PN 2812** By Rep. SPENCER

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), including butyl nitrite, isobutyl nitrite and 1-nitrosoxypropane as controlled substances.

JUDICIARY.

**HB 2261, PN 2901** By Rep. SPENCER

An Act providing for official visitations of jails and prisons by certain officials.

JUDICIARY.

**HB 2362, PN 3121 (Amended)**  
By Rep. SPENCER

An Act amending the "Post Conviction Hearing Act," approved April 28, 1978 (P. L. 202, No. 53), delaying the effective day of a repeal of provisions relating to post conviction hearings.

JUDICIARY.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

**HB 2107, PN 3004; HB 2114, PN 2686; HB 2335, PN 3001; HB 2340, PN 3009; SB 323, PN 327; HB 2028, PN 2562; HB 2048, PN 2592; HB 2191, PN 2785; SB 877, PN 1000; SB 1163, PN 1425; SB 1176, PN 1606; SB 308, PN 312; SB 985, PN 1601; SB 986, PN 1602; SB 581, PN 1589; HB 1668, PN 2025; HB 2203, PN 2803; HB 2231, PN 2853; SB 68, PN 1581; SB 1104, PN 1330; and SB 1105, PN 1331.**

FINAL PASSAGE POSTPONED  
BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. GANNON, the House resumed consideration on final passage of **HB 1888, PN 3067**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for temporary staffing in the local office.

On the question recurring,  
Shall the bill pass finally?

RECONSIDERATION OF VOTE  
ON HB 1888

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. I move that the vote by which **HB 1888** was agreed to as amended on March 17, 1980, be reconsidered.

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

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

Mr. GEORGE offered the following amendments:

Amend Title, page 1, line 3, by inserting after "Commonwealth,"", further providing for the closing of State hospitals and other State institutions,

Amend Bill, page 1, by inserting between lines 7 and 8

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

Section 318. Closing of State Institutions.—The department shall not close, sell, donate or otherwise transfer the ownership or operational control of any State general hospital or any affiliated school of nursing, State mental institution, youth restoration center, mental retardation center, youth institution or any other similar State institution or portion thereof funded through the department, unless the General Assembly shall specifically so authorize by statute in each individual case. Furthermore, the department shall not reduce the staff of any State institution referred to herein beyond a level which would lower the overall quality of care given to the patients or inmates thereof, or which would endanger the life, health or safety of patients or inmates, without the statutory authorization of the General Assembly in each specific case.

Amend Sec. 1, page 1, line 8, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 8 and 9, by striking out " act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code,"" and inserting of the act,

Amend Sec. 2, page 2, line 11, by striking out "2." and inserting 3.

Amend Sec. 3, page 2, line 23, by striking out "3." and inserting 4.

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

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, this amendment is the amendment that has been circulated for several days and has a multitude of sponsors, both Democratic and Republican. We hope that this amendment, of general concern, can be conveyed into some legislative approval.

The people in Pennsylvania just do not want the schools of nursing closed or phased out. This amendment, Mr. Speaker, asks for your endorsement in an effort to keep these fine schools operating.

Just as a matter of apprising the members of this body, several weeks ago there was a meeting by many legislators with the Department of Welfare in which we had asked them to quit playing games and to quit cutting complements due to the fact that we were going to hurt our quality care. There was some effort placed, and we believe with integrity, only to find out several days later that the Governor had insisted that no longer were we going to allow these wonderful schools of nursing to continue to operate. And I can tell you just how demeaning this was, Mr. Speaker. The initial report was to close these schools a month before the graduation date of the senior class.

I believe it is improper. I believe it is ill conceived, and I believe that the debate in the next 15 or 20 minutes will prove such. Thank you, Mr. Speaker.

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

Mr. CUNNINGHAM. Mr. Speaker, I rise in opposition to this amendment. I had hoped to arrive at a compromise with the offeror of the amendment. That attempt has apparently failed. I am completely in agreement with the intent of the gentleman who offers the amendment that he seeks to enact, but I am proposing an alternative approach that I am going to be offering in just a moment. There unfortunately was a technical error made in the drafting by the Legislative Reference Bureau, and the amendment is being redrafted.

The difficulty with the gentleman's amendment is that it runs afoul of the constitutional requirement for separation of powers between the executive and the legislative branches of government. My proposal in the alternative would allow the executive branch of government to retain control of the ability to continue to operate or phase out those state hospital or state nursing school programs that are currently in operation where such course is deemed appropriate.

What I think is important with regard to my amendment is that it will give the General Assembly the ability to override the Governor's decision to close out a state hospital or phase out a nursing training program with a two-thirds vote of both Houses, and the vote will have to occur within 30 legislative days of the announcement of the Governor's decision.

My amendment will further require that even under those circumstances under which the Governor is able to phase out a nurse training program, it must be phased out over a 3-year period of time or such period of time as would be

reasonably necessary to allow all those students currently enrolled in the program or enrolled at the time—

The SPEAKER. Will the gentleman, Mr. Cunningham, yield?

For what purpose does the gentleman, Mr. George, rise?

Mr. GEORGE. Well, Mr. Speaker, with the fact that my fine colleague has no opposition in this primary or this fall, he should not be campaigning at this moment. Let him stick to the issue, please.

The SPEAKER. Will the gentleman, Mr. Cunningham, please confine his remarks to the question before the House, the amendment offered by Mr. George?

Mr. CUNNINGHAM. Returning to my remarks on the amendment offered by Mr. George, I would like to say that I oppose the amendment offered by Mr. George, because I believe that the amendment that I will be offering this afternoon is superior both in terms of the fact that my amendment is constitutional, whereas I do not believe Mr. George's amendment is constitutional, and it will achieve the very consequence that the gentleman from Clearfield seeks to achieve without taking away from the executive a power that is clearly a legitimate executive power. The remedy for the misuse of an executive power is not to attempt to take that power away. The constitution forbids that. The appropriate remedy is to very specifically delineate the legislative parameters within which that power is to be exercised, through the use of an oversight mechanism. And the oversight mechanism I am proposing is one that would allow the General Assembly to overrule any attempt by the executive to close out a state nursing training program or a state hospital by a two-thirds vote. And, further, as I indicated a moment ago, where the executive was permitted to phase out a nursing training program, that phase-out would have to occur over a 3-year period or such period as would be reasonably necessary to allow students currently enrolled in the program to finish.

I think what is being proposed here is clearly unconstitutional. What I am going to propose in the alternative is not only constitutional, but it will allow the executive to continue the control over a program that is obviously an executive program.

The SPEAKER. Will the gentleman, Mr. Cunningham, yield?

For what purpose does Mr. George rise?

Mr. GEORGE. I yield again. I might as well let Mr. Cunningham get his spiel off. It would not make any difference what my amendment does, it seems that his is the only one that will be the salvation to our problem.

I apologize, Mr. Speaker. Let him ramble on, and then we will provide some facts and figures.

Mr. CUNNINGHAM. Mr. Speaker, may I continue?

The SPEAKER. The gentleman, Mr. Cunningham, will please confine his remarks to the question before the House, the amendment offered by Mr. George.

The gentleman may proceed.

Mr. CUNNINGHAM. Mr. Speaker, it would be virtually impossible to ever close out any state hospital operation no

matter how inefficient it ever became if that decision had to be made by this General Assembly. Because of all of the political pressures that would obtain, it would be virtually impossible for any legislative body to ever muster a rough majority, a simple majority, of those necessary to authorize the closing-out of that program. That is the reason that that decision is an executive decision. It is the reason the decision should be made by the executive. But it should be made with legislative oversight, and the amendment that I will be offering will provide that very oversight. Mr. Speaker, I do not approve of the policy of this administration, at least as articulated to this day, in terms of the way in which this matter is being handled, and that is why I urge the defeat of the George amendment, and in lieu of that I will be offering an amendment as I have just described. Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of the George amendment. I must say that in connection with Mr. Cunningham's statements, as an attorney I can recognize that there are constitutional problems. However, I do not see where the amendment that Mr. Cunningham described solves those constitutional problems, and I do not see where a two-thirds vote is anywhere warranted, nor have I ever heard of any.

Mr. Speaker, the question before us here today is not an abstruse exercise in constitutionality nor is it a question of whether or not we phase something out. The question in fact before us today is that an order has gone out from the administration to immediately close these three nursing schools and to make substantial cutbacks in the state hospital system, so substantial that responsible people say that perhaps they cannot function under those cutbacks. I believe it is time that this General Assembly send a message to the administration, a bipartisan message, that says you simply cannot ignore the needs of our constituents wherever they may be.

I do not know what will ultimately happen to this bill as amended by Mr. George. I do not know what will happen to it in the Senate, but I do know, and having been here for some 8 years, that action of this type tends to get results.

Mr. Speaker, it has been said that the George amendment is unconstitutional. It has been said that a legislative oversight amendment would be constitutional. Some months ago when we had legislative oversight before this House, there was a memorandum and an opinion of the Attorney General circulated which said that legislative oversight was unconstitutional. It has been said that we could never close any state institution if this amendment became law.

I would direct the attention of the members to the fact that the only things that we are talking about closing are things which we have funded; and it could be during a budget process, in an emergency-type situation, if we did not fund it, there would be no problem with the closing. It has been said that the Cunningham amendment on legislative oversight would better solve the problem. Mr. Speaker,

I submit to you that no matter what kind of amendment we pass in this House or in the Senate or both of us concurrently, in order to assert our prerogatives with respect to funding and the use of funds, it will be found by the administration to be unconstitutional, and not just this administration, but any administration. This is not a Democrat-Republican problem; this is a problem of the prerogatives of the various coordinate bodies in this government. I submit to you that if we are going to find out what is constitutional and what is unconstitutional, we might as well find out in a way that protects our people, and this amendment does and the Cunningham amendment does not, and let the constitutional problem be decided by the courts.

I also recall, Mr. Speaker, some years ago when I came here to this House that we had some closings by another administration, and we passed similar legislation to this in the House. It never became law, but the closings were rescinded and something was worked out. You do not win fights over here; you do not win battles by playing nice guy in the midst of this. I submit to you that the George amendment does the job, and I think it should be sent over to the Senate to see what they do with it. I urge support of the amendment. Thank you, Mr. Speaker.

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

Mr. D. R. WRIGHT. I rise to support the George amendment. I sometimes wish in this chamber that I were a lawyer so that I could understand some of the debate that goes on.

On the one hand we are told that the George amendment is unconstitutional because it says, "The department shall not close, sell, donate or otherwise transfer...." On the other hand we are told that if we do that gradually, it is constitutional. I am not clear about that at all, and I appreciate Mr. Hutchinson's remarks on the constitutional question, because I believe it is really a spurious issue; it is a red herring and does not really belong in this debate.

I do know, however, that there is great concern that these schools remain open. There is a shortage of nurses. No one is arguing, as far as I can tell, no one is arguing that there is not a need for these schools. I can tell you that in my district there is a pirating of nurses from one institution to another the shortage is so acute. This is an important amendment. It is important for our constituents; it is important for medical service throughout this Commonwealth; and I urge an affirmative vote on the George amendment.

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

Mr. STAIRS. I support this amendment along with 25 other cosponsors. My strong convictions for supporting this stem from the fact that last July we adopted a budget, and in the process we have set aside moneys for certain spendings of the state. After these have been in ink and dried, now they are taken away. So I feel very strongly that once the appropriations have been made, it is the executive's

branch to carry out these. Now in the next budget, the next fiscal year, if, in the wisdom of the executive branch, they want to take away appropriations for different programs, I think this has to be debated on the House floor and the Senate floor.

So I very strongly urge my colleagues to support this amendment, because a precedence has definitely been set here, and I think we have to do our best to pass this amendment. Thank you.

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

Mr. GOODMAN. Mr. Speaker, during the course of this debate, I received a call from back home from some of the concerned people at the Ashland School of Nursing. They informed me that a meeting took place at 12:30 today in the Governor's office, although, apparently, Democratic legislators were not invited. Apparently Republican legislators were there. And this was subsequent to a meeting that took place in the Governor's office on Friday in which he agreed to meet with five people from the service areas affected, as long as legislators and press were excluded. But I understand the results of that meeting that took place here today were that the Governor made the decision to merge Ashland and Hazleton Schools of Nursing so that those in their first and second years of schooling can complete their second and third years and then both schools will be closed. It is for that very reason, Mr. Speaker, that we are supporting the George amendment. It is for that very reason, Mr. Speaker, why we would have to oppose the Cunningham amendment, because you and I both know that when the administration has this kind of an attitude, whether it be Republican or whether it be Democrat, the one side is going to vote as a body and the other side of the aisle is just going to let those members who are directly affected in those service areas off the hook by voting along with the minority party, but you will not get the two-thirds. And the two-thirds is no effective remedy to stop what we are trying to stop here today, and the only way we can do it is through a mechanism such as the George amendment, which will prohibit the kind of closing that the Governor is now about to do without coming before this General Assembly.

Mr. Speaker, Mr. Ryan has pointed out the pirating of nurses that is going on throughout this Commonwealth, and, indeed I would venture to say, throughout the entire United States. But in the service areas that we are directly talking about, just on Friday of this week Ted Stuban called some of us together up in Berwick Hospital where the consortium of hospitals in that area - Berwick, Bloomsburg, Sunbury, Geisinger, Saint Joe's in Hazleton - asked us to meet with them to discuss what a panic situation this is presenting for their hospitals which are not at all in the state system but which draw upon these state nursing schools for nurses.

The Berwick Hospital alone, the Berwick Hospital alone right now is 20-some nurses short, and the administrator of that hospital pointed out to us that if they go back any

further or lose any more nurses, they are out of business. That hospital, that hospital draws 60 percent to 65 percent of its nurses from Ashland and Hazleton schools of nursing. They are in trouble even if Ashland and Hazleton remain open, but if they close, that hospital as well as others in that consortium are out of business. They simply do not have the nurses and do not have anywhere to draw them from.

I do not know what went on at that 12:30 meeting, but it seems to me that somebody—of all the meetings that have taken place with the Governor—has failed to drive home the point of just what the ramifications of this action really are, not just talking about the hundreds of employes thrown out of work; not just talking about the interruption of students two-thirds and one-third through their educational process; not just talking about the students who have already been accepted for a freshman year and now being told that they are not going to be admitted, but the ramifications to all of the hospitals in that whole northeastern part of this state that are in dire need for nurses and will be crippled if this action is allowed to persist.

Mr. Speaker, we need this amendment. We need it at least until the Governor is able to be rationalized with as to the effects of the action that he and the Department of Welfare are headed for, and I ask for the entire support of both sides of the aisle for the George amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. I rise in support of this amendment because I have a hospital in my district that is directly affected, and I am concerned that if we do not take this action today and send a message to the administration that we are sick and tired of arbitrary decisions without even consulting with their elected Representatives.

Coaldale Hospital, for example, just a little over a year and a half ago had a 268 complement. With the cutback that they are asking for today it will go back to 200, and out of that 200, they are still 11 nurses short, and they want 22 nurses cut back from that facility.

You know, I was always taught that politics is the art of compromise. And the many attempts that were made to discuss this with this administration and prior administrations had been sometimes difficult by many legislators, but I think the time has come today that we send a message loud and clear that we have had it. There are meetings going on, and I have just heard on the House floor today that there was a meeting held. And for all the meetings that were requested to discuss this very issue, we were turned away.

This amendment, Mr. Speaker, offers us the opportunity today to send that message, because you, yourself, are an elected representative of 60,000 people that you directly have to answer to, and when they are closed out of the process, you must speak up.

I support this amendment and I ask both sides of the aisle to accept it. Thank you.

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

Mr. ZITTERMAN. Mr. Speaker, I rise to support the George amendment that was signed by 23 legislators on both sides of the aisle from the northeast. I rise to support this amendment because I have been personally involved in this Scranton State General Hospital and many other of the state hospitals since 1977, when the Department of Welfare conducted an orchestrated attempt to depress the state hospital system and generally the Scranton State Hospital.

During this period of time, Mr. Speaker, there was bad press, indicating that our state hospitals were nothing but a home for the aged, that there was no care there, and that our hospital system was deteriorated and must be turned over to private enterprises. Mr. Speaker, after reviewing this concept, I found that we were rebuilding these hospitals; that we were rebuilding nursing homes; we were rebuilding primary health-care centers and investing anywhere from \$2 million to \$4 million in some of these institutions, and all the while that we were spending state money, we had resolutions and bills laying in the House that were going to give these hospitals away to private enterprises.

For example, on the Scranton State Hospital, press releases show that 38 percent of the beds were occupied. However, no one mentioned that we spent \$2.8 million to renovate this hospital, and, at this time we had 70 beds available instead of 173 beds. However, the Department of Public Welfare did not acknowledge the fact that we had 100 beds being reconstructed and that the actual hospital had an occupancy of over 85 percent. It appears to me, Mr. Speaker, that this is a personal vendetta against these hospitals; it is a personal vendetta to rebuild; it is a vendetta to bolster and then give away these hospitals to private enterprises.

Mr. Speaker, for example, in discussing the Scranton State Hospital, in 1977 we expended \$1.6 million and showed a loss of that amount. After 5 years of renovations and rebuilding, our budget for fiscal year 1980-81, June 30, shows that we will need \$60,000.

A report just released yesterday from the Scranton State Hospital shows that there is a strong possibility that the Scranton State General Hospital will show a net profit of \$200,000 for fiscal year ending June 30, 1980. As of yesterday, Mr. Speaker, it showed a blue figure of \$13,000, with \$300,000 worth of Medicare payments still in transit.

Let us talk about the orchestrated attempt in the event to discourage these hospitals and show that they are not needed. Some of the articles talked about the cost per bed, the amount of beds available, and how many people that we have working on state payrolls that are unneeded. I have a comparative report, Mr. Speaker, of 23 hospitals that are not state-related, and we show on an average basis that the Scranton—

The SPEAKER. The question before the House is the amendment offered by Mr. George. Will the gentleman, Mr. Zitterman, please confine his remarks to the amendment?

Mr. ZITTERMAN. Mr. Speaker, I feel that my remarks are based on the George amendment because it does talk about nursing homes, hospitals, mental retardation centers, and what I am trying to impress is the fact in relation to the thoughts of the Welfare Department that the reasons we are closing these state facilities is because of the high costs. As I said, Mr. Speaker, in a survey of 23 hospitals, the Scranton State Hospital has lowest occupancy versus employe.

Mr. Speaker, I am not going to elaborate on some of the facts and figures we have here, but I think if the Department of General Welfare straighten out their act and, instead of trying to give away these hospitals, set up some system, a commission on the state hospitals, that would put the state hospitals in a program that we could administrate. Mr. Speaker, it appears that instead of the Department of Public Welfare being prejudiced and having personal vendettas and remembering that in 1972 someone said we should get out of the state hospital business, I am suggesting that the Department of Welfare clean up their own act.

Personally, not to belabor the point, I have a report here from the Auditor General's office talking about the cost of \$40 million in Federal funds because of the laxity of the Department of Welfare to have some of the institutions certified, 325 beds at Polk and other institutions.

It is time, Mr. Speaker, that we advise the Department of Welfare that the General Assembly of this Commonwealth is running the business of the Commonwealth, and I, along with most of my colleagues, am sick and tired of appropriating \$6.8 billion to state government and not having any say in this. I am supporting the George amendment, Mr. Speaker.

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

Mr. BOWSER. I rise to support the George amendment, also, and primarily from the nursing aspect.

For the last year Mr. Dombrowski and myself and others from the northwest have been trying to retain the nursing program at the Behrend Center of Pennsylvania State University. I have been in touch with the Governor through the months on this and have absolutely received no help whatever. And with these state hospitals going down, I see three more nursing programs going by the wayside. I can count up about a total of 200 nursing graduates each year in these programs.

I am not sure whether we have a conspiracy to dump nursing programs, particularly associate degree nursing programs, in the state. But I am asking for support here today. You have heard all the previous speakers exemplify the need and the shortage of nurses. I am asking each member here today to help us on this one. Thank you very much.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I wonder if I could inter-rogate Mr. George?

The SPEAKER. The gentleman, Mr. George, indicates he will stand for interrogation. Mrs. Taylor may proceed.

Mrs. TAYLOR. Mr. Speaker, my comments are brief and in the form of a question.

Mr. Speaker, does your amendment speak only to state hospitals and the three nursing schools that are slated by the department to be closed?

Mr. GEORGE. Did you read the amendment?

Mrs. TAYLOR. Mr. Speaker, unfortunately, those around me, and I am included, we do not have that in front of us because of the discussion at the close of the last session.

I would like to know again, if you would help me in determining whether or not the amendment speaks only to state hospitals and the three nursing schools that are slated to be closed by the Department of Welfare?

Mr. GEORGE. Mr. Speaker, in answer to your question: It speaks to any state function that might be involved in one district that one of us might have to come forward on next month or next year. Indeed you are right.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

If I could just make a comment.

While right at the present time we are concerned with the closing of the three nursing schools, there are many of us who sit here who probably have a state hospital, a state institution, in our own locality, which, for some reason or other, should not be closed. I am speaking particularly of Pennhurst. I would like to have this on the record, because while we might be speaking to one aspect of the closing of state hospitals and state nursing schools, I would not like to see the George amendment set a precedent for the closing of both institutions which, for some very different reasons, might not and should not be closed. Thank you very much, Mr. Speaker.

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

Mr. SHUPNIK. Mr. Speaker, at the proper time may I be recognized to be able to ask unanimous consent to make a brief statement?

The SPEAKER. The Chair apologizes to the gentleman. He asks unanimous consent to make a statement on what?

Mr. SHUPNIK. Not only on the amendment, but I think on the whole situation that revolves around the Department of Welfare. Do you want me to make it now?

The SPEAKER. The Chair would hope that we could confine the remaining remarks to the amendment, and when the bill is before us, the gentleman will have an opportunity to be recognized.

Mr. SHUPNIK. Thank you.

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

Mr. KLINGAMAN. Firstly, I feel compelled to correct my learned colleague from the other side of the aisle who laid claim to Coaldale Hospital. It happens to be in the 124th district, which I represent.

We went through this whole thing about 7 years ago when a previous administration precipitously closed

Blossburg State General Hospital, and at that time similar legislation was proposed, I believe, by Mr. Spencer and cosponsored by myself and others. At that time it overwhelmingly passed this House, as, I believe, the George amendment will overwhelmingly pass this House. I suggest that we get on with it. I support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Cochran.

Mr. COCHRAN. Mr. Speaker, to deprive the citizens of this Commonwealth quality health care is the dirtiest of politics at the lowest possible level. We were sent down here to protect the interest of the constituents we represent, and it is our responsibility to assure them that they have quality health care. I feel the George amendment will do a lot to guarantee that and I rise to support it. Thank you very much, Mr. Speaker.

The Speaker. The Chair recognizes the gentleman from Luzerne, Mr. Gatski.

Mr. GATSKI. Mr. Speaker, right now the problem with the state hospitals that we are discussing affects maybe a few of us. But I would like to say to you that the next time a similar problem may affect each and everyone of us - in your district. I believe and I urge all members of the House, whether they be Democrats or Republicans, that we the Legislators have some input into the decisions made here. Again, I urge your support for the George amendment.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. MCCALL. Yes, Mr. Speaker, I want to apologize to my colleague on the other side. I should have said that served my district, not in my district.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—154

Alden	Fryer	Levin	Ritter
Anderson	Gallagher	Livengood	Rocks
Arty	Gamble	Lynch, E. R.	Rodgers
Barber	Gatski	McCall	Ryan
Belardi	Geesey	McClatchy	Salvatore
Bennett	Geist	McIntyre	Schmitt
Bittle	George, C.	McKelvey	Schweder
Bowser	Gladeck	McMonagle	Serafini
Brown	Goebel	Mackowski	Seventy
Burd	Goodman	Madigan	Shadding
Burns	Grabowski	Manderino	Shupnik
Caltagirone	Gray	Manmiller	Sieminski
Cappabianca	Greenfield	Michlovic	Smith, E. H.
Cessar	Grieco	Miller	Smith, L. E.
Chess	Gruppo	Mrkonc	Stairs
Cimini	Halverson	Mullen	Steighner
Clark, B. D.	Harper	Musto	Stewart
Clark, M. R.	Hasay	Novak	Stuban
Cochran	Hayes, Jr., S.	Noye	Sweet
Cohen	Helfrick	O'Brien, B. F.	Swift
Cole	Honaman	O'Brien, D. M.	Taylor, E. Z.
Coslett	Hutchinson, A.	O'Donnell	Taylor, F.
Cowell	Hutchinson, W.	Oliver	Telek
DeMedio	Irvs	Perzel	Thomas
DeVerter	Itkin	Peterson	Trello
DeWeese	Johnson, E. G.	Petrarca	Wachob
DiCarlo	Johnson, J. J.	Piccola	Wargo
Davies	Jones	Pievsky	Wass

Dawida	Kanuck	Pistella	Wenger
Dietz	Klingaman	Pitts	White
Dininni	Knight	Polite	Wilson
Dombrowski	Kolter	Pratt	Wilt
Dorr	Kowalyszyn	Pucciarelli	Wright, D. R.
Durham	Kukovich	Punt	Wright, Jr., J.
Fee	Lashinger	Rappaport	Yahner
Fischer	Laughlin	Reed	Yohn
Foster, W. W.	Lehr	Richardson	Zeller
Foster, Jr., A.	Letterman	Rieger	Zitterman
Freind	Levi		

## NAYS—27

Armstrong	George, M. H.	Murphy	Spitz
Brandt	Hoefel	Nahill	Taddonio
Cornell	Lewis	Pott	Vroon
Cunningham	McVerry	Pyles	Zord
Earley	Micozzie	Scheaffer	
Fisher	Moehlmann	Sirianni	Seltzer,
Gallen	Mowery	Spencer	Speaker
Gannon			

## NOT VOTING—15

Austin	Duffy	Knepper	Weidner
Beloff	Dumas	Milanovich	Williams
Berson	Giammarco	Rhodes	Zwikl
Borski	Hayes, D. S.	Street	

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

## WELCOME

The SPEAKER. The Chair would like to interrupt temporarily the proceedings of the House to welcome a very distinguished group.

On March 1 of this year, near Sharon in western Pennsylvania, a group of Americans started marching all across Pennsylvania, to Scranton and now to Harrisburg. It is our privilege today to welcome to the floor of the House this group of distinguished marchers. Will they please enter the hall of the House?

The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, it is indeed a rare privilege for a legislator to be in the body of such distinguished persons. The group that this House of Representatives has just so warmly welcomed, I believe, epitomizes the feelings of this whole country.

Mr. Speaker, the group here, that I have the privilege to represent from the 7th district, has marched across Pennsylvania from Hermitage, Pennsylvania, to Olyphant, Olyphant, a small community near Scranton, the home of Michael Metrisko who is the Pennsylvanian who is held hostage with the others in Iran.

Mr. Speaker, it is also a great privilege for me to welcome, on behalf of the delegation from Lackawanna County the parents of Michael Metrisko. If they would rise, the House may want to welcome them - Mr. and Mrs. Harry Metrisko.

Mr. Speaker, on behalf of Messrs. Pratt, Wilt, Senator Dwyer, and myself, I want to thank the House of Representatives for their warm welcome to Mr. Tom Flynn, who is the organizer of this march, and a delightful young lady,

the walking grandmother, Mrs. Cay Mack, and the other marchers who have marched from Hermitage to Olyphant and now to Harrisburg.

Mr. Speaker, in a reception in the Governor's office just a few moments ago, Mr. Flynn announced to the Governor and to the world that they are leaving Harrisburg tomorrow morning to continue their march to Washington, D.C.

So, Mr. Speaker, again, it is with a great deal of personal pleasure that I welcome this group of distinguished people to this distinguished House of Representatives. Thank you, Mr. Speaker.

The SPEAKER. Reid, on behalf of all of your fellow members, we welcome you with greatness and heartfelt thanks for the effort that you are putting forth to continue to remind us of the plight of our fellow citizens still held in Iran.

Lots of luck on the rest of your trip, and when you are back in Harrisburg for any other reason, please feel always welcome to visit the floor of this House of Representatives.

Mr. BENNETT. Thank you, Mr. Speaker. They are now going to march up the center aisle of this House and go over to the other body.

## CONSIDERATION OF HB 1888 CONTINUED

The SPEAKER. Will the gentleman, Mr. George, yield until the bill is in position? The Chair will recognize the gentleman in a moment.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to.

The question is, shall the bill pass finally?

## POINT OF ORDER

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

Mr. ITKIN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ITKIN. I filed a reconsideration motion to an amendment to HB 1888 last week.

The SPEAKER. The Chair reverses its decision as to the bill having been agreed to on third reading.

RECONSIDERATION OF VOTE ON  
AMENDMENT TO HB 1888

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

Mr. ITKIN. Mr. Speaker, I move that the vote by which amendment No. 5199 was defeated on March 18, 1980, be reconsidered.

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

Mr. COWELL. Mr. Speaker, I second the motion.

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

The following roll call was recorded:

YEAS—170

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

NAYS—2

Mowery Scheaffer

NOT VOTING—24

Austin	Dumas	Mackowski	Street
Beloff	Fisher	Milanovich	Thomas
Berson	Giammarco	Pucciarelli	Weidner
Borski	Gruppo	Rhodes	Williams
DeVerter	Hayes, D. S.	Sieminski	Zitterman
Duffy	Knepper	Smith, L. E.	Zwilk

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I apologize to the Chair that on the vote that was taken on the previous amendment that I am very much interested in, it is evident that the

computer did not compile my affirmative vote. Would you show that the computer was erroneous, Mr. Speaker?

The SPEAKER. The Chair is unable to do that, but if the gentleman would like to have his name added to the affirmative roll, the record would show that.

Mr. GEORGE. I thank the Chair.

CONSIDERATION OF HB 1888 CONTINUED

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

Mr. ITKIN reoffered the following amendments:

Amend Title, page 1, line 4, by removing the period after "office" and inserting and for reimbursement for psychiatric clinic para-medical services.

Amend Bill, page 2, by inserting between lines 10 and 11 Section 2. The act is amended by adding a section to read: Section 453. Psychiatric Clinic Para-medical Services.—The department shall reimburse persons who qualify under regulations of the department for the following psychiatric clinic para-medical services: (1) Speech evaluation. (2) Speech therapy. (3) Audiologist training. (4) Hearing aid evaluation when performed by a person other than a physician. (5) Audiologic evaluation. (6) Dactylogic therapy.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting 3

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

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

Mr. ITKIN. Mr. Speaker, this amendment has been considered before, so I will be extremely brief.

What this amendment attempts to do is to rescind the order of the Department of Welfare, which would prohibit reimbursement for speech therapy and hearing services and other services for which currently there is reimbursement under medical assistance. Those of you who have voted for this amendment in the past, I would hope that you would continue to vote for it. And I believe that some others who opposed it in the past now will change their position on the amendment. Thank you, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, I once again rise to oppose this amendment. As I have indicated in a prior debate, the amendment simply exacerbates an already deficient budget in the Welfare Department.

The Welfare Department is attempting to eliminate a duplication of services. We have covered in detail where these services are now available in place and where they will be available with the effectiveness of the department's regulations. For example, under Act 89, nonpublic school children are entitled to the services in addition to others set forth in the amendment. Under the Public Law 94142, public school children are entitled to these services, and also they are available through the Mental Health/Mental Rehabilitation facilities.

Additionally, as I pointed out in prior debates, we know that there have been lapses in other MH/MR facilities, lapses of funds, so that there is funding available. That question was brought up. There is funding available to take care of these programs. Mr. Speaker, I urge a negative vote on the amendment.

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

Mr. COWELL. Mr. Speaker, I would just like to respond briefly to the comment that has been made in opposition to this amendment. The Itkin amendment will exacerbate financial problems to the Department of Welfare. Let us not confuse this issue and begin to think that we are talking about providing new services. What the Itkin amendment attempts to do is to insure to people who need these programs and these services that they will continue to be offered, because they have been offered in the past by the Department of Welfare. In fact, this legislature, when it passed the budget last year, provided dollars for these services. These services were being offered at that time.

I think it is unfair to this legislature as well as to the recipients of these services that suddenly the department would take some of the money that we appropriated and decide to not use it for the services that were in existence at that time but instead to use it for other purposes.

We are not talking about adding anything new. We are simply trying to maintain the status quo, which would be changed by the regulations promulgated by the Department of Welfare.

Secondly, let us not kid ourselves again. We went over the financial arguments last week. In fact, dollars are not going to be saved; somebody will have to pay the bill. It is not a matter of duplication of services; somebody will have to pay the bill. If we refuse to pay it with these medical assistance dollars, where 55 percent of the funds come from the Federal Government, then in fact the state could end up paying more, or at best, or at worst—however you choose to look at it—the local agency will end up spending its local dollars for these same services. It is not a duplication of services; it is a question of how they can be best paid for. I ask that we adopt the Itkin amendment.

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

Mr. GANNON. Mr. Speaker, I think it is well to remind the members that the medical assistance program right now is approximately \$29.8 million in the red, and any request to extend unnecessary duplicated services is an exacerbation of an already deficient budget, I believe, simply by definition. We simply do not have the money, and I think it is placing an unfair burden upon the taxpayers of this Commonwealth to ask them to provide additional services that are already provided and that they recognize as being needed, provided, and are available. It is not a question of taking anything away from anybody. It is simply trying an attempt to save the taxpayers of the Commonwealth some unnecessary expenditures, and I ask for a negative vote on the amendment, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—94

Barber	George, M. H.	Manderino	Schmitt
Bennett	Giammarco	Michlovic	Schweder
Bowser	Goodman	Miller	Seventy
Brown	Grabowski	Moehlmann	Shadding
Caltagirone	Gray	Mrkonic	Shupnik
Cappabianca	Greenfield	Mullen	Sirianni
Chess	Harper	Murphy	Stairs
Clark, B. D.	Hoeffel	Musto	Steighner
Cochran	Hutchinson, A.	Novak	Stewart
Cohen	Irvis	O'Brien, B. F.	Stuban
Cole	Itkin	O'Donnell	Sweet
Cowell	Johnson, J. J.	Oliver	Taddonio
DeMedio	Jones	Petrarca	Taylor, E. Z.
DeWeese	Knight	Pievsky	Taylor, F.
DiCarlo	Kolter	Pistella	Trello
Dawida	Kukovich	Pratt	Wachob
Dombrowski	Laughlin	Pucciarelli	Wargo
Fee	Letterman	Rappaport	White
Fisher	Levin	Reed	Wilt
Fryer	Livengood	Richardson	Wright, D. R.
Gallagher	McCall	Rieger	Yahner
Gamble	McIntyre	Ritter	Zeller
Gatski	McMonagle	Rodgers	Zitterman
George, C.	McVerry		

#### NAYS—87

Alden	Foster, W. W.	Lehr	Ryan
Anderson	Foster, Jr., A.	Levi	Salvatore
Armstrong	Freind	Lewis	Scheaffer
Arty	Gallen	Lynch, E. R.	Serafini
Belardi	Gannon	McClatchy	Sieminski
Bittle	Geesey	McKelvey	Smith, E. H.
Brandt	Geist	Mackowski	Smith, L. E.
Burd	Gladeck	Madigan	Spencer
Burns	Goebel	Manmiller	Spitz
Cessar	Grieco	Micozzie	Swift
Cimini	Gruppo	Mowery	Telek
Clark, M. R.	Halverson	Nahill	Thomas
Cornell	Hasay	Noye	Vroon
Coslett	Hayes, Jr., S.	O'Brien, D. M.	Wass
Cunningham	Helfrick	Perzel	Wenger
DeVerter	Honaman	Peterson	Wilson
Davies	Hutchinson, W.	Piccola	Wright, Jr., J.
Dietz	Johnson, E. G.	Pitts	Yohn
Dininni	Kanuck	Polite	Zord
Dorr	Klingaman	Punt	
Durham	Kowalshyn	Pyles	Seltzer,
Earley	Lashinger	Rocks	Speaker
Fischer			

#### NOT VOTING—15

Austin	Duffy	Milanovich	Weidner
Beloff	Dumas	Pott	Williams
Berson	Hayes, D. S.	Rhodes	Zwilk
Borski	Knepper	Street	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Luzerne, Mr. Shupnik.

Mr. SHUPNIK. Mr. Speaker, while certainly I am in favor of the passage of the bill and very much concerned about the nursing schools, my real concern, Mr. Speaker, is going to deal with the problems revolving around the Department of Welfare. I would just like to go in and discuss a few problems that have arisen in the last few months.

We got notice about 3 months ago about the closing of one of our hospitals, and which came as a shock to us because we just spent \$750,000 to renovate it and get it ready for the Fire and Safety Code. No warning whatsoever.

This closing, Mr. Speaker, goes back to previous administrations, and I am not blaming any one administration. I think we are all involved, and I think the biggest problem we have today, Mr. Speaker, is the difference between the executive branch and us here in the legislative branch. This is not a Republican or a Democratic fight any longer. I think it is going to resolve, how are we going to settle our differences? While we were speaking to the Secretary of Welfare, out came an order, Mr. Speaker, about the closing of the nursing schools. Now, we have met in the last week or so—and I never realized what a problem we had with a shortage of nurses in the State of Pennsylvania. More important, I think, is that there are several bills and I think the Governor overstepped his bounds in trying to close these schools.

While we were talking about the nursing schools, out came another order in which he cuts the staff of the state hospitals, and there is my main concern, Mr. Speaker. He has cut and said out of each hospital you will take so many employees. I will just give you an example of what he has done to one hospital, Nanticoke State Hospital. He said we will take three nurses and a nurses aide out of Nanticoke State Hospital. What does he do to that hospital, Mr. Speaker? As you know, with the contract with the union, they have to take those with the least seniority, the nurses with the least seniority are the ones to be dropped. Who are those nurses? The ones who are coming from the intensive care unit, the intensive care units.

Mr. Speaker, to work in the intensive care unit, nurses have to be trained, they have to work together, and not all nurses can do it. Some of the finest nurses that you have cannot work in an intensive care unit because they have to be trained and they have to work together.

When he says take three nurses, two go from Nanticoke State Hospital, and they are offered jobs already and they are ready to leave. What I am saying to him, Mr. Speaker, to the front office, why can they not sit down with us? Why can they not sit down with the administrators, with the trustees, and try to resolve our problem? Where the problem lies, Mr. Speaker, is that he is not speaking to the administrators; he is not speaking to the trustees. They are going about it and just saying, here is the way it is. What I

am afraid of is that, as they chip away at the state hospitals little by little, there will be nothing else to do but close them.

Now, I think there are plans, there are ways, if he would sit down with the administrators, sit down with the legislators and perhaps we can come up with a suggestion.

We are going to introduce a bill—maybe it could work and maybe it cannot. We will never find out until the front office tells us so—forming a commission. I hope it can work.

But I think I would like to end it now, Mr. Speaker, as both sides of the aisle have addressed this issue. Mr. Hutchinson has an amendment which I think will cover the whole idea. I think it is very important, but I think it is more important that we all understand what is happening and that we all can get together with the front office and try to resolve a problem. Until we do that, Mr. Speaker, I think we are going to be at odds, and certainly I do not want to see any more problems for the leadership. They have enough now. But at least give us the courtesy to sit down and try to resolve those problems. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

#### YEAS—173

Alden	Freind	Levin	Rodgers
Anderson	Fryer	Lewis	Ryan
Armstrong	Gallagher	Livengood	Salvatore
Arty	Gallen	Lynch, E. R.	Schmitt
Barber	Gamble	McCall	Schweder
Belardi	Gannon	McClatchy	Serafini
Bennett	Gatski	McIntyre	Seventy
Bittle	Geesey	McMonagle	Shadding
Bowser	Geist	McVerry	Shupnik
Brandt	George, C.	Mackowski	Sieminski
Brown	George, M. H.	Madigan	Smith, E. H.
Burd	Gladeck	Manderino	Smith, L. E.
Burns	Goebel	Manmiller	Spencer
Caltagirone	Goodman	Michlovic	Spitz
Cappabianca	Grabowski	Miller	Stairs
Cessar	Gray	Moehlmann	Steighner
Chess	Greenfield	Mowery	Stewart
Cimini	Grieco	Mrkonic	Suban
Clark, B. D.	Gruppo	Mullen	Sweet
Clark, M. R.	Halverson	Murphy	Swift
Cochran	Harper	Musto	Taddonio
Cohen	Hasay	Nahill	Taylor, E. Z.
Cole	Hayes, Jr., S.	Novak	Taylor, F.
Cornell	Helfrick	Noye	Telek
Coslett	Hoeffel	O'Brien, B. F.	Thomas
Cowell	Honaman	O'Brien, D. M.	Trello
Cunningham	Hutchinson, A.	O'Donnell	Vroon
DeMedio	Hutchinson, W.	Perzel	Wachob
DeVerter	Irvis	Peterson	Wargo
DeWeese	Itkin	Petrarca	Wass
DiCarlo	Johnson, E. G.	Piccola	Wenger
Davies	Johnson, J. J.	Pievsky	Wilson
Dawida	Jones	Pistella	Wilt
Dietz	Kanuck	Pitts	Wright, D. R.
Dininni	Klingaman	Polite	Wright, Jr., J.
Dombrowski	Knight	Pott	Yahner
Dorr	Kolter	Pratt	Yohn
Durham	Kowalyshyn	Punt	Zeller
Earley	Kukovich	Pyles	Zitterman
Fee	Lashingier	Rappaport	Zord
Fischer	Laughlin	Reed	

Fisher	Lehr	Richardson	Seltzer,
Foster, W. W.	Letterman	Ritter	Speaker
Foster, Jr., A.	Levi	Rocks	

NAYS—2

Scheaffer      Sirianni

NOT VOTING—21

Austin	Giammarco	Milanovich	Street
Beloff	Hayes, D. S.	Oliver	Weidner
Berson	Knepper	Pucciarelli	White
Borski	McKelvey	Rhodes	Williams
Duffy	Micozzie	Rieger	Zwikl
Dumas			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2150, PN 2737**, entitled:

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, add a definition, further providing for the definitions of "public employee" and "public official" and further providing for filing of financial interest statements by certain officials.

On the question,

Will the House agree to the bill on third consideration?

Mr. SCHWEDER offered the following amendment:

Amend Sec. 1 (Sec. 2), page 2, line 2, by inserting after "services" within counties of the first class and counties of the second class

On the question,

Will the House agree to the amendment?

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

Mr. SCHWEDER. The amendment I offer, after consultations with members of the Lehigh and Northampton Transportation Authority, which is our board in Lehigh and Northampton Counties, would limit this legislation to those transportation authorities that were looked into by the special task force and that would limit the requirements to those operating in counties of the first class and counties of the second class.

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

Mr. RAPPAPORT. Mr. Speaker, I understand what the gentleman is trying to do is to keep the Pittsburgh Area Transportation Authority and SEPTA - Southeastern Pennsylvania Transportation Authority - within the bill, but exclude all other transportation authorities. I must say that board members of these authorities have tremendous powers to spend money to enter into contracts. I am not saying that we found anything improper; I do not mean to imply that. What we did find, however, were tremendous powers in these boards which could very easily be abused.

If a township supervisor with maybe an annual budget of \$100,000 has to file one of these forms and he does not get paid, I see no reason why the board member of a transportation authority, may be spending millions—and if this legislation passes we may very well be spending millions—should be exempt from the provisions of the Ethics Act.

What this bill does is bring members of transportation authority boards within the same Ethics and Disclosure Act as we have. I would, therefore, ask for a "no" vote, Mr. Speaker.

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

Mr. PITTS. Mr. Speaker, I rise also to oppose the amendment. The bill is designed to apply to those board members as we found the need in the SEPTA area, and this would specifically exclude certain counties which are part of the SEPTA organization, the counties of Chester, Delaware, Bucks, and Montgomery, and I urge opposition to the amendment for those reasons.

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

Mr. SCHWEDER. Mr. Speaker, would the gentleman, Mr. Pitts, agree to interrogation?

The SPEAKER. The gentleman, Mr. Pitts, indicates he will stand for interrogation. Mr. Schweder may proceed.

Mr. SCHWEDER. Mr. Speaker, could you tell us what individuals testified or what information you may have received from other transportation authorities, such as LANTA, which is Lehigh and Northampton County Transportation Authority? Did you meet with any individuals from that transportation authority, or do you have any documents or materials from that transportation authority?

Mr. PITTS. Mr. Speaker, as far as this bill is concerned, we did not specifically request information from those authorities. We did meet with representatives of PAMTA - Pennsylvania Association of Municipal Transit Authority - and they did provide testimony to our committee on the other aspects of the SEPTA package, the operating formula capital budget proposals. However, we did not ask specifically for information concerning conflict-of-interest provisions from those authorities.

Mr. SCHWEDER. All right. The second question I have is, when you are talking about limiting it from other counties, is there any other transportation authority other than SEPTA that operates in the first class?

Mr. PITTS. Mr. Speaker, in the SEPTA area you have counties other than the first class, if that is your question.

Mr. SCHWEDER. No. My question is, is there any other authority that operates in counties of the first class other than SEPTA or any authorities that operate in the counties of the second class other than PAT?

Mr. PITTS. To my knowledge, none, Mr. Speaker.

Mr. SCHWEDER. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Schweder.

Mr. SCHWEDER. In answer to the first of Mr. Pitts' arguments or the second one that he raised here was that it would exclude counties. The amendment is specifically

drafted so that it pertains only to those two authorities, and it would not exclude them because they exist in other counties. It is drafted this way because they are the only two that operate and then would come under the specifics of this legislation. The reason I offer that is because since there was no information gathered regarding any other authorities, whether it be conflicts of interest or information received from those, I think it is inappropriate that this legislation be drafted to include other authorities and members of those authorities who were not involved in the development of this legislation, who were not under consideration, whether there were conflicts of interest, and after discussing this with people at home who are involved with this, they are very upset with this legislation, as I am sure probably members of authorities throughout the Commonwealth other than these two are. And at their suggestion I had this drawn specifically this way so that it pertains only to those two authorities. I would ask for the support of the members of the legislature. Thank you, Mr. Speaker.

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

Mr. PITTS. Again, Mr. Speaker, he does not confine this amendment just to the SEPTA and the PAT authorities. As I stated there are counties in the SEPTA region which would not be covered by this amendment. That is specifically what we are trying to do, to cover the authority in the SEPTA region as well as the other mass transit authorities in the state. Therefore, I oppose the amendment.

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

Mr. ITKIN. Mr. Speaker, I just rise briefly to oppose the amendment. I believe it is discriminatory on Allegheny and Philadelphia Counties.

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

Mr. DORR. Mr. Speaker, I rise to support the amendment. My concern here is with the rural areas of this state where in many cases we are just now attempting to form various methods of mass transit. Mass transit authorities do not exist by and large in the rural areas of this Commonwealth, but there is clearly a need for the development of some forms of mass transit. My concern with including those areas of the Commonwealth in the concept of this legislation is that we will not be able to get the kind of quality people to serve on those authorities and boards and commissions that have to be established in order to do these things that we need to do in this Commonwealth to save energy if we start imposing these red tape rules on them.

Many of the members of this General Assembly have experienced the same kinds of frustrations that we have in my area, where people are resigning from local boards and authorities or are refusing appointment to them again because of the fact that these are public service jobs and yet we are imposing these very onerous rules of financial disclosure upon them.

I think we ought to be going the other direction from that taken in this legislation, although I do not particularly argue with including SEPTA and PAT, and, therefore, I support the idea in the amendment sponsored by the gentleman, Mr. Schweder.

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

Mr. SCHWEDER. I appreciate your leniency, Mr. Speaker. Not to belabor it, but I think that it is not clear to Mr. Pitts how this specifically pertains only to those two authorities. It is drafted that way because if you include listing by class the other counties where SEPTA exists, it would then include counties such as those I am trying to exempt, such as Lehigh, which is a third class county, and Northampton, which is a fourth. It is drafted not saying that the authority exclusively operates in counties of the first class or the second class, but it is drafted that way so that it only pertains to those that have existence in those two counties, and it is drafted that way so it specifically pertains only to those two authorities. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—36

Belardi	Fee	Livengood	Scheaffer
Bennett	Foster, Jr., A.	McCall	Schweder
Caltagirone	Gatski	Mowery	Serafini
Cappabianca	Goodman	Musto	Sieminski
Clark, B. D.	Gruppo	O'Brien, B. F.	Stewart
Cole	Hutchinson, A.	Petrarca	Stuban
DiCarlo	Kolter	Pratt	Wass
Dombrowski	Kowalyszyn	Punt	Wright, D. R.
Dorr	Levin	Ritter	Zitterman

NAYS—145

Alden	Gallen	McIntyre	Ryan
Anderson	Gamble	McKelvey	Salvatore
Armstrong	Gannon	McMonagle	Schmitt
Arty	Geesey	McVerry	Seventy
Barber	Geist	Mackowski	Shadding
Berson	George, C.	Madigan	Shupnik
Bittle	George, M. H.	Manderino	Sirianni
Bowser	Gladeck	Manmiller	Smith, E. H.
Brandt	Goebel	Michlovic	Smith, L. E.
Brown	Grabowski	Micozzie	Spencer
Burd	Gray	Miller	Spitz
Burns	Greenfield	Moehlmann	Stairs
Cessar	Grieco	Mrkonic	Steighner
Chess	Harper	Mullen	Sweet
Cimini	Hasay	Murphy	Swift
Clark, M. R.	Hayes, Jr., S.	Nahill	Taddonio
Cochran	Helfrick	Novak	Taylor, E. Z.
Cohen	Hoeffel	Noye	Taylor, F.
Cornell	Honaman	O'Brien, D. M.	Telek
Coslett	Hutchinson, W.	O'Donnell	Thomas
Cowell	Irvis	Oliver	Trello
Cunningham	Itkin	Perzel	Vroon
DeMedio	Johnson, E. G.	Peterson	Wachob
DeVertter	Johnson, J. J.	Piccola	Wargo
DeWeese	Jones	Pievsky	Wenger
Davies	Kanuck	Pistella	White
Dawida	Klingaman	Pitts	Wilson
Dietz	Knight	Polite	Wilt
Dininni	Kukovich	Pott	Wright, Jr., J.
Durham	Lashingier	Pucciarelli	Yahner
Earley	Laughlin	Pyles	Yohn
Fischer	Lehr	Rappaport	Zeller

Fisher	Letterman	Reed	Zord
Foster, W. W.	Levi	Richardson	
Freind	Lewis	Rieger	Seltzer,
Fryer	Lynch, E. R.	Rocks	Speaker
Gallagher	McClatchy	Rodgers	

## NOT VOTING—15

Austin	Dumas	Knepper	Weidner
Beloff	Giammarco	Milanovich	Williams
Borski	Halverson	Rhodes	Zwikl
Duffy	Hayes, D. S.	Street	

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. VROON offered the following amendments:

Amend Title, page 1, lines 8, by inserting a period after "official""

Amend Title, page 1, lines 8 through 10, by striking out "and" in line 8, and all of lines 9 and 10

Amend Bill, page 2, line 30; and page 3, lines 1 through 17, by striking out all of said lines on said pages

Amend Sec. 3, page 3, line 18, by striking out "3." and inserting 2.

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, this bill, HB 2150, is intended to treat mass transportation officials and to include mass transportation officials in the group of local officials who are required to file financial reports each year. However, on the last page of this bill, we have an all-inclusive clause which applies to all public officials all over the Commonwealth. And this is really not pertinent to the mass transportation idea which was originally approached in the bill. Consequently, and at the request of one of my local governments, I am submitting this amendment to remove that part of the bill, and not necessarily as being opposed to it, but as stating that this part of the bill should be treated separately and should go through the committee process, through the Local Government Committee in particular. It is really not the kind of thing that should be passed by the Transportation Committee, which did approve this bill. I ask for an affirmative vote on the amendment.

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

Mr. RAPPAPORT. Mr. Speaker, I would yield to my friend from Montgomery, Mr. Yohn, with the Chair's permission.

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

Mr. YOHN. I rise to oppose the amendment. I have just now seen a copy of the amendment, but in my analysis, as I look at it quickly—and I think this is correct—basically Mr. Vroon's amendment would do two things. Under the current law, the first sentence of section (d) exists in current law, and this states that if you do not file your financial

statement, you cannot then take the oath of office. It is a means of effectuating the requirements of filing the financial disclosure statement for anyone who is a successful candidate. If his amendment is successful and becomes the law, that will be removed. So we are, in a sense, emasculating one of the enforcement provisions of the current law. The second section of the bill at the present time is drafted to remove an ambiguity that exists in the present law.

I think that it was our intention, when we passed the present law, to require the financial disclosure statements to be filed each year that a person was in office. There has been a dispute as to the interpretation of that law, and some people have said that the present law only requires the filing of a disclosure statement in the year in which you are a candidate.

The Ethics Commission has rejected that interpretation, and has, in fact, made the interpretation that is in the bill. The proposal of Mr. Vroon would wipe out that section of the bill as well, and, therefore, I think that it is a bad amendment and the bill should remain as it is. I would, therefore, urge your defeat of the amendment.

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

Mr. RAPPAPORT. Mr. Speaker, I would join the comments of the gentleman from Montgomery, Mr. Yohn. I think his analysis of the amendment is quite correct and I would urge its defeat.

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

Mr. VROON. Mr. Speaker, I am not quarreling with the idea of filing financial reports at all. All I am saying is that this particular bill is not the place to do a housekeeping amendment in, and I think this ought to be the subject of a separate bill and ought to go through the Local Government Committee. This is a mass transit bill, and there are people out there who are very much concerned about the language that has been put in here, which really has not been perused and examined by local government officials nor by the associations to local government. That is why I ask for it to be removed, and then it can be put in a separate bill and handled separately. I am not quarreling with the content. I am quarreling with the place.

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

Mr. COWELL. Mr. Speaker, I, too, urge that we defeat this amendment. First of all, it is a most appropriate place to address this issue. The legislation deals with the ethics law. The original language, or I should say the other language in this particular bill, deals with the question of who shall be covered by certain provisions of the ethics law. And so it is a most appropriate place, and it is not really legitimate to argue that it is not fair or not appropriate for the Transportation Committee to deal with this issue. This entire body, all 203 of us, today—or those of us who are here—have an opportunity to speak out on this matter. So, first of all, it is appropriate.

Secondly, as Mr. Yohn has already indicated, this is no dramatic change again from what is occurring today. The intent of this legislation when we passed it in 1978 was not only for public employes but also public officials to file each year. Somewhere along the line, as the amendments were being drafted and redrafted, a particular sentence, as I recall, was omitted, so that there was an apparent loophole for local officials. But, in fact, ever since the ethics law became implemented, local public employes have had to file each year. The loophole was only there for officials. I think that was most unfair, first of all, most unfair, to suggest that loophole could continue.

Secondly, the Ethics Commission has already defined public employes to include all public officials. So under the rules and regulations promulgated by the Ethics Commission, public officials are now required or will be required to file on an annual basis.

I think that was a proper decision on the commission's part. I think that the law should very explicitly state that also. I would hope that we would defeat the Vroon amendment and allow this language to stay as it is proposed in this bill.

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

Mr. PITTS. The remarks of the gentlemen, Mr. Cowell and Mr. Yohn, are entirely correct. This is an effort to require, in our statutes, the financial statement every year, which was overlooked when we initially passed the law. It was assumed but only specified in the year that we took office.

Mr. Vroon's amendment would gut not only this amendment, clarifying language, but gut the ethics law, and I oppose it. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—8

Anderson	Livengood	Scheaffer	Vroon
Foster, Jr., A.	Miller	Spitz	Wright, D. R.

NAYS—172

Alden	Gallen	McCall	Rocks
Armstrong	Gamble	McClatchy	Rodgers
Arty	Gannon	McIntyre	Ryan
Barber	Gatski	McKelvey	Salvatore
Belardi	Geesey	McMonagle	Schmitt
Bennett	Geist	McVerry	Schweder
Berson	George, C.	Mackowski	Serafini
Bittle	George, M. H.	Madigan	Seventy
Bowser	Gladeck	Manderino	Shadding
Brandt	Goebel	Manmiller	Shupnik
Brown	Goodman	Michlovic	Sieminski
Burd	Grabowski	Micozzie	Sirianni
Burns	Gray	Mochlmann	Smith, E. H.
Cappabianca	Greenfield	Mowery	Smith, L. E.
Cessar	Grieco	Mrkonic	Spencer
Chess	Gruppo	Mullen	Stairs
Cimini	Halverson	Murphy	Steighner
Clark, B. D.	Harper	Musto	Stewart
Clark, M. R.	Hasay	Nahill	Stuban
Cochran	Hayes, Jr., S.	Novak	Sweet
Cohen	Helfrick	Noye	Swift
Cornell	Hoeffel	O'Brien, B. F.	Taddonio
Coslett	Honaman	O'Brien, D. M.	Taylor, E. Z.

Cowell	Hutchinson, A.	O'Donnell	Taylor, F.
Cunningham	Hutchinson, W.	Oliver	Telek
DeMedio	Irvis	Perzel	Thomas
DeVerter	Itkin	Peterson	Trello
DeWeese	Johnson, E. G.	Petrarca	Wachob
DiCarlo	Johnson, J. J.	Piccola	Wargo
Davies	Jones	Pievsky	Wass
Dawida	Kanuck	Pistella	Wenger
Dietz	Klingaman	Pitts	White
Dininni	Knight	Polite	Wilson
Dombrowski	Kolter	Pott	Wilt
Dorr	Kowalyshyn	Pratt	Wright, Jr., J.
Durham	Kukovich	Pucciarelli	Yahner
Earley	Lashinger	Punt	Yohn
Fee	Laughlin	Pyles	Zeller
Fischer	Lehr	Rappaport	Zitterman
Fisher	Letterman	Reed	Zord
Foster, W. W.	Levi	Richardson	
Freind	Levin	Rieger	Seltzer,
Fryer	Lewis	Ritter	Speaker
Gallagher	Lynch, E. R.		

NOT VOTING—16

Austin	Cole	Hayes, D. S.	Street
Beloff	Duffy	Knepper	Weidner
Borski	Dumas	Milanovich	Williams
Caltagirone	Giammarco	Rhodes	Zwilk

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—178

Alden	Fryer	McCall	Ryan
Armstrong	Gallagher	McClatchy	Salvatore
Arty	Gallen	McIntyre	Scheaffer
Barber	Gamble	McMonagle	Schmitt
Belardi	Gannon	McVerry	Schweder
Bennett	Gatski	Mackowski	Serafini
Berson	Geesey	Madigan	Seventy
Bittle	Geist	Manderino	Shadding
Bowser	George, C.	Manmiller	Shupnik
Brandt	George, M. H.	Michlovic	Sieminski
Brown	Gladeck	Micozzie	Sirianni
Burd	Goebel	Miller	Smith, E. H.
Burns	Goodman	Moechlmann	Smith, L. E.
Caltagirone	Grabowski	Mowery	Spencer
Cappabianca	Gray	Mrkonic	Spitz
Cessar	Greenfield	Mullen	Stairs
Chess	Grieco	Murphy	Steighner
Cimini	Gruppo	Musto	Stewart
Clark, B. D.	Halverson	Nahill	Stuban
Clark, M. R.	Harper	Novak	Sweet
Cochran	Hasay	Noye	Swift
Cohen	Hayes, Jr., S.	O'Brien, B. F.	Taddonio
Cole	Helfrick	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hoeffel	O'Donnell	Taylor, F.
Coslett	Honaman	Oliver	Telek
Cowell	Hutchinson, W.	Perzel	Thomas
Cunningham	Irvis	Peterson	Trello
DeMedio	Itkin	Petrarca	Vroon
DeVerter	Johnson, E. G.	Piccola	Wachob
DeWeese	Johnson, J. J.	Pievsky	Wargo
DiCarlo	Jones	Pistella	Wass
Davies	Kanuck	Pitts	Wenger

Dawida	Klingaman	Polite	White
Dietz	Knight	Pott	Wilson
Dininni	Kolter	Pratt	Wilt
Dombrowski	Kowalshyn	Pucciarelli	Wright, D. R.
Dorr	Kukovich	Punt	Wright, Jr., J.
Durham	Lashingner	Pyles	Yahner
Earley	Laughlin	Rappaport	Yohn
Fee	Lehr	Reed	Zeller
Fischer	Levi	Richardson	Zitterman
Fisher	Levin	Rieger	Zord
Foster, W. W.	Lewis	Ritter	
Foster, Jr., A.	Livengood	Rocks	Seltzer,
Freind	Lynch, E. R.	Rodgers	Speaker

**NAYS—3**

Anderson            Hutchinson, A. Letterman

**NOT VOTING—15**

Austin	Dumas	McKelvey	Weidner
Beloff	Giammarco	Milanovich	Williams
Borski	Hayes, D. S.	Rhodes	Zwikl
Duffy	Knepper	Street	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The House proceeded to third consideration of **SB 770, PN 1578**, entitled:

*An Act regulating the licensure and practice of optometry, making repeals and providing penalties.*

On the question,

Will the House agree to the bill on third consideration?

**MOTION TO RECOMMIT**

The SPEAKER. Does the gentleman desire to make a motion?

Mr. VROON. Yes, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, since this bill was reported out of committee, there has been a growing amount of concern on the part of many of our people in the House and out there in our respective constituencies. The concern is not necessarily as to the fine details of this bill, but as to the overall implications of the bill. What we are concerned about in this state, and this is exclusive, as far as I am concerned. I am not interested in taking any kind of a part between two quarreling factions, namely, the optometry people and the ophthalmology people. But I am concerned about the protection of the eyesight of our populace, and I do not believe—

The SPEAKER. Will the gentleman yield? Will the gentleman put his motion to the House, please? The Chair will then recognize the gentleman on the motion.

Mr. VROON. Very good.

Mr. Speaker, out of the interest of good legislative procedure, I move that this bill be recommitted to the Committee on Professional Licensure.

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

Mr. VROON. Mr. Speaker, I had a conference this morning with the Secretary of Health and with members of his staff, and with other interested members of both professions, and the concern was definitely put forward by the Secretary of Health that there were things that are being done in this bill that he is most concerned about.

In the interest of protecting the eye health of the populace, he would like very much to see two amendments placed into this bill, and in the interest of saving time of the House, and in the interest of giving the Secretary of Health and his people an opportunity to let their viewpoints be known on this bill, I hence move that it be recommitted to the committee. At least it would be giving enough time to the Secretary of Health to tell them what he thinks should be needed as amendments to this bill. And I urge the approval of this motion.

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

Mr. BENNETT. Mr. Speaker, I rise in opposition to the motion made by the gentleman, and with the Chair's permission—I would hope without the Chair's permission—I can stay within the rules of the House in speaking against the motion of recommitment, and I shall certainly attempt to do that, Mr. Speaker.

The SPEAKER. I am sure the gentleman will.

Mr. BENNETT. Mr. Speaker, it is true, as the gentleman states, that there was a meeting this morning with the Secretary of Health and other persons interested in SB 770. However, Mr. Speaker, I would call to the attention of the members of this House of Representatives that what the Secretary of Health is asking this body to do is not only to stifle the optometric profession in the implementation of rules and regulations but possibly all other professions also.

Mr. Speaker, if this motion to recommit fails, there will be an amendment offered that the Secretary of Health supports. That amendment, Mr. Speaker, I would ask the members at that time to oppose, and I must tell you now that if that amendment passes for the optometric profession, then we are indeed endangering the complete—

**POINT OF ORDER**

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

Mr. VROON. A point of order, Mr. Speaker. I think the speaker is deviating considerably from the subject.

The SPEAKER. The Chair would ask the gentleman from Mercer, Mr. Bennett, to confine his remarks to the recommitment motion.

Mr. BENNETT. I will certainly try, Mr. Speaker. It is an important motion that the gentleman makes, and I apologize to him if I have done disservice to him. I did not mean to. I am just trying to impress as much as I can on the members of this body that we should not recommit SB 770. It is a bill that has been on the calendar for a long

time; it is a bill that deserves debate, and I would ask the members to stay here today, now that the bill is called up, and debate the bill, and debate the amendments as they come to us. Use your own best judgment on the amendments as they are brought forth to us. Vote accordingly on those amendments, and let us vote for the bill, Mr. Speaker, today.

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

Mr. GEESEY. Mr. Speaker, I would like to concur with the gentleman from Mercer. As chairman of the Professional Licensure Committee, we did consider the bill very carefully in committee. All members were given an opportunity to present amendments to the bill at that time, and all those offered were certainly considered in all seriousness.

There is really no need to recommit the bill to committee. If it is recommitted, there is no guarantee that it is going to come out in any other form than it presently exists, and I would suggest that if there are amendments to consider they be considered here and now, and let us get on with the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I would oppose the motion to recommit so we can move to final passage on this bill.

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

Mr. MURPHY. Mr. Speaker, I rise to support the motion to recommit.

Number one, I think Mr. Bennett suggested some very good reasons why this bill should be recommitted. One is that clearly the bill has caused a great deal of confusion among members in the problems with the bill. I think in committee we would be able to straighten out that confusion and the concern in the definitions in the bill.

Secondly, in the committee the bill was not carefully considered. We should have more carefully considered it. The meeting was called quickly. The ophthalmologists did not have an opportunity to address themselves in committee, and they should have.

This bill needs further work. There have been problems brought out with the bill subsequent to its passage from committee that need to be looked at very closely, and I urge the members to support the recommittal motion. Thank you.

Mr. GEESEY. Mr. Speaker, may I answer that?

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

Mr. GEESEY. Mr. Speaker, I do have to take issue with what the gentleman said, because I met with the supposed lobbyist from the ophthalmologists on several occasions. He will admit that. He will also admit that he lied when he said he was a registered lobbyist when he in fact was not a registered lobbyist. He will also tell you that I told him that if he has amendments, he should contact committee members in order to have those amendments offered in committee. I even gave him names of sympathetic members to contact to have those amendments offered, and he did not do his job.

Now, that is not our fault, nor is it the fault of the committee. The committee members had the bill in plenty of time with the complete analysis prior to the committee meeting, and I resent any kind of implication stated to the contrary. I suggest that if there are amendments to be considered, they be considered here and now on the floor, and let all the members of the General Assembly make that decision. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. I rise also to oppose recommittal. This bill has been around since May of 1979. It has been amended only twice between the House and the Senate so far. The mail and the personal contacts I have had on the bill indicate no confusion, however, do indicate that the battle lines are clear-cut and drawn on this bill.

I advanced the suggestion of Mr. Geesey, the chairman of the Professional Licensure Committee, that if there are amendments, we offer them on the floor. Let the membership decide here. I urge a "no" vote on recommittal.

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

Mr. VROON. The basic reason why I made this motion is because the Secretary of Health, who is a new secretary, has not had a chance to examine this bill thoroughly and to give his opinion of this bill, and out of courtesy to him alone I think we should recommit this. It will not take long, and I think that there would be a setting in the committee area with the Secretary of Health present and with representatives of the two particular professions involved where something could be ironed out and this bill would smoothly flow through the House without any kind of controversy with respect to amendments. This is the basic reason for it. I am not trying to delay the bill; I am trying to fix up the bill so that everyone is satisfied, and we will do what is best for our people out there. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—57

Armstrong	Halverson	Mowery	Seventy
Berson	Hoeffel	Mrkonic	Sirianni
Bowser	Johnson, E. G.	Murphy	Spitz
Brandt	Kanuck	Nahill	Stairs
Caltagirone	Knight	O'Donnell	Steighner
Chess	Kowalyshyn	Oliver	Sweet
Cornell	Kukovich	Pistella	Telek
DeWeese	Levin	Polite	Vroon
Dawida	Lewis	Pucciarelli	Wachob
Fischer	Livengood	Pyles	Wargo
Geist	McIntyre	Reed	White
George, M. H.	Michlovic	Rieger	Wilt
Grabowski	Miller	Rodgers	Zeller
Gray	Moehlmann	Schmitt	Zitterman
Greenfield			

#### NAYS—121

Alden	Fee	Laughlin	Rocks
Anderson	Fisher	Lehr	Ryan
Arty	Foster, W. W.	Letterman	Salvatore
Barber	Foster, Jr., A.	Levi	Scheaffer
Belardi	Freind	Lynch, E. R.	Schweder
Bennett	Fryer	McCall	Serafini

Bittle	Gallagher	McClatchy	Shupnik
Brown	Gallen	McKelvey	Sieminski
Burd	Gamble	McMonagle	Smith, E. H.
Burns	Gannon	McVerry	Smith, L. E.
Cappabianca	Gatski	Mackowski	Spencer
Cessar	Geesey	Madigan	Stewart
Cimini	George, C.	Manderino	Stuban
Clark, B. D.	Gladeck	Manmiller	Swift
Clark, M. R.	Goebel	Micozzie	Taddonio
Cochran	Goodman	Mullen	Taylor, E. Z.
Cohen	Grieco	Novak	Taylor, F.
Cole	Gruppo	Noye	Thomas
Coslett	Harper	O'Brien, B. F.	Trello
Cowell	Hasay	Perzel	Wass
Cunningham	Hayes, Jr., S.	Peterson	Wenger
DeMedio	Helfrick	Petrarca	Wilson
DeVerter	Honaman	Piccola	Wright, D. R.
DiCarlo	Hutchinson, A.	Pievsky	Wright, Jr., J.
Davies	Hutchinson, W.	Pitts	Yahner
Dietz	Irviss	Pott	Yohn
Dininni	Itkin	Pratt	Zord
Dombrowski	Jones	Punt	
Dorr	Klingaman	Rappaport	Seltzer,
Durham	Kolter	Richardson	Speaker
Earley	Lashinger	Ritter	

## NOT VOTING—18

Austin	Giammarco	Musto	Street
Beloff	Hayes, D. S.	O'Brien, D. M.	Weidner
Borski	Johnson, J. J.	Rhodes	Williams
Duffy	Knepper	Shadding	Zwinkl
Dumas	Milanovich		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendment:

Amend Sec. 2, page 3, lines 14 through 20, by striking out all of said lines and inserting

"Treatment." The adapting and fitting of any and all kinds and types of lenses and devices and the provision of vision developmental and perceptual therapy or ocular exercise for aid to or enhancement of visual functions, and such other preventive and corrective means and methods for aid to or enhancement of visual functions except for drugs and surgery, which may be approved from time to time by the Secretary of Health by regulation upon written request by the Board of Optometric Examiners. The Secretary of Health may approve such means and methods if he finds that optometric education and professional competence qualifies the profession to engage in the use of such means and methods.

On the question,

Will the House agree to the amendment?

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

Mr. MURPHY. Mr. Speaker, this amendment A5917 attempts to further define the word "treatment" in the bill as it is now written. On page 3 of the legislation, under the word "Treatment," the bill now reads: "The use of any and all preventive and corrective means and methods, except for drugs or surgery, for aid to the human visual system...." It is clear that except for drugs and surgery, the optometrist would be able to do other types of treatment. The concern is—and none of us can look into the crystal ball—that in the future there would be specific other kinds

of treatment that would fall neither in drugs nor surgery that might involve some very complicated procedures with the human eye.

My amendment attempts and continues to permit optometrists to practice what they do now, and that is the adapting and fitting of lenses, providing vision developmental and perceptual therapy, but it also gives the power to the Secretary of Health, by regulation upon written request from the Board of Optometric Examiners, to define any additional new treatments. I think that is important that a third party, an arbitrator, enter into this and the Secretary of Health, by law having the responsibility to look out for the health and welfare of the people of the Commonwealth, is an appropriate official to do this.

To provide that the optometrists can define in fact their own level of treatment—

The SPEAKER. The gentleman will yield. For what purpose does the gentleman, Mr. Bennett, rise?

Mr. BENNETT. I am probably going to oppose his amendment, but I would like to hear it, and the gentleman—

The SPEAKER. The gentleman is correct. Every member is entitled to be heard, and every member is entitled to hear. Members will please take their seats. Conferences on the floor will please break up.

The gentleman, Mr. Murphy, may proceed.

Mr. MURPHY. Presently there are new procedures in eye care that have raised concerns as to whether they are included in the terms "drugs" or "surgery." There is a use of lasers; there is a use of cryotherapy. I understand that there is also an ultrasound procedure used in the care of the eye. Those procedures are not easily classified under the term "surgery." My concern is there will be procedures such as those in the future that are not easily classified, and under the law as it is now written, we would permit optometrists to begin to actually treat individuals' eyes when they might not have the medical training to be able to do so.

I ask that you support my amendment which is a reasonable approach in attempting to define the word "treatment" in the existing legislation. Thank you.

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

Mr. BENNETT. I do rise to oppose the amendment offered by the gentleman, Mr. Speaker. I do so for several reasons. I would like to outline some of those.

I believe if we vest this power in the secretary—the power that is talked about in this amendment—rather than the optometric board, that it would be a radical departure from a long-established legal practice that the determination of the scope of practice of a profession rests with the licensing board, based on the licensing laws which we in this House of Representatives passed. Mr. Speaker, I believe the amendment is ill-considered. I am certain that it will change a practice that goes back to the beginning of the concept of the licensure itself.

Very quickly, this proposal completely violates the time-honored principle that members of a profession should be

judged by their peers, by others of the same profession. What is the point in having any health boards, any at all, if the decisions of those boards are going to be made by some czar over in the Department of Health in the name of the secretary? If we were to follow this proposal, the proposal that the gentleman is offering to us, Mr. Speaker, we would say to every medical profession and, indeed, to every board, do not be judged by your peers; do not be judged by those who are of a like profession as you are, but let somebody, some secretary, make the decisions that will rule your destiny.

Mr. Speaker, I do not believe that there is any member of this House of Representatives who wants to give away. Lord knows we have given away enough power. Let us keep that power in the boards. Let us let the board of optometric licensure make the decisions for the optometric profession, Mr. Speaker. I ask that we oppose and defeat the amendment offered by the gentleman.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I also urge that the amendment be defeated and I ask my colleagues on both sides of the aisle to vote against this amendment. I ask that it be defeated for the reasons that Mr. Bennett has expressed and some additional reasons which I would present for the consideration of this House.

Basically what this amendment does is simply set up another additional bureaucracy to sit and review the decisions of the professional organization which is affected in this case. I submit to you that that is the last thing we need now if we are going to develop adequate health care, especially in our rural areas.

I suggest to you further that the purpose of this amendment is not really to place additional safeguards for a consumer in the hands of a so-called agency which is independent. I suspect that the purpose of this amendment is really to take the power to have one profession judged by its peers away from that profession and put it in the hands of another different profession with which it competes. Why do I say that? The Secretary of Health is by law a physician. Now, he as a physician could be any kind of physician. He could be an anesthesiologist; he could be an orthopedist; he could be in public health. What will he know about the laser beams and these other matters? He will not know about them. He will not know about optometry, and so where will he turn? He will turn to the members of his profession, the specialty within the medical profession that handles this area, and that is the ophthalmologist. And what do you think is going to happen when the ophthalmologists give a recommendation to the Secretary of Health concerning whether or not any particular type of matter should be approved? I suggest to you that, as so often happens, unfortunately, in this matter, the selfish interests of one profession will prevail over the public interests, and we will find that regulations will be issued and decisions will be made which will effectively mean that an optometrist cannot render care which is within his competence and within his training.

Finally, what do we do administratively in this situation? We all know the problems we have with people being regulated by two, three, and four different agencies, and I think that is a particularly acute problem in the health-care field. You have your Federal statutes; you have all of the certifications; you have your private ones. Now what about this administrative nightmare of having the secretary of one department overruling the actions of independent boards that are part of another department? If we are to pass this amendment, then we are in a situation where we are in effect saying these independent boards are no longer independent, but they have a superperson over them who will make the decisions or have an effective veto power over their decisions. I think that is wrong. At least in my area, in my county and in the outlying portions of my district, it is not going to deliver better eye care. It is in fact, I think, going to be counterproductive and result in my people having less care.

I think the amendment should be opposed. The Secretary of Health, I believe, has been quite blunt privately about it. He wants to have this power over all of the professions. I do not think that is right. I think we should stop it right here at the threshold and defeat this amendment. Thank you very much.

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

Mr. VROON. Mr. Speaker, I strongly support this amendment, and I feel that it is very much in order. This is by no means a trivial matter. This is certainly not a matter of jealously safeguarding the interests of a board, one particular health board, but this is the interest of safeguarding the health of all of the people of Pennsylvania. The duties of the Secretary of Health are to safeguard the health of all of its citizens. It is very fitting that the Secretary of Health should be compelled to pass on certain innovations and new techniques which develop in this area.

The treatment of the eye is all-important. Mistreatment of the eye can cause blindness. Do you realize what an awful tragedy blindness is? As far as I am concerned, my interest here is to safeguard the eyesight of our people of Pennsylvania. This is why I am very particular about this being approved by the Secretary of Health. It is his duty to do that. It is his duty to watch out for the eyesight of the people of Pennsylvania. I think this is very much in order, and I do not think that we are imposing any kind of detriment to the profession of optometry by one little bitty means. This should be done. Our people are entitled to this protection, and I strongly urge the support of this amendment.

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

Mr. LEVIN. Will Mr. Geesey stand for interrogation, please?

The SPEAKER. Will the gentleman from York, Mr. Geesey, stand for interrogation? The gentleman indicates that he will. The gentleman, Mr. Levin, may proceed.

Mr. LEVIN. Mr. Speaker, in reviewing this bill I was informed that the word "treatment," which is used in this bill, is being introduced in the optometric law for the first time. Is that correct?

Mr. GEESEY. I cannot honestly answer that, Mr. Speaker.

Mr. LEVIN. Well, is there someone who can? Can Mr. Bennett answer the question?

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

Mr. BENNETT. Mr. Speaker, I think I heard the question, but would he repeat it? I am not sure.

Mr. LEVIN. I will repeat the question, Mr. Speaker. I have been informed that the term "treatment" was being introduced into this bill and into the optometric law for the first time. I asked Mr. Geesey whether that was correct, and he said he did not know. Mr. Speaker, do you know? Is it being introduced for the first time?

Mr. BENNETT. Mr. Speaker, the word "treatment" is for the first time being used, but it is very narrowly defined. It does not include surgery or drugs.

Mr. LEVIN. All right. Then the information I have received is correct. The word "treatment" is a new concept being added to the optometric law for the first time. That is correct, Mr. Speaker?

Mr. BENNETT. No, Mr. Speaker, that is not correct. The word "treatment" is for the first time used, but it is used in connection with a concept that has been in existence since the first optometric act in 1917.

Mr. LEVIN. All right. Thank you.

May I speak on the bill now, Mr. Speaker?

The SPEAKER. The gentleman is recognized to speak on the amendment.

Mr. LEVIN. On the amendment; I am sorry.

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

Mr. LEVIN. I must disagree with my colleague, Mr. Hutchinson, and I wish he would have paid a little more attention to the bill and to the language of the Murphy amendment. Basically what is happening here is a battle over the concept "treatment." Optometrists, prior to this bill, did not treat eyes except in a very limited sense. They basically did what we talked about in the first section of this amendment. They adapted and fitted any and all kinds and types of lenses and devices and developed and aided the visual enhancement of the eyes. They did not treat the eye. They recognized the limitations of the eye. What they did was they prescribed the glasses that I wear and that many of you wear and made sure that a healthy eye could see better with those glasses.

What is being introduced in this bill is a concept of treating a diseased eye. That is not the province of optometrists. And the argument has been made by Mr. Bennett previously that there are certain circumstances where they should be permitted to do that. But they are not being asked to treat as medical doctors; they are being asked to treat in only a very limited sense. Now I am willing to give

them the right in a very limited sense, and, therefore, I would like to support the Murphy amendment.

What the Murphy amendment basically says is very simple. Go ahead, fit any and all kinds and types of lenses; prescribe exercises for the aid and enhancement of vision, but if you are going to use any kind of drugs or surgery or treatment, that had better be something that the Secretary of Health has determined is within the competence and the qualifications of the profession. Now there were no hearings taken in Mr. Geesey's committee as to what extent these gentlemen are trained to perform more than what they were previously allowed to do. If this bill is read in its broadest sense—and I am afraid, Mr. Speaker, that there will be some members of this profession who will take it to its broadest extent—there will be people there who were deceived in thinking that they are dealing with a doctor, a medical doctor, an eye doctor, a gentleman who is capable of treating diseases of the eyes. And that is what Mr. Vroon, Mr. Murphy and myself would like to prevent. To the extent that there is going to be any treatment other than fitting devices to the eye, that form of treatment should be approved by the Secretary of Health. This is a good amendment. It does not hurt the licensing, and it will, in the long run, help this profession, not hurt it.

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

Mr. BENNETT. Thank you, Mr. Speaker. In response to what the gentleman has said, Mr. Speaker, and because my name was mentioned in his remarks, I feel it incumbent that I should answer at this time.

Mr. Speaker, the Optometric Society does not want to treat eyes. They never did; they do not want to now. The bill does not say that. It does not say that they want to treat. It says, "The use of any and all means or methods for the examination, diagnosis and except for drugs or surgery," which we do not want, they do not want, "treatment of conditions of the human visual systems and shall include the examination", not treatment, "Examination for, and adapting and fitting of all, any and all kinds and types of lenses." Mr. Speaker, the gentleman, on one hand, is absolutely correct. If they are doing that now, then they ought to be arrested for practicing without a license. They have not been doing it; they do not want to do it, and there is nothing,50 not one thing in this legislation, that can convince me or should convince any member of this body that they want to do it. Mr. Speaker, we ought to defeat that amendment.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I rise in support of the amendment. I heard the previous speaker's remarks, which I think were addressing the total bill and not the amendment. I do not see this amendment as a struggle between the ophthalmologists and the optometrists. It is not an issue for division. What is at stake here is the health of the eye for the people that we represent. I should think that rather this amendment addresses the separate body of informa-

tion, the separate body of training and education, that is represented by an optometrist and by an ophthalmologist. And I submit to you that the ophthalmologist in this state send, on a regular basis, their patients to optometrists to be fitted for glasses or whatever. I submit that not always is it in reverse. Not always is the optometrist trained to see exactly what should be done with the condition of the eye. The ophthalmologist is trained. We need both. This is not a division, and I believe that the amendment addresses itself to treatment. And the Representatives of this House, of this Commonwealth, have in their power to say what kind of treatment we want for those people we represent. I support this amendment and I urge the other members of the House to do likewise.

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

Mr. W. D. HUTCHINSON. Mr. Speaker. It is my practice to read the amendments and the bill carefully. I did read the Murphy amendment carefully, and perhaps if the Murphy amendment were carefully drafted, I might believe that it was not offered on behalf of another competing profession. But I want you to take a look at the Murphy amendment and see what powers the Secretary of Health would have over it. It is a rather clever thing. They have seized on the fact that the word "treatment" appears once in the bill. And I do not think it really changes anything that the optometrist does now. But having seized on that, they then very cleverly define "treatment" to give the Secretary of Health a power that no one ever thought he needed. It was not treatment, even by Mr. Levin's own admission, because the definition of treatment, in which case the Secretary of Health has to approve the treatment, includes "the adapting and fitting of any and all kinds and types of lenses and devices...." So that under this particular amendment, if I go to my optometrist and I want to have fitted just the plain, ordinary lens that I am wearing today, the method and his devices in doing it, and everything else, has to be approved by the Secretary of Health. Now let me tell you this. Where I live, and I had occasion, because of a vision problem in the last couple of days, that I wanted to go to an ophthalmologist to have something done. I cannot even get an appointment with that guy for about 2 or 3 months. And when I get it, I have got to go to Reading. Now under this definition of the Murphy amendment which I did read, the Secretary of Health would have complete and absolute veto power over everything that an optometrist does. I think that is wrong. I think we should defeat the amendment. Thank you.

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

Mr. VROON. Mr. Speaker, I do not think that we really should quarrel about these powers that these boards have. I think this is essentially an attempt on the part of the profession to enlarge its scope. I am not interested in narrowing that scope.

Mr. BENNETT. Mr. Speaker.

The SPEAKER. For what purpose does the gentleman Mr. Bennett rise?

Mr. BENNETT. Mr. Speaker, I have always attempted to be a gentleman on the floor of this House, but I must resent the statement made by the gentleman, and I do resent it. The Optometric Society in no way wishes to infringe themselves upon the Ophthalmology Society.

#### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Levin, rise?

Mr. LEVIN. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Levin, will state his point of order.

Mr. LEVIN. Mr. Bennett interrupted another member and with no legal right to do so. He was not attacked in any way.

Mr. SPEAKER. The gentleman, Mr. Vroon, may proceed.

Mr. VROON. Yes, I, threw no illegal or illicit slants against any particular board, I assure you. But I am concerned about safeguarding the health of this Commonwealth. The Secretary of Health may be a doctor; he may be an ophthalmologist or he may be a kidney doctor; he may be a urologist or whatever, but the Secretary of Health is the head of a department. It is a big department. He has all kinds of people with various skills in that department. The argument was made that the Secretary of Health may be prejudiced or incompetent to judge the worthiness of a particular type of treatment advanced by the Board of Optometry. I do not think that that is pertinent here at all, because I think that he is fully staffed and his staff is fully capable of examining these various means of treatment that are proposed. I do not think that we are handicapping or hindering any board for any good treatment whatsoever. And we are not trying to cut down the powers of the optometrists either. All we are trying to say is, let the Secretary of Health do what he is paid to do. Let him rule on those particular types of treatment which have not been proven yet, and which by its very nature are not within the power of the Board of Optometry and the optometrists in their training to rule and judge as being competent and as being proper. I think this is a good amendment. I do not think it hurts anybody. I think if it comes right down to cases, I do not think the optometrists care about it either. I think they will gladly accept this. Let us get on with it.

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

Mr. MURPHY. Mr. Speaker, there are two points I would like to make. One is, Mr. Hutchinson acts as if this is something entirely new that we give the Secretary of Health powers to oversee the use of procedures for the optometrists. Well, if he would look at page 2 of the bill, he would see that we have already given the Secretary of Health powers to oversee pharmaceutical agents that optometrists might make. What we are simply doing is extending that to procedures also which, in a sense, prob-

ably are more critical to the care of the human eye. So it is already in the bill and was already agreed to that we would give the Secretary of Health certain powers to oversee what optometrists could do. We are extending that further, and I think it is critical that we do that.

Number two, we heard that "treatment" was just narrowly defined, and then we heard that the optometrists did not want "treatment", that they did not care to have treatment or to extend. Well, I do not know how you read it, but when I read "the use of any and all...means" and "shall include but is not limited to", that is anything but narrowly defined, in my definition of what narrowly defined is.

I think what we are trying to do is very reasonable, since it would suggest that there is a third neutral party who can look at the new technology that will be sure to be developed, will look at that closely to see if it is beneficial for optometrists to use that new technology in the treatment of the people in this Commonwealth. It is a reasonable approach. I do not think that we are already in the bill to permit the Secretary of Health to oversee pharmaceutical agents. I urge your support of the amendment. Thank you.

The SPEAKER. Does the gentleman from York, Mr. Dorr, wish to be recognized?

Mr. DORR. Mr. Speaker, would the gentleman, Mr. Bennett, consent to interrogation?

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

Mr. DORR. I would like both Mr. Bennett and Mr. Hutchinson to give their concurrence or nonconcurrence in my interrogation. I was going to save this for debate on the bill, but I think it relates to the amendment, especially as that relates to the word "treatment."

The bill has been touted to me by supporters of the bill as one which simply updates the language of the Optometric Practice Act. In other words, those who are supporting it indicate that they are not attempting to gain any new powers; they are not attempting to gain any right to do additional things other than what they are authorized to do under the present act, but merely attempting by this means to bring the Optometric Practice Act into more modern language form. I am wondering, with particular reference to the amendment in front of us now, whether the gentlemen who have supported the bill in this interrogation and in this debate agree with that concept or not?

Mr. BENNETT. Mr. Speaker, I agree with the concept that the gentleman, Mr. Dorr, indicated in his opening remarks of the interrogation. As I inadvertently interrupted Mr. Vroon to state, the optometrists are not trying to gain anything new; they are not trying to usurp their will or their feelings into anyone else. SB 770 merely reflects an updating, a new writing, if you will, of the Optometric Act that has been in existence since 1917.

Mr. DORR. So that, Mr. Speaker, if they are not authorized to do treatment under the existing law, then it is your opinion, and you are supporting the bill on the basis, that this new language does not authorize additional treatment capabilities?

Mr. BENNETT. You are absolutely correct, Mr. Speaker.

Mr. W. D. HUTCHINSON. I concur.

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

The following roll call was recorded:

YEAS—54

Berson	Hoeffel	O'Donnell	Shadding
Brown	Irvis	Oliver	Sirianni
Caltagirone	Itkin	Piccola	Spencer
Chess	Johnson, E. G.	Pistella	Spitz
Clark, B. D.	Knight	Pitts	Steighner
Cowell	Lashingier	Polite	Sweet
Davies	Levin	Pucciarelli	Taylor, E. Z.
Dawida	Lynch, E. R.	Rieger	Vroon
Dietz	McVerry	Rocks	Wachob
Fryer	Michlovic	Rodgers	Wargo
Gallagher	Moehlmann	Scheaffer	Zeller
Gamble	Mrkonic	Schmitt	Zitterman
Gladeck	Mullen	Seventy	Zord
Grabowski	Murphy		

NAYS—119

Alden	Fee	Laughlin	Reed
Anderson	Fischer	Lehr	Richardson
Armstrong	Fisher	Letterman	Ritter
Arty	Foster, W. W.	Levi	Ryan
Barber	Foster, Jr., A.	Lewis	Salvatore
Belardi	Freind	Livengood	Schweder
Bennett	Gallen	McCall	Serafini
Bittle	Gannon	McClatchy	Shupnik
Bowser	Gatski	McKelvey	Sieminski
Brandt	Geesey	McMonagle	Smith, L. E.
Burd	Geist	Mackowski	Stairs
Burns	George, C.	Madigan	Stewart
Cappabianca	George, M. H.	Manmiller	Stuban
Cessar	Greenfield	Micozzie	Swift
Cimini	Grieco	Miller	Taddonio
Clark, M. R.	Gruppo	Mowery	Taylor, F.
Cochran	Halverson	Nahill	Telek
Cohen	Harper	Novak	Thomas
Cole	Hasay	Noye	Trello
Cornell	Hayes, Jr., S.	O'Brien, B. F.	Wass
Coslett	Helfrick	O'Brien, D. M.	Wenger
Cunningham	Honaman	Perzel	Wilson
DeMedio	Hutchinson, A.	Peterson	Wilt
DeVerter	Hutchinson, W.	Petrarca	Wright, D. R.
DeWeese	Jones	Pievsky	Wright, Jr., J.
DiCarlo	Kanuck	Pott	Yahner
Dininni	Klingaman	Pratt	Yohn
Dombrowski	Kolter	Punt	
Dorr	Kowalshyn	Pyles	Seltzer,
Durham	Kukovich	Rappaport	Speaker
Earley			

NOT VOTING—23

Austin	Goebel	McIntyre	Street
Beloff	Goodman	Manderino	Weidner
Borski	Gray	Milanovich	White
Duffy	Hayes, D. S.	Musto	Williams
Dumas	Johnson, J. J.	Rhodes	Zwinkl
Giammarco	Knepper	Smith, E. H.	

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

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

Mr. MURPHY offered the following amendments:

Amend Sec. 2, page 2, by inserting between lines 16 and 17 "Bureau." The Bureau of Professional and Occupational Affairs in the Department of State.

Amend Sec. 3, page 3, line 26, by removing the comma after "tested"

Amend Sec. 3, page 3, line 27, by striking out "AUTHORIZE written and" and inserting and to develop

Amend Sec. 3, page 3, line 27, by inserting a period after "examination"

Amend Sec. 3, page 3, lines 28 through 30, by striking out all of said lines and inserting The bureau shall arrange for the services of a professional testing service to write and administer the written examinations on behalf of the board subject to the board's specifications and approval.

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Mr. Speaker, this is amendment A5426. It simply requires the Optometric Board to arrange for a professional outside testing service.

Presently, of all the professional boards in this state, there are only two, only two boards that now have internal testing, the optometrists and the osteopaths. What this attempts to do, since we are dealing with the optometrist law here, is to bring them into compliance with the trend through what we are doing with the rest of the boards, and that is, to have an outside testing service.

Some of the other boards have had problems with their internal tests and having internal tests. The optometrists have not. But I think it is fair to say that the optometrists in the future will be going to an outside test anyhow. There is a national board test now for optometrists. This would only require that they do it immediately, with this existing law. It is an appropriate amendment since we are dealing with the optometrist legislation right now, and I urge your support for it. Thank you.

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

Mr. BENNETT. Mr. Speaker, I rise in opposition to the amendment offered by Mr. Murphy. I do so, again, for several reasons.

This House of Representatives has given the right, the authority, to various boards to police their professions; to test their professions; in a word, to oversee their professions.

What the gentleman is attempting to do, if I read the amendment correctly, is to give to some other body, other than the Board of Optometrics, the right to write up some kind of test.

Mr. Speaker, I do not think we ought to take that right away from the board. We gave it to them; it has worked wonderfully for years, and I think we ought to leave it the way it is. I would ask the members to oppose the amendment offered by Mr. Murphy.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment and I ask my colleagues on both sides of the aisle to vote against it.

I have again read this amendment and I think that it is unclear and ambiguous. I do not know what it means. It says, "The bureau shall arrange for the service of a professional testing service to write and administer," not just to administer, but to write "the written examinations on behalf of the board subject to the board's specifications and approval." Specifications and approval.

Now, I do not know who that professional testing service is going to be; I do not know where they are going to get it; and I do not know what would happen if they wrote the test and then the board decided that they did not want to approve it. I think the best people to prepare the test and to decide what questions should be asked to demonstrate competency in a field are the professionals in that field, not some professional testing service. We know the controversy in general today in connection with those tests, the bias, the prejudice, that they have been accused of. I think it is the wrong way to go. I think we should defeat the amendment. Thank you.

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

Mr. MURPHY. Mr. Speaker, it is interesting that you mentioned that you did not know what the language of this says. We just voted on this very language about 2 months ago in the Real Estate Commission bill. It is the exact language from a number of our other boards that states that those boards should have the services of an outside testing agent.

May I remind you again that 20 of the 22 boards presently have outside testing services. This does not take away from the boards the power to approve the specifications in the actual test. It only permits the board to approve those specifications, not to write and administer the tests.

There is presently a national board for optometrists available. It is the expectation that our optometrists would use that test in the future.

This is not new language, it is language that is used in existing present boards and, in fact, is language we voted on about 2 months ago in the Real Estate Commission legislation.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—42

Berson	Irvis	Murphy	Sirianni
Caltagirone	Itkin	O'Donnell	Spencer
Chess	Knight	Oliver	Steighner
DiCarlo	Levin	Piccola	Taylor, E. Z.
Dawida	Lewis	Pistella	Vroon
Fryer	Livengood	Pitts	Wachob
Gallagher	Lynch, E. R.	Polite	Wargo
Gamble	Manderino	Rieger	White
Grabowski	Michlovic	Rodgers	Zeller
Hoeffel	Mrkonic	Schmitt	Zitterman
Hutchinson, A.	Mullen		

NAYS—132

Alden	Earley	Kukovich	Richardson
Anderson	Fee	Lashingier	Ritter
Armstrong	Fischer	Laughlin	Rocks
Arty	Fisher	Lehr	Ryan

Barber	Foster, W. W.	Letterman	Salvatore
Belardi	Foster, Jr., A.	Levi	Scheaffer
Bennett	Freind	McCall	Schweder
Bittle	Gallen	McClatchy	Serafini
Bowser	Gannon	McKelvey	Seventy
Brandt	Gatski	McVerry	Shadding
Brown	Geesey	Mackowski	Shupnik
Burd	Geist	Madigan	Sieminski
Burns	George, C.	Manmiller	Smith, E. H.
Cappabianca	George, M. H.	Micozzie	Smith, L. E.
Cessar	Gladeck	Miller	Spitz
Cimini	Goebel	Moehlmann	Stairs
Clark, B. D.	Goodman	Mowery	Stewart
Clark, M. R.	Greenfield	Nahill	Suban
Cochran	Grieco	Novak	Swift
Cohen	Gruppo	Noye	Taddonio
Cole	Halverson	O'Brien, B. F.	Taylor, F.
Cornell	Harper	O'Brien, D. M.	Telek
Coslett	Hasay	Perzel	Thomas
Cowell	Hayes, Jr., S.	Peterson	Trello
Cunningham	Helfrick	Petrarca	Wass
DeMedio	Honaman	Pievsky	Wenger
DeVerter	Hutchinson, W.	Pott	Wilson
DeWeese	Johnson, E. G.	Pratt	Wilt
Davies	Jones	Pucciarelli	Wright, D. R.
Dietz	Kanuck	Punt	Wright, Jr., J.
Dininni	Klingaman	Pyles	Yahner
Dombrowski	Kolter	Rappaport	Yohn
Durham	Kowalyszyn	Reed	Zord

## NOT VOTING—22

Austin	Giammarco	McMonagle	Weidner
Beloff	Gray	Milanovich	Williams
Borski	Hayes, D. S.	Musto	Zwilk
Dorr	Johnson, J. J.	Rhodes	
Duffy	Knepper	Street	Seltzer,
Dumas	McIntyre	Sweet	Speaker

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendment:

Amend Sec. 7, page 10, line 30; page 11, lines 1 through 5, by striking out all of said lines on said pages and inserting (10) Exemplifying incompetency or recklessness or for neglect of duty in the practice of optometry or for dishonest practice in the practice of optometry.

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, my amendment addresses the section in the bill dealing with refusal, revocation or suspension of license.

Under the current version of the bill, one of the sections empowering the board to grant a refusal or authorize a refusal or revocation is section 10, found on the bottom of page 10 of the bill. What the current section says in the bill is, the board can revoke a license if the individual is "guilty of...immoral or unprofessional conduct. Unprofessional conduct shall include any departure from, or failure to conform to, the acceptable and prevailing standards of optometric practice in rendering professional service to a patient."

Now, Mr. Speaker, I do not know what immoral or unprofessional conduct means. I do not know what acceptable and prevailing standards are. I think that this particular reason for revocation or suspension goes too far and is too vague and that no licensed optometrist should be subject to these types of very broad and vague censure statements.

I have attempted to fine-tune this particular section to state that the board shall have the power to revoke or suspend a license if the individual exemplifies "...incompetency or recklessness or for neglect of duty in the practice of optometry or for dishonest practice in the practice of optometry." It seems to me that this is a far more tightly drawn reason for revocation or suspension, and I believe that this amendment should be inserted in place of what currently exists. Thank you, Mr. Speaker.

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

Mr. BENNETT. Mr. Speaker, I will yield to Mr. Hutchinson.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I think that I understand what Mr. Itkin is trying to do. However, I must nevertheless oppose the amendment, and I think there is a very important and a significant difference here.

What we are really trying to do and have been trying to do for quite some time in the field of all professions, medical and so on, is to make sure that those professions really do police themselves, that we do not really want them having major problems and having incompetents practice. There is much cry among the various medical professions, in all of them, that the courts are telling us what to do; they are interfering with us; they do not let us exercise judgment. Now, what we tried to do here is to say that essentially you must adopt a reasonable standard of care in treating your patients. If you are careless, if you fail to conform to current standards, if you do not keep up with current literature and know what you are doing, then we are saying your board should have the power to remove you so that you do not continue to practice and get into the court and create an insurance problem for the other members of the profession with malpractice.

What the Itkin amendment would do, unfortunately, I think, is require you to practically show that the person was reckless or grossly negligent before he could be removed by his own peers, before his license could be revoked. I think that is wrong. I think that is too tough a standard. I think they should have the power to remove a person who does not keep up with the state of the art, who is not competent, who does not meet the current standard of care, and I do not think they should have to show that he is utterly incompetent or reckless. That is too difficult a burden to meet, and I think it would hurt the consumer. Thank you. I oppose the amendment.

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

Mr. ITKIN. Mr. Speaker, would Mr. Hutchinson stand for interrogation?

The SPEAKER. The gentleman, Mr. Hutchinson, indicates he will stand for interrogation. Mr. Itkin may proceed.

Mr. ITKIN. Mr. Speaker, you are an attorney at law. What would you think of a law that said anyone who is guilty of immoral conduct was subject to a \$100 fine without defining what immoral conduct was? Would you approve of such a law? Would you vote for such a law?

Mr. W. D. HUTCHINSON. No. That would be a criminal penalty, and I think there is a special rule in the criminal field. However, we are dealing here with a problem of removing somebody's license; we are dealing with a problem of protecting the public, and I think that what we are saying is, he has to adopt a reasonable standard of care. I think that has meaning in the eyes of the profession. I think they understand what it is and they can judge it properly. I do not think we should saddle them with the more stringent test you propose.

Mr. ITKIN. Mr. Speaker, you just stated that you would not support an amendment or a law that would penalize a person \$100 for immoral conduct without specifying the specific immorality. Yet you are willing to support a bill which says, in vague terms, immoral conduct and suspend an individual's livelihood, which is far more grave in economic consequences than the \$100-fine example that I cited you.

You see, this is what the issue is. The issue is whether a seven-member board appointed by a Governor has the right to take away somebody's livelihood unless they can demonstrate clearly that what they have done is contrary to public policy in the form of statute, and that is why I cannot accept the vague statements brought forth in the bill.

Mr. W. D. HUTCHINSON. I do not know whether that is a question or not. If it is, it is a long one. Let me just say, Mr. Speaker, that that board, when it sits and makes a judgment, is itself subject to review. If the license is taken and it is improperly taken, it can be reviewed in a court, and they would be able to review it on the basis of whether or not they had met the current standard of care. That, applied to a specific case, is not as hard to define as it sounds. But let me tell you what would happen if you put your standard in. It would be a rare bird whose license would ever get removed, because anybody who has ever tried to prove incompetency or gross negligence in any field or profession knows what a tough burden it is, and you can go through any profession in this Commonwealth that has that test of incompetency in and see how many cases and how many times you are able to prove that a person was incompetent as the court would review it. I think if the public is to be protected, this is absolutely necessary that it stay the way it is. If the board goes too far astray, the license removal can be contested in a court, and there is a lot of case law around for the purpose of defining what is the current standard of care.

Mr. ITKIN. Mr. Speaker, I have one more question of the Representative.

The SPEAKER. The gentleman has an additional question. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, in most instances, before a particular section can become effectuated when we are dealing with questions of standards, they are usually promulgated—

The SPEAKER. Will the gentleman repeat his question?

Mr. ITKIN. Mr. Speaker, normally when the legislature sets broad policy and allows an agency to develop more specific standards, we also require that agency to write those specific standards in the Pennsylvania Bulletin and allow commentary, and the agency is then restricted to carrying out the reviewing of the particular situation on the basis of the standards that they have generated, allowed for comment, and subsequently accepted. Is there anywhere in SB 770 that requires the Board of Optometric Examiners to take this statement of broad public policy and develop specifics and put it forth in the Pennsylvania Bulletin so that those who are affected by it will have an opportunity to comment on it before approval? Is there such a provision in this bill?

Mr. W. D. HUTCHINSON. No, because the standard set forth is sufficiently specific to enable them to judge properly.

Mr. ITKIN. What standards are they, Mr. Speaker?

Mr. W. D. HUTCHINSON. The usual standard of failure to exercise reasonable care in your profession, which has been defined countless times in connection with all professions in the court. It is a sufficiently specific standard. The answer to your question is no, with the further qualification that it is not necessary.

Mr. ITKIN. Well, I do not know where those particular standards have been cited for optometric practice. They certainly do not exist to the best of my knowledge.

Thank you, Mr. Speaker. I have no further questions of the gentleman.

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. I am not talking about replacing a very vague—and, in fact, what the gentleman has said, that he would not support it as a matter of law—in terms of replacing it by something which is unreasonable and which cannot be accomplished, I am not talking about gross incompetency; I am talking about exemplifying incompetency. I am not talking about gross negligence; I am saying if an optometrist is reckless, then his license could be suspended or revoked. I am not talking about gross neglect. I am just giving the board the proper perspective that they can revoke a license for neglect, for incompetency, for recklessness, for dishonest practice, but nothing else. I think that is enough for the board to have that type of police power, and I move for the adoption of my amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—39

Berson	Grabowski	Michlovic	Rodgers
Caltagirone	Halverson	Miller	Schmitt
Chess	Hutchinson, A.	Mrkonic	Seventy
Cohen	Itkin	Mullen	Sirianni
Cowell	Kanuck	Murphy	Spencer
Dawida	Knight	Novak	Stairs
Dombrowski	Kukovich	Oliver	Steighner
Fischer	Lashinger	Pistella	Wargo
Gallagher	Lewis	Polite	Zeller
Gamble	Manderino	Pott	

## NAYS—135

Alden	Foster, Jr., A.	McClatchy	Schweder
Anderson	Freind	McKelvey	Serafini
Armstrong	Fryer	McMonagle	Shadding
Arty	Gallen	McVerry	Shupnik
Barber	Gannon	Mackowski	Sieminski
Belardi	Gatski	Madigan	Smith, E. H.
Bennett	Geesey	Manmiller	Smith, L. E.
Bittle	Geist	Micozzie	Spitz
Bowser	George, C.	Moehlmann	Stewart
Brandt	George, M. H.	Mowery	Stuban
Brown	Gladeck	Musto	Sweet
Burd	Goebel	Nahill	Swift
Burns	Goodman	Noye	Taddonio
Cappabianca	Grieco	O'Brien, B. F.	Taylor, E. Z.
Cessar	Gruppo	O'Brien, D. M.	Taylor, F.
Cimini	Harper	O'Donnell	Telek
Clark, B. D.	Hasay	Perzel	Thomas
Clark, M. R.	Hayes, Jr., S.	Peterson	Trello
Cochran	Helfrick	Petrarca	Vroon
Cole	Hoefel	Piccola	Wachob
Cornell	Honaman	Pievsy	Wass
Coslett	Irvis	Pitts	Wenger
Cunningham	Johnson, E. G.	Pratt	White
DeMedio	Jones	Pucciarelli	Wilson
DeVerter	Klingaman	Punt	Wilt
DeWeese	Kolter	Pyles	Wright, D. R.
Davies	Kowalshyn	Reed	Wright, Jr., J.
Dietz	Laughlin	Richardson	Yahner
Dininini	Lehr	Rieger	Yohn
Dorr	Letterman	Ritter	Zitterman
Durham	Levi	Rocks	Zord
Earley	Livengood	Ryan	
Fee	Lynch, E. R.	Salvatore	Seltzer,
Fisher	McCall	Scheaffer	Speaker
Foster, W. W.			

## NOT VOTING—22

Austin	Giammarco	Knepper	Rhodes
Beloff	Gray	Levin	Street
Borski	Greenfield	McIntyre	Weidner
DiCarlo	Hayes, D. S.	Milanovich	Williams
Duffy	Hutchinson, W.	Rappaport	Zwikl
Dumas	Johnson, J. J.		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. VROON offered the following amendment:

Amend Sec. 2, page 2, line 19 by removing the period after "competence" and inserting : Provided, however, That the term shall not include the use of surgery or the use of any drugs not specifically authorized pursuant to this section.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this amendment is intended to clarify the definition of the term "examination and diagnosis." In the bill, any examination or diagnostic means or method compatible with optometric education and professional competence is defined as being proper. However, then it goes on to say that the term shall encompass the use of certain drugs. This is all stated very capably and well. However, it does not, in my opinion, go far enough. In the area having to do with treatment, there is specific exclusion—and this is accepted by the Optometric Association—for the use of surgical treatment and drugs. However, in the diagnostic treatment, that exclusion is not present. If it is valid in the one case, it is certainly valid in the other case. Therefore, this amendment provides that the term shall not include the use of surgery or the use of any drugs which are not specifically authorized in the section which is before you on page 2.

I think this is a valid amendment. I think it clarifies and tightens the examination and diagnostic procedure. I think this is for the protection of our people in the Commonwealth. Of all of the abuses that have come to my attention—and I am certainly not an expert—those which have to do with diagnosis are the most frequent and probably the most damaging in the long run. Improper diagnosis can result in a loss of eyesight. It can result in inferior eyesight. It can result in any number of abuses which emanate from the incompetence of the optometrist to diagnose the treatment.

Mr. Speaker, I want to say this about diagnosis: A person is a whole person. A person's eyes are not a separate entity; a person's eyes are part of his body and part of his overall system. They are very much affected by his nerves, and they are very much affected by diseases such as diabetes. Because this is treatment of the whole person, it needs to be very carefully defined, and I do not think that any optometrist can object to the clarification language which I am attempting to insert into this bill. So I strongly recommend that this amendment be approved, because it is a safeguarding amendment and it is not going to hurt anyone. Thank you.

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

Mr. BENNETT. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman, Mr. Vroon. The amendment is, one, unnecessary; two, ambiguous. Mr. Speaker, the language, the intent, that the gentleman seeks to put into this legislation is already in the legislation on page 3, line 9. It says very specifically that optometrists shall not use drugs, shall not use surgery. You do not need another amendment to say the same thing. I ask opposition.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. May I interrogate Mr. Bennett?

The SPEAKER. The gentleman, Mr. Bennett, will stand for interrogation. The lady may proceed.

Mrs. TAYLOR. Mr. Speaker, I heard you very clearly define the fact that drugs is there. Is it your interpretation that that also includes the use of the laser beam?

Mr. BENNETT. The laser beam, for the information of the lady, Mr. Speaker, would be considered surgery, and surgery is prohibited.

Mrs. TAYLOR. Would you have an objection to an amendment that would specifically exclude, for all in the profession, the use of the laser beam except for the ophthalmologist who is so trained to use the laser beam? For the edification of the lady, Mr. Speaker, and the members of the House, the application of laser beam technology to eye care has produced new methods for measuring physical activity. It is a research tool to design optical lens systems and the surgical treatment of eye diseases. The use of laser beams in the treatment of ocular diseases is based on the principle of absorption of light by the eye which is converted to heat, producing a burn in the eye. Mr. Speaker, the optometric profession now, today, yesterday, previously, and heretofore and hereafter have considered laser beams to be surgery. They do not want to use it. They will not use it under the terms of this legislation. We do not need an amendment to do that.

Mrs. TAYLOR. Thank you, Mr. Speaker, and I thank the Representative for his comment. I would like to make a comment.

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

Mrs. TAYLOR. I appreciate your remarks. They do not necessarily have to be for the education of the lady, because she already knew that. It could be for the education of our fellow colleagues, but I just wanted you to say it for the record. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. For what purpose does the gentleman, Mr. Vroon, rise?

Mr. VROON. Mr. Speaker, I have been trying to get recognition for additional debate on this amendment.

#### VOTE STRICKEN

The SPEAKER. The clerk will strike the roll.

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

Mr. VROON. The speaker, Mr. Bennett, previously made what I think is a very bad error in the interpretation of the language on line 9, page 3. That language is as follows: "The use of any and all means or methods for the examination, diagnosis and except for drugs or surgery, treatment of conditions...." The words "drugs or surgery" typically and absolutely apply to the word "treatment" and not to diagnosis. It has no bearing or any connection at all with diagnosis. So the observation that this is already provided for in the bill is absolutely, in my opinion, incorrect.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—51

Alden	Fryer	Lynch, E. R.	Sirianni
Belardi	Halverson	Manderino	Spencer
Berson	Irvic	Michlovic	Spitz
Bowser	Itkin	Miller	Stairs
Caltagirone	Johnson, E. G.	Moehlmann	Steighner
Cohen	Kanuck	Mrkonic	Taylor, E. Z.
Cornell	Knight	Murphy	Vroon
Cunningham	Kukovich	Nahill	Wargo
Davies	Lashingier	Pitts	Wenger
Dawida	Letterman	Polite	Wilt
Earley	Levin	Pott	Zeller
Fischer	Lewis	Pyles	Zord
Freind	Livengood	Schmitt	

#### NAYS—123

Anderson	Foster, Jr., A.	McCall	Ryan
Armstrong	Gallagher	McClatchy	Salvatore
Arty	Gallen	McMonagle	Scheaffer
Barber	Gamble	McVerry	Schweder
Bennett	Gannon	Mackowski	Serafini
Bittle	Gatski	Madigan	Seventy
Brandt	Geesey	Manmiller	Shadding
Brown	Geist	Micozzie	Shupnik
Burd	George, C.	Mowery	Sieminski
Burns	George, M. H.	Mullen	Smith, E. H.
Cappabianca	Gladeck	Musto	Smith, L. E.
Cessar	Goodman	Novak	Stewart
Chess	Grabowski	Noye	Suban
Cimini	Greenfield	O'Brien, B. F.	Swift
Clark, B. D.	Grieco	O'Donnell	Taddonio
Clark, M. R.	Gruppo	Oliver	Taylor, F.
Cochran	Harper	Perzel	Telek
Cole	Hasay	Peterson	Thomas
Coslett	Hayes, Jr., S.	Petrarca	Trello
Cowell	Helfrick	Piccola	Wachob
DeMedio	Hoeffel	Pievsky	Wass
DeVerter	Honaman	Pistella	White
DeWeese	Hutchinson, A.	Pratt	Wilson
DiCarlo	Hutchinson, W.	Pucciarelli	Wright, D. R.
Dietz	Jones	Punt	Wright, Jr., J.
Dininni	Klingaman	Rappaport	Yahner
Dombrowski	Kolter	Reed	Yohn
Dorr	Kowalshyn	Richardson	Zitterman
Durham	Laughlin	Rieger	
Fee	Lehr	Rocks	Seltzer,
Fisher	Levi	Rodgers	Speaker
Foster, W. W.			

#### NOT VOTING—22

Austin	Goebel	McKelvey	Street
Beloff	Gray	Milanovich	Sweet
Borski	Hayes, D. S.	O'Brien, D. M.	Weidner
Duffy	Johnson, J. J.	Rhodes	Williams
Dumas	Knepper	Ritter	Zwilk
Giammarco	McIntyre		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ROCKS offered the following amendment:

Amend Sec. 2, page 3, line 13, by inserting after "lenses." Whenever an optometrist during the course of an examination of a person shall determine the possibility of the existence of a pathological condition, such optometrist shall advise the person of such opinion and refer such person to a physician for further evaluation.

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

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

Mr. ROCKS. I would like to, if I could, since it is very brief, read from the current statute the language that this amendment refers to. It says in law today that "Whenever an optometrist during the course of an examination of a person shall determine the possibility of the existence of a pathological condition, "such optometrist shall advise the person of such opinion and refer such person to a physician for further evaluation." You may note, Mr. Speaker, that my amendment is exactly the same language. It would make it a part of the law that would be passed as it reads in SB 770.

I would like to make one final note, and that is that I listened with interest as Mr. Dorr interrogated Mr. Bennett, and I, too, now understand that what we are doing is updating the language of the law, and I think in doing that, this amendment would merely maintain as existing law that which we know today as far as referring of patients when you have determined that there is a pathological disorder. I would ask for support of the amendment. I thank you for a few moments.

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

Mr. BENNETT. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman, Mr. Rocks, again for several reasons.

Mr. Speaker, we are dealing here with an act having to do with the practice of optometrics. Mr. Speaker, optometrists historically, if they found something in the eye that would indicate to them that there was need for consultation or further investigation by some other person, have always referred to an ophthalmologist.

Mr. Speaker, there is no reason in SB 770 to include referral. I would ask the members of this House to consider, who tells the ophthalmologist to refer to someone else? Who tells the dentist to refer to someone else? Nowhere in medical practice is there some law that says to a practicing person, a practicing professional, that perhaps you do not really know what you are doing and we have to write a law that says you have to refer to someone else. Mr. Speaker, it is unneeded. It is possibly derogatory to that profession to say to them that they must refer.

Now, Mr. Speaker, the members of this House may hear an argument that says that referral is already in the legislation, already in the act, and that may be so, Mr. Speaker. It was put in in 1974. It was put in for a reason—it was purely a practical political reason that it was put in—it was put in to get some legislation passed. Mr. Speaker, I said in my caucus and I will say on the floor of this House that the medical professions, the ophthalmologists and the optometrists, had an agreement along with the opticians that SB 770 was good legislation. There was an agreement among those groups.

The SPEAKER. The gentleman will please confine his remarks to the amendment offered by Mr. Rocks. The gentleman may proceed.

Mr. BENNETT. There was an agreement to strike that language from the present act, and, Mr. Speaker, it is agreed to by the members of those various professions. I see no reason to put it in, and I would ask the members to defeat this amendment.

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

Mr. ZELLER. Mr. Speaker, I hope the members will quiet down for a moment because this is the most essential part of the whole bill. We have been talking about amendments up until this point in time, and all it has been is a bunch of gobbledygook. This is the real serious thrust of the whole thing, and I cannot understand why Mr. Bennett is standing here on the floor of this House today telling you that something that has been in the act, something that has been in there called referral—just think how serious the eye is—and he says it is not necessary to have in the act a referral to a medical doctor in a case of detection of a disease. Can you imagine Mr. Bennett saying that? I cannot believe it, for this reason: Why do they want it out? They pulled that deal in West Virginia, they got away with it, and it has been absolutely disastrous. It is a malpractice operation you are going to get yourself into, and they want out of it. This is the whole crux of this whole bill.

Now listen, if you are serious, if you are interested in Beacon Lodge, if you are interested in your Blind Association, if you are interested in your eyes, if you are interested in your children's eyes, if you are interested in your wife's eyes or even your own, you will not allow this out of the bill. This is called referral. This is when an individual who is not a surgeon, who is not a medical doctor, is going to look into your eyes and is going to find a disease and does not have to refer. This act right here, the way it says, they do not have to refer. The present law says they do. Now if you are going to allow this to go by the board, then all I can say is, God help your eyes.

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

Mr. SPENCER. Mr. Speaker, I, as a person who frequently visits, many times a year, both ophthalmologists and optometrists, rise to support the Rocks amendment. The amendment is short; it is concise; it is to the point; it merely carries over existing law in this amendment. It should pacify all parties that are concerned with this bill. I urge its adoption and then the adoption of the bill. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment, because, in my opinion, it is unnecessary. The fact is that an optometrist is already required, by the law developed by the courts of this Commonwealth and other states, to refer in a case where he detects pathology of the eye. Mr. Speaker, there are any number of cases that say

that an optometrist who detects pathology in the eye and fails to refer is negligent, is guilty of malpractice, and can be found liable and has been found liable for very substantial verdicts in that situation. I think that is a very real and sufficient deterrent to the failure to refer.

The insertion of this provision in the bill is at best a redundancy and at worst is going to result in a lot of referrals that may be unnecessary. Mr. Speaker, no optometrist who is meeting the standard of care which we talked about in this bill for his community could fail to refer if he detected pathology. He is not qualified to treat pathology of the eye.

He is under a duty under the cases to refer. If he fails in this duty—and that is one of the reasons I oppose the Itkin amendment—if he fails in that duty as expressed in the cases, under the language of this bill his license can be revoked by the board. I think the amendment is unnecessary for that reason, and I therefore oppose it. Thank you.

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

Mr. MILLER. I rise in support of the Rocks amendment. If it were not such a serious subject matter, I would be tempted to a bit of humor, but the difficulty that we are presented with is the opponents of this amendment on one hand saying it is unnecessary. Certainly no optician in this state who now charges rates commensurate with ophthalmology would ever consider treating a patient beyond his limits—and I would hope not—but we have no guarantee to that, not even the most remote of guarantees.

It is unnecessary, perhaps, but certainly not unwise to include the Rocks language in this bill to require that an optician, when he fully realizes in the scope of his training that he is beyond his expertise, immediately inform that patient of the necessity to refer. We can do no less in considering this bill, particularly with regard to this member's very serious suspicion that some questionable lobbying techniques were used in the presentation of this bill to the General Assembly. It is slick and it is fast and it is uncalled for, but it would be unwise, albeit unnecessary, but unwise not to include the Rocks amendment. Referral must be absolute within the parameters of the optician's decision to treat something that he is not qualified to treat. I support the Rocks amendment. Thank you, sir.

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

Mr. ROCKS. Mr. Speaker, just a few points in summing up, hopefully, the amendment. First of all, I was not party to any agreement among three lofty professions. I, like everyone else in this Chamber, just represent people, and if the feelings are as strong as were pointed out on this floor against the simple language in this amendment, I have a hard time understanding what effort was put into having it removed from the bill as we read it.

Simply, I think that my amendment rather clearly makes a very simple provision that all people could be very happy with, and that is that in the case of a pathological disorder of the eye, an optometrist is required to make a referral to

a medical doctor. I do not think it is difficult to understand. I would hope that as it reads in the law today, that language would continue to be the law of this Commonwealth. Thank you, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, just a brief comment. I am very disturbed by the failure to keep this section in the law. Mr. Rocks is only insisting that what was in the act remain in the act. Now, it is more important today than it was in the other act, and let me just explain why. The reason is very simple. We lost a battle here on this floor, a minority of us, to keep the word "treatment" narrowly defined. Mr. Bennett said, Mr. Hutchinson said, these gentlemen have no intention of treating except in the limited concept that they did before. Well, if that is so, it is absolutely essential that this remain in the act, for if this is not in the act and the language of treatment is in the act, then the court might very well determine, reading this bill as it is written, that an optometrist may treat diseases of the eye, and everyone on this floor is saying that that is not their intention, that they do not want to do that. Well, if you do not want to do that, protect the public and accept the Rocks amendment.

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

The following roll call was recorded:

YEAS—134

Alden	Fryer	McKelvey	Rocks
Anderson	Gallagher	McMonagle	Rodgers
Armstrong	Gamble	McVerry	Salvatore
Barber	Geist	Mackowski	Scheaffer
Belardi	George, C.	Madigan	Schmitt
Berson	George, M. H.	Manderino	Serafini
Bowser	Gladeck	Manmiller	Seventy
Brandt	Goebel	Michlovic	Shadding
Brown	Grabowski	Micozzie	Sieminski
Burd	Grieco	Miller	Sirianni
Burns	Gruppo	Moehlmann	Smith, E. H.
Caltagirone	Halverson	Mrkonic	Spencer
Cappabianca	Harper	Mullen	Spitz
Cessar	Hayes, Jr., S.	Murphy	Stairs
Chess	Hoeffel	Nahill	Steighner
Cimini	Honaman	Noye	Stuban
Clark, B. D.	Irvic	O'Brien, D. M.	Sweet
Clark, M. R.	Itkin	O'Donnell	Swift
Cohen	Johnson, E. G.	Oliver	Taddonio
Cornell	Johnson, J. J.	Perzel	Taylor, E. Z.
Cowell	Jones	Peterson	Telek
Cunningham	Kanuck	Petrarca	Vroon
DiCarlo	Knight	Piccola	Wachob
Davies	Kolter	Pistella	Wargo
Dawida	Kowalyszyn	Pitts	Wenger
Dietz	Kukovich	Polite	White
Dininni	Lashingier	Pott	Wilson
Dorr	Laughlin	Pucciarelli	Wilt
Durham	Lehr	Pyles	Wright, Jr., J.
Earley	Levin	Reed	Yahner
Fischer	Lewis	Richardson	Zeller
Fisher	Livengood	Rieger	Zitterman
Foster, W. W.	Lynch, E. R.	Ritter	Zord
Freind	McClatchy		

NAYS—43

Arty	Gallen	Letterman	Schweder
Bennett	Gannon	Levi	Shupnik
Bittle	Gatski	McCall	Smith, L. E.
Cochran	Geesey	Mowery	Stewart

Cole	Goodman	Musto	Taylor, F.
Coslett	Greenfield	Novak	Thomas
DeMedio	Hasay	O'Brien, B. F.	Trello
DeVerter	Helfrick	Pievsky	Wass
DeWeese	Hutchinson, A.	Punt	Wright, D. R.
Fee	Hutchinson, W.	Rappaport	Yohn
Foster, Jr., A.	Klingaman	Ryan	

NOT VOTING—19

Austin	Giammarco	Milanovich	Williams
Beloff	Gray	Pratt	Zwinkl
Borski	Hayes, D. S.	Rhodes	
Dombrowski	Knepper	Street	Seltzer,
Duffy	McIntyre	Weidner	Speaker
Dumas			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—171

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

NAYS—10

Berson	Knight	Murphy	Schmitt
Itkin	Levin	Polite	Wargo
Kanuck	Lewis		

NOT VOTING—15

Austin	Duffy	Knepper	Weidner
Beloff	Dumas	Milanovich	Williams
Bittle	Giammarco	Rhodes	Zwinkl
Borski	Hayes, D. S.	Street	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

BILLS AND RESOLUTIONS PASSED OVER

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

The Chair hears no objection.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

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

**HB 55, PN 3055; HB 640, PN 3045; and HB 1805, PN 3056.**

The SPEAKER. The bills will appear on the calendar.

COMMUNICATIONS

LEHIGH VALLEY MANPOWER PROGRAM

P. O. Box 2365  
Lehigh Valley, PA 18001

March 19, 1980

The Honorable Jack Seltzer  
Speaker of The House of Representatives  
%House Post Office  
Main Capitol  
Harrisburg, PA 17120

Dear Mr. Seltzer:

The Lehigh Valley Manpower Program (LVMP) is modifying its Annual Plan to include a Summer Youth Employment Program. The cost of the grant will be \$802,322.00. LVMP will operate programs for Economically Disadvantaged Youth to include summer work and employment skills training. Approximately 750 youth will be served. The Summer Youth Employment Program will begin around June 15, 1980 and operate until September 30, 1980.

Enclosed please find a copy of the preliminary modification for a Summer Youth Employment Program, which LVMP has submitted to the Department of Labor. Any comments you may have should be submitted to me by May 2, 1980.

If you have any questions please feel free to call me at (215)264-8791.

Sincerely,  
Thomas Cagle  
Director of Planning

pak

TRI-COUNTY MANPOWER ADMINISTRATION OFFICE  
344 N. McKean Street  
Butler, Pennsylvania 16001

March 18, 1980

The Honorable Jack Seltzer  
House of Representatives  
Room 637-C, Main Capitol  
Harrisburg, PA 17120

Dear Sir:

Pursuant to Federal Regulations enclosed is a copy of Modification No. 004, to Tri-County Manpower Administration's Annual Plan No. 42-0-023-PP for your review.

Any comments or questions will be welcomed by our staff.

Sincerely,  
John Zatalava  
Executive Director

JZ:tp  
Enclosure

(Booklets are on file with the Journal Clerk.)

#### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I suggest that the House adjourn at this time. We have done a lot of work here this afternoon. We have handled three very important pieces of legislation, and I move that this House—I will not put that in the form of a motion because there may be some further announcements, but I would just mention to the members who want to exit at this time that the House will reconvene at 9:30 in the morning, 9:30 a.m.

#### REMARKS ON VOTE

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

Mr. BITTLE. Mr. Speaker, I was not in my seat on the final vote on SB 770. I would like to be recorded in the affirmative.

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

#### ADJOURNMENT

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

Mr. E. R. LYNCH. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 25, 1980, at 9:30 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:40 p.m., e.s.t., the House adjourned.