

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, JUNE 7, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 41

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. FRANK A. NICKEL, JR., chaplain of the House of Representatives and pastor of St. Paul's United Methodist Church, Elizabethtown, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, You have been our help in ages past. You are our hope as we face the future. That future is in the hands of these men and women here assembled.

Theirs is an awesome responsibility. In the fulfillment of that responsibility, as they receive advice and counsel from every side, as they come under pressure from many interest groups, as they seek to formulate their decisions and decide their vote, Lord, we pray that You will be with them and that they will welcome Your presence.

In that divine-human encounter, Lord, give clarity to the issues, grant courage of conviction, and provide the peace of Your presence. In Christ's name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, June 2, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2526 By Representatives L. E. SMITH, D. R. WRIGHT, SPENCER and F. E. TAYLOR

An Act amending the "Retail Electric Supplier Unincorporated Area Certified Territory Act," approved July 30, 1975 (P. L. 113, No. 57), further providing for the boundaries of the certified territory of retail electric suppliers and further providing for the right and duty to provide retail electric service hereunder.

Referred to Committee on BUSINESS AND COMMERCE, June 2, 1982.

No. 2527 By Representatives L. E. SMITH, BURD, McVERRY, F. E. TAYLOR and DOMBROWSKI

An Act amending the "Housing and Redevelopment Assistance Law," approved May 20, 1949 (P. L. 1633, No. 493), further providing for grant authorizations.

Referred to Committee on BUSINESS AND COMMERCE, June 2, 1982.

No. 2528 By Representatives DUFFY, BURNS, GALLAGHER, MRKONIC, HORGOS, WARGO, SHUPNIK, McINTYRE, GAMBLE and WOZNIAK

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

Referred to Committee on EDUCATION, June 2, 1982.

No. 2529 By Representatives CAWLEY, VAN HORNE and OLASZ

An Act amending the "Bingo Law," approved July 10, 1981 (P. L. 214, No. 67), authorizing bingo licenses for municipalities and public and private schools.

Referred to Committee on PROFESSIONAL LICENSURE, June 2, 1982.

No. 2530 By Representatives RYAN and IRVIS

An Act amending the act of June 1, 1956 (1955 P. L. 1959, No. 657), referred to as the Public Official Compensation Law, further providing for basic annual salaries of justices, judges, certain State officers and members and certain officers of the General Assembly.

Referred to Committee on APPROPRIATIONS, June 2, 1982.

No. 2531 By Representative CAWLEY

An Act requiring that meters be attached to any truck or other vehicle used for the purpose of making deliveries of fuel.

Referred to Committee on BUSINESS AND COMMERCE, June 2, 1982.

No. 2532 By Representatives L. E. SMITH and D. R. WRIGHT

An Act amending the act of June 22, 1931 (P. L. 844, No. 274), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, ***; and providing for the payment of the cost thereof," prohibiting discrimination among elected county officials.

Referred to Committee on LOCAL GOVERNMENT,
June 2, 1982.

No. 2533 By Representatives SAURMAN,
PETERSON, LEHR, LASHINGER,
CLYMER, CESSAR, CIVERA,
KLINGAMAN, LEVI, STEIGHNER,
LIVENGOOD, PENDLETON, SNYDER,
WAMBACH, BOWSER, GEIST,
CORNELL, NAHILL, GREENWOOD,
HAGARTY, LEWIS, DAIKELER, WASS,
GLADECK, BOYES, GRUPPO,
SIEMINSKI, GRIECO, HAYES,
VAN HORNE, STEVENS, McVERRY,
MORRIS, McCLATCHY, PHILLIPS,
DAVIES, B. SMITH, WOZNIAK and
DORR

An Act amending Titles 75 (Vehicles) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further regulating driving under the influence of alcohol or controlled substance, regulating chemical tests and refusal to submit, driving while operating privilege is suspended or revoked, defining presumptions of guilt, establishing required programs for offenders, regulating the disposition of Accelerated Rehabilitative Dispositions, establishing the offense of homicide by vehicle while driving under the influence, regulating emergency room reports, granting reciprocal suspension or revocation enforcement agreements, increasing penalties and further providing for the disposition of certain fines and penalties.

Referred to Committee on JUDICIARY, June 2, 1982.

No. 2534 By Representatives HAYES and IRVIS

An Act amending the act of June 1, 1956 (1955 P. L. 1959, No. 657), referred to as the Public Official Compensation Law, further providing for salaries and expenses of members of the General Assembly.

Referred to Committee on APPROPRIATIONS, June 2, 1982.

No. 2535 By Representatives GREENWOOD,
A. C. FOSTER, JR., ARTY,
E. Z. TAYLOR, FREIND, BELFANTI,
CLYMER, BROWN, DAIKELER,
MURPHY, SIEMINSKI, KUKOVICH,
CIVERA, PRATT, BURNS, J. L. WRIGHT
and SAURMAN

An Act relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Fund.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 2, 1982.

No. 2536 By Representatives PHILLIPS,
CALTAGIRONE, WAMBACH,

McVERRY, McMONAGLE, PERZEL,
PETRARCA, SEVENTY, TIGUE, CLARK,
HALUSKA, MAIALE, PUNT, MERRY,
JOHNSON, BELOFF, MICHLOVIC,
LIVENGOOD, BELFANTI, LESCOVITZ,
HOEFFEL, DONATUCCI, SWAIM,
GRUPPO, CAWLEY, PRATT,
VAN HORNE, STEIGHNER, KUKOVICH,
E. H. SMITH, COLE, PUCCIARELLI,
LETTERMAN, J. D. WILLIAMS,
OLIVER, RIEGER, WIGGINS, EVANS,
RYBAK, DEAL, GREENFIELD,
DeWEESE, BORSKI, COHEN,
RICHARDSON, DAWIDA, COCHRAN,
RASCO, GAMBLE, MISCEVICH,
MURPHY, A. K. HUTCHINSON,
PETRONE, CORDISCO, FEE, MADIGAN,
SALVATORE and NOYE

An Act amending the act of August 12, 1971 (P. L. 313, No. 78), entitled "An act providing for elimination of discriminatory provisions relating to compensation for services and treatment under sickness and accident insurance contracts and providing for nondiscriminatory reimbursement of sickness and bodily injury claims thereunder," providing for the inclusion of non-profit health insurance plans.

Referred to Committee on INSURANCE, June 2, 1982.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 1384, PN 1994

Referred to Committee on APPROPRIATIONS, June 7, 1982.

SB 1389, PN 1976

Referred to Committee on PROFESSIONAL LICENSURE, June 7, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 200 By Representatives MRKONIC, RYAN,
LAUGHLIN, CESSAR, MULLEN,
McINTYRE, PISTELLA, HAYES,
HORGOS, PETRARCA, DUFFY, WARGO,
DEAL, SHUPNIK, MANDERINO,
GRABOWSKI, FEE, GEORGE, IRVIS,
VAN HORNE, A. K. HUTCHINSON,
FREIND, CIMINI, McMONAGLE,
WOZNIAK, CLARK, CORDISCO,
WAMBACH, COLE, KOWALYSHYN,
TADDONIO, RYBAK, POTT, MARMION,
TELEK, VROON, FISCHER, ARTY,
CALTAGIRONE, SWEET, PETRONE,
RIEGER, OLIVER, McVERRY,
COLAFELLA, WIGGINS, BARBER,
STEWART, DOMBROWSKI and ROCKS

House pay tribute to the Knights of Columbus on its centennial.

Referred to Committee on RULES, June 2, 1982.

No. 201 By Representatives CLARK and DeWEESE

House establish an independent panel to review Commissioner of Basic Education, Ronald Lewis' doctoral thesis.

Referred to Committee on RULES, June 2, 1982.

No. 202 By Representatives KOWALYSHYN, LLOYD, RYBAK, TIGUE, HALUSKA, MILLER, PRATT, MRKONIC, A. K. HUTCHINSON, MORRIS, JOHNSON and COHEN

Speaker appoint a special committee to study and investigate operation of the mortgage review bond program.

Referred to Committee on RULES, June 2, 1982.

STATEMENT BY MR. PICCOLA

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

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

Mr. PICCOLA. Thank you, Mr. Speaker.

On this day in history in 1756 the construction of Fort Halifax began at a site along the Susquehanna River north of the borough of Halifax. With the aid of German settlers and Iroquois Indians, the fortress was built by Col. William Clapham. Governor Morris commissioned Clapham to recruit troops for the construction of the fort and one at what is now Sunbury, Fort Augusta.

Fort Halifax was named after the Earl of Halifax and served as a stopover between Fort Augusta and Harrisburg.

During the long period in which soldiers were building Fort Augusta, there was much activity at Fort Halifax. Ammunition, clothing, food, and other supplies were stored there for transportation upstream. Escorts were furnished from this post in either direction as the urgency of the mission required.

While Fort Halifax played an important role in the settlement and defense of the Susquehanna Valley, its garrison was removed within 2 years of its construction and it passed into history.

Thank you, Mr. Speaker.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Mr. Speaker, I do request a leave of absence today for the gentleman from Allegheny, Mr. FRAZIER.

The SPEAKER. Without objection, leave will be granted. The Chair hears none.

The Chair recognizes the gentleman from Philadelphia, Mr. PIEVSKY, for the purpose of taking leaves of absence.

Mr. PIEVSKY. Thank you, Mr. Speaker.

I request leave for the gentleman from Philadelphia, Mr. McINTYRE, for today; the gentleman from Philadelphia, Mr. GREENFIELD, for today; the gentleman from Philadelphia, Mr. BORSKI, for the week; and the gentleman from Philadelphia, Mr. BELOFF, for today.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

SESSION SCHEDULE

The SPEAKER. The Chair instructs the clerk to include in the record notice under the Sunshine Law that the House will be in session tomorrow, June 8, and Wednesday, June 9, at 10 a.m.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE SESSION TIME FOR HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following dates and time:

Tuesday, June 8, 1982 at 10:00 a.m.

Wednesday, June 9, 1982 at 10:00 a.m.

John J. Zubeck
Chief Clerk
House of Representatives

June 4, 1982

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg on June 4, 1982, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the same date.

John J. Zubeck
Chief Clerk
House of Representatives

June 4, 1982

COMMUNICATION FROM DEPARTMENT OF PUBLIC WELFARE

The SPEAKER. The Chair acknowledges receipt of Administrative Rules Report No. 5 from Helen B. O'Bannon, Secretary of the Department of Public Welfare, dated June 7, 1982.

The following communication was read:

Commonwealth of Pennsylvania
Department of Public Welfare

June 7, 1982

TO THE GENERAL ASSEMBLY of the
Commonwealth of Pennsylvania:

By the authority vested in me by the Act of April 8, 1982 (P.L. No. 75), I transmit herewith rules and regulations to implement

Section 405.2 of the Public Welfare Code - the Community Work Program.

In order to comply with the provisions of Act No. 75, the Department has added a new 55 Pa. Code Chapter 166 wherein recipients of Public Assistance will be placed into work experience projects operated by: departments, agencies and institutions of the Commonwealth; political subdivisions located within the Commonwealth; and agencies of the Federal government. In addition, the Act amends Section 405.1(e) of the Public Welfare Code to require statewide expansion of Departmental activities to obtain bona fide employment for recipients, which were previously a series of demonstration projects known as The Pennsylvania Employables Program. No changes are being made in the basic policy of that program and the name is being retained.

Requirements for the Community Work Experience Program (CWEP) in the new Chapter 166 follow the requirements of Section 2 of Act 1982-75 providing for consistency, to the extent possible, of rules, regulations and standards for GA with those of AFDC, as established by the Omnibus Budget Reconciliation Act of 1981 (P. L. 97-35), published in Volume 47, No. 25 of Federal Register on February 5, 1982, pages 5683 to 5684. Two exceptions were made.

The first relates to the program requirement of CWEP (Section 166.23(c)(2)(iii) and (iv)) which requires assignment of non-exempt AFDC recipients employed less than 80 hours per month and GA recipients employed less than 30 hours per week to work projects. The 80 hour requirement for AFDC is imposed by the federal regulations cited above. The 30 hour per week requirement for GA meets the definition of full-time employment in Section 165.23(b)(2)(vii) of this title adopted by the Department to conform to the United States Department of Labor (DOL) Handbook definition used by employment services nationwide.

The second relates to the sanctions in Section 166.23(c)(8)(i) and (ii) to be applied for refusal to participate in CWEP. Federal regulations mandate that the WIN program sanctions be applied to AFDC cash recipients who refuse to participate in CWEP. Section 11 of Act No. 75 sets forth the sanctions to be applied to GA.

In addition, the Department has elected to include in the definition of a Community Work Experience Project (Section 166.22) a provision that enables governmental units responsible for project operation to include work experience for recipients under the auspices of non-profit agencies so long as it results in a benefit to the general public, and the work objectives are consistent with those of the governmental unit acting as the project operator.

Section 166.23(c)(3)(i) establishes for GA recipients a first priority in assignments to work experience while Section 166.23(c)(6) provides that the number of hours of assigned work experience for any assistance unit cannot exceed the number derived from dividing the amount of the monthly assistance grant by the minimum wage. Any, or all, non-exempt persons in the assistance unit may be assigned to projects, but the total hours worked by all persons in the unit cannot exceed the hours computed above.

The participation costs for cash recipients have been included in Section 166.23(c)(7) and in Section 166.23(c)(10)(ii)(C) as costs to be borne by the project operator. Each CWEP participant will receive up to \$25 per month to cover expenses attributable to participation in the Program. In no case shall any recipient be required to use their assistance, or their income or resources, to pay costs of participation.

Section 166.23(c)(9) provides that assignment to work experience projects will terminate for any recipient: after 6 months if there are others on the assignment list who would benefit from the experience; when assistance is terminated; when the recipient achieves exempt status; or when child care arrangements are no longer available for a parent or caretaker of children under age 14. The 6 month assignment is intended to assure that each recipient will have sufficient time to acquire work experience, and will

allow for assignment of other recipients for whom a slot was not previously available.

I therefore, transmit to you and urge your approval of these rules and regulations to take effect immediately.

Sincerely,
Helen B. O'Bannon

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

ADMINISTRATIVE RULES REPORT NO. 5

Notice is hereby given that the Department of Public Welfare under the authority in sections 201(2) and 403(b) of the Public Welfare Code, act of June 13, 1967 (P.L. 31, No. 21) as amended (62 P.S. §§201(2) and 403(b)) amends 55 Pa. Code Chapter 166 as set forth in Annex A to this notice.

Notice of proposed rulemaking is omitted in accord with Section 204(1)(iv) of the Commonwealth Documents Law (45 P.S. 1204(1)(iv)) and 1 Pa. Code §7.4(1)(iv) because the administrative regulations or changes relate to Commonwealth grants and benefits. Alternatively, notice of proposed rulemaking may be omitted for good cause as contrary to the public interest in accord with Section 204(3) of the Commonwealth Documents Law (45 P.S. 1204(3)) and 1 Pa. Code §7.4(3). Publication of proposed rulemaking is contrary to the public interest because a delay in implementation of the required changes would result in failure to realize the savings of state funds contemplated by Act No. 1982-75.

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:

SB 1396, PN 1838; SB 1397, PN 1839; SB 1398, PN 1840; SB 1399, PN 1841; SB 1400, PN 1842; SB 1401, PN 1843; SB 1445, PN 1924; SB 1446, PN 1925; SB 1447, PN 1926; SB 1448, PN 1981; SB 1449, PN 1928; SB 1450, PN 1929; SB 1451, PN 2014; SB 1452, PN 1931; SB 1453, PN 1932; SB 1454, PN 1933; SB 1455, PN 1934; SB 1456, PN 1935; SB 1457, PN 1936; SB 1458, PN 2015; SB 1459, PN 1938; SB 1460, PN 1939; SB 1461, PN 1940; SB 1462, PN 1941; SB 1463, PN 1942; SB 1464, PN 1943; SB 1465, PN 1944; SB 1466, PN 1945; SB 1467, PN 1946; SB 1468, PN 1947; SB 1469, PN 1948; SB 1470, PN 1949; SB 1471, PN 1950; SB 1472, PN 1951; SB 1473, PN 1952; SB 1474, PN 1953; SB 1475, PN 1954; SB 1476, PN 1955; SB 1477, PN 1956; SB 1478, PN 1957; SB 1479, PN 1958; SB 1480, PN 1959; SB 1481, PN 1960; SB 1483, PN 1962; SB 1484, PN 1963; SB 1485, PN 1964; SB 1486, PN 1966; SB 1135, PN 2013; and HB 1620, PN 3218.

* * *

The House proceeded to second consideration of **HB 2451, PN 3259**, entitled:

An Act providing that whenever the General Assembly or a Commonwealth agency mandates by law or regulation new responsibilities, a new program or increased levels of service of an existing program upon municipalities or school districts, the Commonwealth shall provide full funding of such responsibilities, programs or services.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 2451 be recom-
mitted to the Committee on Local Government.

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

**BILLS AGREED TO ON SECOND
CONSIDERATION CONTINUED**

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

**SB 1363, PN 1772; SB 754, PN 1680; and SB 755, PN
1727.**

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master
roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—190

Anderson	Fischer	McClatchy	Saurman
Armstrong	Fleck	McMonagle	Serafini
Arty	Foster, W. W.	McVerry	Seventy
Barber	Foster, Jr., A.	Mackowski	Showers
Belardi	Freind	Madigan	Shupnik
Belfanti	Fryer	Maiale	Sieminski
Berson	Gallagher	Manderino	Sirianni
Bittle	Gallen	Manmiller	Smith, B.
Blaum	Gamble	Marmion	Smith, E. H.
Bowser	Gannon	Merry	Smith, L. E.
Boyes	Geist	Michlovic	Snyder
Brandt	George	Micozzie	Spencer
Brown	Gladeck	Miller	Spitz
Burd	Grabowski	Miscevich	Stairs
Burns	Gray	Moehlmann	Steighner
Caltagirone	Greenwood	Morris	Stevens
Cappabianca	Grieco	Mowery	Stewart
Cawley	Gruitza	Mrkonic	Stuban
Cessar	Gruppo	Mullen	Swaim
Cimini	Hagarty	Murphy	Sweet
Civera	Haluska	Nahill	Swift
Clark	Hasay	Noye	Taddonio
Clymer	Hayes	O'Donnell	Taylor, E. Z.
Cochran	Heiser	Olasz	Taylor, F. E.
Colafella	Hoefel	Oliver	Telek
Cole	Honaman	Pendleton	Tigue
Cordisco	Horgos	Perzel	Trello
Cornell	Hutchinson, A.	Peterson	Van Horne
Coslett	Irviss	Petrarca	Vroon
Cowell	Itkin	Petrone	Wachob
Cunningham	Jackson	Phillips	Wambach
DeMedio	Johnson	Piccola	Wargo
DeVerter	Kennedy	Pievsky	Wass
Daikeler	Klingaman	Pistella	Wenger
Davies	Kolter	Pitts	Weston
Dawida	Kowalshyn	Pott	Wiggins
Deal	Kukovich	Pratt	Williams, H.
Dietz	Lashinger	Pucciarelli	Williams, J. D.
Dininni	Laughlin	Punt	Wilson
Dombrowski	Lehr	Rappaport	Wogan

Donatucci	Lescovitz	Rasco	Wozniak
Dorr	Letterman	Reber	Wright, D. R.
Duffy	Levi	Richardson	Wright, J. L.
Durham	Levin	Rieger	Wright, R. C.
Emerson	Lewis	Ritter	Zwilk
Evans	Livengood	Rocks	
Fargo	Lloyd	Rybak	Ryan,
Fee	Lucyk	Salvatore	Speaker

ADDITIONS—2

Cohen DeWeese

NOT VOTING—2

Alden Harper

EXCUSED—5

Beloff Frazier Greenfield McIntyre
Borski

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall
of the House today as the guests of Representative Davies of
Berks County, Mr. and Mrs. Max Blackwell and their guests,
Mr. and Mrs. Seon Kim and their children.

The Chair is further pleased to advise that the Blackwells
are former residents of Delaware County, so we would
include them as our guests.

BILL REREPORTED FROM COMMITTEE

SB 784, PN 2045 (Amended)

By Rep. DeVERTER

An Act amending Title 42 (Judiciary and Judicial Procedure)
of the Pennsylvania Consolidated Statutes, adding provisions
relating to product liability actions.

INSURANCE.

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

HB 2404, PN 3411 (Amended)

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure)
of the Pennsylvania Consolidated Statutes, providing for exemp-
tions in bankruptcy proceedings.

JUDICIARY.

SB 171, PN 2044 (Amended)

By Rep. SPENCER

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judi-
ciary and Judicial Procedure) of the Pennsylvania Consolidated
Statutes, providing for a plea or finding of guilty but mentally ill
and providing for the disposition of persons found guilty but
mentally ill.

JUDICIARY.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. DORR presented the Report of the Committee of Con-
ference on **SB 1, PN 2023.**

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. and Mrs. Roy Becker, their daughter Stacy, and Mrs. Marge Wolf, here today as the guests of Representative Fran Weston.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, who asks that his name be added to the master roll call.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, who asks that his name be added to the master roll call.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1283, PN 1870**, entitled:

An Act providing for the administration of certain Commonwealth farmland within the Department of Agriculture.

On the question,

Will the House agree to the bill on third consideration?

Mr. WENGER offered the following amendments No. A7915:

Amend Sec. 1, page 2, line 11 through 17 by striking out all of said lines

Amend Sec. 2, page 3, line 19, by inserting after "members." The advisory committee shall advise the Secretary of Agriculture as to appropriate actions consistent with sound husbandry, efficient management of resources and decisions consistent with the Commonwealth's policy of Agricultural Preservation of Lands administered by the Department of Agriculture under the provisions of this act.

On the question,

Will the House agree to the amendments?

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

Mr. WENGER. Thank you, Mr. Speaker.

The amendment I am offering is strictly a technical amendment. The advisory committee and the responsibilities and duties of the advisory committee are listed in section 1 under definitions. This is really not a definition, but it does spell out the responsibility and the authority of that committee, and it should be under section 2. So what we are simply doing under this amendment is moving that provision from section 1 to section 2. I respectfully request support for the amendment.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members that it has granted permission to News Center 8 to do 10 minutes of silent filming on the floor.

CONSIDERATION OF SB 1283 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Anderson	Fee	McMonagle	Saurman
Armstrong	Fischer	McVerry	Serafini
Arty	Fleck	Mackowski	Seventy
Barber	Foster, W. W.	Madigan	Showers
Belardi	Foster, Jr., A.	Maiale	Shupnik
Belfanti	Freind	Manderino	Sieminski
Berson	Fryer	Manmiller	Sirianni
Bittle	Gallagher	Marmion	Smith, B.
Blaum	Gallen	Merry	Smith, E. H.
Bowser	Gamble	Michlovic	Smith, L. E.
Boyes	Gannon	Micozzie	Snyder
Brandt	Geist	Miller	Spencer
Brown	George	Miscevich	Spitz
Burd	Gladeck	Moehlmann	Stairs
Burns	Grabowski	Morris	Steighner
Caltagirone	Greenwood	Mowery	Stevens
Cappabianca	Grieco	Mrkonic	Stewart
Cawley	Gruitza	Mullen	Suban
Cessar	Gruppo	Murphy	Swaim
Cimini	Hagarty	Nahill	Sweet
Civera	Haluska	Noye	Swift
Clark	Hayes	O'Donnell	Taddonio
Clymer	Heiser	Olasz	Taylor, E. Z.
Cochran	Hoeffel	Oliver	Taylor, F. E.
Cohen	Honaman	Pendleton	Telek
Colafrella	Horgos	Perzel	Tigue
Cole	Hutchinson, A.	Peterson	Trello
Cordisco	Iris	Petrarca	Van Horne
Cornell	Itkin	Petrone	Vroon
Coslett	Jackson	Phillips	Wachob
Cowell	Johnson	Piccola	Wambach
Cunningham	Kennedy	Pievsky	Wargo
DeMedio	Klingaman	Pistella	Wass
DeVerter	Kolter	Pitts	Wenger
DeWeese	Kowalyshyn	Pott	Weston
Daikeler	Kukovich	Pratt	Wiggins
Davies	Lashingier	Pucciarelli	Williams, J. D.
Dawida	Laughlin	Punt	Wilson
Deal	Lehr	Rappaport	Wogan
Dietz	Lescovitz	Rasco	Wozniak
Dininni	Letterman	Reber	Wright, D. R.
Dombrowski	Levi	Richardson	Wright, J. L.
Donatucci	Levin	Rieger	Wright, R. C.
Dorr	Lewis	Ritter	Zwikl
Duffy	Livengood	Rocks	
Durham	Lloyd	Rybak	Ryan,
Evans	Lucyk	Salvatore	Speaker
Fargo	McClatchy		

NAYS—0

NOT VOTING—6

Alden	Gray	Hasay	Williams, H.
Emerson	Harper		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question,

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

Mr. WENGER offered the following amendment No. A7916:

Amend Sec. 2, page 3, lines 14 through 16, by striking out "The terms" in line 14, all of line 15, and "years." in line 16 and inserting

Of the initial appointments, two farmer members shall serve for a term of two years, two for a term of four years and one for a term of six years.

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

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

Mr. WENGER. Mr. Speaker, this again is a technical or perhaps a corrective amendment. The bill calls for five farmer members to be appointed to an advisory committee to advise the Secretary of Agriculture as to the administration of this proposed bill.

In the present language it talks about appointing one farmer one year and another one another year, and it does not really provide for the appointment of all five members. This amendment simply says that two farmers shall be appointed to serve for 2 years, two for 4-year terms, and the fifth one for a 6-year term, so they will be staggered with 6-year terms.

Again I request support for the amendment.

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

The following roll call was recorded:

YEAS—186

Anderson	Fargo	Lloyd	Saurman
Armstrong	Fee	Lucyk	Serafini
Arty	Fischer	McClatchy	Seventy
Barber	Fleck	McMonagle	Showers
Belardi	Foster, W. W.	McVerry	Shupnik
Belfanti	Foster, Jr., A.	Mackowski	Sieminski
Berson	Freind	Madigan	Sirianni
Bittle	Fryer	Maiale	Smith, B.
Blaum	Gallagher	Manderino	Smith, E. H.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gamble	Merry	Snyder
Brandt	Gannon	Michlovic	Spencer
Brown	Geist	Micozzie	Spitz
Burd	George	Miller	Stairs
Burns	Gladeck	Miscevich	Steighner
Caltagirone	Grabowski	Moehlmann	Stevens
Cappabianca	Greenwood	Morris	Stewart
Cawley	Grieco	Mowery	Stuban
Cessar	Gruitza	Mrkonc	Swaim
Cimini	Gruppo	Mullen	Sweet
Civera	Hagarty	Murphy	Swift
Clark	Haluska	Nahill	Taddonio
Clymer	Hasay	Noye	Taylor, E. Z.
Cochran	Hayes	O'Donnell	Taylor, F. E.
Cohen	Heiser	Olasz	Telek
Colafella	Hoeffel	Pendleton	Tigue
Cole	Honaman	Perzel	Trello
Cordisco	Horgos	Peterson	Van Horne
Cornell	Hutchinson, A.	Petrarca	Vroon
Coslett	Irvic	Petrone	Wachob
Cowell	Itkin	Phillips	Wambach
Cunningham	Jackson	Piccola	Wargo
DeMedio	Johnson	Pievsky	Wass
DeVerter	Kennedy	Pistella	Wenger
DeWeese	Klingaman	Pitts	Weston
Daikeler	Kolter	Pott	Wiggins
Davies	Kowalshyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
			Wogan
			Wozniak

Deal	Lashingier	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Dorr	Levi	Ritter	Zwikl
Duffy	Levin	Rocks	
Durham	Lewis	Rybak	Ryan,
Evans	Livengood	Salvatore	Speaker

NAYS—0

NOT VOTING—8

Alden	Gray	Marmion	Rieger
Emerson	Harper	Oliver	Williams, H.

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—185

Anderson	Fargo	Lucyk	Saurman
Armstrong	Fee	McClatchy	Serafini
Arty	Fischer	McVerry	Seventy
Barber	Fleck	Mackowski	Showers
Belardi	Foster, W. W.	Madigan	Shupnik
Belfanti	Foster, Jr., A.	Maiale	Sieminski
Berson	Fryer	Manderino	Sirianni
Bittle	Gallagher	Manmiller	Smith, B.
Blaum	Gallen	Marmion	Smith, E. H.
Bowser	Gamble	Merry	Smith, L. E.
Boyes	Gannon	Michlovic	Snyder
Brandt	Geist	Micozzie	Spencer
Brown	George	Miller	Spitz
Burd	Gladeck	Miscevich	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caltagirone	Greenwood	Morris	Stevens
Cappabianca	Grieco	Mowery	Stewart
Cawley	Gruitza	Mrkonc	Stuban
Cessar	Gruppo	Mullen	Swaim
Cimini	Hagarty	Murphy	Sweet
Civera	Haluska	Nahill	Swift
Clark	Hasay	Noye	Taddonio
Clymer	Hayes	O'Donnell	Taylor, E. Z.
Cochran	Heiser	Olasz	Taylor, F. E.
Cohen	Hoeffel	Oliver	Telek
Colafella	Honaman	Pendleton	Tigue
Cole	Horgos	Perzel	Trello
Cordisco	Hutchinson, A.	Peterson	Van Horne
Cornell	Irvic	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Cunningham	Johnson	Piccola	Wargo
DeMedio	Kennedy	Pievsky	Wass
DeVerter	Klingaman	Pistella	Wenger
DeWeese	Kolter	Pitts	Weston
Daikeler	Kowalshyn	Pott	Wiggins
Davies	Kukovich	Pratt	Williams, J. D.
Dawida	Lashingier	Pucciarelli	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak

Dininni	Lescovitz	Rasco	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Richardson	Zwinkl
Dorr	Levin	Ritter	
Duffy	Lewis	Rocks	Ryan,
Durham	Livengood	Rybak	Speaker
Evans	Lloyd	Salvatore	

NAYS—0

NOT VOTING—9

Alden	Gray	McMonagle	Williams, H.
Emerson	Harper	Rieger	Wright, R. C.
Freind			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Freind, rise?

Mr. FREIND. On that last vote, Mr. Speaker, on SB 1283, I was out of my seat. Had I voted, I would have voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1350, PN 1971**, entitled:

An Act amending the act of July 2, 1935, (P. L. 589, No. 210), entitled, as amended, "Milk Sanitation Law," extending coverage to milk for manufacturing purposes and manufactured dairy products.

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

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

The question is, shall the bill pass finally?

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

YEAS—186

Anderson	Fee	Lucyk	Saurman
Armstrong	Fischer	McClatchy	Serafini
Arty	Fleck	McVerry	Seventy
Barber	Foster, W. W.	Mackowski	Showers
Belardi	Foster, Jr., A.	Madigan	Shupnik
Belfanti	Freind	Maiale	Sieminski
Berson	Fryer	Manderino	Strianni
Bittle	Gallagher	Manmiller	Smith, B.
Blaum	Gallen	Marmion	Smith, E. H.

Boyes	Gamble	Merry	Smith, L. E.
Brandt	Gannon	Michlovic	Snyder
Brown	Geist	Micozzie	Spencer
Burd	George	Miller	Spitz
Burns	Gladeck	Miscevich	Stairs
Caltagirone	Grabowski	Moehlmann	Steighner
Cappabianca	Greenwood	Morris	Stevens
Cawley	Grieco	Mowery	Stewart
Cessar	Gruitza	Mrkonic	Stuban
Cimini	Gruppo	Mullen	Swaim
Civera	Hagarty	Murphy	Sweet
Clark	Haluska	Nahill	Swift
Clymer	Hasay	Noye	Taddonio
Cochran	Hayes	O'Donnell	Taylor, E. Z.
Cohen	Heiser	Olasz	Taylor, F. E.
Colafella	Hoeffel	Oliver	Telck
Cole	Honaman	Pendleton	Tigue
Cordisco	Horgos	Perzel	Trello
Cornell	Hutchinson, A.	Peterson	Van Horne
Coslett	Irvis	Petrarca	Vroon
Cowell	Itkin	Petrone	Wachob
Cunningham	Jackson	Phillips	Wambach
DeMedio	Johnson	Piccola	Wargo
DeVerter	Kennedy	Pievsky	Wass
DeWeese	Klingaman	Pistella	Wenger
Daikeler	Kolter	Pitts	Weston
Davies	Kowalshyn	Pott	Wiggins
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Richardson	Wright, R. C.
Duffy	Levin	Ritter	Zwinkl
Durham	Lewis	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lloyd	Salvatore	Speaker

NAYS—0

NOT VOTING—8

Alden	Emerson	Harper	Rieger
Bowser	Gray	McMonagle	Williams, H.

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

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

* * *

The House proceeded to third consideration of **SB 79, PN 1899**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for domestic violence and rape crisis programs, imposing additional costs and making an appropriation.

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

The SPEAKER. Does the minority leader desire recognition?

Mr. IRVIS. Yes, Mr. Speaker, to advise those members whom I asked to support an amendment which I had intended to offer to SB 79 to finance the legal services that I have withdrawn that amendment after a conference with Mrs. Hagarty. We both feel that such an amendment might endanger the passage of the rape crisis center bills, in which both of us are interested, so I shall not be offering that amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—187

Anderson	Fee	Lucyk	Saurman
Armstrong	Fischer	McClatchy	Serafini
Arty	Fleck	McVerry	Seventy
Barber	Foster, W. W.	Mackowski	Showers
Belardi	Foster, Jr., A.	Madigan	Shupnik
Belfanti	Freind	Maiale	Sieminski
Berson	Fryer	Manderino	Sirianni
Bittle	Gallagher	Manmiller	Smith, B.
Blaum	Gallen	Marmion	Smith, E. H.
Bowser	Gamble	Merry	Smith, L. E.
Boyes	Gannon	Michlovic	Snyder
Brandt	Geist	Micozzie	Spencer
Brown	George	Miller	Spitz
Burd	Gladeck	Miscevich	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caltagirone	Greenwood	Morris	Stevens
Cappabianca	Grieco	Mowery	Stewart
Cawley	Gruitza	Mrkonic	Stuban
Cessar	Gruppo	Mullen	Swaim
Cimini	Hagarty	Murphy	Sweet
Civera	Haluska	Nahill	Swift
Clark	Hasay	Noye	Taddonio
Clymer	Hayes	O'Donnell	Taylor, E. Z.
Cochran	Heiser	Olasz	Taylor, F. E.
Cohen	Hoefel	Oliver	Telek
Colafella	Honaman	Pendleton	Tigue
Cole	Horgos	Perzel	Trello
Cordisco	Hutchinson, A.	Peterson	Van Horne
Cornell	Irvis	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Cunningham	Johnson	Piccola	Wargo
DeMedio	Kennedy	Pievsky	Wass
DeVerter	Klingaman	Pistella	Wenger
DeWeese	Kolter	Pitts	Weston
Daikeler	Kowalshyn	Pott	Wiggins
Davies	Kukovich	Pratt	Williams, J. D.
Dawida	Lashinger	Pucciarelli	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Rasco	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Richardson	Wright, R. C.
Dorr	Levin	Ritter	Zwinkl
Duffy	Lewis	Rocks	
Durham	Livengood	Rybak	Ryan,
Evans	Lloyd	Salvatore	Speaker
Fargo			

NAYS—0

NOT VOTING—7

Alden Emerson	Gray Harper	McMonagle Rieger	Williams, H.
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EXCUSED—5

Beloff Borski	Frazier	Greenfield	McIntyre
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of **SB 439, PN 1697**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal history record information.

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

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. Does the minority leader desire recognition?

Mr. IRVIS. Yes, Mr. Speaker. I would like to ask that SB 439, PN 1697, be passed over for today.

I recognize that the gentleman, Mr. Freind, and the gentleman, Mr. Cunningham, have waited for their antiabortion amendment very patiently, but it happens that there are reorganization and restructuring meetings of wards being held in Philadelphia today. A number of my members from Philadelphia therefore are not on the floor, and I would ask that the bill be held over until tomorrow.

The SPEAKER. The Chair recognizes the minority leader, who moves that SB 439, PN 1697, be placed on the third reading postponed calendar.

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

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

Mr. FREIND. Thank you, Mr. Speaker.

I oppose the motion. Up until about 20 minutes ago, Mr. Speaker, we were going to make that identical motion - to hold it over until tomorrow in deference to the Philadelphia legislators who could not be here. The reason why that has changed is we received very good information that the Senate is staying in session today until the evening to get the bill and to make a decision on the bill before it adjourns. Therefore, it is absolutely essential to vote the bill today, and for that reason, reluctantly I rise to oppose the motion and would urge my colleagues to do likewise.

The SPEAKER. On the question, those in favor of the motion of the gentleman, Mr. Irvis, that the bill be placed on the third reading postponed calendar will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—90

Anderson	Fryer	Madigan	Rybak
Barber	Gallagher	Maiale	Saurman
Berson	Gladeck	Marmion	Showers
Bowser	Greenwood	Merry	Shupnik
Brandt	Hagarty	Michlovic	Smith, B.
Brown	Haluska	Miller	Smith, L. E.
Burd	Heiser	Moehlmann	Snyder
Cochran	Hoeffel	Mowery	Spencer
Cole	Honaman	Nahill	Stairs
Cordisco	Hutchinson, A.	O'Donnell	Stuban
Cornell	Irvis	Oliver	Swaim
Cowell	Itkin	Pendleton	Sweet
DeVerter	Jackson	Pievsky	Swift
DeWeese	Kennedy	Pistella	Taylor, F. E.
Daikeler	Kowalshyn	Pott	Van Horne
Davies	Kukovich	Pucciarelli	Wachob
Deal	Lashinger	Rappaport	Wambach
Donatucci	Letterman	Rasco	Wenger
Dorr	Levin	Reber	Wiggins
Emerson	Lewis	Richardson	Williams, J. D.
Evans	Livengood	Rieger	Wilson
Fargo	Lucyk	Ritter	Zwinkl
Fleck	McMonagle		

NAYS—100

Armstrong	Durham	McClatchy	Seventy
Arty	Fee	McVerry	Sieminski
Belardi	Fischer	Mackowski	Sirianni
Belfanti	Foster, W. W.	Manderino	Smith, E. H.
Bittle	Foster, Jr., A.	Manmiller	Spitz
Blaum	Freind	Micozzie	Steighner
Boyes	Gallen	Miscevich	Stevens
Burns	Gamble	Morris	Stewart
Caltagirone	Gannon	Mrkonic	Taddonio
Cappabianca	Geist	Mullen	Taylor, E. Z.
Cawley	George	Murphy	Telek
Cessar	Grabowski	Noye	Tigue
Cimini	Grieco	Olasz	Trello
Civera	Gruitza	Perzel	Vroon
Clark	Gruppo	Peterson	Wargo
Clymer	Hasay	Petrarca	Wass
Cohen	Hayes	Petrone	Weston
Colafella	Horgos	Phillips	Wogan
Coslett	Johnson	Piccola	Wozniak
Cunningham	Klingaman	Pitts	Wright, D. R.
DeMedio	Kolter	Pratt	Wright, J. L.
Dawida	Laughlin	Punt	Wright, R. C.
Dietz	Lehr	Rocks	
Dininni	Lescovitz	Salvatore	Ryan,
Dombrowski	Levi	Serafini	Speaker
Duffy	Lloyd		

NOT VOTING—4

Alden	Gray	Harper	Williams, H.
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EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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. PICCOLA offered the following amendments No. A7095:

Amend Sec. 1, page 1, line 11, by striking out "AGENCY" "and inserting agency," "expunge"

Amend Sec. 1, page 1, lines 12 through 14, by striking out "SECTION 9106," in line 12, all of line 13 and "SECTION 9123 AND SECTIONS 9131, 9161, AND 9181,"

Amend Sec. 1, page 1, line 16, by inserting after "AMENDED"

and a definition is added

Amend Sec. 1 (Sec. 9102), page 2, lines 15 through 18, by striking out all of said lines and inserting such agencies or subunits thereof, as are declared by the attorney general to be criminal justice agencies as determined by a review of applicable statutes and the State and Federal Constitutions or both.

"Expunge."

(1) To remove information so that there is no trace or indication that such information existed; [or]

(2) to eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes[.]; or

(3) maintenance of certain information required or authorized under the provisions of section 9122(c) (relating to expungement), when an individual has successfully completed the conditions of any pretrial or posttrial diversion or probation program.

Amend Bill, page 2, by inserting between lines 23 and 24 Police blotter." A chronological listing of arrests, usually documented contemporaneous with the incident, which may include, but is not limited to, the name and address of the individual charged and the alleged offenses.

Section 2. Subsections (a) and (b) of section 9104, sections 9106, 9112, subsections (a) and (b) of section 9121, subsection (f) of section 9122, subsection (a) of 9123, subsection (b) of section 9125 and section 9131, 9161 and 9181 of Title 18, are amended to read:

§ 9104. Scope.

(a) General rule.—Except for the provisions of Subchapter B (relating to completeness and accuracy), Subchapter D (relating to security) and Subchapter F (relating to individual right of access and review), nothing in this chapter shall be construed to apply to:

(1) Original records of entry compiled chronologically, including, but not limited to, police blotters and press releases that contain criminal history record information and are disseminated contemporaneous with the incident.

(2) Any documents, records or indices prepared or maintained by or filed in any court of this Commonwealth, including but not limited to the minor judiciary.

(3) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons.

(4) Announcements of executive clemency.

(b) Court dockets [and], police blotters and press releases.—Court dockets [and], police blotters and press releases and information contained therein shall, for the purpose of this chapter, be considered public records.

Amend Bill, page 3, by inserting between lines 16 and 17 § 9112. Mandatory fingerprinting.

(a) General rule.—Fingerprints of all persons arrested for a felony, misdemeanor or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary

offense, shall be taken by the arresting authority, and within 48 hours of the arrest, shall be forwarded to, and in a manner and such a form as provided by, the central repository.

(b) Other cases.—[Where private complaints for a felony or misdemeanor result in a conviction or where persons are proceeded against by a summons, or for offenses under section 3929 (relating to retail theft), the court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the State Police. Fingerprints so obtained shall be forwarded immediately to the central repository.]

(1) Where private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense was allegedly committed or in the absence of a police department, the State Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the central repository in a manner and in such form as may be provided by the central repository.

(2) Where defendants named in police complaints are proceeded against by summons, or for offenses under section 3929 (relating to retail theft), the court of proper jurisdiction shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the State Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the central repository in a manner and in such form as may be provided by the central repository.

(c) Transmittal of information.—The central repository shall transmit the criminal history record information to the criminal justice agency which submitted [the fingerprint card] a complete, accurate and classifiable fingerprint card.

Amend Bill, page 4, by inserting between lines 22 and 23 § 9122. Expungement.

(f) District attorney's notice.—[No expungement shall be made without ten days prior notice to the district attorney of the county where the original charges were filed] The court shall give ten days prior notice to the district attorney of the county where the original charge was filed of any applications for expungement under the provisions of subsection (a)(2).

Amend Bill, page 5, by inserting between lines 13 and 14 § 9125. Use of records for employment.

(b) Use of information.—[Arrests] Felony and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied.

Amend Sec. 2, page 7, line 17, by striking out "2" and inserting

3

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

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Let me first emphasize that this amendment has absolutely nothing to do with abortion. It has to do with the Criminal History Record Act, which is the original intent of this bill.

The primary portion of my amendment changes the thrust of the bill in that the bill would include under the act the United States Office of Personnel Management as a criminal justice agency entitled to receive certain information under

the act. Rather than add that one agency, this amendment would delete that agency but give to the Attorney General the power to promulgate regulations to determine what agencies, State and Federal, are criminal justice agencies and entitled to information. The needs of these agencies change, and it is the feeling that we should give some flexibility to the Attorney General rather than approach the legislature every time a change is needed.

The rest of the amendment deals with some technical changes that are needed in this particular act, and I would ask the House to support the amendment.

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

The following roll call was recorded:

YEAS—187

Anderson	Fargo	Lloyd	Rybak
Armstrong	Fee	Lucyk	Salvatore
Arty	Fischer	McClatchy	Saurman
Barber	Fleck	McMonagle	Serafini
Belardi	Foster, W. W.	McVerry	Seventy
Belfanti	Foster, Jr., A.	Mackowski	Showers
Berson	Freind	Madigan	Shupnik
Bittle	Fryer	Maiale	Sieminski
Blaum	Gallagher	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Marmion	Smith, E. H.
Brandt	Gannon	Merry	Smith, L. E.
Brown	Geist	Michlovic	Snyder
Burd	George	Micozzie	Spencer
Burns-	Gladeck	Miller	Spitz
Caitagirone	Grabowski	Miscevich	Stairs
Cappabianca	Greenwood	Moehlmann	Steighner
Cawley	Grieco	Morris	Stevens
Cessar	Gruitza	Mowery	Stewart
Cimini	Gruppo	Mrkonic	Suban
Civera	Hagarty	Mullen	Swaim
Clark	Haluska	Murphy	Sweet
Clymer	Hasay	Nahill	Swift
Cochran	Hayes	Noye	Taddonio
Cohen	Heiser	O'Donnell	Taylor, E. Z.
Colafella	Hoeffel	Olasz	Taylor, F. E.
Cole	Honaman	Oliver	Telek
Cordisco	Horgos	Pendleton	Tigue
Cornell	Hutchinson, A.	Perzel	Trello
Coslett	Irvis	Peterson	Van Horne
Cowell	Itkin	Petrarca	Vroon
Cunningham	Jackson	Petrone	Wachob
DeMedio	Johnson	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsy	Wass
Daikeler	Kolter	Pistella	Wenger
Davies	Kowalyshyn	Pitts	Weston
Dawida	Kukovich	Pott	Wiggins
Deal	Lashinger	Pratt	Williams, J. D.
Dietz	Laughlin	Pucciarelli	Wilson
Dininni	Lehr	Punt	Wogan
Dombrowski	Lescovitz	Rasco	Wozniak
Donatucci	Letterman	Reber	Wright, D. R.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Lewis	Ritter	Ryan,
Emerson	Livengood	Rocks	Speaker
Evans			

NAYS—1

Wright, J. L.

NOT VOTING—6

Alden Gray	Harper Rappaport	Williams, H.	Wright, R. C.
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EXCUSED—5

Beloff Borski	Frazier	Greenfield	McIntyre
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. FREIND offered the following amendments No. A8103:

Amend Title, page 1, line 4, by removing the period after "INFORMATION" and inserting regulating matters relating to the performance and funding of abortions, the protection of women who undergo abortion and children subject to abortion, prescribing penalties and making repeals.

Amend Bill, page 1, by inserting between lines 10 and 11

Section 1. Title 18, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a chapter to read:

CHAPTER 32
ABORTION

Sec.

- 3201. Short title of chapter.
- 3202. Legislative intent.
- 3203. Definitions.
- 3204. Medical consultation and judgment.
- 3205. Informed consent.
- 3206. Parental consent:
- 3207. Abortion facilities.
- 3208. Printed information.
- 3209. Abortion after first trimester.
- 3210. Abortion after viability.
- 3211. Viability.
- 3212. Infanticide.
- 3213. Prohibited acts.
- 3214. Reporting.
- 3215. Publicly owned facilities; public officials and public funds.
- 3216. Fetal experimentation.
- 3217. Civil penalties.
- 3218. Criminal penalties.
- 3219. State Board of Medical Education and Licensure.
- 3220. Construction.

§ 3201. Short title of chapter.

This chapter shall be known and may be cited as the "Abortion Control Act."

§ 3202. Legislative intent.

(a) Rights and interests.—It is the intention of the General Assembly of the Commonwealth of Pennsylvania to protect hereby the life and health of the woman subject to abortion and to protect the life and health of the child subject to abortion. It is the further intention of the General Assembly to foster the development of standards of professional conduct in a critical area of medical practice, to provide for development of statistical data and to protect the right of the minor woman voluntarily to decide to submit to abortion or to carry her child to term. The General Assembly finds as fact that the rights and interests furthered by this chapter are not secure in the context in which abortion is presently performed.

(b) Conclusions.—Reliable and convincing evidence has compelled the General Assembly to conclude and the General Assembly does hereby solemnly declare and find that:

(1) Many women now seek or are encouraged to undergo abortions without full knowledge of the development of the unborn child or of alternatives to abortion.

(2) The gestational age at which viability of an unborn child occurs has been lowering substantially and steadily as advances in neonatal medical care continue to be made.

(3) A significant number of late-term abortions result in live births, or in delivery of children who could survive if measures were taken to bring about breathing. Some physicians have been allowing these children to die or have been failing to induce breathing.

(4) Because the Commonwealth places a supreme value upon protecting human life, it is necessary that those physicians which it permits to practice medicine be held to precise standards of care in cases where their actions do or may result in the death of an unborn child.

(5) A reasonable waiting period, as contained in this chapter, is critical to the assurance that a woman elect to undergo an abortion procedure only after having the fullest opportunity to give her informed consent thereto.

(c) Construction.—In every relevant civil or criminal proceeding in which it is possible to do so without violating the Federal Constitution, the common and statutory law of Pennsylvania shall be construed so as to extend to the unborn the equal protection of the laws and to further the public policy of this Commonwealth encouraging childbirth over abortion.

(d) Right of conscience.—It is the further public policy of the Commonwealth of Pennsylvania to respect and protect the right of conscience of all persons who refuse to obtain, receive, subsidize, accept or provide abortions including those persons who are engaged in the delivery of medical services and medical care whether acting individually, corporately or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability or financial burden upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in refusing to obtain, receive, subsidize, accept or provide abortions.

§ 3203. Definitions.

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

"Abortion." The use of any means to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulation, fertilization or the implantation of a fertilized ovum within the uterus.

"Born alive." When used with regard to a human being, means that the human being was completely expelled or extracted from her or his mother and after such separation breathed or showed evidence of any of the following: beating of the heart, pulsation of the umbilical cord, definite movement of voluntary muscles or any brain-wave activity.

"Complication." Includes but is not limited to hemorrhage, infection, uterine perforation, cervical laceration and retained products. The department may further define complication.

"Conscience." A sincerely held set of moral convictions arising from belief in and relation to a Deity or which, though not so derived, obtains from a place in the life of its possessor parallel to that filled by a Deity among adherents to religious faiths.

"Department." The Department of Health of the Commonwealth of Pennsylvania.

"Facility" or "medical facility." Any public or private hospital, clinic, center, medical school, medical training institution,

health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center or other institution or location wherein medical care is provided to any person.

"Fertilization." The fertilization of an ovum by a sperm, which shall be deemed to have occurred when the head of the sperm has penetrated the cell membrane of the ovum and the process of development, differentiation, cell mitosis and replication begins and shall be synonymous with the term conception.

"First trimester." The first 12 weeks of gestation.

"Hospital." An institution licensed pursuant to the provisions of the law of this Commonwealth.

"*In vitro* fertilization." The purposeful fertilization of a human ovum outside the body of a living human female.

"Medical emergency." That condition which, on the basis of the physician's best clinical judgment, so complicates a pregnancy as to necessitate the immediate abortion of same to avert the death of the mother or for which a 24 hour delay will create grave peril of immediate and ineverable loss of major bodily function.

"Medical personnel." Any nurse, nurses' aide, medical school student, professional or any other person who furnishes, or assists in the furnishing of, medical care.

"Physician." Any person licensed to practice medicine in this Commonwealth.

"Pregnancy." That female reproductive condition caused by and commencing with fertilization.

"Probable gestational age of the unborn child." What, in the judgment of the attending physician, will with reasonable probability be the gestational age of the unborn child at the time the abortion is planned to be performed.

"Unborn child." For purposes of this chapter, a human being from fertilization until birth and includes a fetus.

"Viability." That stage of fetal development when, in the judgment of the physician based on the particular facts of the case before him and in light of the most advanced medical technology and information available to him, there is a reasonable likelihood of *sustained survival of the unborn child outside the body of his or her mother, with or without artificial support.*

§ 3204. Medical consultation and judgment.

(a) Abortion prohibited; exceptions.—No abortion shall be performed except by a physician after either:

(1) he determines that, in his best clinical judgment, the abortion is necessary; or

(2) he receives what he reasonably believes to be a written statement signed by another physician, hereinafter called the "referring physician," certifying that in this referring physician's best clinical judgment the abortion is necessary.

(b) Requirements.—Except in a medical emergency where there is insufficient time before the abortion is performed, the woman upon whom the abortion is to be performed shall have a private medical consultation either with the physician who is to perform the abortion or with the referring physician. The consultation will be in a place, at a time and of a duration reasonably sufficient to enable the physician to determine whether, based on his best clinical judgment, the abortion is necessary.

(c) Factors.—In determining in accordance with subsection (a) or (b) whether an abortion is necessary, a physician's best clinical judgment may be exercised in the light of all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman.

(d) Penalty.—Any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974."

§ 3205. Informed consent.

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

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

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

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

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

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

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

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

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

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

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

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

(4) Prior to the performance of the abortion, the physician who is to perform or induce the abortion or his agent receives a copy of the written certification prescribed by paragraph (3).

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

(c) Penalty.—Any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974." Any other person obligated under this chapter to give information relating to informed consent to a woman before an abortion is performed, and who fails to give such information, shall, for the first offense be guilty of a summary offense and, for each subsequent offense, be guilty of a misdemeanor of the third degree.

(d) Limitation on civil liability.—Any physician who complies with the provisions of this section may not be held civilly liable to his patient for failure to obtain informed consent to the

abortion within the meaning of that term as defined by the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act."

§ 3206. Parental consent.

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

(b) Unavailability of parent or guardian.—If both parents have died or are otherwise unavailable to the physician within a reasonable time and in a reasonable manner, consent of the pregnant woman's guardian or guardians shall be sufficient. If the pregnant woman's parents are divorced, consent of the parent having custody shall be sufficient. If neither any parent nor a legal guardian is available to the physician within a reasonable time and in a reasonable manner, consent of any adult person standing in loco parentis shall be sufficient.

(c) Petition to court for consent.—If both of the parents or guardians of the pregnant woman refuse to consent to the performance of an abortion or if she elects not to seek the consent of either of her parents or of her guardian, the court of common pleas of the judicial district in which the applicant resides or in which the abortion is sought shall, upon petition or motion, after an appropriate hearing, authorize a physician to perform the abortion if the court determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion, and has, in fact, given such consent.

(d) Court order.—If the court determines that the pregnant woman is not mature and capable of giving informed consent or if the pregnant woman does not claim to be mature and capable of giving informed consent, the court shall determine whether the performance of an abortion upon her would be in her best interests. If the court determines that the performance of an abortion would be in the best interests of the woman, it shall authorize a physician to perform the abortion.

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

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

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

shall coerce a minor or incompetent woman to undergo an abortion. The court shall grant such relief as may be necessary to prevent such coercion. Should a minor be denied the financial support of her parents by reason of her refusal to undergo abortion, she shall be considered emancipated for purposes of eligibility for assistance benefits.

(h) Regulation of proceedings.—No filing fees shall be required of any woman availing herself of the procedures provided by this section. An expedited confidential appeal shall be available to any pregnant woman whom the court denies an order authorizing an abortion. The Supreme Court of Pennsylvania shall issue promptly such rules as may be necessary to assure that the process provided in this section is conducted in such a manner as will ensure confidentiality and sufficient precedence over other pending matters to ensure promptness of disposition.

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

§ 3207. Abortion facilities.

(a) Regulations.—The department shall have power to make rules and regulations pursuant to this chapter, with respect to performance of abortions and with respect to facilities in which abortions are performed, so as to protect the health and safety of women having abortions and of premature infants aborted alive. These rules and regulations shall include, but not be limited to, procedures, staff, equipment and laboratory testing requirements for all facilities offering abortion services.

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

(1) Name and address of the facility.

(2) Name and address of any parent, subsidiary or affiliated organizations, corporations or associations.

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

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

§ 3208. Printed information.

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

(1) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agen-

cies available, a description of the services they offer and a description of the manner, including telephone numbers, in which they might be contacted, or, at the option of the department, printed materials including a toll-free, 24-hour a day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer. The materials shall include the following statement:

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

(2) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from fertilization to full term, including any relevant information on the possibility of the unborn child's survival. The materials shall be objective, nonjudgmental and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

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

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

§ 3209. *Abortion after first trimester.*

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

§ 3210. *Abortion after viability.*

(a) Prohibition; penalty.—Any person who intentionally, knowingly or recklessly performs or induces an abortion when the fetus is viable commits a felony of the third degree. It shall be a complete defense to any charge brought against a physician for violating the requirements of this section that he had concluded in good faith, in his best medical judgment, that the unborn child was not viable at the time the abortion was performed or induced or that the abortion was necessary to preserve maternal life or health.

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

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

§ 3211. *Viability.*

(a) Determination of viability.—Prior to performing any abortion upon a woman subsequent to her first trimester of pregnancy, the physician shall determine whether, in his good faith judgment, the child is viable. When a physician has determined that a child is viable, he shall report the basis for his determination that the abortion is necessary to preserve maternal life or health. When a physician has determined that a child is not viable, he shall report the basis for such determination.

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

§ 3212. *Infanticide.*

(a) Status of fetus.—The law of this Commonwealth shall not be construed to imply that any human being born alive in the course of or as a result of an abortion or pregnancy termination, no matter what may be that human being's chance of survival, is not a person under the Constitution and laws of this Commonwealth.

(b) Care required.—All physicians and licensed medical personnel attending a child who is born alive during the course of an abortion or premature delivery, or after being carried to term, shall provide such child that type and degree of care and treatment which, in the good faith judgment of the physician, is commonly and customarily provided to any other person under similar conditions and circumstances. Any individual who knowingly violates the provisions of this subsection commits a felony of the third degree.

(c) Obligation of physician.—Whenever the physician or any other person is prevented by lack of parental or guardian consent from fulfilling his obligations under subsection (b), he shall nonetheless fulfill said obligations and immediately notify the juvenile court of the facts of the case. The juvenile court shall immediately institute an inquiry and, if it finds that the lack of parental or guardian consent is preventing treatment required under subsection (b), it shall immediately grant injunctive relief to require such treatment.

§ 3213. *Prohibited acts.*

(a) Payment for abortion.—Except in the case of a pregnancy which is not yet clinically diagnosable, any person who intends to perform or induce abortion shall, before accepting payment therefor, make or obtain a determination that the woman is pregnant. Any person who intentionally or knowingly accepts such a payment without first making or obtaining such a determination commits a misdemeanor of the second degree. Any person who makes such a determination erroneously either knowing that it is erroneous or with reckless disregard or negligence as to whether it is erroneous, and who either:

(1) thereupon or thereafter intentionally relies upon that determination in soliciting or obtaining any such payment; or

(2) intentionally conveys that determination to any person or persons with knowledge that, or with reckless disregard as to whether, that determination will be relied upon in any solicitation or obtaining of any such payment; commits a misdemeanor of the second degree.

(b) Referral fee.—The payment or receipt of a referral fee in connection with the performance of an abortion is a misdemeanor of the first degree. For purposes of this section, "referral fee" means the transfer of anything of value between a physician who performs an abortion or an operator or employee of a clinic at which an abortion is performed and the person who advised the woman receiving the abortion to use the services of that physician or clinic.

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

(d) Participation in abortion.—Except for a facility devoted exclusively to the performance of abortions, no medical personnel or medical facility, nor any employee, agent or student thereof, shall be required against his or its conscience to aid, abet or facilitate performance of an abortion or dispensing of an abortifacient and failure or refusal to do so shall not be a basis for any civil, criminal, administrative or disciplinary action, penalty or proceeding, nor may it be the basis for refusing to hire or admit anyone. Nothing herein shall be construed to limit the provisions of the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act." Any person who knowingly violates the provisions of this subsection shall be civilly liable to the person thereby injured and, in addition, shall be liable to that person for punitive damages in the amount of \$5,000.

(e) In vitro fertilization.—All persons conducting, or experimenting in, in vitro fertilization shall file quarterly reports with the department, which shall be available for public inspection and copying, containing the following information:

- (1) Names of all persons conducting or assisting in the fertilization or experimentation process.
- (2) Locations where the fertilization or experimentation is conducted.
- (3) Name and address of any person, facility, agency or organization sponsoring the fertilization or experimentation except that names of any persons who are donors or recipients of sperm or eggs shall not be disclosed.
- (4) Number of eggs fertilized.
- (5) Number of fertilized eggs destroyed or discarded.
- (6) Number of women implanted with a fertilized egg.

Any person required under this subsection to file a report, keep records or supply information, who willfully fails to file such report, keep records or supply such information or who submits a false report shall be assessed a fine by the department in the amount of \$50 for each day in which that person is in violation hereof.

§ 3214. Reporting.

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

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

(2) The political subdivision and state in which the woman resides.

(3) The woman's age, race and marital status.

(4) The number of prior pregnancies.

(5) The date of the woman's last menstrual period and the probable gestational age of the unborn child.

(6) The type of procedure performed or prescribed and the date of the abortion.

(7) Complications, if any, including but not limited to, rubella disease, hydatid mole, endocervical polyp and malignancies.

(8) The information required to be reported under section 3211(a) (relating to viability).

(9) The length and weight of the aborted unborn child when measurable.

(10) Basis for any medical judgment that a medical emergency existed as required by any part of this chapter.

(11) The date of the medical consultation required by section 3204(b) (relating to medical consultation and judgment).

(12) The date on which any determination of pregnancy was made.

(13) The information required to be reported under section 3210(b) (relating to abortion after viability).

(14) Whether the abortion was paid for by the patient, by medical assistance, or by medical insurance coverage.

(b) Completion of report.—The reports shall be completed by the hospital or other licensed facility, signed by the physician who performed the abortion and transmitted to the department within 15 days after each reporting month.

(c) Pathological examinations.—When there is an abortion performed during the first trimester of pregnancy, the tissue that is removed shall be subjected to a gross or microscopic examination, as needed, by the physician or a qualified person designated by the physician to determine if a pregnancy existed and was terminated. If the examination indicates no fetal remains, that information shall immediately be made known to the physician and sent to the department within 15 days of the analysis. When there is an abortion performed after the first trimester of pregnancy where the physician has certified the unborn child is not viable, the dead unborn child and all tissue removed at the time of the abortion shall be submitted for tissue analysis to a board eligible or certified pathologist. If the report reveals evidence of viability or live birth, the pathologist shall report such findings to the department within 15 days and a copy of the report shall also be sent to the physician performing the abortion. Intentional, knowing, reckless or negligent failure of the physician to submit such an unborn child or such tissue remains to such a pathologist for such a purpose, or intentional, knowing or reckless failure of the pathologist to report any evidence of live birth or viability to the department in the manner and within the time prescribed is a misdemeanor of the third degree.

(d) Form.—The department shall prescribe a form on which pathologists may report any evidence of absence of pregnancy, live birth or viability.

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

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

(2) Reports filed pursuant to subsection (a) shall not be deemed public records within the meaning of that term as defined by the act of June 21, 1957 (P.L. 390, No.212), referred to as the Right-to-Know Law, but shall be made

available for public inspection and copying within 15 days of receipt in a form which will not lead to the disclosure of the identity of any person filing a report. On those reports available for public inspection and copying, the department shall substitute for the name of any physician which appears on the report, a unique identifying number. The identity of the physician shall constitute a confidential record of the department. The department may set a reasonable per copy fee to cover the cost of making any copies authorized hereunder.

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

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

(f) Report by facility.—Every facility in which an abortion is performed within this Commonwealth during any quarter year shall file with the department a report showing the total number of abortions performed within the hospital or other facility during that quarter year. This report shall also show the total abortions performed in each trimester of pregnancy. These reports shall be available for public inspection and copying.

(g) Report of maternal death.—After 30 days' public notice, the department shall henceforth require that all reports of maternal deaths occurring within the Commonwealth arising from pregnancy, childbirth or intentional abortion in every case state the cause of death, the duration of the woman's pregnancy when her death occurred and whether or not the woman was under the care of a physician during her pregnancy prior to her death and shall issue such regulations as are necessary to assure that such information is reported, conducting its own investigation if necessary in order to ascertain such data. A woman shall be deemed to have been under the care of a physician prior to her death for the purpose of this chapter when she had either been examined or treated by a physician, not including any examination or treatment in connection with emergency care for complications of her pregnancy or complications of her abortion, preceding the woman's death at any time which is both 21 or more days after the time she became pregnant and within 60 days prior to her death. Known incidents of maternal mortality of nonresident women arising from induced abortion performed in this Commonwealth shall be included as incidents of maternal mortality arising from induced abortions. Incidents of maternal mortality arising from continued pregnancy or childbirth and occurring after induced abortion has been attempted but not completed, including deaths occurring after induced abortion has been attempted but not completed as the result of ectopic pregnancy, shall be included as incidents of maternal mortality arising from induced abortion. The department shall annually compile a statistical report for the General Assembly based upon the data gathered under this subsection, and all such statistical reports shall be available for public inspection and copying.

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

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

(i) Penalties.—

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

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

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

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

§ 3215. Publicly owned facilities; public officials and public funds.

(a) Limitations.—No hospital, clinic or other health facility owned or operated by the Commonwealth, a county, a city or other governmental entity (except the government of the United States, another state or a foreign nation) shall:

(1) Provide, induce, perform or permit its facilities to be used for the provision, inducement or performance of any abortion except where necessary to avert the death of the woman or where necessary to terminate pregnancies initiated by acts of rape or incest if reported in accordance with requirements set forth in subsection (c).

(2) Lease or sell or permit the subleasing of its facilities or property to any physician or health facility for use in the provision, inducement or performance of abortion, except abortion necessary to avert the death of the woman or to terminate pregnancies initiated by acts of rape or incest if reported in accordance with requirements set forth in subsection (c).

(3) Enter into any contract with any physician or health facility under the terms of which such physician or health facility agrees to provide, induce or perform abortions, except abortion necessary to avert the death of the woman or to terminate pregnancies initiated by acts of rape or incest if reported in accordance with requirements set forth in subsection (c).

(b) Permitted treatment.—Nothing in subsection (a) shall be construed to preclude any hospital, clinic or other health facility from providing treatment for post-abortion complications, or from permitting the performance of abortion where no other facility permitting abortion is available within a radius of 20 miles from the facility.

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

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

(2) When abortion is performed in the case of pregnancy caused by rape which has been reported within 72 hours of the rape to a law enforcement agency having the requisite jurisdiction and has been personally reported by the victim or her agent.

(3) When abortion is performed in the case of pregnancy caused by incest which has been reported within 72 hours from the date when the female first learns she is pregnant and she has named the other party to the incestuous act. Such information shall be turned over by the department to a law enforcement agency.

(d) Health plans.—No health plan for employees, funded with any Commonwealth funds, shall include coverage for abortion, except under the same conditions and requirements as provided in subsection (c). The prohibition contained herein shall not apply to health plans for which abortion coverage has been expressly bargained for in any collective bargaining agreement presently in effect, but shall be construed to preclude such coverage with respect to any future agreement.

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

(f) Public officers; ordering abortions.—Except in the case of a medical emergency, no court, judge, executive officer, administrative agency or public employee of the Commonwealth or of any local governmental body shall have power to issue any order requiring an abortion without the express voluntary consent of the woman upon whom the abortion is to be performed or shall coerce any person to have an abortion.

(g) Public officers; limiting benefits prohibited.—No court, judge, executive officer, administrative agency or public employee of the Commonwealth or of any local governmental body shall withhold, reduce or suspend or threaten to withhold, reduce or suspend any benefits to which a person would otherwise be entitled on the ground that such person chooses not to have an abortion.

(h) Penalty.—Whoever orders an abortion in violation of subsection (f) or withholds, reduces or suspends any benefits or threatens to withhold, reduce or suspend any benefits in violation of subsection (g) commits a misdemeanor of the first degree.

§ 3216. Fetal experimentation.

(a) Unborn or live child.—Any person who knowingly performs any type of nontherapeutic experimentation upon any unborn child, or upon any child born alive during the course of an abortion, commits a felony of the third degree. "Nontherapeutic" means that which is not intended to preserve the child's life or health.

(b) Dead child.—Experimentation upon children who have died during the course of an abortion may be conducted only upon the written consent of the mother: Provided, That no consideration for such consent is offered or given. Any person who knowingly violates this subsection commits a misdemeanor of the first degree.

§ 3217. Civil penalties.

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

§ 3218. Criminal penalties.

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

§ 3219. State Board of Medical Education and Licensure.

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

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

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

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

Such reports shall be available for public inspection and copying.

§ 3220. Construction.

(a) Referral to coroner.—The provisions of section 503(3) of the act of June 29, 1953 (P.L.304, No.66), known as the "Vital Statistics Law of 1953," shall not be construed to require referral to the coroner of cases of abortions performed in compliance with this chapter.

(b) Other laws unaffected.—Apart from the provisions of subsection (a) and section 3214 (relating to reporting) nothing in this chapter shall have the effect of modifying or repealing any part of the "Vital Statistics Law of 1953" or section 5.2 of the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act."

Amend Sec. 1, page 1, line 11, by striking out "1." and inserting

2.

Amend Sec. 1, page 1, lines 14 through 16, by striking out "ACT" in line 14, all of line 15, and "PENNSYLVANIA CONSOLIDATED STATUTES," in line 16

Amend Bill, page 7, by inserting between lines 16 and 17

Section 3. The provisions of this act shall be severable. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, and the application of any provision hereof to any other persons or circumstances, shall not be affected thereby.

Section 4. (a) The act of September 10, 1974 (P.L.639, No.209), known as the "Abortion Control Act," is repealed.

(b) All other acts and parts of acts inconsistent with this act are hereby repealed

Amend Section 2, page 7, line 17, by striking out all of said line and inserting

Section 5. This act shall take effect in 180 days.

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

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

Mr. FREIND. Thank you, Mr. Speaker.

Very briefly, as you are all aware, this House and the Senate passed SB 742, and it was vetoed by the Governor on December 23. The Governor in his veto message detailed a number of his objections, supporting many of the provisions of the bill. He also invited members of the legislature to work with his office to come up with a new abortion control bill.

Each one of you has been sent, over a week ago, a copy of the new amendment as well as an analysis detailing what the amendment does and how it differs from SB 742. This amendment is the result of 5 months of work with the Governor and with his office to address the problems that he detailed in his veto message. We feel extremely confident that if this is passed by the legislature, it will become law.

For the reasons which we debated at length for 2 full days on December 8 and December 9, I urge that this amendment be adopted. Thank you, Mr. Speaker.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members that it has given permission to WPXI, channel 11, Pittsburgh, and the public television station to do silent filming for a period of 10 minutes.

CONSIDERATION OF SB 439 CONTINUED

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

The following roll call was recorded:

YEAS—131

Armstrong	Fee	McClatchy	Seventy
Arty	Fischer	McMonagle	Shupnik
Belardi	Fleck	McVerry	Sieminski
Belfanti	Foster, Jr., A.	Mackowski	Sirianni
Bittle	Freind	Madigan	Smith, E. H.
Blaum	Gallagher	Maiale	Spitz
Bowser	Gallen	Manderino	Stairs
Boyes	Gamble	Manmiller	Steighner
Brandt	Gannon	Marmion	Stevens
Burd	Geist	Micozzie	Stewart
Burns	George	Miscevich	Stuban
Caltagirone	Grabowski	Morris	Swaim
Cappabianca	Grieco	Mrkonic	Taddonio
Cawley	Gruitza	Mullen	Taylor, E. Z.
Cessar	Gruppo	Murphy	Taylor, F. E.
Cimini	Haluska	Noye	Telek
Civera	Hasay	Olasz	Tigue
Clark	Hayes	Pendleton	Trello
Clymer	Horgos	Perzel	Van Horne
Cochran	Hutchinson, A.	Peterson	Vroon
Cohen	Johnson	Petrarca	Wargo
Colafrella	Kennedy	Petrone	Wass
Cole	Klingaman	Phillips	Wenger
Coslett	Kolter	Pitts	Weston
Cowell	Kowalshyn	Pott	Williams, J. D.
Cunningham	Laughlin	Pratt	Wilson
DeMedio	Lehr	Pucciarelli	Wogan
Dawida	Lescovitz	Punt	Wozniak

Dietz	Letterman	Rieger	Wright, D. R.
Dininmi	Levi	Rocks	Wright, J. L.
Dombrowski	Livengood	Rybak	
Donatucci	Lloyd	Salvatore	Ryan,
Duffy	Lucyk	Serafini	Speaker
Durham			

NAYS—54

Anderson	Foster, W. W.	Lewis	Ritter
Barber	Fryer	Michlovic	Saurman
Berson	Gladeck	Miller	Showers
Brown	Greenwood	Mochlmann	Smith, B.
Cornell	Hagarty	Mowery	Snyder
DeVerter	Heiser	Nahill	Spencer
DeWeese	Hoeffel	Oliver	Sweet
Daikeler	Honaman	Piccola	Swift
Davies	Irvis	Pievsky	Wachob
Deal	Itkin	Pistella	Wambach
Dorr	Jackson	Rasco	Wiggins
Emerson	Kukovich	Reber	Wright, R. C.
Evans	Lashinger	Richardson	Zwilk
Fargo	Levin		

NOT VOTING—9

Alden	Harper	O'Donnell	Smith, L. E.
Cordisco	Merry	Rappaport	Williams, H.
Gray			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

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

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. PICCOLA. Mr. Speaker, at this time I would like to move that the bill be sent for reprinting and placed on the third consideration postponed calendar, in order to give the members an opportunity to offer amendments without having to suspend the rules. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Piccola, that SB 439, together with amendments, be placed on the third reading postponed calendar.

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

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the motion for a number of reasons. As I stated earlier when there was a similar motion introduced, it is essential, if we are going to resolve this matter once and for all, to get it over to the Senate today so that they can act upon it. The Senate has indicated that it is going out of session today but will wait for this bill if it gets over to them.

Secondly, Mr. Speaker, there has never been any attempt at all to railroad this legislation. What you have to remember is that this amendment in front of us is the result of more legislative input than I think any other bill that I have ever considered in my term in the legislature. This was the result of 2 full days of debate on December 8 and December 9. We voluntarily at that time suspended the rules, almost 100 amendments were introduced, and some were passed changing the bill. There has been full legislative input.

I think everybody knows what the issues are, and if we are going to resolve this matter once and for all, the time to do it is now. For these reasons I would sincerely hope that you would oppose the motion to put this amendment on the final passage postponed calendar.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I am an avowed opponent of this amendment, and I state that publicly for the record. But the fact of the matter is, Mr. Freind is mistaken. There has not been large-scale input from the legislative body into this particular amendment. We have been advised in the newspapers what is contained in the amendment; we have been advised by various staff members and interested members, but we ourselves have not had the amendment in print before us to actually study it.

Now, I understand the predicament that the passage of Mr. Piccola's motion will put Mr. Freind in, but that is not a predicament which I manufactured. That is a predicament which the other body has manufactured. It has said in effect to us, you will dance to our tune or we will go home. Well, as far as I am concerned, they can go home. They get paid exactly the same as our members get paid. They sit there in their plush offices; they get the same amount of money that the House members get, and, Mr. Speaker—

The SPEAKER. The gentleman will yield.

The gentleman knows better.

Mr. IRVIS. The Speaker is correct. I never should have said that they are a bunch of lazy people over in the other chamber.

The SPEAKER. That is better.

Mr. IRVIS. And I apologize for saying that.

But, Mr. Speaker, I am tired every year of the Senate calling the tune on when the House should dance. Now, it is not asking too much of the other body to be in session 2 days a week. And I know what they have said to Mr. Freind, because they have said it to me.

The SPEAKER. The gentleman will yield.

The gentleman has made his point, and the gentleman very well knows that this is not the proper way to debate the motion that is before us.

Mr. IRVIS. The Speaker is correct, and I give you my abject apologies for what I said. I ask, however, that you vote in favor of Mr. Piccola's motion.

REMARKS ON VOTE

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

Mr. RAPPAPORT. Mr. Speaker, I was in my office a few moments ago. I wish to be recorded in the negative on the Freind amendment to SB 439.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

CONSIDERATION OF SB 439 CONTINUED

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the motion by the gentleman, Mr. Piccola, and I would say this, that the gentleman, Mr. Piccola's motion is one that I would probably be for, too, if I were an opponent of the bill. It is a tactical move and, as far as I am concerned, a proper tactical move. It just has to be beaten down.

As I look at his motion, the reason we send a bill to be reprinted is normally so that everyone, after a profusion of amendments, has the opportunity to look at the bill and ascertain how the amendments interact. Such is not the case here. We have before us an amendment that was thoroughly, and very thoroughly, debated last December. We are aware of the contents and we are also aware of the time schedule that we must maintain.

If we fail to pass the bill today, there is no doubt in my mind that we will miss connections with the Senate and we will then be debating the bill in September or October when there are other weighty matters to be considered.

Let us do the job that we came here today almost expressly to do. I urge you to reject the Piccola motion and proceed with consideration.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Let me indicate to the House my reasons for making this motion.

First of all, let me say that I was prepared to make this motion last week, knowing full well that the Senate was coming back this week and they could have taken up the bill. This is not a tactic to delay or to kill this legislation. I have some vital concerns about some aspects of the legislation, primarily in the area of the reporting requirements, but I have not had the chance to even draft those amendments because the amendment was presented to us in bulk.

I think it is only fair that we pass this motion to permit amendments. As Mr. Foster said, this is usually done in order to examine amendments. However, in this particular case it is the only way to offer to the members the opportunity to amend the bill, if they see fit, without suspension of the rules. We tried that last fall, and it was a terrible procedure, in my estimation and I believe in the estimation of most members of the House, and I think we should avoid suspension of the rules whenever we can.

This motion is made strictly so that we can do what we did last fall in a responsible way and then pass the bill and send it

to the Senate. It is not being done to delay unnecessarily or to kill this legislation.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members that permission has been granted to Jim Murtha, representing WTAE-TV Pittsburgh, to shoot video tape during the next 10 minutes of the House session.

CONSIDERATION OF SB 439 CONTINUED

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion. I would normally not support the motion if this amendment had included the amendments accepted by the House when we debated this bill so intensively. We have heard how we debated the bill intensively. Well, it is interesting to me that the House of Representatives' wishes are not included in this amendment, because we had accepted amendments that Mr. Freind and Mr. Cunningham have not seen fit to put into the amendment. I think that is wrong. If they want us to vote for something complete without amendment, they should have included the amendments that we put in that bill almost 6 months ago. They did not do that, and I therefore believe that we should have the opportunity to again amend this bill.

Secondly, I resent personally, and have faced in a political campaign, the kind of demagoguery and rhetoric that I hear continuously on this House floor about this issue, that if we vote for motions like this, all we want to do is kill the bill.

The SPEAKER. The gentleman will yield.

The question before the House is on the motion of the gentleman, Mr. Piccola.

Mr. MURPHY. Thank you, Mr. Speaker.

When we vote for motions like this, we are doing our job. We are doing our job because we want to debate an issue that is very emotional and very critical to many women in this Commonwealth, and we should not be trying to solve the Senate's problems because they want to go home tonight. If we are going to deal with this issue, we should deal with it; we should not deny amendments that were put in by this House; we should try to deal with those amendments again. To vote against this motion is being nothing but irresponsible to what your job should be, and that is to deal with this kind of legislation up front without trying to hide behind rhetoric. Thank you.

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

Mr. DAVIES. Mr. Speaker, I also rise to support the motion to have amendments to the bill. Without any other comment than the fact that I have been known to oppose the bill is the fact that I would offer two amendments which are unique and different approaches to the bill, and I feel as if again I would be denied that particular input for that consideration. It is not the fact that I oppose the bill as such, but I would ask that they be considered and that we do go through

that process in which we at least are going to defeat, if that is the will of the body, those particular amendments, because I have not by any process, either the committee process, the debate process, or the negotiation process that supposedly has gone on for 5 months, been able to get that kind of input with these considered amendments. Thank you, Mr. Speaker.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. James Williams.

Mr. J. D. WILLIAMS. Mr. Speaker, on amendment 8103 I was recorded in the affirmative. I would like to be recorded in the negative, please.

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

CONSIDERATION OF SB 439 CONTINUED

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

Mrs. WESTON. Thank you, Mr. Speaker.

The reason I rise is to oppose the motion to postpone this bill. I do not think there is a question in anyone's mind here today, honestly, that you do not know what is in this bill and that you do not know what we are about to face and what this issue is all about.

The motion to postpone is a motion that will delay this bill and this important amendment for Philadelphia in getting over to the Senate and in giving the Senate ample time to consider this bill this week before we break. I urge all the members, you know what is in the bill, we have gone through this before, and I urge you to vote "no" on postponement.

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

Mr. ROCKS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to oppose the motion to postpone. I do that today with, I am sure like many others in this chamber, something personal at stake, if I could very briefly just outline that.

First, it is never easy or popular on this floor to oppose one's own leader, although that is the kind of issue that is in front of us.

Secondly, for my own vested interest in the other chamber, I for one would hesitate to make references to the Senate of Pennsylvania.

Thirdly—and I think this points out the question of timing that has been raised on the motion to postpone—at least one colleague of ours who has devoted a good part of his career, Representative Mullen, could not be here for this vote, and I am sure that he, too, would be here to oppose this motion, if possible. But, Mr. Speaker, timing is something that we always deal with in this chamber. It is a fact of life that there is some question of timing as to when this bill, as amended, would get to the Senate.

And finally, Mr. Speaker—and I think it has been said a number of different ways—this is hardly a new amendment, and it is certainly not new debate. I think for some long

months all of the issues contained in the amendment as it has passed and been added to this bill have been before this House, with plenty of opportunity for input. Based on those reasons, Mr. Speaker, I would hope very much that we would oppose the motion to postpone.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

I rise also to support this motion at this time. I think it is very important for the members to understand, first of all, that this is not the same bill that we had before us before. There are a number of alternative procedures which are in this bill, which have been worked out because of the Governor's veto of the prior bill. Therefore, I do not believe that we are voting on the same bill or that we had the same opportunity before to offer amendments.

However, more important than that, I think, is the concern that many of us have that in front of us we have an improved bill. We have a bill that clearly has deleted a number of very objectionable requirements which many of us felt were not constructive and which were burdensome and purely designed to harass women or people involved in providing legal abortions.

I am faced with a situation where I read a bill now which is largely acceptable. Many of the major provisions in this bill, I think, will further the goals of the prolife movement and will further the concerns many of us have that women are adequately and fully informed of their options. I believe in the 24-hour waiting period.

The SPEAKER. Will the lady yield.

The question before the House is the question raised in the motion of the gentleman, Mr. Piccola, as to whether or not this bill should be placed on the third reading postponed calendar. We are not to go into the merits of the bill.

Mrs. HAGARTY. Thank you, Mr. Speaker.

My concern, therefore, is that for those portions of the bill which may not be that significant but still present tremendous problems in individual instances, there is no opportunity to offer those amendments, amendments which might in fact be agreeable.

I do not think that this is in any way a method to avoid voting on this bill. I think it should be clear to the sponsors and supporters of this bill that the previous lack of debate on the amendment itself shows the good faith of many of us in facing this issue and voting on it. But to take an issue of the social importance and magnitude which this issue is and to say to members of this House, I am sorry, you may have no input, is wrong, and I implore the members of this House to remember that, if they do not allow those of us who care about this type of legislation an opportunity to offer our amendments. Thank you.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to KDKA/KYW-TV for 10 minutes of silent filming.

CONSIDERATION OF SB 439 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of the Piccola motion. The reason I do is that I have a number of concerns with one section of the bill that I have already had amendments drafted to. I very much would like to have the opportunity to offer those amendments and let the members make a decision as to how and why those sections of that legislation are in there. Without that opportunity, I just feel shut out of the process, and as was pointed out by the previous speaker, it leaves me somewhat fraught with frustration over how we can go about taking care of those particular sections of the legislation that many of us still have concerns with. I would ask for an affirmative vote on the Piccola motion. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Very briefly, I think the members ought to be aware that this bill does not carry an effective date which is tomorrow or the day that the Governor signs it. This bill carries an effective date 6 months or 180 days after the Governor signs it.

Now, that means, Mr. Speaker, if we adopt the Piccola motion and have this bill reprinted, there is still every opportunity for the gentleman, Mr. Freind, to offer an amendment tomorrow to revise that effective date, if he thinks that is necessary, and still have this bill considered by the Senate and go into effect at exactly the same time that it would if we would vote it today. There has been no indication by Mr. Freind or by anybody else that the Senate does not intend to come back before the election. So consequently, it seems to me that from a political point of view or a strategy point of view that Mr. Freind was talking about, he still has the leverage that he needs.

I cannot understand why, in view of the fact that this amendment was changed as recently as the end of last week by Mr. Freind, why other members who might want to offer amendments to try to change it should not have that opportunity. I especially think that is the case, because the Supreme Court of the United States has taken jurisdiction on several of the issues addressed by this bill, and presumably that is why the gentleman, Mr. Freind, has a 6-month delay in the effective date. With that delay in the effective date, Mr. Speaker, there seems to be no reason not to put this bill over until tomorrow and give everybody a fair shot at offering amendments and we will vote them up or vote them down. So I urge support of the Piccola motion.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Rasco, on the question of the motion of the gentleman, Mr. Piccola.

Mr. RASCO. Mr. Speaker, I rise in support of Representative Piccola's motion to table this and to get it into a form that it can be amended. I think in all fairness to the House, if there is some problem and they want the right to amend it, I think it should be granted to the members of the House to do this, in all fairness. I support the Piccola motion to postpone it until it can be amended. Thank you.

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

Mr. TADDONIO. Mr. Speaker, I rise to oppose the motion to suspend. I wonder, what can really be accomplished by postponing this bill until tomorrow? In many ways, it has been admitted, even by the opponents of this legislation, that it is better and in much better form than it was when it passed the House and all the amendment debates earlier this year. What would you expect to accomplish by repeating that process, by going over the hours and hours of debate and coming out with something that is very similar to what we have right here today?

I submit that this process we are doing right now is not very much different than what we do with a conference committee report. Once the bill has passed both Houses through extensive debate, the input is taken into account, the differences are resolved, and we come up with a compromise that naturally not everybody is going to be happy with, but I think we have a compromise that is close to what we can ever arrive at, and I would oppose the motion to postpone, primarily because it is obviously to me a delaying tactic and one that would only benefit those who oppose this legislation.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, on the question of the Piccola motion.

Mr. PITTS. Thank you, Mr. Speaker.

I rise to oppose the motion of Mr. Piccola. I do not see how it can be credibly argued, Mr. Speaker, that the members have not had enough time to examine these issues and to read these amendments. The amendments have been circulated to the members for weeks. We have thoroughly discussed and debated the issues for months, and I think the issue needs to be addressed.

I do not know if the reaction is correct that I heard expressed that the opponents feel they cannot get the constitutional majority to suspend the rules so they are going for a simple majority, but I do know that the opponents of abortion control, the Abortion Control Act, are creative, and it is the legitimate technique to try to delay—

The SPEAKER. Will the gentleman yield.

The Chair requests the gentleman to restrict his remarks to the question before the House, and that is that of postponement.

Mr. PITTS. Thank you, Mr. Speaker.

I think the bottom line is that the Senate, whether they are acting responsibly or not, must get this bill today to consider it this evening, or this issue is going to be hanging around all summer.

I urge the members to defeat this motion. Let us get on with the business and vote the bill today. Thank you, Mr. Speaker.

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

Mrs. TAYLOR. Mr. Speaker, I rise to oppose the motion to postpone, and I do that primarily because while it is our responsibility to understand and to debate and to know the issues that come before this House, it is also our responsibility to act upon those issues that have been before the House in a manner that is not subterfuged by a lot of parliamentary pro-

cedure. So therefore, Mr. Speaker, I urge the members to vote against the motion to postpone.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion. It has been said that we have to rush to do something with the Senate. I would just like to observe that we passed the other bill in December—that is more than 6 months ago—and something serious has happened in the meanwhile. Apparently the Governor of this State had sufficient concern about this matter that he vetoed the bill.

I reject the notion—I think Mr. Pitts said that we debated this issue. Well, it seems to me that in the last 6 months or so the only persons who have had a chance to examine it are the Governor and the proponents of the bill. It does not seem to me that if the Governor of this State and the proponents of this bill have some hesitations, why should they be able to decide for us what matters are important? If indeed the original bill and the proposition by the proponents is correct, then why is it we talk about an acceptable bill and acceptable judgment? Acceptable to whom? It is my opinion that those concerns specified by the Governor even are still unmet, and those of us who want to participate in an important issue have every right that Mr. Freind or the Governor has on an important issue. It is a simply small thing to say to the Governor or the proponents that we want to find out whether those objections specified by the Governor or anybody else have in fact been met, or whether indeed there is a need for something else different from what is agreed upon by the Governor and Mr. Freind.

It is patently obvious, Mr. Speaker, if we want to have a responsible participation on a serious and emotional issue, that Mr. Piccola's motion is a very simple request that we have that input.

I resent the notion that anybody on any side can make a deal with anybody for the people of this Commonwealth and whether the eventual bill goes up or down is unimportant. I do not know why so much speed is necessary just because of the convenience of the Senate. I mean, is our real purpose because of some political point before the election? If that is so, if it is a political issue, that is no reason to subject the people of this State for a political reason. Do we expect in November that there might be a Democratic Governor? Whatever the considerations are, Mr. Speaker, it is clear that this emotional issue which has been universal and divisive has been with us for months, years, and even in this session for at least 6 months. And out there is someone to tell us the Senate might go home, and therefore, what is going to happen? The roof is not going to cave in. I do not understand the emotional reason for the speed. Why cannot men and women who are elected deliberate on an issue, an issue that was debated and then a deal made by a few private parties? That is just absolutely wrong.

Mr. Speaker, I for one think that on a matter of this kind, anybody who would use a steamroller for any improper purposes or nonrelevant purposes is just afraid that the issue may be examined by everybody and their position may not prevail.

And for those who want to rush this issue through, I just want to ask you, what is it that you are afraid of? Are you afraid to allow men and women to offer their ideas? Are you afraid that if you have to wait a couple of months for it to finally be settled one way or the other that somebody's personal advantage will be enhanced or destroyed? Is it public image? Is the issue so emotional that people on either side feel that they have won something?

Mr. Speaker, I think the gentleman's motion is entirely reasonable, entirely proper, entirely fair, and obviously something that very simply we ought to do. I thank you.

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

Mr. STEVENS. Mr. Speaker, I rise to oppose this motion. In my opinion, the issue of abortion has had more public input and more input from this legislature than any other bill this session, and I think we have debated this issue for 9 hours, over 9 hours before, and I do not think—I have seen some good legislation die quietly in this House because of procedure, and I would hate to see it happen here, and I think we should get on with the vote today and make our decision. Thank you.

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

Mr. EVANS. Mr. Speaker, I rise to support the motion for postponement. I rise to support the motion primarily because I think that again, as has been expressed by those individuals who want to support this particular motion, it is important that we understand the exact impact of exactly what is taking place in terms of this legislation. Again Mr. Freind and Mr. Cunningham have subverted the process in terms of the committee route in attempting to do things. And again on this House floor we are taking a very important amendment and not looking at the aspects of it but just voting it up or down. I would hope all my colleagues would strongly consider it and look at it and postpone this so that we can have the opportunity to have it come back in form and to amend it if necessary. Thank you, Mr. Speaker.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members that it has given permission to Mr. Vince Mannino of UPI to take 10 minutes of photographs on the floor.

CONSIDERATION OF SB 439 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time on the question.

Mr. DAVIES. Mr. Speaker, as a matter of interrogation of any one of the former speakers who was supporting that, I merely ask the question that if I reduce myself to subterfuge, as one of them had indicated, I would ask at any one time if they would indicate if either one of the two amendments that I have already circulated has been seen before and has been a matter of debate as far as this issue is concerned. I would ask them to answer that in the positive or the negative and tell me when they had appeared, because it is not the intent of subter-

fuge. It is the honest question that I would ask that these amendments be considered, not in part or any manner, shape, or form to delay the bill other than for those considerations. And if that be the case, I would like to know when and where they had been considered.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson, on the question.

Mr. A. K. HUTCHINSON. Mr. Speaker, I do not know whether this is a personal inquiry or a parliamentary inquiry. Are we allowed to discuss the rules and regulations of the Senate on the House floor?

The SPEAKER. Absolutely not.

Mr. A. K. HUTCHINSON. Then could I interrogate Mr. Freind?

The SPEAKER. The gentleman, Mr. Freind, indicates he will stand for interrogation. The subject of interrogation, of course, is on the Piccola motion to postpone. The gentleman may proceed.

Mr. A. K. HUTCHINSON. Mr. Speaker, a while ago you made a statement that there was a deal or something made that the Senate would vote on this today. Do they have to reprint the bill with the amendment before it appears on their calendar?

Mr. FREIND. Mr. Speaker, I have a hard enough time knowing what we are supposed to do. I cannot speak for what the Senate does. I do not know.

Mr. A. K. HUTCHINSON. Okay. Thank you very much.

This is what bothers me. Can I make a couple—

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Piccola, to place SB 439 on the third reading postponed calendar.

On that question, the Chair recognizes the gentleman, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, what bothers me is if it goes to the Senate and their rules and regulations do not allow it to appear today because it has to be printed and also appear on a calendar, then we have already voted on it and our members have not had a chance to amend it. I have voted for the abortion bill since I have been here, but I think the people who have other arguments ought to be able to do it, and I am for Mr. Piccola's motion. Thank you.

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

Mr. CAWLEY. Mr. Speaker, I rise to oppose the Piccola motion. People have asked, what is the reason for hurrying? Is it because of politics? The reason is very simple. People who are prolife should oppose this motion and get the bill passed because that is what the name of the game is, saving the life of a human being. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—82

Anderson	Foster, W. W.	Madigan	Richardson
Barber	Fryer	Manmiller	Ritter
Berson	Geist	Merry	Saurman
Bittle	Gladeck	Michlovic	Showers
Brandt	Greenwood	Miller	Smith, B.

Brown	Hagarty	Moehlmann	Smith, E. H.
Burd	Hayes	Mowery	Spencer
Cessar	Heiser	Murphy	Stairs
Cohen	Hoeffel	Nahill	Sweet
Cornell	Honaman	Noye	Swift
Cowell	Hutchinson, A.	O'Donnell	Van Horne
DeVertter	Irviss	Oliver	Wachob
DeWeese	Itkin	Piccola	Wambach
Daikeler	Jackson	Pievsky	Wass
Davies	Kennedy	Pistella	Wiggins
Deal	Kukovich	Pott	Williams, H.
Dininni	Lashinger	Punt	Williams, J. D.
Dorr	Levin	Rappaport	Wilson
Evans	Livengood	Rasco	Wright, D. R.
Fargo	Lloyd	Reber	Zwikl
Fleck	McVerry		

NAYS—102

Armstrong	Duffy	Levi	Shupnik
Arty	Durham	Lucyk	Sieminski
Belardi	Fee	Mackowski	Sirianni
Belfanti	Fischer	Maiale	Snyder
Blaum	Foster, Jr., A.	Manderino	Spitz
Bowser	Freind	Marmion	Steighner
Boyes	Gallagher	Micozzie	Stevens
Burns	Gallen	Miscevich	Stewart
Caltagirone	Gamble	Morris	Stuban
Cappabianca	Gannon	Mrkonic	Swaim
Cawley	George	Mullen	Taddonio
Cimini	Grabowski	Olasz	Taylor, E. Z.
Civera	Grieco	Pendleton	Taylor, F. E.
Clark	Gruitza	Perzel	Telek
Clymer	Gruppo	Peterson	Tigue
Cochran	Haluska	Petrarca	Trelo
Colafella	Hasay	Petrone	Vroon
Cole	Horgos	Phillips	Wargo
Cordisco	Johnson	Pitts	Wenger
Coslett	Klingaman	Pratt	Weston
Cunningham	Kolter	Rieger	Wogan
DeMedio	Kowalshyn	Rocks	Wozniak
Dawida	Laughlin	Rybak	Wright, J. L.
Dietz	Lehr	Salvatore	
Dombrowski	Lescovitz	Serafini	Ryan,
Donatucci	Letterman	Seventy	Speaker

NOT VOTING—10

Alden	Harper	McMonagle	Smith, L. E.
Emerson	Lewis	Pucciarelli	Wright, R. C.
Gray	McClatchy		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lancaster, Mr. Brandt, rise?

Mr. BRANDT. Thank you, Mr. Speaker.

On the Freind amendment 8103 to SB 439, I was recorded "yes." I would like to be recorded "no."

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

CONSIDERATION OF SB 439 CONTINUED

QUESTION OF INFORMATION

The SPEAKER. For what purpose does the gentleman from Mifflin, Mr. DeVertter, rise?

Mr. DeVERTER. On the content of amendment 8103, is it proper for commentary on that amendment now or would you prefer to have it on final passage?

The SPEAKER. The amendment 8103 has been adopted. It would be inappropriate to address its contents now, more appropriate on final passage.

Mr. DeVERTER. Thank you, Mr. Speaker.

On the question recurring,

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

Mr. ITKIN offered the following amendments No. A8050:

Amend Title, page 1, line 4, by removing the period after "INFORMATION" and inserting

and prohibiting certain paramilitary training.

Amend Bill, page 1, by inserting between lines 10 and 11

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

§ 5515. Prohibiting of paramilitary training.

(a) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Civil disorder." Any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

"Explosive or incendiary device." Includes:

(1) dynamite and all other forms of high explosives;

(2) any explosive bomb, grenade, missile or similar device; and

(3) any incendiary bomb or grenade, fire bomb or similar device, including any device which:

(i) consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound; and

(ii) can be carried or thrown by one individual acting alone.

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

"Law enforcement officer." Any officer or employee of the United States, any state, any political subdivision of a state or the District of Columbia and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in 10 U.S.C. § 101(9), members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico or the District of Columbia, not included within the definition of National Guard as defined by 10 U.S.C. § 101(9) and members of the armed forces of the United States.

(b) Prohibited training.—

(1) Whoever teaches or demonstrates to any other person the use, application or making of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons, knowing or having reason to know or intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder commits a misdemeanor of the first degree.

(2) Whoever assembles with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons, said person intending to employ unlawfully the same for use in or in furtherance of a civil disorder commits a misdemeanor of the first degree.

(c) Exemptions.—Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

(d) Excluded activities.—Nothing contained in this section shall make unlawful any activity of the Game Commission, Fish Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities.

Amend Sec. 1, page 1, line 11, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 14 through 16, by striking out "ACT" in line 14, all of line 15 and "PENNSYLVANIA CONSOLIDATED STATUTES," in line 16

Amend Sec. 2, page 7, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, the amendment that I am offering today to SB 439 is essentially HB 1340, the paramilitary training bill, which has been altered to meet the objections and concerns of the National Rifle Association. As you may remember, when the bill was before the House, the National Rifle Association opposed some of its provisions. Subsequent to that time my office has met with representatives of the national organization of the NRA and also their representative for Pennsylvania and has worked out what we believe to be acceptable language for all concerned. Consequently, the National Rifle Association has taken away its objections to the amendment that I am offering today on paramilitary training. Therefore, Mr. Speaker, I would appreciate an affirmative vote by the House to this amendment.

The SPEAKER. On the question of the adoption of the Itkin amendment, the Chair recognizes the gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, I agree with the gentleman. The National Rifle Association has provided input, the bill is acceptable to them, and I would urge an affirmative vote. Thank you.

The SPEAKER. On the question of the adoption of the Itkin amendment, the Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

I agree with Mr. Cunningham. We have no objections to this particular amendment.

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

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

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

Mr. RITTER. Mr. Speaker, how much different is this amendment compared to HB 1340?

Mr. ITKIN. Mr. Speaker, not very much. Really, the concern of the National Rifle Association dealt with the matter that we exempted the lawful activities of specific groups and organizations - hunting clubs, rifle clubs, et cetera - but we did not really give consideration to the individual who may train another individual, for a husband training his wife in the use of weapons. Consequently, we added a change in the original bill in this amendment which would allow for the individual instruction, which appears in subsection (d) on page 2, line 5, and that seems to be acceptable to the National Rifle Association.

Mr. RITTER. I thank the gentleman, Mr. Speaker.

The SPEAKER. On the question of the adoption of the Itkin amendment, the Chair recognizes the gentleman from Allegheny, Mr. Rasco.

Mr. RASCO. Mr. Speaker, I would like to interrogate Representative Itkin.

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

Mr. RASCO. Mr. Speaker, as I understand it now, this bill does have the approval of the sportsmen. Is that what I understand?

Mr. ITKIN. Mr. Speaker, the bill did have the approval of the sportsmen's association. What we lacked at the time of the last vote was some concern and objection by the National Rifle Association, and we have met with their objections. So the Game Commission, all the Pennsylvania sportsmen's clubs, the Pennsylvania Rifle and Pistol Club, and numerous other organizations involving the use of firearms and hunting and sporting are in favor of this legislation in its present form.

Mr. RASCO. Does that include the NRA, Mr. Speaker?

Mr. ITKIN. Yes. The NRA, as has been said before, now endorses the language in this amendment.

Mr. RASCO. Thank you very much.

The SPEAKER. Does the gentleman from Northumberland, Mr. Belfanti, desire recognition on the question?

Mr. BELFANTI. Yes, Mr. Speaker.

Mr. Speaker, as the individual who made the motion to recommit this bill last week, I would also like to stand in favor of its passage today.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Anderson	Fee	McMonagle	Seventy
Armstrong	Fischer	McVerry	Showers
Arty	Fleck	Mackowski	Shupnik
Belardi	Foster, W. W.	Madigan	Sieminski
Belfanti	Foster, Jr., A.	Maiale	Sirianni
Berson	Freind	Manderino	Smith, B.
Bittle	Fryer	Manmiller	Smith, E. H.
Blaum	Gallagher	Marmion	Smith, L. E.
Bowser	Gallen	Merry	Snyder

Brandt	Gamble	Michlovic	Spencer
Brown	Gannon	Micozzie	Spitz
Burd	Geist	Miller	Stairs
Burns	George	Moehlmann	Steighner
Caltagirone	Gladeck	Morris	Stevens
Cappabianca	Grabowski	Mowery	Stewart
Cawley	Greenwood	Mullen	Stuban
Cessar	Grieco	Murphy	Swaim
Cimini	Gruitza	Nahill	Sweet
Civera	Gruppo	Noye	Swift
Clark	Hagarty	O'Donnell	Taddonio
Clymer	Haluska	Olasz	Taylor, E. Z.
Cochran	Hasay	Oliver	Taylor, F. E.
Cohen	Hayes	Pendleton	Telek
Colafrella	Heiser	Perzel	Tigue
Cole	Hoeffel	Peterson	Trello
Cordisco	Honaman	Petrarca	Van Horne
Cornell	Hutchinson, A.	Petrone	Vroon
Coslett	Iris	Phillips	Wachob
Cowell	Itkin	Piccola	Wambach
Cunningham	Jackson	Pievsky	Wargo
DeMedio	Johnson	Pistella	Wass
DeVerter	Kennedy	Pitts	Wenger
DeWeese	Klingaman	Pott	Weston
Daikeler	Kolter	Pratt	Wiggins
Davies	Kowalshyn	Pucciarelli	Williams, J. D.
Dawida	Kukovich	Punt	Wilson
Deal	Lashinger	Rappaport	Wogan
Dietz	Laughlin	Rasco	Wozniak
Dininni	Lehr	Reber	Wright, D. R.
Dombrowski	Lescovitz	Rieger	Wright, J. L.
Donatucci	Letterman	Ritter	Wright, R. C.
Dorr	Levi	Rocks	Zwinkl
Duffy	Levin	Rybak	
Durham	Livengood	Salvatore	Ryan,
Evans	Lucyk	Saurman	Speaker
Fargo	McClatchy	Serafini	

NAYS—8

Barber	Horgos	Miscevich	Richardson
Boyes	Lloyd	Mrkonic	Williams, H.

NOT VOTING—5

Alden	Gray	Harper	Lewis
Emerson			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question recurring,

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

Mr. O'DONNELL offered the following amendments No. A8180:

Amend Sec. 1, page 1, line 12, by striking out "SECTION 9106,"

Amend Sec. 1 (Sec. 9106), page 2, lines 24 through 30; page 3, lines 1 through 16, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

REMARKS ON VOTES

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

Mr. RICHARDSON. Mr. Speaker, on SB 439, amendment 8050, my vote was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER. Is the same true of the gentleman from Philadelphia, Mr. Barber?

Mr. BARBER. Yes.

The SPEAKER. Is the same true of the gentleman from Philadelphia, Mr. Williams?

Mr. H. WILLIAMS. Yes.

The SPEAKER. And the gentleman from Bucks, Mr. Cordisco?

Mr. CORDISCO. Mr. Speaker, on amendment A8103 to SB 439, the Freind amendment, I was not recorded. I wish to be recorded in the affirmative, please.

The SPEAKER. The remarks of all the gentlemen will be spread upon the record.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, it might be a good time for me to also note that my vote was not recorded on the Freind amendment A8103 to SB 439, and I would like to be recorded in the negative. Thank you.

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

CONSIDERATION OF SB 439 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, my amendment has nothing to do with abortion. What it does is returns the bill to the current state of the law as to computerized intelligence information. What it does is strikes out that section of the bill which would enable for the first time the collection of what is known as intelligence data and the storage of it electronically in a central repository, and by computer. That is an extremely dangerous practice and one that is currently outlawed in Pennsylvania as with most other States. This bill would put it back in. I do not want that to happen. The amendment prevents that. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Would the gentleman, Mr. O'Donnell, yield to interrogation, please?

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

Mr. PICCOLA. Mr. Speaker, does your amendment totally strike out section 9106 of the act, or does it strike out the amendatory language contained in SB 439 and reinstate the prior section 9106, which is contained in brackets in SB 439?

Mr. O'DONNELL. Mr. Speaker, as I drafted the amendment, it removed the brackets, thereby repeating the existing language of the law. However, in Legislative Reference they have instructed me that it was necessary to remove not just the brackets but all of the language in the bill, which I am told will have the effect of returning it to the existing state of the law and leave section 9106 in existence.

Mr. PICCOLA. Thank you, Mr. Speaker. If I may be recognized to speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. PICCOLA. I would oppose the amendment, Mr. Speaker. I do not think the gentleman has done what he intended to do. If you will look at the language that is currently in brackets in the bill, it says basically the same thing in different words that the amendatory language does. The purpose of the amendatory language that is contained in SB 439 is to place some constraints upon criminal justice agencies that are collecting intelligence information and placing them in computers. Both the old language and the proposed new language prohibit this investigatory information from being placed in the central repository. Both sets of language permit the intelligence information to be placed in automated systems. The new language, however, permits some indexing and some confidentiality requirements which I think are good.

I think the gentleman really intended to strike section 9106 entirely, if I understand his aim. I would oppose that also, but I do not think he is doing what he intends to accomplish, so I would oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, it is entirely appropriate for law enforcement agencies to make investigations and for them to have that data so that they can go about finding out who is committing crimes. That is entirely appropriate. What is not appropriate is the storage of that information in a computerized kind of way that automatically makes information which is not evidence—which is not evidence—but merely may be various kinds of reports and rumors and speculations and whatnot become embedded in the electronic data and become available to a whole score of people. That is not a good idea.

This language will prevent that from happening, and in the event that the language is not artfully done and a court finds out that we have not achieved that objective, I would be very happy to return to the House floor with the issue. Thank you.

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

The following roll call was recorded:

YEAS—96

Barber	Fryer	Maiale	Seventy
Belfanti	Gallagher	Manderino	Showers
Berson	Gamble	Michlovic	Shupnik
Blaum	George	Miscevich	Smith, B.
Brown	Grabowski	Morris	Steighner
Caltagirone	Gruitza	Mrkonic	Stewart
Cappabianca	Haluska	Mullen	Stuban
Cawley	Heiser	Murphy	Swaim
Clark	Hoeffel	O'Donnell	Sweet
Cohen	Horgos	Olasz	Taddonio
Colafella	Hutchinson, A.	Oliver	Taylor, F. E.
Cole	Irvis	Pendleton	Tigue
Cordisco	Itkin	Petrarca	Trello
Cowell	Kolter	Petrone	Van Horne
DeMedio	Kowalyshyn	Pievsky	Wachob
DeWeese	Kukovich	Pistella	Wambach
Dawida	Laughlin	Pratt	Wargo
Deal	Lescovitz	Pucciarelli	Wiggins
Dombrowski	Letterman	Rappaport	Williams, H.

Donatucci	Levin	Richardson	Williams, J. D.
Duffy	Livengood	Rieger	Wozniak
Evans	Lloyd	Ritter	Wright, D. R.
Fargo	Lucyk	Rocks	Wright, J. L.
Fee	McMonagle	Rybak	Zwilk

NAYS—92

Anderson	Durham	Lewis	Saurman
Armstrong	Fischer	McClatchy	Serafini
Arty	Fleck	Mackowski	Sieminski
Belardi	Foster, W. W.	Madigan	Sirianni
Bittle	Foster, Jr., A.	Manmiller	Smith, E. H.
Bowser	Freind	Marmion	Smith, L. E.
Boyes	Gallen	Merry	Snyder
Brandt	Gannon	Micozzie	Spencer
Burd	Geist	Miller	Spitz
Burns	Gladeck	Moehlmann	Stairs
Cessar	Greenwood	Mowery	Stevens
Cimini	Grieco	Nahill	Swift
Civera	Gruppo	Noye	Taylor, E. Z.
Clymer	Hagarty	Perzel	Telek
Cochran	Hasay	Peterson	Vroon
Cornell	Hayes	Phillips	Wass
Coslett	Honaman	Piccola	Wenger
Cunningham	Jackson	Pitts	Weston
DeVerter	Johnson	Pott	Wilson
Daikeler	Kennedy	Punt	Wogan
Davies	Klingaman	Rasco	
Dietz	Lashingier	Reber	Ryan,
Dininni	Lehr	Salvatore	Speaker
Dorr	Levi		

NOT VOTING—6

Alden	Gray	McVerry	Wright, R. C.
Emerson	Harper		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A8202:

Amend amendments, page 16, line 35, by inserting after "herself."

To the extent that any woman seeking an abortion under the provisions of this chapter could be held liable for any violation with resulting criminal penalties, that same criminal liability shall extend to her spouse or to the male person responsible for impregnating the woman and causing the pregnancy if the spouse or male person knowingly aided or abetted the woman in violating this chapter.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair, upon reading of amendment A8202, is of the opinion that this amendment is an amendment to an amendment and accordingly under the rules cannot be offered at this time.

MOTION TO SUSPEND RULES

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

Mr. DAVIES. Mr. Speaker, I would then request that we suspend the rules so that we could consider both of these amendments to the amendment as stated by the Chair.

The SPEAKER. The question before the House is the motion of the gentleman from Berks County, Mr. Davies, that the House suspend its rules to permit the offering of amendments to an amendment.

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

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

Mr. DAVIES. Thank you, Mr. Speaker.

These are different than former amendments that had been submitted. The nature of the amendment again is merely to assure that any woman who would be seeking an abortion under the new Freind-Cunningham amendment would be subject to any of the criminal penalties with the same criminal liability that shall be extended to her spouse or to any male person responsible for impregnating the woman and causing the pregnancy if the spouse or the male has knowingly aided or abetted the woman in the violation of any portions of the chapter.

While I realize that this bill has seriously attempted to change its formal intent, it states "solely," which is the term I think that Messrs. Freind and Cunningham used in the piece of legislation. If there is wrong information given at any particular time or it does not pertain to herself or someone who does give information under those provisions, I think that it does not include that "solely," and therefore, they would have to have those particular provisions as far as equity of the law. All that we are asking is, if there is a conspiracy or attempted conspiracy to avoid any of the provisions of the act, that they do be placed equally and applied equally to all persons involved, whether it be the individual or any of those other people who would participate in such attempt.

The SPEAKER. On the question of suspension of the rules, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Very, very briefly, I rise to oppose suspension of the rules for two reasons. First, the safeguards are built into the bill. We made it very clear and it was clear in debate on December 8 and 9 that the penalties are geared against the physicians and the providers of the abortion, not against the woman.

Secondly, a suspension of the rules, I think we had statements today from people who said that when we voluntarily suspended the rules last time, that opened the floodgates and it was a debacle. I would ask that we oppose suspending the rules and get on with the vote on final passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes for the second time on the question, the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Not to belabor again, but then if I would attempt to submit that second amendment, I am going to have to go through the same process rather than speak to that amendment now. Is that correct?

The SPEAKER. The scope of the gentleman's motion to suspend the rules could be broad enough to encompass further amendments. Is that the gentleman's desire rather than asking to suspend the rules on each occasion?

Mr. DAVIES. There are only two amendments, and since the other does broadly differ as far as the rights of the individual, I am respectfully going to have to reserve the right to ask for a second suspension. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Davies, to suspend the rules of the House to permit the House to consider amendment A8202 to SB 439. On that question, those in favor of suspension of the rules for that purpose will vote "aye"; opposed, "no."

Mr. DAVIES. Mr. Speaker, just one other comment, if I might, under a point of personal privilege.

The SPEAKER. The gentleman may proceed.

Mr. DAVIES. When I offered an opportunity to any of those who formerly charged my intent as a subterfuge to delay, I did not have any response. So therefore, this again, as I stated before, is not an intent to delay but an intent only to have considered these pieces of amendments which have not been offered before.

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

The following roll call was recorded:

YEAS—75

Anderson	Greenwood	Michlovic	Showers
Berson	Gruitza	Miller	Smith, B.
Bowser	Hagarty	Moehlmann	Smith, L. E.
Boyes	Heiser	Mowery	Snyder
Brandt	Hoeffel	Murphy	Spencer
Brown	Honaman	Nahill	Sweet
Burd	Irvic	Noye	Swift
Cornell	Itkin	O'Donnell	Taylor, F. E.
Cowell	Jackson	Oliver	Tigue
DeVerter	Kennedy	Pievsky	Van Horne
DeWeese	Kowalshyn	Pistella	Wachob
Daikeler	Kukovich	Pott	Wambach
Davies	Lashingier	Rappaport	Williams, H.
Deal	Levin	Rasco	Williams, J. D.
Dorr	Livengood	Reber	Wilson
Fargo	Lloyd	Richardson	Wright, D. R.
Fryer	Madigan	Ritter	Wright, R. C.
Geist	Manderino	Rybak	Zwilk
Gladeck	Merry	Saurman	

NAYS—113

Armstrong	Duffy	Lewis	Serafini
Arty	Durham	Lucyk	Seventy
Barber	Evans	McClatchy	Shupnik
Belardi	Fee	McMonagle	Sieminski
Belfanti	Fischer	McVerry	Sirianni
Bittle	Foster, W. W.	Mackowski	Smith, E. H.
Blaum	Foster, Jr., A.	Maiale	Spitz
Burns	Freind	Manmiller	Stairs
Caltagirone	Gallagher	Marmion	Steighner
Cappabianca	Gallen	Micozzie	Stevens
Cawley	Gamble	Miscevich	Stewart
Cessar	Gannon	Morris	Stuban
Cimini	George	Mrkoncic	Swaim
Civera	Grabowski	Mullen	Taddonio
Clark	Grieco	Olasz	Taylor, E. Z.
Clymer	Gruppo	Pendleton	Telek
Cochran	Haluska	Perzel	Trello
Cohen	Hasay	Peterson	Wargo
Colafella	Hayes	Petrarca	Wass
Cole	Horgos	Petrone	Wenger

Cordisco	Hutchinson, A.	Phillips	Weston
Coslett	Johnson	Piccola	Wiggins
Cunningham	Klingaman	Pitts	Wogan
DeMedio	Kolter	Pratt	Wozniak
Dawida	Laughlin	Pucciarelli	Wright, J. L.
Dietz	Lehr	Punt	
Dininni	Lescovitz	Rieger	Ryan,
Dombrowski	Letterman	Rocks	Speaker
Donatucci	Levi	Salvatore	

NOT VOTING—6

Alden	Fleck	Harper	Vroon
Emerson	Gray		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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 as amended?

Mr. DAVIES offered the following amendments No. A8211:

Amend amendments, page 5, by inserting between lines 18 and 19

(3) The information required to be provided pursuant to paragraphs (1) and (2) shall also be made available to the spouse of the woman if married or to the male person responsible for the pregnancy. The provisions of this paragraph shall not apply if the woman states, in writing, that she does not want the information made available to her spouse or the responsible male person. Whenever a viable marital relationship is involved, the woman shall also state that the abortion is being obtained without the consent or knowledge of her spouse.

Amend amendments, page 5, line 19, by striking out "(3)" and inserting

(4)

Amend amendments, page 5, line 24, by striking out "(4)" and inserting

(5)

Amend amendments, page 5, line 27, by striking out "(3)" and inserting

(4)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of the adoption of the amendment, it is the opinion of the Chair that the amendment constitutes an amendment to an amendment, thereby contradicting the rules of the House, and accordingly, the amendment shall not be considered.

MOTION TO SUSPEND RULES

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

Mr. DAVIES. Mr. Speaker, again I must respectfully ask for the suspension of those rules, if merely to make sure that there is an understanding of the differential between these amendments and the other amendments, to establish that fact as a matter of entry into the record. It is the only way that I can get that on the record, so I must follow that as a matter of

request. Therefore, I would move that we suspend those rules so that the intent of the amendment can be made a matter of the record of this House.

On the question,

Will the House agree to the motion?

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

Mr. FREIND. Mr. Speaker, for the same reasons I oppose the suspension of the rules and urge my colleagues to do likewise.

The SPEAKER. On the question of the Davies motion to suspend the House rules to permit the consideration of his amendment to an amendment, those in favor of suspension will vote "aye"; opposed, "no."

The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Again, Mr. Speaker, on a point of personal privilege as to whether or not they are offered as a matter of subterfuge and to adhere to the point that I tried to make that they are not, they are honest efforts in which they are to change provisions of this amendment, which does differ from the previous bill that was offered and passed this House. This amendment is clearly to establish that any information that must be shared or given to a woman be shared by a spouse to the woman who is married or any male person responsible for the pregnancy, and it also shall not apply to any woman who would state in writing that she did not want that information to be shared or made available to her spouse or any other responsible person. In the attempt where there was a viable marital relationship or contract being invoked, being involved, the woman then shall also state in writing that the abortion is being obtained without the consent or knowledge of her spouse. These provisions again were the intent of the writer to make sure that there was sexual equality through the matter of the bill as far as information. Thank you, Mr. Speaker, for your latitude.

The SPEAKER. On the question of suspension of the rules, those in favor of suspension will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—75

Anderson	Gladeck	Merry	Showers
Barber	Greenwood	Michlovic	Smith, B.
Berson	Gruitza	Moehlmann	Smith, L. E.
Bowser	Hagarty	Mowery	Spencer
Boyes	Heiser	Murphy	Spitz
Brandt	Hoeffel	Nahill	Stairs
Brown	Honaman	Noye	Sweet
Burd	Irvis	O'Donnell	Swift
Cornell	Itkin	Oliver	Taylor, F. E.
DeVerter	Jackson	Pievsky	Tigue
DeWeese	Kennedy	Pistella	Van Horne
Daikeler	Kowalyszyn	Pott	Wachob
Davies	Kukovich	Rappaport	Wambach
Deal	Lashingier	Rasco	Williams, H.
Dorr	Levin	Reber	Wilson
Fargo	Livengood	Richardson	Wright, D. R.
Fleck	Lloyd	Ritter	Wright, R. C.
Fryer	Madigan	Rybak	Zwifl
Geist	Manderino	Saurman	

NAYS—113

Armstrong	Duffy	Lewis	Seventy
Arty	Durham	Lucyck	Shupnik
Belardi	Evans	McClatchy	Sieminski
Belfanti	Fee	McVerry	Sirianni
Bittle	Fischer	Mackowski	Smith, E. H.
Blaum	Foster, W. W.	Maiale	Snyder
Burns	Foster, Jr., A.	Manmiller	Steighner
Caltagirone	Freind	Marmion	Stevens
Cappabianca	Gallagher	Micozzie	Stewart
Cawley	Gallen	Miller	Stuban
Cessar	Gamble	Miscevich	Swaim
Cimini	Gannon	Morris	Taddonio
Civera	George	Mrkonic	Taylor, E. Z.
Clark	Grabowski	Mullen	Telek
Clymer	Grieco	Olasz	Trello
Cochran	Gruppo	Pendleton	Vroon
Cohen	Haluska	Perzel	Wargo
Colafella	Hasay	Peterson	Wass
Cole	Hayes	Petrarca	Wenger
Cordisco	Horgos	Petrone	Weston
Coslett	Hutchinson, A.	Phillips	Wiggins
Cowell	Johnson	Piccola	Williams, J. D.
Cunningham	Klingaman	Pitts	Wogan
DeMedio	Kolter	Pratt	Wozniak
Dawida	Laughlin	Pucciarelli	Wright, J. L.
Dietz	Lehr	Punt	
Dininni	Lescovitz	Rocks	Ryan,
Dombrowski	Letterman	Salvatore	Speaker
Donatucci	Levi	Serafini	

NOT VOTING—6

Alden	Gray	McMonagle	Rieger
Emerson	Harper		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

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

Mr. DAVIES. Mr. Speaker, only that the record be consistent. It is not Davis; it is Davies, and the Welsh is showing because of my obstinance in trying to have those things made in the record. Thank you, Mr. Speaker.

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

On the question recurring,

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

Mr. BOWSER offered the following amendments No. A8145:

Amend Bill, page 7, by inserting between lines 16 and 17 Section 2. The provisions of Title 18 Pa.C.S. Ch. 32 (relating to abortions) shall not apply to any person until a question thereon is submitted to the electors of the Commonwealth at the next municipal or general election occurring at least 60 days after the effective date of this act and a majority voting thereon vote in the affirmative.

The question shall be in substantially the following form:

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

Amend Sec. 2, page 7, line 17, by striking out "2" and inserting

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

The SPEAKER. On the question of the adoption of the Bowser amendments, it is the opinion of the Chair that the amendments offered by the gentleman constitute an amendment to an amendment and accordingly cannot be offered under the House rules.

RULING OF CHAIR APPEALED

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

Mr. BOWSER. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I want to say I am in fact going to support this abortion legislation.

Next, I want to say that I know it is not customary to appeal the ruling of the Chair, particularly when the Chair is of your own political persuasion, but I am going to reluctantly do that today, and I ask for this appeal to apply only to this amendment. Whether we have to suspend the rules or whatever, I would leave this up to your judgment.

The SPEAKER. The gentleman from Erie, Mr. Bowser, has appealed the ruling of the Chair. Is there a second to the gentleman's appeal?

Mr. RITTER. Yes, Mr. Speaker, I do.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, who seconds the appeal taken by the gentleman, Mr. Bowser.

The question before the House is the question raised by the gentleman, Mr. Bowser; that is, the appeal from the ruling of the Chair that amendment A8145 cannot be considered by the House under the House rules.

On the question,
Will the House sustain the ruling of the Chair?

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

Mr. BOWSER. Mr. Speaker, may I make a short statement?

The SPEAKER. The gentleman is in order.

Mr. BOWSER. Thank you.

Mr. Speaker, everyone here is aware of the fact that I offered a similar amendment when we debated this issue on December 9, 1981. At that time I stated that I was not sure if this amendment would be constitutional or not. I have since that time come to the belief that there is no power more absolute than the power of the people, and in a close study of our Constitution I was unable to find one word that would refute or negate this power. I believe that mankind can only reach its highest potential when it is free to do so. I also believe that this issue is of such magnitude that the true will of the people must prevail. Our citizens are free, and our democracy provides a means by which the people's will may be made known. I ask you to let their voices be heard. Thank you.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Bowser, to appeal the ruling of the Chair. On that question, does the gentleman from Lehigh, Mr. Ritter, desire recognition?

Mr. RITTER. Yes, Mr. Speaker, I do.

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

Mr. RITTER. Mr. Speaker, when the bill was amended by the Freind amendment, the Freind amendment inserted between lines 16 and 17 on page 7, section 3, et cetera. Mr. Speaker, all Mr. Bowser's amendment is attempting to do is to insert between those same two lines a new section. So, Mr. Speaker, it seems to me that Mr. Bowser is not amending the amendment inserted by Mr. Freind; he is simply adding to what is already in the bill by inserting between those same two lines on page 7 a particular section.

So, Mr. Speaker, reluctantly I also support Mr. Bowser's appeal from the ruling of the Chair. I think in this instance the Speaker was in error, and I would ask that the members of the House vote that the Bowser amendment can in fact be offered, because it is not an amendment to the amendment offered by Mr. Freind.

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

Mr. DAVIES. Mr. Speaker, at this time would it be in proper order to interrogate Mr. Bowser on questions relative to that appeal?

The SPEAKER. The gentleman, Mr. Bowser, indicates he will consent to interrogation on the question of his motion, which is the appeal from the ruling of the Chair. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, has the makeup of this body changed at all in numbers of members in the chamber since the last vote on the prior bill?

Mr. BOWSER. Somewhat, Mr. Speaker. I believe we have lost a couple of members from our body.

Mr. DAVIES. All right.

Mr. Speaker, we have established the fact that the membership or the number of members has changed, and the next question is relative to the former vote on this amendment. Could you give me some indication—and I do not remember quite how many were taken on that particular amendment—could you clarify for me whether it was, under that fact, a close vote on the former amendment when it was offered to the original Freind-Cunningham amendment?

Mr. BOWSER. Yes, Mr. Speaker. I believe that we won the first vote on this amendment by something like 8 to 10 votes, if I remember correctly. It was reconsidered twice, and I believe we lost it the following two times by 7 or 8 votes.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. Those who would sustain the ruling of the Chair shall vote "aye"; those who would upset the ruling of the Chair will vote "no."

On the question recurring,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—109

Armstrong	Dorr	Letterman	Seventy
Arty	Duffy	Levi	Shupnik
Belardi	Durham	Lucyk	Sieminski
Belfanti	Fargo	McVerry	Sirianni
Berson	Fee	Mackowski	Smith, E. H.

Birtle	Foster, Jr., A.	Maiale	Spencer
Blaum	Freind	Manderino	Spitz
Boyes	Fryer	Micozzie	Stevens
Brandt	Gallen	Miller	Stewart
Burns	Gannon	Morris	Stuban
Caltagirone	George	Mrkonic	Swaim
Cappabianca	Gladeck	Mullen	Taddonio
Cawley	Grabowski	Noye	Taylor, E. Z.
Cessar	Greenwood	Olasz	Telek
Cimini	Grieco	Pendleton	Tigue
Civera	Gruppo	Perzel	Trello
Clark	Hasay	Peterson	Vroon
Clymer	Hayes	Petrarca	Wargo
Cochran	Honaman	Petrone	Wass
Colafella	Horgos	Phillips	Wenger
Cole	Jackson	Piccola	Weston
Coslett	Johnson	Pitts	Wogan
Cunningham	Klingaman	Pratt	Wozniak
DeMedio	Kolter	Rocks	Wright, J. L.
Dawida	Kowalshyn	Rybak	
Dietz	Laughlin	Salvatore	Ryan,
Dombrowski	Lehr	Saurman	Speaker
Donatucci	Lescovitz	Serafini	

NAYS—78

Anderson	Gallagher	Marmion	Ritter
Barber	Gamble	Merry	Showers
Bowser	Geist	Michlovic	Smith, B.
Brown	Gruitza	Miscevich	Smith, L. E.
Burd	Hagarty	Moehlmann	Snyder
Cohen	Haluska	Mowery	Stairs
Cordisco	Heiser	Murphy	Steighner
Cornell	Hoeffel	Nahill	Sweet
Cowell	Hutchinson, A.	O'Donnell	Swift
DeVerter	Irvis	Oliver	Taylor, F. E.
DeWeese	Itkin	Pievsky	Van Horne
Daikeler	Kennedy	Pistella	Wachob
Davies	Kukovich	Pott	Wambach
Deal	Lashingier	Pucciarelli	Wiggins
Dininni	Levin	Punt	Williams, H.
Emerson	Lewis	Rappaport	Williams, J. D.
Evans	Livengood	Rasco	Wilson
Fischer	Lloyd	Reber	Wright, D. R.
Fleck	Madigan	Richardson	Zwinkl
Foster, W. W.	Manmiller		

NOT VOTING—7

Alden	Harper	McMonagle	Wright, R. C.
Gray	McClatchy	Rieger	

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Does the gentleman from Mifflin, Mr. DeVerter, desire recognition?

Mr. DeVERTER. On final passage, Mr. Speaker.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

I really dislike belaboring the House, but before this bill passes—and I suspect some of you probably feel that I could just as easily put it on the record, since I have already gone to the bother of typing it out—in the past I have been silent on this issue on the floor, but today I cannot remain silent. I stand to voice my opposition to the amendment, particularly section 3215, which I find to be the most onerous. I ask you to lay aside the confusion and emotion of this issue and turn your thoughts toward the basic principles of democracy.

There are two elements to law - the legal principle and the application of that principle. The legal principles embodied in the amendment, the Freund-Cunningham amendment, are clearly enunciated in the statement of legislative intent: to protect the life and health of the woman, to protect the life and health of the unborn child, and to foster the development of standards of professional conduct in a critical area of medical practice. I take no exceptions with these broad principles, as I, too, am opposed to abortion. I do, however, believe that a grave injustice will result if certain subsections under section 3215 are enacted.

I am fully aware that the language in these subsections will conform to legal standards established by the U.S. Supreme Court. Those who have offered this amendment and those who support it do so because they seek to apply moral judgments which would establish in law principles as stringent as the Federal court will allow in this area. If my colleagues are so willing to rely on certain moral judgments in establishing the standards for abortion, then let us be of equal moral conviction in our application of the law to the citizens of this Commonwealth.

I understand the intent of this section. Its intent is to establish standards for abortion that the authors would want as general principles, but that cannot be established within the confines of the decisions of the U.S. Supreme Court. Consequently, its effect is to establish a dual standard for abortion - one standard for those who, through circumstance and station, must turn to the general community, the public, for health care facilities and assistance, and another standard for those who, through station and circumstance, may turn elsewhere. If abortion could constitutionally be limited to cases where it is necessary to avert the death of the woman, or to cases of rape or incest, this section would not exist. Parenthetically, may I remind my colleagues that a decision on the Pennsylvania constitutionality of this dual standard has yet to be decided by our courts.

Those ancient moral judgments to which we harken find abhorrent the establishment of a dual application of justice. We are called upon not to favor the poor or to show deference to the rich in our decisions. We are taught that government ought to be bound by the same law as its citizens. We are reminded that justice is not merely a standard or a principle, but that justice is also the manner in which we pursue that standard or principle.

On this point, the fact that the issue is abortion is irrelevant. The establishment of separate applications of justice, to me, is morally repugnant. Regardless of what issue

a standard may apply to, that standard and its methods of implementation must be applied equitably and without the slightest taint of disparate treatment within our citizenry. May I remind you that the last four words of our Pledge of Allegiance say, "and justice for all." They are not just empty words but should be part of our constitutional guarantee.

Though I may not be totally well versed on the subject of abortion, I am certainly more familiar with the subject of insurance. I have a keen interest in the insurance aspects of amendment A8103, and for this reason I have grave reservations concerning subsections (d) and (e).

By designating a select group of citizens who are prohibited from receiving a specific type of benefit, it is possible that subsection (d) seeks to circumvent the constitutional rights of the affected citizens as guaranteed by the equal protection component of section 1 of the 14th amendment to the Constitution of the United States. The identifying discriminatory factor under subsection (d) is the fact that the denial of the right to a specific benefit is dependent upon the place of employment and not, as in cases decided by the U.S. Supreme Court, because it discriminates against indigent women.

I am not a lawyer, so I may be a bit naive in believing that the constitutional law will prevail. Nevertheless, it is generally well-established law that "The guarantee of equal protection under the 14th amendment is not a source of substantive rights or liberties...."

Mr. Speaker, I ask the House for its indulgence. I realize you feel that we have all gone over this before. Some of us have; some of us have not. Some of us have bothered to take the time to put down in words how we feel and what we think the impact of this amendment that was adopted into SB 439 today is going to have upon the citizens of this Commonwealth.

The U.S. Supreme Court has repeatedly held that "The equal protection component of the 14th amendment prohibits such discriminatory classifications." If section 3215, subsection (d), is not deleted, then all other citizens of the Commonwealth will retain the right to avail themselves of a benefit denied to those citizens who are employed by the Commonwealth. This classification is wholly irrelevant to the achievement of any legitimate governmental objective and is therefore, I believe, unconstitutional.

The specific benefit being denied is of little importance. The manner in which it is being denied is paramount. We can play word games with the Constitution and second-guess the U.S. Supreme Court all day if that is what we want to do. In the end we will all be reminded that we do not have the power to legislate away any citizen's constitutional rights. It will just be a matter of time.

Subsection (e) of that part of the amendment says, "All insurers who make available health care and disability insurance policies in this Commonwealth shall make available such policies which contain an express exclusion of coverage for abortion services not necessary to avert the death of the woman or to terminate pregnancies caused by rape or incest." I have repeated this part verbatim because we are talking about an insurance contract, and that is how they are interpreted, verbatim.

Almost everyone is familiar with the term "miscarriage." Most of us know a friend or a neighbor or quite possibly a member of our own family who has suffered through the heartache of a miscarriage. Psychologically and physically it can be a devastating experience. The medical term used to describe this occurrence is "spontaneous abortion," and this is the term used for the purpose of filing a claim for health care benefits under an insurance contract. Amendment A8103 is, for all intents and purposes, making abortion a criminal offense, and yet nowhere in this amendment—and I repeat, nowhere—is there any distinction made between induced abortion and spontaneous abortion.

During previous debate concerning this matter on December 9 of last year, Representative Freind alluded to this problem by making the statement, "Obviously in that case, whenever there is a premature delivery, by the very essence of it, all steps are taken to save the life of that baby if possible." He may wish to refer to the definition of "abortion" listed in the text of his amendment as obviously not including spontaneous abortions. However, in the payment of insurance claims, what is obvious to some may not be obvious to others, and health care benefits must be specifically included in or excluded out of the contract. There are so many types of medically defined abortions for insurance purposes. The largest health care insurer in the Commonwealth has 14 different codes to identify the occurrence for the purpose of paying that particular claim. I am convinced that with this section left in, we will be culling in the innocent as well as the guilty. We will not only risk denying medical benefits to a woman who suffers a spontaneous abortion; we will quite possibly put her in the position of having to prove she is not guilty of a criminal offense. I find this situation unjustifiable.

Both subsections (d) and (e) under 3215 impose inequitable underwriting procedures on the insurer. This is clearly interference with the underwriting of a legal contract of insurance. The benefits available under a contract of insurance are primarily the concern of the parties involved in making and receiving the contractual agreement. However, the verbatim content of the contract itself is now under the sole jurisdiction of the Commissioner of Insurance.

We must be aware of the fact that if we allow subsections (d) and (e) to remain—and apparently they will, because my amendments cannot even be considered—the following will occur: Inequitable discrimination in insurance classifications will result; secondly, powers now vested in the Commissioner of Insurance will be improperly eroded; and third, innocent women who suffer spontaneous abortions will be denied health care benefits and will be placed in jeopardy of criminal prosecution. For these reasons I had hoped to be able to amend these sections from the entire amendment.

Finally, and very quickly, on subsections (f), (g), and (h), the law on abortion is that which is stated as the law. Courts and public officials are neutral arbiters. To slant justice is to deny justice by that very imbalance. Moreover, by what right can we or should we direct the courts to reach a decision contrary to general law?

These subsections are not mere restatements of prior law to be repealed by this amendment. Prior law in these subsections was a neutral statement on judicial decisionmaking. Here, there is a subtle but clear intent to establish a pattern of judicial process aimed at directing the courts and public officials.

Let me be absolutely clear. The present Abortion Control Act that is currently a statute of this Commonwealth uses the phrase "to have or not to have an abortion." No such balance is included in this amendment that has already been adopted. Left as is, this amendment signals the courts and public officials that they have the power to coerce an individual not to have an abortion, or that they may withhold, reduce, or suspend any benefits to which an individual is entitled on the grounds that an individual chooses to have an abortion. Again, I must state that justice is not merely a standard; it is also the manner in which we pursue that standard.

I certainly was hoping that we would have at least had the opportunity, Mr. Speaker, to have addressed these issues in the amendment process. Unfortunately, this House chose not to do that because of being fearful of lengthy debate. But I also understand that, this being part of a very emotional and highly controversial public policy issue, we should have had that opportunity.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, a point of parliamentary procedure, before I make my motion, please?

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

Mr. LASHINGER. At this point I am prepared to make a motion to recommit the bill, with amendments, to the House Health and Welfare Committee, Mr. Speaker, but before formulating the motion, I would like to know whether the Chair has rendered a decision on the idea providing directions to a committee when that motion is made.

The SPEAKER. Would the gentleman restate that?

Mr. LASHINGER. I am trying to find out whether the Chair has rendered a decision on the concept of providing directions to a standing committee when a bill is recommitted to that standing committee. Let me clarify, Mr. Speaker. I am trying to prove to the sponsors of the amendment that this is not a dilatory motion, that there is a constructive nature to this motion.

Can I provide direction to the standing committee to report the bill, with amendments, back to this floor within a designated period of time?

The SPEAKER. With respect to the gentleman's inquiry, would the gentleman advise the Chair as to the nature of the instructions he would include in his motion?

Mr. LASHINGER. Thank you, Mr. Speaker, yes.

That SB 439, with amendments, be recommitted to the House Health and Welfare Committee and that the committee

be advised to take action on that specific piece of legislation within 30 days, not designating pro or con. Mr. Freind would probably like 30 minutes, but we will make it 30 days, Mr. Speaker.

The SPEAKER. A motion with instruction of that nature would be in order.

Mr. LASHINGER. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

Mr. LASHINGER. Mr. Speaker, then at this time I would make a motion to recommit SB 439, with amendments, to the House Health and Welfare Committee, with the directions that the committee meet to take action on that legislation within 30 days of this date.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Lashinger, to recommit the bill, that is SB 439, together with amendments, to the Committee on Health and Welfare, with instructions to rereport the bill within a period of 30 days; to consider the bill and to rereport the bill within a period of 30 days.

Does the gentleman, Mr. Lashinger, agree with the question as presented by the Chair?

Mr. LASHINGER. Yes, Mr. Speaker.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman from Schuylkill, Mr. Klingaman, desire recognition on that question?

Mr. KLINGAMAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. KLINGAMAN. Mr. Speaker, I oppose the motion to recommit to the Committee on Health and Welfare. The committee did deliberate on this very issue. The committee held statewide hearings, and I doubt that there is any more that can be said on this issue than has been said in the lengthy debates that we have conducted in this House on the issue. I therefore oppose the motion to recommit to committee.

The SPEAKER. Does the gentleman from Westmoreland, Mr. Kukovich, desire recognition?

Mr. KUKOVICH. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order on the question raised by the gentleman, Mr. Lashinger.

Mr. KUKOVICH. Mr. Speaker, I rise to support the motion proposed by Mr. Lashinger, and I think that there is some new information before this chamber that warrants a "yes" vote on this motion.

Approximately 3 weeks ago the United States Supreme Court granted a writ of certiorari on three cases that impact on this particular legislation - a case in Akron, Ohio, one in Virginia, and one in Missouri. Mr. Speaker, the Supreme Court, anywhere within 3 to 6 months, perhaps a little longer, will hand down a ruling which will directly affect what we are doing today. To vote on this legislation today is premature at best, but I would support Mr. Lashinger's motion, even though it is only for 30 days, because at least we can make an attempt in committee to try to remove those constitutional provisions that could be changed by the Supreme Court deci-

sion. Last weekend, Mr. Speaker, both the Pittsburgh Press and Pittsburgh Post-Gazette came out with editorials basically saying that we should wait and see, that it was unwise to act at this point in time on this type of legislation.

Mr. Speaker, this bill is basically a copy of various laws, including those laws that are going to be under consideration by the United States Supreme Court. So as a practical matter, whatever we do here is going to result in a very costly legal skirmish. I think it is unwise for us to move at this point in time, and if we vote "yes" on this motion and send it to committee, there are a few other problems that we need to straighten out. Rape victims, especially rape victims on low incomes, are treated unfairly by this legislation in terms of the reporting requirements. In a recent article in the Boston Globe of March 31—and in Massachusetts they have the same type of parental consent statute with a court bypass—it has been shown that the court bypass has failed to work at all.

Now, we could take some hints from what is going on in these other States and try to correct them here and try to correct them in committee, but for some reason there is no interest to do that. Mr. Speaker, I will admit that there is an abortion problem, but by using repression and harassment, we are not going to solve that problem; we will complicate the problem. And the advocates of this bill have admitted that there is no prohibition against abortion, that this bill, by its nature, will not necessarily prohibit or preclude an abortion, but I will submit to you one thing, that this bill will invade privacy, it will harass women—

The SPEAKER. Will the gentleman yield.

It is the opinion of the Chair that the gentleman is discussing the merits of the bill whereas the question before the House is the motion of the gentleman, Mr. Lashinger, to recommit the bill to Health and Welfare. The gentleman will restrict his remarks to the recommittal motion rather than the merits. The gentleman will be recognized at a proper time if he desires to talk on the merits.

Mr. KUKOVICH. Mr. Speaker, we can avoid the problems that I am running through by a recommittal motion.

I will conclude by saying that a vote for reason and a vote for common sense would be "yes" for recommittal. Thank you, Mr. Speaker.

REMARKS ON VOTE

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

Mr. GLADECK. Mr. Speaker, thank you.

I just wanted to say that I would like to be recorded in the negative on the motion to sustain the ruling of the Chair so that amendment 8145 could be considered. I had been recorded in the affirmative. Thank you.

The SPEAKER. The gentleman, Mr. Gladeck, came to the Chair to ask permission to be recognized to put his vote on against the Chair. Is that correct?

CONSIDERATION OF SB 439 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, on the question of recommittal.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the motion to recommit, because I think it is based on a contradiction. When you say that we will recommit a bill with directions to the committee to act upon it within a certain period and get it back before the body for consideration, I do not see how we can do that, not having any foreknowledge of how the individual members of that committee will act. I think it is a contradictory-type amendment and poses a dichotomy that we do not need in this particular debate. I urge a negative vote on the motion.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, on the question of recommittal.

Mr. DAVIES. Would the gentleman who just added those remarks consent to just one brief question of interrogation?

The SPEAKER. Who is it the gentleman desires to interrogate?

Mr. DAVIES. I believe it was Mr. Foster.

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

Mr. DAVIES. Mr. Speaker, to your knowledge, does this amendment that is before us now carry with it a fiscal note?

Mr. A. C. FOSTER. The amendment?

Mr. DAVIES. Yes. Does this amendment carry—

The SPEAKER. Will the gentleman yield.

The question before the House is one of recommittal.

Mr. DAVIES. —a fiscal note?

Mr. A. C. FOSTER. How can the motion on recommittal carry a fiscal note, Mr. Speaker?

Mr. DAVIES. No, sir. I said, does the amendment carry a fiscal note?

Have you seen the fiscal note? Have you perused or had discussed the costs and so forth?

The SPEAKER. The gentleman will yield.

The question before the House is one of recommittal. The recommittal is to Health and Welfare, not Appropriations. Accordingly, it is the opinion of the Chair that the gentleman is straying from the question before the House.

Mr. DAVIES. Excuse me, Mr. Speaker. My intent was that I do not know about the former speaker, but evidently he must be more knowledgeable about that then and has shared the fiscal note with the other gentleman, because I have not had the privilege of seeing that note or anything like that, and that is the intent of the question. Thank you, Mr. Speaker.

The SPEAKER. On the question, those in favor of the motion of the gentleman, Mr. Lashinger, to recommit the bill with instructions to the Health and Welfare Committee will vote "aye"; those opposed, "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—62

Anderson	Fryer	Moehlmann	Showers
Barber	Gladeck	Mowery	Smith, B.
Berson	Greenwood	Nahill	Spencer
Bowser	Hagarty	Noye	Sweet
Brandt	Hoefel	O'Donnell	Swift
Brown	Honaman	Oliver	Van Horne
Burd	Irvis	Piccola	Wachob
Cornell	Itkin	Pievsky	Wambach
DeVerter	Jackson	Pistella	Wiggins
DeWeese	Kukovich	Rappaport	Williams, H.
Daikeler	Lashinger	Rasco	Williams, J. D.
Davies	Levin	Reber	Wilson
Deal	Lewis	Richardson	Wright, D. R.
Dorr	Madigan	Ritter	Wright, R. C.
Evans	Merry	Saurman	Zwilk
Fargo	Michlovic		

NAYS—127

Armstrong	Fischer	Lucyk	Serafini
Arty	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McMonagle	Shupnik
Belfanti	Freind	McVerry	Sieminski
Birtle	Gallagher	Mackowski	Sirianni
Blaum	Gallen	Maiale	Smith, E. H.
Boyce	Gamble	Manderino	Smith, L. E.
Burns	Gannon	Manmiller	Snyder
Caltagirone	Geist	Marmion	Spitz
Cappabianca	George	Micozzie	Stairs
Cawley	Grabowski	Miller	Steighner
Cessar	Grieco	Miscevich	Stevens
Cimini	Gruitza	Morris	Stewart
Civera	Gruppo	Mrkonc	Stuban
Clark	Haluska	Mullen	Swaim
Clymer	Hasay	Murphy	Taddonio
Cochran	Hayes	Olasz	Taylor, E. Z.
Cohen	Heiser	Pendleton	Taylor, F. E.
Colafella	Horgos	Perzel	Telek
Cole	Hutchinson, A.	Peterson	Tigue
Cordisco	Johnson	Petrarca	Trello
Coslett	Kennedy	Petrone	Vroon
Cowell	Klingaman	Phillips	Wargo
Cunningham	Kolter	Pitts	Wass
DeMedio	Kowalshyn	Pott	Wenger
Dawida	Laughlin	Pratt	Weston
Dietz	Lehr	Pucciarelli	Wogan
Dininni	Lescovitz	Punt	Wozniak
Dombrowski	Letterman	Rieger	Wright, J. L.
Donatucci	Levi	Rocks	
Duffy	Livengood	Rybak	Ryan,
Durham	Lloyd	Salvatore	Speaker
Fee			

NOT VOTING—5

Alden	Fleck	Gray	Harper
Emerson			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question recurring,
Shall the bill pass finally?

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from York, Mr. Anderson, come to the rostrum to preside temporarily?

CONSIDERATION OF SB 439 CONTINUED

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

Mr. HOEFFEL. Thank you, Mr. Speaker.

I rise in opposition to SB 439 as amended with the antiabortion legislation. I do so for a number of reasons. Basically, the legislation that we have approved today is for the most part similar to the legislation we approved sponsored by Messrs. Freind and Cunningham last December. The overall impact on women and on doctors will be the same. There will be additional delays imposed on the abortion decision; there will be additional costs imposed; there will be additional harassment to the doctors and the clinics involved in this process, and I think the overall impact is quite similar and has not been changed by the superficial changes that the gentlemen made in their approach.

I would like, though, to focus on one particular segment, which is not new, which was in the earlier version of this legislation, but which I find very hard to swallow. I would like to talk about the section dealing with parental consent and the court bypass authorization contained therein.

The Supreme Court in 1976 said that no third party, including parents, could be given an absolute veto over the decision of a young minor woman to have an abortion. That is the law of the land and there is nothing that we can do about that. Parents cannot be given an absolute veto or blanket consent over the decision of a minor woman. So instead of accepting that decision and perhaps coming up with the next best thing, which might, in my judgment, be mandated parental notification, the prolife sponsors of this legislation in this State, as they have in other States, have come up with a procedure that absolutely startles and baffles me. What we are doing here is saying that parents shall be given the consent over the minor woman's decision to have an abortion, but if they will not give that consent or if the woman chooses not to seek it, she can go to court for an alternative procedure.

Now, right there I think that that is terribly unwise. If we cannot give to parents the right to consent over a minor woman's abortion, I do not believe we should give that right to anybody else. If the parents cannot consent, then why should a judge or any other third party be given that very important power? Well, for one reason, the Supreme Court will not let us give that very important power to any third party, and it is likely, although not clear, that the Supreme Court might strike this section down as unconstitutional, as in violation of their 1976 decision.

But even if they should sustain this procedure that we are enacting today, aside from the constitutional arguments, it makes no sense to me. We are establishing here a procedure whereby a young woman can get an abortion without telling her parents. In fact, we are encouraging it. We say in the language that if the parents will not give consent or if the young woman chooses not to seek consent, she can go to the court and in 3 days get a confidential decision on whether or not she can get an abortion, and it will not cost her any money; she can get counsel; she can get that decision nonjudgmental. No lectures, no recriminations, no difficult decisions around the

kitchen table with her father and her mother about this; she could just go to the court and in 3 days get it. Now, I think it is unbelievable for anyone who calls himself prolife and profamily to support a procedure that encourages women to keep their parents in the dark, to totally bypass them, to go to court to get the permission to have an abortion. It would be far better, in my way of thinking, since we cannot give blanket consent and blanket veto, to at least have some kind of parental notification so that at least the parents of these young women become involved in this procedure. It seems to me we would want to encourage those difficult decisions and discussions around the kitchen table, the tearful recriminations and the agony that a family, I am sure, goes through when an unmarried teenage girl gets pregnant.

It seems to me that those difficult decisions we should be encouraging here in Harrisburg to occur within the family. But no, not the people who have written this bill. They cannot give in, you know. They cannot admit that they have lost the argument on parental consent, so they write in this legislation, legislation that they know will pass by the same margin that any other legislation that is labeled "antiabortion" always passes, they write into that a provision that will have all of you voting for this bill and will have you in the position of encouraging young women not to tell their parents about their abortion and to go to court and in 3 days, guaranteed, get a decision. Now, I think that is outrageous.

Secondly, Mr. Kukovich has already pointed out the experience of Massachusetts with this court bypass procedure. It has absolutely failed in Massachusetts by anybody's standards, whether you are prolife or not. The process has absolutely failed. According to the Boston Globe, in the first year that Massachusetts had the same kind of court bypass for minor women's abortions as we are talking about today, 647 women petitioned the courts for the right to have an abortion and 647 of them were granted that right. Every single one received permission. Why? Because the courts cannot deal with this. There is no way in the world that a judge can decide the dual standard imposed by this legislation in any other but an affirmative fashion. The first standard the judge is asked to look at is whether the woman is mature enough to give informed consent, and if he finds her mature enough to give informed consent, he must grant the right for her to have an abortion. If he decides she is not mature enough to grant informed consent or does not claim to be mature enough, then he must still grant the right for the abortion if he decides it is in her best interest. We do not give any standards whatsoever for the determination of what is a woman's best interest, and the judges in Massachusetts who are under the same lousy procedure as we are talking about today have decided and are publicly stating that there is no way in the world that they can determine what that best interest is, and so every single judge, every single one, who has been asked to consider whether a minor woman should have an abortion has granted permission.

Now, there are a number, Mr. Speaker, there are a number of prolife judges in Massachusetts. That is a State where the prolife movement has been active for years. If you just look at

the court decisions since *Roe v. Wade*, many of them are Massachusetts decisions, because that is where a lot of the prolife action has been. So you know that many of these judges involved in this procedure in Massachusetts consider themselves to be prolife, and they are saying publicly either they refuse to hear such a case, because they know they are going to have to grant permission and they cannot stomach that from their personal views, or even though they are prolife, they grant the decision anyway. These are the public comments they are making.

So you might say, all right, all these young women will get permission, so why not go through that charade? What is the big deal, Hoeffel? If you want women to have an abortion, why do you object to this procedure? Well, I object to anything that is so arbitrary and so ineffective, that imposes such a burden and such an onerous requirement on young women as to go in front of a judge to ask for something that the law will not allow her to ask her parents for. It is just beyond me that we would give to the sovereign, that we would give to the State, this authority that the Supreme Court will not let us give to the parents and that we would set up in this procedure the actual encouragement. We do not just let the young woman go to the judge first; we encourage her to, to bypass her parents, to go through a charade of a legal process that just delays, adds to the costs, makes a mockery of what we are doing today, and I think only generates a distrust and even a hatred for the law that we are enacting.

The people responsible for this, the self-styled prolife activists of this Pennsylvania House, are unwilling to admit that they cannot impose parental consent on this process, and they are putting into their legislation, which they know will pass, a procedure that absolutely stinks, and I am afraid we are going to vote for it, and I am very sorry.

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
CONSIDERATION OF SB 439 CONTINUED**

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

Mr. RICHARDSON. Mr. Speaker, I rise to oppose SB 439. Mr. Speaker, I do so for, I guess, several reasons. Every time this House of Representatives sits down and makes a decision about which bills should not be passed and which bills should be passed, it seems that there are a number of folks who are sitting in the room to make those decisions and the rank-and-file persons are left out, but on this abortion bill specifically, I would say that now we have a combined interest of many specific interests in SB 439, including the abortion issue.

The issues basically have not changed, as other speakers have already stated. Basically, I believe that women should have the right to choose in this Commonwealth. I believe it is their responsibility to choose, and I do not think it is a part of this legislature or anyone else to make that decision for them. And I believe that we as a House are out of order, because when you come down to dealing with facts that talk about law and order, we are out of order when we begin to mess with

God's specialization in talking about truth, justice, and a way of life which some people may call religion. It seems to me that it is our responsibility to legislate law to help people deal with the problems that do affect them, but when a religion says that this is their way of life, it should not be forced down the throats of others who do not believe in that way of life for them. So it seems to me that we raise a moral question today to legislators and say that while you may dictate on your end that this is the way it should be resolved, it does not necessarily mean that that is the way it should be in the total land because that is your religion. What if you were to adopt a way of life of other religions that say that we need to help people to deal with problems that do encounter such situations in cases of rape, when it is not the fault of the woman? But here we are telling them that it does not matter, that it does not matter whether or not they fall into that same situation or not, that you are going to be penalized anyway.

It seems to me that there is a contradictory— In fact, when I heard someone talk earlier about contradiction, I must raise the question about contradiction. We raise the point of contradiction because it says that on one hand we talk about abortion and the right of life and saying that we want to protect life, but yet we will still turn around and vote for a death penalty to kill people. That basically is a contradiction, and if we are sincere about our efforts in dealing with an issue like this, then the proper procedure and also the process by which this House has afforded us to move ourselves into, this House has decided to buck that and find an easier solution of going in the back door by the amendment process without even having the committee process work in its favor. But it only changes when it is suitable to the individual interests at hand. It does not have anything to do at all with respect to the process or the respect to law and order for those persons who are involved. It seems to me that if we are a people who are thinking, and if we are about really eradicating the problems and the social ills that affect the masses of our people here in this Commonwealth, then we will begin to look at things in the proper perspective when we talk about food, clothing, and shelter, and really making sure of those who are disenfranchised, like our youth, our senior citizens, and our elderly persons in this Commonwealth, and we will see ourselves in a different light.

Now, I like to look at myself as those who see themselves working in a capacity for change for people here in this Commonwealth, because there has got to be somebody who is an advocate for that to stand up and fight against the kind of evils that do affect our people. There are problems and every social ill that may exist in this Commonwealth, but I find that we find ourselves on a week where we are saying that we want to wind up getting out for the summer break, that we have to rush now to push this abortion bill through because there are some special interests that feel that we cannot go out over the summer without having this issue voted on, that would say to the Senate what we have to do and we are demanding that you stay in session today, because we know you are getting ready to go home, and that if you do not stay in, we are going to let this hover over you and use this as a tool to come back to tell

those constituents in your Senate area that you in fact went home and did not deal with the abortion issue.

This is basically a Catholic issue, an issue that deals with those individuals who know about the rights of abortion and feel that this is an issue that needs to be dealt with, and because it has never, ever, ever been resolved really across the land, we have to try to show that there are some folks who feel that the legislation dealing with abortion is the way and manner in which to deal with it, even though the courts have said otherwise.

So I raise the question today about SB 439 on final passage to say that we are living out of order in terms of trying to take care of the order of abortion in the Commonwealth of Pennsylvania and not recognizing that women have a right to choose. Regardless of what legislation passes, abortions will still go on in this Commonwealth. Regardless of whether you ramrod this bill down the throats of the people or another bill, abortion is still going to exist, and whether other people get killed because of your ignorance or not does not matter.

It seems to me that there has got to be a way that life is preserved of the individuals who are involved in recognizing all of the social ills that do take effect. For instance, those who are poor and cannot afford the money that rich persons can afford to have an abortion are going to be subject to the back-alley abortions that have already been of use in this society over the past years. To remove that and say that we are going to push this down your throats anyway, regardless of how you feel about it, does not change that status quo, which means that doctors who have used this as a way of getting over will use it again as a way of getting over again, and still the problem of abortion is not resolved, and it seems to me that it does not matter to the proponents who are pushing this bill today that that fits into play. When you talk about sitting down and trying to work out any kinds of solutions that affect the women in this Commonwealth, we do not care. On one hand we talk about women's rights, and on another hand we talk about taking women's rights away. It is a contradiction in fact, and it seems to me that regardless of whether somebody listens or nobody listens or everybody listens, it is going to affect you one way or another sooner or later in your own life, because somewhere along the line, whether it is you directly, your wife, your family, your daughter, or your grandmother, you are going to wind up in a situation where it is going to affect your own household and you are going to have to make a decision. And I guarantee you, as is always the case in dealing with this, when it strikes home, it is a different situation than when you can talk about it and place the blame on somebody else in terms of how they should resolve that particular problem for their own individual self.

So abortion is not just the issue in front of us today but the question is as to the moral question as to where, really, is your head. And really, when you look at it, we are discriminating against women in this Commonwealth when we tell them that we are going to tell you what to do with your body, regardless of whether or not you have any mitigating circumstances or not or regardless of whether or not you feel just totally that you disagree with the piece of legislation that has been put

before us. Legislation, as I understand it, is supposed to be moved in the direction that deals with the problems that do face us, and we are to introduce legislation so that we can hopefully hope that they will become law, but it does not say to people in the Commonwealth that you should force something down the throats of folks, violating the process and not dealing with the subject matter that is in front of you.

I have appealed to the conscience only because of the fact that anything else being said will only fall on deaf ears. Those who are going to vote the way they are going to vote are going to vote that way regardless of what is said. All of the procedural questions that were raised today were not even listened to, which meant that a number of folks who came today even with serious debate about what should be done about this subject matter never ever got an opportunity to sit down and deal with that. Women in this Commonwealth should be outraged that the members of this House of Representatives would make a decision over and above their own judgment when it relates to them, when in most instances most people do not even get a chance to view how people are living and do not understand the conditions that they live in and therefore are willing to pass judgment without even recognizing those other situations. We are not judges or doctors or a court of law who can make a decision over and above people without having an opportunity to listen to what they are dealing with. We are human beings like everybody else, and we should start realizing that that is all we are, human beings, and that we are not judges and lords and masters, but that we are supposed to be righteous people who are here in the House of Representatives representing a constituency of people who said that you are to represent them as their vocal piece in Harrisburg.

Now, there are some who have used it as a way of subterfuge to get away from the basic problems that they have themselves, and it seems to me that when you start talking about that, the odor that comes out of those individuals who are talking about it is that you stink yourselves and that you are not willing to deal with that problem as opposed to recognizing the women who are saying to you, please, legislators, listen to what I am saying; I have a right to speak; I have a right to decide over myself; and I am tired of allowing other people to step in and do it for me; give me a chance. You are denying them that right.

So we are going to always be faced with this basic moral question. Whether or not we should legislate morality or whether or not we should legislate for laws is going to be in front of you. Today you have decided that you are going to legislate morality over an individual within your community as opposed to legislating the law of the land that deals with the order which we should be dealing with on a wholesale basis; that is, every day. Well, only when it becomes a specific special interest do we see ourselves working in a different order and change as opposed to the law and order that we are here in the House of Representatives for. And while it may not matter to anybody else or it may not matter to those who feel a strong need to protect the women of this Commonwealth of Pennsylvania, I as one legislator want to stand on this floor and say what you are doing is wrong and that you

will reap what you sow, and that for those who act in a positive manner, good things will come to them. And it seems to me that we should take a page out of the book of going back to W. E. Du Bois, who indicated to us that where there is no struggle, there is no progress. As long as I have breath left in my body, I will stand on the floor of this House and continue to point out the irrational, illogical, and demeaning things and degrading things that seemingly are more a part of this House of Representatives than the positive, ongoing, forward movement of trying to develop a social order that is going to protect the masses of our people.

In conclusion, Mr. Speaker, I want to say this: No matter how you vote today, the individuals who vote the way they vote will have to live or die with that decision that they decided to vote on. But in any regard and in any case, one of the basic fundamental things that will come out of all this is that you will find, number one, that it is illegal, that you are making a move against an order of people without asking the basic conceptual question, and that is, where do the women stand or where do the people stand on this question? Send it to a referendum, which they are afraid to do. But the people of this Commonwealth are sick and tired of those individuals who feel that they can just ramrod anything down the throats of the people in Pennsylvania without having substantial input on the real cases as they affect them.

For the poor people who cannot defend themselves, we will stand here and defend them until our deaths so that people will know there has to be some way that we fight against the evils; that we expose the system as corrupt and unworkable; that we begin to learn how to form alliances when necessary to deal with the problems that do affect us; and that we must fight vigorously against the proponents of this measure who feel that it is a laughing game and not a sincere effort towards eradicating the problem that is in front of us. Until we do that, Mr. Speaker, I will only indicate to you that I feel sorry.

**THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR
CONSIDERATION OF SB 439 CONTINUED**

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

Mr. DeWEESE. Mr. Speaker, many times since I have been in the minority I have heard the gentleman, Mr. K. Leroy Irvis of Pittsburgh, say, it will not do us much good to debate and to argue; the other side has the votes. Joe Hoeffel gave a definitive argument. David Richardson has given a passionate argument for a reason why we should oppose this initiative.

Historically societies have tried desperately, desperately, to control morality. They have never, never, been successful. I remember in the 13th century a man named Gregory— Is that not a lovely name, Gregory? He was a Pope. He issued a papal bull, and battalions of friars and monks stormed all over France. The Spanish Inquisition, the French Inquisition, all over Europe the Inquisition had begun. What did the Inquisition try to do? Bill Stewart remembers. The Spanish Inquisition tried to legislate morality. It did not work in the

13th century; it is not going to work here today. No Gregory, no legislator, is going to legislate morality.

Do you remember the Roundheads? The Roundheads? In the 17th century, Mr. Speaker, in the 17th century, Oliver Cromwell and the Roundheads tried to legislate morality like we are doing today. They were against playing cards. The Puritans in England were against horseracing. Can you imagine that, Mr. Petrarca, against horseracing?

I am befuddled, I am bemused, I am baffled by this effort on behalf of the Pennsylvania General Assembly to legislate morality. Even in our own time, Mr. Speaker, they have tried; they, they, they have tried; reactionary, right-wingish men and women in this country have tried to legislate morality.

Now, you have heard me before and you have heard Dave Richardson before and you have heard Joe Hoeffel before, but we have heard you before, too, and now I am going to allow myself 1 or 2 more minutes to encapsulate my observations about what we are doing.

The Volstead Act did not work. They tried to prohibit liquor in the 1920's. And do you remember the jazz age? I remember the jazz age. Frederick Lewis Allen wrote a great book, "Only Yesterday"; Frederick Lewis Allen, one of America's premier scholars. He talked about why Prohibition did not work. Legislators across this country tried to legislate morality. No more booze, they said. It did not work. The Spanish Inquisition did not work. Cromwellian England did not work, and the era of Prohibition was an ignominious failure.

Mr. Speaker, what we do here today shall not survive. What we do here today shall not prevail in the 21st century. I am convinced, I am convinced, that this effort will not hold up in society. Who are we? We are supposed to be leaders, supposed to be leaders. In the 1850's Sam Houston gave up a Senate seat. He knew that the people of Texas would not send him back to the United States Senate if he voted to curtail the advancement of slavery. And he did, and he did not go back. He was defeated.

My final comment—that is why I urged my mother and father to leave early—my final malediction—and that is the word I want to use; maybe "imprecation" would be a better one—is for Richard Thornburgh. Now, I know I am not allowed to come here and castigate a member of this assembly. I do not want to, never, never, never, but I am allowed to make a vituperative observation about His Excellency. He is supposed to be a leader. When he ran for the chief magistracy of this Commonwealth, I did not know where he stood on abortion. As he walked through his first 2 or 3 years as the Governor of this Commonwealth, I did not know where he stood on abortion. During those cold, cold December nights when young Freind and Cunningham and all the rest of us were anticipating the results of Mr. Thornburgh's deliberations, I did not know where he stood on abortion. Tonight I do not know where he stands on abortion.

I am convinced that if we are elected, whether at the legislative, senatorial, or gubernatorial level, we should take a stand. This issue is quite simple at the bottom line. You are either prochoice or you are prolife at the bottom line. Now, it

takes a long time to get to the bottom line. Richard Thornburgh has displayed that in manifest fashion. But I believe that he should have, as a bold, intrepid, dauntless leader, showed those women in the audience, those men in the audience, these young men and women right here who came from Westmoreland County with Representative Kukovich, the Governor should have told them and them and us where he stood on this issue. How can you be willy-nilly—that is right, willy-nilly—on this issue?

In 1985, 1990, 1995, as we go roaring into the last part of this century, this issue will not live; this issue will not prevail. Men and women will do what they please. Darn, I hope it does not happen, but any of these young people, if they are confronted with this issue, will do what they want to do. If they have to go to Guatemala, Guadalajara, Munich, Melbourne, wherever they have to go, they will do what they want to do. We will not make a decision that will inhibit or prohibit. I suggest that we do not attempt to legislate morality. I am here to fortify the call of Mr. Hoeffel and Mr. Richardson, and I ask for a negative vote on this measure. Thank you.

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

Mr. DAVIES. Thank you, Mr. Speaker.

My questions are directed to the makers of the amendment in relation to the fiscal note that I have received from them relative to the legislation.

As I understand, the amount has increased between this offering and the previous legislation by a mere \$190,000. Is that correct, Mr. Speaker?

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

Mr. FREIND. The fiscal note for the first amendment was \$310,000. The fiscal note for this amendment, even though it has not changed, is \$500,000. The reason for the difference, as I understand it, is the Appropriations Committee discussed it with the Governor's staff and came to an agreement that that was a reasonable figure.

Mr. DAVIES. Now, as I understand it, Mr. Speaker, that is just the first year's fiscal note, and it does not pertain to any projection beyond that. So therefore, am I to assume then that as far as criminal trials relative to this or the civil trials relative to this, notwithstanding either hospitalization or medical coverage or any of the other proceedings, that those were not included in the fiscal note, or were they and what was that projection?

Mr. FREIND. Well, of course, Mr. Speaker, you have a copy of the fiscal note in front of you. You know what it says, "...additional personnel (\$250,000)—"

Mr. DAVIES. Excuse me, Mr. Speaker. I know that it says administrative costs.

The SPEAKER. The gentleman will yield.

Mr. DAVIES. Am I to take—

The SPEAKER. The gentleman, Mr. Davies, will yield.

The gentleman, Mr. Freind, was in the process of answering. The gentleman, Mr. Davies, may then respond.

Mr. FREIND. It spells out, Mr. Speaker, "These costs would result from additional personnel (\$250,000), reporting

forms and overhead costs (\$225,000), preparing and publishing reports (\$25,000)."

Mr. DAVIES. Then I am to assume just as I was under the previous amendment offered by the gentleman that it does not take into account those particular questions. In other words, those have not been considered and that is not part and parcel of the fiscal note in front of us. It only speaks to that as the Department of Health for administration. It does not speak to those costs.

Mr. FREIND. Is that a question, Mr. Speaker?

Mr. DAVIES. Yes, Mr. Speaker, that was a question. I am almost sure it was asked in inverted word order.

Mr. FREIND. Okay. I was just waiting for the question mark.

Yes; you are right, Mr. Speaker. I do not believe the cost of trial is included, nor is the revenue obtained from fines from such a trial included either.

Mr. DAVIES. All right.

Now, as added to the self-insurance costs of the medical profession and any pass-on that may not be included in the first year that would then be part and parcel of later insurance costs to the Commonwealth, are those included in it as well, which would include any addition of the medical malpractices, the hospital malpractices, or any of those additional insurance costs as alluded to by one of the previous speakers as far as what it may do to that aspect of insurance costs?

Mr. FREIND. That is a question, Mr. Speaker?

Mr. DAVIES. Yes; that is another question, and I think it was phrased, does it include those? That was stated as a question.

Mr. FREIND. Mr. Speaker, if I understand your question correctly, I do not believe that this bill would increase medical insurance liability costs at all to the physicians, particularly since this specific language we put in, that in fact the provisions of the existing medical liability law apply. So I do not think there will be any increased costs whatsoever.

As a matter of fact, Mr. Speaker, what I do not think they plugged in is the savings to the Commonwealth since we eliminated broad abortion coverage for Commonwealth employees, and there is considerable savings there, I would imagine.

Mr. DAVIES. All right.

Mr. Speaker, also as far as any clinical costs or diagnostic costs to any of the institutions of the Commonwealth or any of those particulars as far as that particular practice and in making that determination, such fact as to whether the fetus—if you do not prefer "child" in your language—to be born alive, the technological findings and things like that, all of those are included in this or they are not. They are merely again stated as administrative rather than direct medical costs.

Mr. FREIND. Mr. Speaker, I did not write the fiscal note. I do not know whether any of those alleged costs are included in that or not.

Mr. DAVIES. All right. Then, Mr. Speaker, could I have the benefit of the people who did and have them stand for interrogation on these particular questions, because as I stated before when this bill was before us before, I would ask those hard questions because I think that it is imperative as far as the legislation is concerned, and I would like those answers.

I repeat the question again as to the matter of the application and out of the context of administrative costs but into direct costs that may then become part and parcel of either the medical insurance costs or the direct costs involving the abortion itself or any of the practices of any of the hospitals belonging to the State of Pennsylvania, its subdivisions, any of the medical clinics, or those contained therein. Are those costs computed into it, and what are those approximate costs as figured by this fiscal note in the first year, and what happens in the ensuing years?

Mr. McCLATCHY. No; they are not computed in it. I think those costs are indeterminable, and it would take a magician to try and find out how many of those cases we are going to face. We may not face any at all. It is a matter of pure speculation, and we just do not get involved in that. The Commonwealth does not make any money. It should not cost us any money. But again, I have no way to determine those costs.

Mr. DAVIES. Mr. Speaker, then am I to assume that even though this was in existence in another State, that in diligence and in the normal proceedings of the considerations of that committee you would not take the record of what has occurred in those States and at least presume that therefore Pennsylvania could assume some sort of record that would go along with and coalesce with those facts? Are we to completely disregard what has occurred in the Commonwealth of Massachusetts or any of the other States which have experienced similar legislation or accompanying legislation or whatever?

Mr. McCLATCHY. Again, I must insist that neither we nor the Budget Office can document any of those costs.

Mr. DAVIES. They are not then contained therein?

Mr. McCLATCHY. That is correct.

Mr. DAVIES. And again I am to assume then that I could only go on what my own projections would be as far as further debate on it and assume that I may then deal with what has been subjected by the medical profession without challenge either from the Appropriations Committee or the Chair as long as I stay within the confines of those particular concerns? May I assume that, or would you have something that you would share with me that is contrary to those facts? Yes, that was a question, Mr. Speaker.

Mr. McCLATCHY. Yes.

Mr. DAVIES. As far then as maintaining the system of records as to again whether we are going to speak or address ourselves to the fact that it was a fetus or a child, the differential in maintaining those particular records from here forward based on how many abortions that we have had in the past, what kinds of figures were used there in making a determination of those particular administrative costs as far as a decrease or increase over the previous fiscal note that was put before us?

Mr. McCLATCHY. Mr. Speaker, we have a copy of the existing regulations, and we estimate that there will probably be 10 more people needed to add to that group for further tabulation.

Mr. DAVIES. And am I also to assume that because of either the lack of input or discussion on the matter of legal costs pertaining down in a year or two or something like that, that that was merely overlooked, or am I to assume that for some reason or other there is again no record where previous legislation has existed?

Mr. McCLATCHY. We are assuming there will be no additional legal costs.

Mr. DAVIES. I am sorry; I missed that, Mr. Speaker.

Mr. McCLATCHY. We are assuming there will be no additional legal costs.

Mr. DAVIES. No additional legal costs, either under criminal or civil statements relative to this act?

Mr. McCLATCHY. Not for the Commonwealth.

Mr. DAVIES. Thank you, Mr. Speaker. I am satisfied that those are not therein and that in any further debate I may make reference to those based on either the best legal authority or based on the best medical authority outside of this body that I have been able to ascertain in my research. Thank you.

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

Mr. PENDLETON. Thank you, Mr. Speaker.

Mr. Speaker, this bill as amended represents to me the most reasonable bill that has been written in recent years regarding the controversial question of abortion. Although it does not provide all the answers, I am satisfied that this bill offers a way of regulating abortions rather than the virtual abolishment of them as had been decreed in previous bills voted on in this General Assembly. It sets real standards that even the most ardent prochoice proponents can live with. It is not punitive. It does not propose to intimidate members of the medical profession as its predecessors did. It provides a generous latitude in freedom of choice for potential mothers in the first trimester of their pregnancies. The life-begins-at-conception concept has been rightly removed and deleted as in previous bills.

In addition, this bill as amended sets high moral standards for doctor-patient interaction and counseling. Even during the second and third trimesters of pregnancy, it allows for medical rather than social or legal opinions to be the overriding factor as to whether or not abortion should or could be performed. A competent physician is permitted to make the decision regarding viability and when it should operate.

This bill as amended does not subject a pregnant woman to the emotional intimidation that would have occurred if she were forced to submit to viewing color photos and unborn fetuses.

I must admit to you that this amended bill is not perfect and that I would much prefer to see the legal age for parental consent lowered to a more realistic age, and I would prefer to see it amended to take into consideration the urban realities of broken homes. Additionally, I would prefer that it would require consultation, not necessarily with parents but with a responsible and qualified adult of general good repute and reputation.

Mr. Speaker, I am firmly convinced that the authors of this legislation have finally drafted a piece of legislation that is

regulatory but not punitive, one that leaves the mother true choice, and I feel that it should seriously meet the test of constitutionality. It is for this reason that I urge my colleagues to support the bill as amended and to send it on to the Senate for final adoption. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. DEAL. Mr. Speaker, may I ask a parliamentary inquiry question, and then after I receive the answer from the Chair, may I then have permission to speak against the bill?

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

Mr. DEAL. Mr. Speaker, could you tell me what part of SB 439 the abortion amendment is germane to?

The SPEAKER. It is the understanding of the Chair that the amendment offered by the gentleman, Mr. Freind, is an amendment to the Crimes Code and it is relevant to that code.

Mr. DEAL. Mr. Speaker, well, then, will the Chair explain to me what is meant by the Crimes Code and then compare that to an abortion bill, not the penalties that can be inferred but the code itself?

The SPEAKER. Although the Chair is of the opinion that if the gentleman had problems with the germaneness of the amendment they should have been raised at the time it was offered, the Chair would state that the amendment amends title 18, which happens to concern itself with crimes, and the act as set forth by the gentleman, Mr. Freind's amendment concerns itself with that section of the code.

Mr. DEAL. Mr. Speaker, I thank you for your answer to my question. However, I would like now, if the Chair will permit me, to address some remarks to the bill.

The SPEAKER. The gentleman is in order.

Mr. DEAL. Mr. Speaker, I am disturbed and embarrassed, probably because I am one of the freshmen here on this floor, that all of my learned colleagues sat here and allowed an amendment to go so far that can in no way identify itself with the bill. And it is unfortunate that a bill like this might fly through this House with lawyers, nurses, educators, persons with many years of experience in this House, who would allow a bill to fly through here with an amendment that has no relationship whatsoever to SB 439. I am embarrassed because somewhere in this land there are some intelligent people who will now begin to look at how this body operates.

I have been in many organizations. I have been in the NAACP (National Association for the Advancement of Colored People), I have been in the Fraternal Order of Police, and I have come through the labor movement, and I do not know of an organization where everyone would have sat idly by and allowed this kind of amendment to be placed into a bill that has no relevance. Mr. Speaker, it says something about us here in the House. It says something about us that we would now try to ramrod this kind of legislation through this House, and you have boldly admitted that you are trying to run it through just to get it through in time so that the Senate

can handle it. And yet some of you have shed tears about how you are so concerned about the unborn and concerned about the mothers. Well, I tell you, I have never witnessed such hypocrisy in all the days of my life. How you shed these tears, how you are so concerned, and yet on other issues, issues that are really affecting Pennsylvania, how quiet you appear to be and plug up your ears. While organized crime is taking over this State, you sit idly by, and you do not even have the nerve to stand up and talk. While unemployment runs rampant in this State, you would play around with an emotional issue only because you know it is an emotional issue. It seems unfair to legislators that you would be more concerned about having an emotional issue fly in this State rather than concerned about the State of Pennsylvania.

I think it is unfair. I think it is unfair to run the bill the way you have. You did not want any input. You are not concerned about a fair abortion bill; all you are concerned about is that you happen to be in the majority, and it is an emotional issue and it will sound good somewhere. Well, that is all right, Mr. Speaker. Just remember, you may be in the majority today, you may be playing with this powder keg today, but I tell you, this game play will come back to haunt you.

You have not even been fair with yourselves. You have not been fair. I doubt if any of you have even talked with your own families. This issue is controversial even among the religious groups, even those that you propose to represent. Even in the religious group themselves, if the women were given an opportunity to take a vote, I doubt if you would be on this floor. So you are not even fair with that which you propose to represent.

If you are really concerned, you would not try to tie this amendment into a bill that it has no relevance to whatsoever. But you are so heartless, you are so cold, you are so reckless, and you just do not even care. You do not even care how the bill will look when young people see what we do here. You do not even care about whether or not this bill will go to the Supreme Court, and you know full well you are going to lose. But you do not even care, and I consider that irresponsible legislation. I consider that as being an irresponsible legislator, if you are only concerned about today, only concerned about how you might appear to a handful of people in this great Commonwealth. I just do not believe that when this legislature was established, it was established for that kind of concern or that kind of image.

Mr. Speaker, as I close, I would hope those of you here on the floor who feel that you have such a commitment that you must run this bill through today have some serious thought about it before you press those two little buttons in front of you, because I believe if you vote for this bill, you will make a mockery out of this legislative body. And if you do not feel it today, I guarantee you that the Supreme Court of these United States will send you a message, and then I hope you will understand that message, if you do not hear me clearly today. Thank you, Mr. Speaker.

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

Mr. BERSON. Thank you, Mr. Speaker.

I am sure the House has heard all of the oratory on this issue that it wants. And this House may believe that it is debating the issue of abortion, but we are past that point, and what we are debating is which view of abortion shall prevail. There are a whole range of views out there, from those who would forbid abortion altogether to those who would permit it in certain circumstances to those who would permit it as a choice between a woman and her physician. The decision we are being asked to make today is which particular view of this matter is going to be enacted into law. Obviously, if we adopt the view embodied in this legislation, we can expect only deeper divisions within our society. It will lead to endless litigation, as the previous abortion control act has, and to the extent that the legislation succeeds in its sponsors' aim, it will aggravate the situation of the young and the poor.

While the sponsors speak of their concern for human life, which we all share, I ask you to consider the social costs of bringing into this world large numbers of unwanted children. My guess is it will only lead to more abused and deprived children than we already have.

I will not bore this House with appeals to the Constitution. My 15 years of experience here has taught me that that is a lost cause. I would only say that this bill contains measures that are presently pending in the United States Supreme Court that are extremely controversial and which should counsel us to caution and delay in passage of this sort of legislation.

Finally, I would ask this House not to enact into law legislation that attempts to deprive women of constitutionally protected rights. History teaches us that attempts to legislate into law particular moral views which involve depriving people of rights which they believe they have and which do not have the support of an overwhelming majority are doomed to failure. I will only cite the example of Prohibition and its sequel, the growth of organized crime.

Finally, I would urge the House to reject this legislation because it is based on an illusion - the illusion that if we make abortions difficult and expensive to obtain, we will stop or limit abortions. It will not. All the bill will do is limit the availability of legal, safe abortions; the other kind will go on just as they always have. I therefore urge you to vote "no" on this legislation.

The SPEAKER. Does the gentleman from Lehigh, Mr. Ritter, desire recognition?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. RITTER. Mr. Speaker, I am going to vote against this bill, as I have for 18 years, but I want to clear up something for the record that Mr. Pendleton put on the record, that this bill somehow does not deal with the definition of life from conception, and I want to point out that this bill does do that. It attempts to define something which scientists and physicians for centuries have not been able to define, and that is, when does life begin? This bill refers to the fact that an unborn child is a human being from the moment of fertilization, and then when you read the definition for "fertilization," it ends up by saying this word "shall be synonymous with...conception."

So, Mr. Speaker, this bill does define life as beginning from the moment of conception. This has been an area, obviously, that has been of great controversy, and I just want to make sure that those members who are supporting this bill do so with the understanding that they are defining something that scientists and physicians have not been able to define for many, many centuries.

So contrary to what Mr. Pendleton said, this bill does define it as beginning at the moment of conception. Mr. Speaker, I would ask that we vote in the negative on this bill.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time on the question.

Mr. DAVIES. No, Mr. Speaker. The first time on the question was a matter of interrogation, and I do not know if that was speaking to the bill, but nevertheless, in conclusion, with the Speaker's permission, I think that it should be part of the Criminal Code because of what I call a morals crime that this piece of legislation is going to create as a massive injustice to all the people who are not beholden to or share the views and the doctrines of certain recognized States and their support for this legislation over the views. I do not share that view, and, of course, as a matter of my faith, I have before stated that it does infringe upon those constitutional beliefs and, of course, the doctrine, but I will not challenge it on those grounds, because I have in the previous bill challenged it on those grounds.

Again, I say that the Appropriations people again, as far as the issues are concerned, did not take into consideration and did not do anything but a matter of administrative concerns on it. I will address myself to the caucus and other concerns about that at a later time.

I will make no personal reference to this, but I have lived with this on three occasions in the last 5 years of my life, and on one of those occasions it was either the life of one of my own children or that of whether you want to recognize a fetus or child. So it has come home to rest, and it is a real thing with me because I have lived with it.

As to other provisions contained therein, I would only call for you to consider that again, as far as the injustice that this places upon certain women and their right to make that decision, that freedom of choice as to a matter of freedom of survival, if it be that, you are going to deny that, and that, of course, is the question that I think is the real issue herein. 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—127

Armstrong	Durham	Lucyk	Shupnik
Arty	Fee	McClatchy	Sieminski
Belardi	Fischer	McMonagle	Sirianni
Belfanti	Foster, Jr., A.	McVerry	Smith, E. H.
Bittle	Freind	Mackowski	Smith, L. E.
Blaum	Gallagher	Madigan	Spitz
Bowser	Gallen	Maiale	Stairs
Boyes	Gamble	Manderino	Steighner
Burd	Gannon	Manmiller	Stevens
Burns	Geist	Marnion	Stewart
Caltagirone	George	Micozzie	Stuban

Cappabianca	Grabowski	Miscevich	Swaim
Cawley	Grieco	Morris	Taddonio
Cessar	Gruitza	Mrkoncic	Taylor, E. Z.
Cimini	Gruppo	Murphy	Taylor, F. E.
Civera	Haluska	Noye	Telek
Clark	Hasay	Olasz	Tigue
Clymer	Hayes	Pendleton	Trello
Cochran	Horgos	Perzel	Van Horne
Cohen	Hutchinson, A.	Peterson	Vroon
Colafella	Johnson	Petrarca	Wargo
Cole	Kennedy	Petrone	Wass
Cordisco	Klingaman	Phillips	Wenger
Coslett	Kolter	Pitts	Weston
Cowell	Kowalshyn	Pott	Wilson
Cunningham	Laughlin	Pratt	Wogan
DeMedio	Lehr	Rieger	Wozniak
Dawida	Lescovitz	Rocks	Wright, D. R.
Dietz	Letterman	Rybak	Wright, J. L.
Diminni	Levi	Salvatore	
Dombrowski	Livengood	Serafini	Ryan,
Donatucci	Lloyd	Seventy	Speaker
Duffy			

NAYS—61

Anderson	Gladeck	Miller	Ritter
Barber	Greenwood	Moehlmann	Saurman
Berson	Hagarty	Mowery	Showers
Brandt	Heiser	Nahill	Smith, B.
Brown	Hoeffel	O'Donnell	Snyder
Cornell	Honaman	Oliver	Spencer
DeVerter	Irvis	Piccola	Sweet
DeWeese	Itkin	Pievsky	Swift
Daikeler	Jackson	Pistella	Wachob
Davies	Kukovich	Pucciarelli	Wambach
Deal	Lashinger	Punt	Wiggins
Dorr	Levin	Rappaport	Williams, H.
Evans	Lewis	Rasco	Williams, J. D.
Fargo	Merry	Reber	Wright, R. C.
Foster, W. W.	Michlovic	Richardson	Zwinkl
Fryer			

NOT VOTING—6

Alden	Fleck	Harper	Mullen
Emerson	Gray		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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.

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **SB 852, PN 1856**, on third consideration postponed, entitled:

An Act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in home rule counties or counties of the second class A and the third to eighth class; to provide the time of paying the same and to repeal certain acts.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—177

Anderson	Fee	Lloyd	Seventy
Armstrong	Fischer	Lucyk	Showers
Arty	Foster, W. W.	McClatchy	Shupnik
Belardi	Foster, Jr., A.	McVerry	Sieminski
Belfanti	Freind	Mackowski	Sirianni
Berson	Fryer	Maiale	Smith, B.
Bittle	Gallagher	Manmiller	Smith, L. E.
Blaum	Gallen	Marmion	Snyder
Bowser	Gamble	Michlovic	Spencer
Boyes	Gannon	Micozzie	Spitz
Brandt	Geist	Miller	Stairs
Brown	George	Miscevich	Steighner
Burd	Gladeck	Moehlmann	Stevens
Burns	Grabowski	Morris	Stewart
Caltagirone	Greenwood	Mowery	Stuban
Cappabianca	Grieco	Mrkoncic	Swaim
Cawley	Gruitza	Mullen	Sweet
Cessar	Gruppo	Murphy	Swift
Cimini	Hagarty	Nahill	Taddonio
Civera	Haluska	Noye	Taylor, E. Z.
Clark	Hasay	O'Donnell	Taylor, F. E.
Clymer	Hayes	Olasz	Telek
Cochran	Heiser	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Phillips	Wachob
Cornell	Irvis	Piccola	Wambach
Coslett	Itkin	Pievsky	Wargo
Cowell	Jackson	Pistella	Wass
DeMedio	Johnson	Pistella	Wenger
DeVerter	Kennedy	Pitts	Weston
DeWeese	Klingaman	Pott	Williams, H.
Daikeler	Kolter	Pratt	Williams, J. D.
Davies	Kowalshyn	Pucciarelli	Wilson
Dawida	Kukovich	Punt	Wogan
Dietz	Lashinger	Rappaport	Wozniak
Diminni	Laughlin	Rasco	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Donatucci	Lescovitz	Ritter	Wright, R. C.
Dorr	Letterman	Rocks	Zwinkl
Duffy	Levi	Rybak	
Durham	Levin	Salvatore	Ryan,
Fatgo	Lewis	Saurman	Speaker
	Livengood	Serafini	

NAYS—0

NOT VOTING—17

Alden	Fleck	Madigan	Richardson
Barber	Gray	Manderino	Rieger
Deal	Harper	Merry	Smith, E. H.
Emerson	McMonagle	Oliver	Wiggins
Evans			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 163, PN 3278**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act providing for a voluntary contribution system to aid in the conservation of certain wild flora and fauna, *** and imposing penalties.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the minority leader. Mr. IRVIS. Thank you, Mr. Speaker.

The gentleman from Centre County, Mr. Letterman, has asked that even though we have not caucused on this, we vote to nonconcur, and I support him on this and will vote in the negative.

The SPEAKER. The Chair recognizes the majority leader.

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

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—0

NAYS—174

Anderson	Fee	Livengood	Saurman
Armstrong	Fischer	Lloyd	Serafini
Arty	Foster, W. W.	Lucyk	Seventy
Belardi	Foster, Jr., A.	McClatchy	Showers
Belfanti	Freind	McMonagle	Shupnik
Bittle	Fryer	Mackowski	Sieminski
Blaum	Gallagher	Madigan	Sirianni
Bowser	Gallen	Maiale	Smith, E. H.
Boyes	Gamble	Manderino	Smith, L. E.
Brandt	Gannon	Manmiller	Snyder
Brown	Geist	Marmion	Spencer
Burd	George	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Caltagirone	Grabowski	Micozzie	Stevens
Cappabianca	Greenwood	Miller	Stewart
Cawley	Grieco	Moehlmann	Stuban
Cessar	Gruitza	Morris	Swaim
Cimini	Gruppo	Mowery	Sweet
Civera	Hagarty	Mrkonic	Swift
Clark	Haluska	Murphy	Taddonio
Clymer	Hasay	Nahill	Taylor, E. Z.
Cochran	Hayes	Noye	Taylor, F. E.
Cohen	Heiset	O'Donnell	Telek
Colafella	Hoeffel	Olasz	Tigue
Cole	Honaman	Pendleton	Trello
Cordisco	Horgos	Perzel	Van Horne
Cornell	Hutchinson, A.	Peterson	Vroon
Coslett	Irvis	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kennedy	Pistella	Wenger

DeWeese	Klingaman	Pitts	Weston
Daikeler	Kolter	Pott	Williams, H.
Davies	Kowalshyn	Pratt	Wilson
Dawida	Kukovich	Punt	Wogan
Dietz	Lashinger	Rappaport	Wozniak
Dininni	Laughlin	Rasco	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Donatucci	Lescovitz	Rieger	Wright, R. C.
Dorr	Letterman	Ritter	Zwilk
Duffy	Levi	Rocks	
Durham	Levin	Rybak	Ryan,
Fargo	Lewis	Salvatore	Speaker

NOT VOTING—20

Alden	Evans	Miscevich	Richardson
Barber	Fleck	Mullen	Smith, B.
Berson	Gray	Oliver	Spitz
Deal	Harper	Pievsky	Wiggins
Emerson	McVerry	Pucciarelli	Williams, J. D.

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1385, PN 3228**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations on governmental immunity.

On the question,
Will the House concur in Senate amendments?

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

Mr. PITTS. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—178

Anderson	Fischer	Lucyk	Saurman
Armstrong	Fleck	McClatchy	Serafini
Arty	Foster, W. W.	McMonagle	Seventy
Belardi	Foster, Jr., A.	McVerry	Showers
Belfanti	Freind	Mackowski	Shupnik
Bittle	Fryer	Madigan	Sieminski
Blaum	Gallagher	Maiale	Sirianni
Bowser	Gallen	Manderino	Smith, B.
Boyes	Gamble	Manmiller	Smith, E. H.
Brandt	Gannon	Marmion	Smith, L. E.
Brown	Geist	Merry	Snyder
Burd	George	Michlovic	Spencer
Burns	Gladeck	Micozzie	Spitz
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Greenwood	Miscevich	Steighner
Cawley	Grieco	Moehlmann	Stevens
Cessar	Gruitza	Morris	Stewart

Cimini	Gruppo	Mowery	Stuban
Civera	Hagarty	Mrkonic	Swaim
Clark	Haluska	Murphy	Sweet
Clymer	Hayes	Nahill	Sweet
Cochran	Hayes	Noye	Taddonio
Cohen	Heiser	O'Donnell	Taylor, E. Z.
Colafella	Hoeffel	Olasz	Taylor, F. E.
Cole	Honaman	Pendleton	Telek
Cordisco	Horgos	Perzel	Tigue
Cornell	Irvis	Peterson	Trello
Coslett	Itkin	Petrarca	Van Horne
Cowell	Jackson	Petrone	Vroon
Cunningham	Johnson	Phillips	Wachob
DeMedio	Kennedy	Piccola	Wambach
DeVerter	Klingaman	Pistella	Wargo
DeWeese	Kolter	Pitts	Wass
Daikeler	Kowalshyn	Pott	Wenger
Davies	Kukovich	Pratt	Weston
Dawida	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Rieger	Wright, R. C.
Duffy	Levin	Ritter	Zwikl
Durham	Lewis	Rocks	
Fargo	Livengood	Rybak	Ryan,
Fee	Lloyd	Salvatore	Speaker

NAYS—1

Hutchinson, A.

NOT VOTING—15

Alden	Emerson	Mullen	Wiggins
Barber	Evans	Oliver	Williams, H.
Berson	Gray	Pievsky	Williams, J. D.
Deal	Harper	Richardson	

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1856, PN 3281**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), adding a definition and further providing for approval of plats.

On the question,
Will the House concur in Senate amendments?

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

Mr. A. C. FOSTER. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

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

Mr. GAMBLE. Mr. Speaker, I would like to speak on non-concurrence of the bill.

The SPEAKER. The question before the House is, will the House concur in the amendments inserted by the Senate?

On that question, the Chair recognizes the gentleman, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise with hat in hand to ask the House to nonconcur in the Senate amendments to HB 1856, as I am one of the cosponsors of the bill. I signed on after a 1-minute explanation, like many of you have as cosponsors, and was told that this would give the building industry a boost, and indeed, that it does. But it has one flaw; it gives the building industry a boost at the expense of small governments that are strapped with either poor developers or are strapped with decisions made by a previous board of commissioners.

I would like to raise a case in point, Collier Township in my district. A prior board of commissioners granted 48 variances to a developer to develop 600 trailers, mobile homes if you will, in a trailer court. One of those variances was a 5-foot side yard, which puts the trailers 10 feet apart, and we know the fire hazard this causes, and this is 3 miles from the local fire department. This developer was formally opposed by the citizens committee of Collier Township, by the citizens committee of the neighboring borough, and now this bill is opposed by the Allegheny League of Municipalities. If this development were to be allowed to be completed—and this will give them 2 more years to do it—we would have one-third of the population in Collier Township paying one thirty-sixth of the taxes in Collier Township, and I do not believe that that is fair.

I want to go back to the previous board of commissioners in Collier who granted the 48 variances to this developer. Last November every one of them was soundly defeated and thrown out of office, and now the people of Collier have spoken, and the people of Collier have a new board of commissioners who do not want this development with 48 variances in their community. It is presently under litigation, and I would ask you, is it fair to change the rules on a small township like mine in the middle of the battle? I ask you, if Collier Township were in your district, would you vote to give the developer an extra added advantage? I ask you, is it fair to help a suffering homebuilding industry that encompasses good and bad developers at the expense of a suffering community of people who want and have every right to govern themselves?

I ask you, as a colleague with a special problem that could just as well have been in your district, to nonconcur in the Senate amendments to HB 1856 so the retroactivity clause can come out, so the retroactivity clause can come out, so we do not change the rules in the middle of the battle. This is a bill with good intent but a bill that gives bad results to communities like mine where the people have spoken. I ask you to nonconcur.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise to ask for concurrence in Senate amendments to HB 1856, first of all, because amendments were made in the

Senate to address some of the needs of local governments, some of the questions that were raised previously in the House. The amendments that were made in the Senate were agreed upon and are now supported by the boroughs and townships. As Mr. Gamble said, the Allegheny League does not concur, but the Pennsylvania State Association of Boroughs and First-Class Townships and the townships association agree with the content of the bill as amended.

The bill is not one that was brought forth without study. It was studied extensively in the Local Government Committee. It was a product of that deliberation. Also, it was studied extensively in the Senate, and the amendments that were worked out make the bill an effective bill. It strikes the balance between developer and local government that is necessary.

To speak just briefly on the matter of not changing rules in the middle of the game, let us just consider if you were a developer and you engage in a project in which you are guaranteed certain provisions of density and zoning provided you complete the project within 3 years. Consider that under the current economic circumstances when you can hardly sell a home. You cannot complete any sizable development in a 3-year period.

Originally we extended that to provide that if the developer was unable to complete the project because of governmental delay, the clock would stop completely. That met with objection by local government associations, so in the Senate that was changed so that the clock would stop only with respect to density, zoning, et cetera. There would be no absolute stop-the-clock provision, just that the guarantees would be provided for density and zoning provisions.

I think this is a fair balance, and we have labored long and hard on the matter. I think it has been refined to the point where it is agreeable. I would strongly urge concurrence.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, as Representative Foster has indicated, I think we have worked long and hard on a bill that does strike a fair balance between the local municipality and the builder. The three organizations who represent local government - the supervisors, the boroughs, and the townships - worked hand in hand on this bill. They had input every step of the way. They agreed with and worked with and concurred on the amendments which we inserted in the Senate.

I think one of the most telling points is that when the Municipal Planning Code was first enacted, the recommendation of the Local Government Commission was 7 years, 7 years, to complete a subdivision. The House and Senate in their wisdom or lack thereof decided that 3 was a better figure. What we have done now is simply compromised between those two figures. We have gone with 5 years. I think that is fair.

I think we all realize that in the last 3 years the building industry has been in serious trouble. Very few builders have been able to complete their subdivisions; their houses are not selling; there is no mortgage money available, and we are

going to effectively in the next year, if we do not enact this legislation, probably drive an awful lot of our builders into bankruptcy. So please keep in mind that we did work with local government. They were with us; they do understand the bill; and they did concur in all our steps. I would therefore ask for concurrence in Senate amendments. Thank you, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I oppose the amendments that were inserted by the Senate. It is rather interesting to hear that with all the problems the building industry has, apparently it is felt by some members of this House that this bill, HB 1856, will answer their problems. I wish that were so. Their problems are many - financial conditions of today, high interest rates, and the like.

Now, there were certain things inserted in the Senate, Mr. Speaker, that I differ with, and I differ with the associations that supposedly speak for the municipalities.

It is interesting on page 8, Mr. Speaker, on line 9, that when this bill left the House we had a period of 2 years inserted. Now then, the Senate saw fit in their wisdom to change that 2 years to 6 months or longer. Mr. Speaker, that confuses me. What is 6 months or longer? Could "longer" be 6 years? Could it be 10, 11, I hear? Do I hear 12? We are in a bidding contest.

What I am trying to point out to you is this is a big change. We saw 2 years. Now if the Senate disagreed and felt it should be 3 years or 1 or 4 or 5, let them name that number, not 6 months or longer.

This bill has been described as a balance. It is one of the biggest tilt jobs I have seen. It is a tilt in favor of the developers and against your local municipalities. Now, if this is what you want, then accept it as a balance. But I would not make any speeches about it, and I would question some of those amendments that were inserted, 6 months or longer. I urge a "no" vote on the Senate amendments, Mr. Speaker.

Mr. GAMBLE. Mr. Speaker, one final statement.

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

Mr. GAMBLE. Mr. Speaker, in closing, I will only take a moment just to reiterate what I have said.

This bill was born because a few municipalities were dragging their feet with developers. That is why this bill came about. But it so happens that there are some municipalities on the other side of the coin whereby they have been given indiscriminate variances, 48 for example in my home community of Collier Township, 48 variances, so there are two sides to this coin. I think this bill would be a disaster to any community faced with a poor developer or any community that has minor flaws in their zoning laws, and the small communities do. There is absolutely no need to strip your municipalities of their authority to regulate and to control their own development.

So that you are not misled, the Allegheny League of Municipalities opposes this bill with 120 memberships of municipalities in Allegheny County. The other local government lobby-

ing groups are not in support of this bill and they are not in opposition to this bill. They have taken hands off of this bill because of small communities like Collier Township.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

To boil this down to its basics, how would you like it if you were an entrepreneur who put your future and the future of your family on the line in an investment and were told that you had 3 years to complete a project and then were told by DER (Department of Environmental Resources) or another governmental agency that we will not give you permits for this project; we are imposing a sewer ban in this area. How would you feel if one level of government tells you you must do something and another level tells you you cannot and you have got 3 years to resolve the problem? That is the basic point we are addressing in this bill. It had to be addressed. We have done it in the most equitable fashion possible, and I think the fact that the local government associations agree with the concept now speaks for itself. I would ask concurrence.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—106

Anderson	Fleck	Madigan	Showers
Armstrong	Foster, W. W.	Manmiller	Sieminski
Arty	Foster, Jr., A.	Marmion	Sirianni
Belardi	Freind	Merry	Smith, E. H.
Berson	Gallagher	Micozzie	Smith, L. E.
Bittle	Gallen	Miller	Snyder
Bowser	Gannon	Moehlmann	Spencer
Boyes	Geist	Morris	Spitz
Brandt	Gladeck	Mowery	Stairs
Burd	Grieco	Nahill	Swift
Cessar	Gruitza	Noye	Taylor, E. Z.
Cimini	Gruppo	O'Donnell	Taylor, F. E.
Civera	Hagarty	Oliver	Telek
Clymer	Hayes	Pendleton	Vroon
Cochran	Honaman	Perzel	Wambach
Cordisno	Jackson	Peterson	Wass
Cornell	Johnson	Phillips	Wenger
Coslett	Kennedy	Piccola	Weston
DeVerter	Klingaman	Pitts	Wilson
Daikeler	Lashingner	Pott	Wogan
Davies	Lehr	Purr	Wozniak
Dietz	Levi	Rasco	Wright, D. R.
Dininni	Lewis	Reber	Wright, R. C.
Dorr	McClatchy	Ritter	Zwikel
Durham	McMonagle	Salvatore	
Fargo	McVerry	Saurman	Ryan,
Fischer	Mackowski	Serafini	Speaker

NAYS—74

Belfanti	Fryer	Livengood	Rocks
Blaum	Gamble	Lloyd	Rybak
Brown	George	Lucyk	Seventy
Burns	Grabowski	Maiale	Shupnik
Caltagirone	Greenwood	Manderino	Smith, B.
Cappabianca	Haluska	Michlovic	Steighner
Cawley	Hasay	Miscevich	Stevens
Clark	Heiser	Mrkonic	Stewart
Golafella	Hoefel	Murphy	Stuban
Cole	Horgos	Olasz	Swaim
Cowell	Hutchinson, A.	Petrarca	Sweet
Cunningham	Irvis	Petrone	Taddonio
DeMedio	Itkin	Pievsky	Tigue

DeWeese	Kolter	Pistella	Trello
Dawida	Kowalyshyn	Pratt	Van Horne
Dombrowski	Kukovich	Pucciarelli	Wachob
Donatucci	Laughlin	Rappaport	Wargo
Duffy	Lescovitz	Rieger	Wright, J. L.
Fee	Letterman		

NOT VOTING—14

Alden	Emerson	Levin	Wiggins
Barber	Evans	Mullen	Williams, H.
Cohen	Gray	Richardson	Williams, J. D.
Deal	Harper		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HR 180, PN 3343**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

General Assembly urges recognition of Carpenters' Hall in Philadelphia as the birthplace of the Commonwealth of Pennsylvania.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

The only thing done by the amendment is make a technical change to a date in the year 1776, and I suggest that the House do concur in Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—178

Anderson	Fee	Lloyd	Rocks
Armstrong	Fischer	Lucyk	Rybak
Arty	Fleck	McClatchy	Salvatore
Belardi	Foster, W. W.	McMonagle	Saurman
Belfanti	Foster, Jr., A.	McVerry	Serafini
Berson	Freind	Mackowski	Seventy
Bittle	Fryer	Madigan	Showers
Blaum	Gallagher	Maiale	Shupnik
Bowser	Gallen	Manderino	Sieminski
Boyes	Gamble	Manmiller	Sirianni
Brandt	Gannon	Marmion	Smith, B.
Brown	Geist	Merry	Smith, E. H.
Burd	George	Michlovic	Smith, L. E.
Burns	Gladeck	Micozzie	Snyder
Caltagirone	Grabowski	Miller	Spencer
Cappabianca	Greenwood	Miscevich	Spitz
Cawley	Grieco	Moehlmann	Steighner
Cessar	Gruitza	Morris	Stevens
Cimini	Gruppo	Mowery	Stewart
Civera	Hagarty	Mrkonic	Stuban
Clark	Haluska	Murphy	Swaim
Clymer	Hasay	Nahill	Sweet

Cochran	Hayes	Noye	Swift
Cohen	Heiser	O'Donnell	Taddonio
Colafella	Hoeffel	Olasz	Taylor, E. Z.
Cole	Honaman	Oliver	Taylor, F. E.
Cordisco	Horgos	Pendleton	Telek
Cornell	Hutchinson, A.	Perzel	Tigue
Coslett	Irvis	Peterson	Trello
Cowell	Itkin	Petrarca	Van Horne
Cunningham	Jackson	Petrone	Wachob
DeMedio	Johnson	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daikeler	Kolter	Pistella	Wenger
Davies	Kowalyszyn	Pitts	Williams, H.
Dawida	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Laughlin	Pucciarelli	Wozniak
Dombrowski	Lehr	Punt	Wright, D. R.
Donatucci	Lescovitz	Rappaport	Wright, J. L.
Dorr	Letterman	Rasco	Zwinkl
Duffy	Levi	Reber	
Durham	Lewis	Rieger	Ryan,
Fargo	Livengood	Ritter	Speaker

NAYS—1

Wright, R. C.

NOT VOTING—15

Alden	Evans	Mullen	Weston
Barber	Gray	Richardson	Wiggins
Deal	Harper	Stairs	Williams, J. D.
Emerson	Levin	Vroon	

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. The Chair is pleased at this time to welcome to the hall of the House Grace Vowinckel and Betty Malone, here as the guests of Mr. Rasco from Penn Hills, Allegheny County.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1108, PN 1745**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," providing for banks, and certain insurance companies or certain investment advisors to act as deposit administrators; further providing for contracts and purchases.

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

Mr. A. C. FOSTER offered the following amendments No. A7010:

Amend Title, page 1, line 4, by inserting after "banks"
, savings and loan associations

Amend Sec. 1 (Sec. 1706), page 2, line 11, by inserting after "bank"
, savings and loan association

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

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

The amendment merely adds savings and loans to the financial institutions in the bill. The same amendment was adopted to a companion bill several days ago. I ask an affirmative vote.

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

The following roll call was recorded:

YEAS—176

Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Foster, W. W.	McClatchy	Serafini
Belardi	Foster, Jr., A.	McMonagle	Seventy
Belfanti	Freind	McVerry	Showers
Berson	Fryer	Mackowski	Shupnik
Bittle	Gallagher	Madigan	Sieminski
Blaum	Gallen	Maiale	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
Boyes	Gannon	Marmion	Smith, E. H.
Brandt	Geist	Merry	Smith, L. E.
Brown	George	Michlovic	Snyder
Burd	Gladeck	Micozzie	Spencer
Burns	Grabowski	Miller	Spitz
Caltagirone	Greenwood	Miscevich	Stairs
Cappabianca	Grieco	Moehlmann	Steighner
Cawley	Gruitza	Morris	Stevens
Cessar	Gruppo	Mowery	Stewart
Cimini	Hagarty	Mrkonic	Stuban
Civera	Haluska	Murphy	Swift
Clark	Hasay	Nahill	Taddonio
Clymer	Hayes	Noye	Taylor, E. Z.
Cochran	Heiser	O'Donnell	Taylor, F. E.
Cohen	Hoeffel	Olasz	Telek
Colafella	Honaman	Pendleton	Tigue
Cole	Horgos	Perzel	Trello
Cordisco	Hutchinson, A.	Peterson	Van Horne
Cornell	Irvis	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Cunningham	Johnson	Piccola	Wass
DeMedio	Kennedy	Pievsky	Wenger
DeVerter	Klingaman	Pistella	Weston
DeWeese	Kolter	Pitts	Williams, H.
Daikeler	Kowalyszyn	Pott	Wilson
Davies	Kukovich	Pucciarelli	Wogan
Dawida	Lashinger	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dininni	Lehr	Rasco	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Donatucci	Letterman	Rieger	Zwinkl
Dorr	Levi	Ritter	
Duffy	Levin	Rocks	Ryan,
Durham	Lewis	Rybak	Speaker
Fargo	Livengood		

NAYS—0

NOT VOTING—18

Alden	Fleck	Oliver	Sweet
Barber	Gray	Pratt	Wargo
Deal	Harper	Richardson	Wiggins
Emerson	Manderino	Swaim	Williams, J. D.
Evans	Mullen		

EXCUSED—5

Beloff Frazier Greenfield McIntyre
Borski

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

On the question,

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

Mr. POTT offered the following amendments No. A7990:

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

Amend Title, page 1, line 7, by removing the period after "PURCHASES" and inserting

; and changing the excise tax on hotel rooms and further providing for its use.

Amend Bill, page 3, by inserting between lines 1 and 2

Section 2. Section 1970.2 of the act, added December 16, 1977 (P.L.323, No.94), is amended to read:

Section 1970.2. Hotel Room Rental.—(a) The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the meanings ascribed to them in this section:

"Consideration," receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Convention center or exhibition hall," a building or series of buildings together with any land appurtenant thereto, the main function of which is to house meetings, exhibitions, shows, conventions, assemblies, convocations, and similar gatherings.

"Cooperating political subdivision or agency of government," any city or public auditorium created pursuant to the terms of the act of July 23, 1959 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," located in such county within whose boundaries a convention center or exhibition hall is planned or constructed which shares with the county any duties, obligations or privileges with respect to the convention center situated therein.

"Hotel," a hotel, motel, inn, guest house, or other building located within the taxing jurisdiction which holds itself out by any means including advertising, license, registration with any innkeeper's group, convention listing association, travel publication or similar association or with any government agency as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; any place recognized as a hostelry: Provided, That portions of such facility which are devoted to persons who have established permanent residence shall not be included in this definition.

"Occupancy," the use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator," any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of, or otherwise possess the right to rent or lease overnight accommodations in any hotel to the public for consideration.

"Operating deficit," the excess of expenses over receipts from the operation and management of a convention center or exhibition hall.

"Patron," any person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident," any person who has occupied or has the right to occupancy of any room or rooms in a hotel as a patron or otherwise for a period exceeding thirty (30) consecutive days.

"Recognized tourist promotion agency," the nonprofit corporation, organization, association or agency which is and has been engaged in planning and promoting programs designated to stimulate and increase the volume of tourist, visitor and vacation business within counties served by such agencies as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," and which particular nonprofit corporation, organization, association or agency heretofore has been recognized by the Department of Commerce all in accordance with the terms of the "Tourist Promotion Law."

"Room," a space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation provided therein.

"Temporary," a period of time not exceeding thirty (30) consecutive days.

"Transaction," the activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an express or an implied contract.

"Transient," any individual who obtains accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of any room for the personal use of that individual by paying to the operator of the facility a fee in consideration therefor.

(b) The county commissioners in each county of the second class are hereby authorized to impose an excise tax not to exceed [one per centum (1%)]~~three per centum (3%)~~ on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients. The tax shall be collected by the operator from the patron of the room and paid over to the county as herein provided.

(c) The treasurer of each county electing to impose the tax authorized under this section is hereby directed to collect the tax and to deposit the revenues received from the tax in a special fund established solely for purposes of a convention center or exhibition hall. The treasurer is hereby authorized to establish rules and regulations concerning the collection of the tax.

(d) Expenditures from the fund established pursuant to subsection (c) shall be used for all purposes which a public auditorium authority may determine to be reasonably necessary to the support, operation and maintenance of a convention center or exhibition hall, including but not limited to the following:

(1) precompletion advertising and publicizing of any convention center or exhibition hall;

(2) promoting and attracting conventions, exhibitions and other functions to utilize the convention center or exhibition hall;

(3) promoting and otherwise encouraging the use of the premises by the public as a whole, or any segment thereof;

(4) operating, furnishing and otherwise maintaining and equipping the premises and realty appurtenant thereto;

(5) furnishing and equipping the building and grounds.

It is the intention of this section that the receipts from any tax imposed pursuant to the provisions of this act be used to offset the entire operating deficit, if any, of any convention center or exhibition hall including, equally, shares of any cooperating political subdivision or agency of government incurred pursuant to any agreement presently existing or executed hereafter. The operating deficit shall be determined by any public auditorium authority which is the designated operating agency of any convention center or exhibition hall. It is the further intention of this section that the promotional and other activities herein referred

to encouraging the use of the convention center or exhibition hall shall be exclusively conducted by the recognized tourist promotion agency operating in each county of the second class.

(e) The provisions of this section shall remain in force from year to year [until December 31, 1983, at which time such provisions shall terminate without further action on the part of the county commissioners]. Revenues in excess of amounts needed to offset operating deficits shall be determined by the public auditorium authority and may be accumulated, and any revenues may be used to provide part or all of any annual payment to be paid by a county or a political subdivision under any agreement with any public auditorium authority [created under the act of July 29, 1959 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," which has been] designated as the operating agency for a convention center or exhibition hall in support of bonds issued by the public auditorium authority; or to effect necessary expansion or further capital improvements, within the discretion of the cooperating political subdivisions and the public auditorium authority.

(f) Each tax year for any tax imposed hereunder shall run concurrently with the calendar year.

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

Section 1970.3. Appropriations to Recognized Tourist Promotion Agencies.—(a) The board of commissioners of any county of the second class shall appropriate annually funds representing one-third (1/3) of the funds derived from the excise tax on hotel room rentals as authorized by section 1970.2 to the recognized tourist promotion agency operating within the county.

(b) An audited report of the income and expenditures incurred by the recognized tourist promotion agency shall be submitted annually to the board of county commissioners.

(c) In addition to such mandated appropriations of funds from the excise tax on hotel room rentals to the recognized tourist promotion agency, the board of commissioners of any county of the second class may appropriate annually such amounts of money as deemed necessary to the recognized tourist promotion agency to assist such tourist promotion agency in carrying out its activities, but each such annual amount shall not be in excess of the aggregate amount of twenty-five cents (25¢) for each resident of the county, as determined by the last census.

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

4

Amend Sec. 2 (Sec. 2001), page 3, by inserting between lines 29 and 30

* * *

Amend Sec. 3, page 3, line 30, by striking out "3" and inserting

5

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

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

Mr. POTT. Thank you, Mr. Speaker.

Several weeks ago this House of Representatives passed for the city of Philadelphia a 3-percent room tax designed to promote tourism in that city.

The amendment which I offer today extends the existing Allegheny County hotel room tax to 3 percent, allocates 2 percent of the proceeds from that tax to funding the existing deficit at the David L. Lawrence Convention Center in Pittsburgh. It also allocates 1 percent of the proceeds from that tax to the recognized tourist promotion agency of record in Allegheny County for the purpose of promoting tourism in that county.

I would appreciate your support for this amendment.

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

The following roll call was recorded:

YEAS—177

Anderson	Fleck	McClatchy	Serafini
Armstrong	Foster, W. W.	McMonagle	Seventy
Arty	Foster, Jr., A.	McVerry	Showers
Belardi	Freind	Mackowski	Shupnik
Belfanti	Gallagher	Madigan	Sieminski
Berson	Gallen	Maiale	Sirianni
Bittle	Gamble	Manderino	Smith, B.
Blaum	Gannon	Manmiller	Smith, E. H.
Bowser	Geist	Marnion	Smith, L. E.
Boyes	George	Merry	Snyder
Brandt	Gladeck	Michlovic	Spencer
Brown	Grabowski	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Murphy	Sweet
Civera	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taddonio
Cochran	Heiser	O'Donnell	Taylor, E. Z.
Cohen	Hoefel	Olasz	Taylor, F. E.
Colafella	Honaman	Oliver	Telek
Cole	Horgos	Pendleton	Tigue
Cordisco	Hutchinson, A.	Perzel	Trello
Cornell	Irvis	Peterson	Van Horne
Coslett	Itkin	Petrarca	Vroon
Cowell	Jackson	Petrone	Wachob
Cunningham	Johnson	Phillips	Wambach
DeMedio	Kennedy	Piccola	Wargo
DeVerter	Klingaman	Pievsky	Wass
DeWeese	Kolter	Pistella	Wenger
Daikeler.	Kowalyshyn	Pitts	Weston
Davies	Kukovich	Pott	Williams, H.
Dawida	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Rieger	Wright, R. C.
Duffy	Levin	Ritter	Zwinkl
Durham	Lewis	Rocks	
Fargo	Livengood	Rybak	Ryan,
Fee	Lloyd	Salvatore	Speaker
Fischer	Lucyk	Saurman	

NAYS—4

Cawley	Clark	Fryer	Mrkonic
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NOT VOTING—13

Alden	Evans	Mullen	Swaim
Barber	Gray	Pratt	Wiggins
Deal	Harper	Richardson	Williams, J. D.
Emerson			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

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

Mr. MURPHY offered the following amendments No. A7591:

Amend Sec. 2, page 3, lines 3 and 4, by striking out "AND SUBSECTION (D) OF THE SECTION IS AMENDED BY ADDING A CLAUSE"

Amend Sec. 2 (Sec. 2001), page 3, lines 24 through 29, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

My amendment strikes out the language in the bill that would permit the county to negotiate leases in concessions. My language would require those leases in concessions to be bid, as is being done now.

The county, under a court case that the county is thinking about appealing, is required to bid leases in concessions. What we are talking about are concessions, in the Greater Pittsburgh International Airport, the food concession there, for example. Presently, under this court case, it has to be bid, and the bid is let to the most reasonable bidder and responsible bidder. The county commissioners do not want to do that. They want to be able to negotiate those leases. I do not think that is a good idea, and so I urge you to support my amendment that would strike that language and would require them to bid. That requires, of course, the county to do a little bit more work. In order to have a reasonable and good bid, they would be required to put out a good request for proposals detailing what specific services they want, the quality of the service, the type of service. It would require some thinking ahead of time to detail the kind of bid, the kind of service they want. I think that is good government to require that.

I do not think it is good government to permit the county to negotiate the leases in concessions. I think the potential for favoritism exists, the potential for discrimination exists, and it is just not good practice. So I urge you to support my amendment to continue to require the county to bid on leases in concessions. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—177

Anderson	Fee	Lucyk	Saurman
Armstrong	Fischer	McClatchy	Serafini
Arty	Fleck	McMonagle	Seventy
Belardi	Foster, W. W.	McVerry	Showers
Belfanti	Foster, Jr., A.	Mackowski	Shupnik
Berson	Freind	Madigan	Sieminski
Bittle	Fryer	Maiale	Sirianni
Blaum	Gallagher	Manmiller	Smith, B.
Bowser	Gallen	Marmion	Smith, E. H.
Boyes	Gamble	Merry	Smith, L. E.
Brandt	Gannon	Michlovic	Snyder
Brown	Geist	Micozzie	Spencer
Burd	George	Miller	Spitz
Burns	Gladeck	Miscevich	Stairs
Caltagirone	Grabowski	Moehlmann	Steighner
Cappabianca	Greenwood	Morris	Stevens
Cawley	Grieco	Mowery	Stewart
Cessar	Gruitza	Mrkonic	Stuban

Cimini	Gruppo	Murphy	Sweet
Civera	Hagarty	Nahill	Swift
Clark	Haluska	Noye	Taddonio
Clymer	Hasay	O'Donnell	Taylor, E. Z.
Cochran	Hayes	Olasz	Taylor, F. E.
Cohen	Heiser	Oliver	Telek
Colafella	Hoeffel	Pendleton	Tigue
Cole	Honaman	Perzel	Trello
Cordisco	Hutchinson, A.	Peterson	Van Horne
Cornell	Irvis	Petrarca	Vroon
Coslett	Jackson	Petrone	Wachob
Cowell	Johnson	Phillips	Wambach
Cunningham	Kennedy	Piccola	Wargo
DeMedio	Klingaman	Pievsky	Wass
DeVerte	Kolter	Pistella	Wenger
DeWeese	Kowalshyn	Pitts	Weston
Daikeler	Kukovich	Pott	Wilson
Davies	Lashingier	Pucciarelli	Wogan
Dawida	Laughlin	Punt	Wozniak
Dietz	Lehr	Rappaport	Wright, D. R.
Diminni	Lescovitz	Rasco	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Rieger	Zwikl
Dorr	Levin	Ritter	
Duffy	Lewis	Rocks	Ryan,
Durham	Livengood	Rybak	Speaker
Fargo	Lloyd	Salvatore	

NAYS—3

Horgos	Itkin	Manderino
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NOT VOTING—14

Alden	Evans	Pratt	Wiggins
Barber	Gray	Richardson	Williams, H.
Deal	Harper	Swaim	Williams, J. D.
Emerson	Mullen		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—180

Anderson	Fischer	McMonagle	Saurman
Armstrong	Fleck	McVerry	Serafini
Arty	Foster, W. W.	Mackowski	Seventy
Belardi	Foster, Jr., A.	Madigan	Showers
Belfanti	Freind	Maiale	Shupnik
Berson	Gallagher	Manderino	Sieminski
Bittle	Gallen	Manmiller	Sirianni
Blaum	Gamble	Marmion	Smith, B.
Bowser	Gannon	Merry	Smith, E. H.
Boyes	Geist	Michlovic	Smith, L. E.
Brandt	George	Micozzie	Snyder
Brown	Gladeck	Miller	Spencer
Burd	Grabowski	Miscevich	Spitz
Burns	Greenwood	Moehlmann	Stairs
Caltagirone	Grieco	Morris	Steighner
Cappabianca	Gruitza	Mowery	Stevens
Cawley	Gruppo	Mrkonic	Stewart
Cessar	Hagarty	Murphy	Stuban

Cimini	Haluska	Nahill	Swaim
Civera	Hasay	Noye	Sweet
Clark	Hayes	O'Donnell	Swift
Clymer	Heiser	Olasz	Taddonio
Cochran	Hoeffel	Oliver	Taylor, E. Z.
Cohen	Honaman	Pendleton	Taylor, F. E.
Colafrella	Horgos	Perzel	Telek
Cole	Hutchinson, A.	Peterson	Tigue
Cordisco	Irvic	Petrarca	Trello
Cornell	Itkin	Petrone	Van Horne
Coslett	Jackson	Phillips	Vroon
Cowell	Johnson	Piccola	Wachob
Cunningham	Kennedy	Pievscky	Wambach
DeMedio	Klingaman	Pistella	Wargo
DeVerter	Kolter	Pitts	Wass
DeWeese	Kowalyszyn	Pott	Wenger
Daikeler	Kukovich	Pratt	Weston
Davies	Lashingier	Pucciarelli	Wilson
Dawida	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Rasco	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Rieger	Wright, R. C.
Dorr	Levin	Ritter	Zwinkl
Duffy	Lewis	Rocks	
Durham	Livengood	Rybak	Ryan,
Fargo	Lucyk	Salvatore	Speaker
Fee	McClatchy		

NAYS—2

Fryer Lloyd

NOT VOTING—12

Alden	Emerson	Harper	Wiggins
Barber	Evans	Mullen	Williams, H.
Deal	Gray	Richardson	Williams, J. D.

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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.

REMARKS ON VOTE

The SPEAKER. For what purpose does the lady from Philadelphia, Mrs. Weston, rise?

Mrs. WESTON. Mr. Speaker, I apologize for the interruption, but I would like to be recorded with a "yes" vote on concurrence in HR 180.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 847, PN 1992, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the clarification of the taxing power of first class A school districts to conform with the intent of act 150 of 1975 and act 46 of 1977.

On the question,
Will the House agree to the bill on third consideration?
Mr. BOWSER offered the following amendments No. A8073:

Amend Title, page 1, line 13, by removing the period after "1977" and inserting
, and further providing for temporary special aid for school districts.

Amend Sec. 2, page 8, line 26, by striking out "A SECTION" and inserting
sections

Amend Sec. 2, page 10, by inserting between lines 8 and 9
Section 2502.10. Temporary Special Aid to School Districts Due to Real Property Reassessments.—(a) For the school year 1978-1979 and each school year thereafter, a school district experiencing a fifteen per centum (15%) loss in total local revenue for the support of the public schools in any one (1) year due to the reassessment of one or more properties within the boundaries of the public school district shall qualify for special aid for a period of two (2) years on the condition that the school district tax rates which were in effect at the time of the reassessment are not reduced. Countywide reassessment shall not qualify a district for this special aid.

(b) During the first year of the reduction in revenue caused by the reassessment, a school district shall qualify for and receive a special grant equal to fifty per centum (50%) of the reduction, and in the following school year the district shall qualify for and receive a special grant equal to twenty-five per centum (25%) of the reduction in revenue caused by the reassessment: Provided, however, That a school district that qualified for such payments prior to the date of this amendatory act shall receive its first payment in the year this amendatory act is enacted.

(c) The special aid authorized by this section shall be paid from undistributed basic instruction subsidy funds to the extent that such funds are available.

Amend Sec. 5, page 11, line 2, by removing the period after "1981" and inserting
, except that the provisions of section 2502.10, added by section 2 of this amendatory act, shall be effective immediately and shall apply retroactively to July 1, 1978.

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

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

Mr. BOWSER. Thank you, Mr. Speaker.

This amendment is the same amendment that we put into the recodification bill, HB 1300, to help those districts that have trouble because of reassessment of some major industry or whatever in their district. Now, the reason we are trying to put it into this Senate bill is because of time. I am informed that the recodification will go into a conference committee and we will not act upon it until fall. These districts have to know pretty much where they stand so they can set their taxation.

There are about six districts that are affected right now in the State of Pennsylvania. If they lost 15 percent or more through this— And most of them have lost much more than that. Our district in Erie County has lost 800-some thousand dollars. There are other districts that have lost \$500,000, \$600,000, and \$700,000, so I would appreciate any support you can give me on this to help these districts at this time when they need it. Thank you.

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

Mr. LAUGHLIN. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I concur in the gentleman's amendment and I ask for support on it. The money is available to take care of the needs that have been indicated and is certainly deserving of those districts that find them in such a distressed condition.

I ask for an affirmative vote on behalf of those taxpayers who are going to have to make up the difference if we do not supply that money.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—169

Anderson	Durham	Livengood	Salvatore
Armstrong	Fargo	Lucy	Saurman
Arty	Fee	McClatchy	Serafini
Belardi	Fischer	McMonagle	Seventy
Belfanti	Foster, W. W.	McVerry	Showers
Berson	Foster, Jr., A.	Mackowski	Shupnik
Bittle	Freind	Madigan	Smith, B.
Blaum	Gallagher	Maiale	Smith, E. H.
Bowser	Gallen	Manderino	Smith, L. E.
Boyes	Gamble	Manmiller	Snyder
Brandt	Gannon	Merry	Spencer
Brown	Geist	Michlovic	Spitz
Burd	Gladeck	Miller	Stairs
Burns	Grabowski	Miscevich	Steighner
Caltagirone	Greenwood	Moehlmann	Stevens
Cappabianca	Grieco	Morris	Stewart
Cawley	Gruitza	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Swaim
Cimini	Hagarty	Murphy	Swift
Civera	Haluska	Nahill	Taddonio
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	O'Donnell	Taylor, F. E.
Cochran	Hoeffel	Olasz	Telek
Cohen	Honaman	Oliver	Tigue
Colafrella	Horgos	Pendleton	Trello
Cole	Hutchinson, A.	Perzel	Van Horne
Cordisco	Irvis	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Cunningham	Kennedy	Piccola	Wass
DeMedio	Klingaman	Pievsky	Wenger
DeVerter	Kolter	Pistella	Weston
DeWeese	Kowalshyn	Pitts	Wilson
Daikeler	Kukovich	Pott	Wogan
Davies	Lashinger	Pratt	Wozniak
Dawida	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, R. C.
Dininni	Lescovitz	Rasco	Zwikel
Dombrowski	Letterman	Reber	
Donatucci	Levi	Rieger	Ryan,
Dorr	Levin	Rocks	Speaker
Duffy	Lewis	Rybak	

NAYS—10

Fleck	Heiser	Ritter	Sirianni
Fryer	Lloyd	Sieminski	Sweet
George	Marmion		

NOT VOTING—15

Alden	Evans	Mullen	Williams, H.
Barber	Gray	Pucciarelli	Williams, J. D.
Deal	Harper	Richardson	Wright, J. L.
Emerson	Micozzie	Wiggins	

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question,

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

Mr. COWELL offered the following amendments No. A8203:

Amend Sec. 1 (Sec.652.1), page 8, line 12, by inserting after "ACT" "

and not specifically excluded under paragraph (5) hereof

Amend Sec. 1 (Sec.652.1), page 8, line 13, by striking out "WERE" and inserting

is

Amend Sec. 1 (Sec.652.1), page 8, by inserting between lines 16 and 17

(5) No tax of any kind may be imposed on admission to places of amusement, athletic events, motion picture theaters, occupations or occupational privilege, gross receipts of businesses, including institutions and non-profit services, and parking, but this paragraph shall not apply to taxes imposed on the whole volume of business transacted by retail and wholesale dealers in goods, wares and merchandise.

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, SB 847 as it came out of the House Education Committee and the amendment which I am offering now affect only the Pittsburgh School District. The purpose of the amendment is to specifically state in the new law those kinds of nuisance taxes or Act 511 taxes that will not be authorized for the Pittsburgh School Board. This language has been agreed to by the city of Pittsburgh and the school district of Pittsburgh and our own legislative delegation from that area. I would urge concurrence in this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Anderson	Fischer	Lucyk	Saurman
Armstrong	Fleck	McClatchy	Serafini
Arty	Foster, W. W.	McMonagle	Seventy
Belardi	Foster, Jr., A.	McVerry	Showers
Belfanti	Freind	Mackowski	Shupnik
Berson	Fryer	Madigan	Sieminski
Bittle	Gallagher	Maiale	Sirianni
Blaum	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, E. H.
Boyes	Gannon	Marmion	Smith, L. E.
Brandt	Geist	Merry	Snyder
Brown	George	Michlovic	Spencer
Burd	Gladeck	Miller	Spitz
Burns	Grabowski	Miscevich	Stairs
Caltagirone	Greenwood	Moehlmann	Steighner
Cappabianca	Grieco	Morris	Stevens
Cawley	Gruitza	Mowery	Stewart
Cessar	Gruppo	Mrkonic	Stuban

Cimini	Hagarty	Murphy	Swaim
Civera	Haluska	Nahill	Sweet
Clark	Hasay	Noye	Swift
Clymer	Hayes	O'Donnell	Taddonio
Cochran	Heiser	Olasz	Taylor, E. Z.
Cohen	Hoefel	Oliver	Taylor, F. E.
Colafella	Honaman	Pendleton	Telek
Cole	Horgos	Perzel	Tigue
Cordisco	Hutchinson, A.	Peterson	Trello
Cornell	Irvic	Petrarca	Van Horne
Coslett	Itkin	Petrone	Vroon
Cowell	Jackson	Phillips	Wachob
Cunningham	Johnson	Piccola	Wambach
DeMedio	Kennedy	Pievsky	Wargo
DeVerter	Klingaman	Pistella	Wass
DeWeese	Kolter	Pitts	Wenger
Daikeler	Kowalshyn	Pott	Weston
Davies	Kukovich	Pratt	Wilson
Dawida	Lashingier	Pucciarelli	Wogan
Dietz	Laughlin	Punt	Wozniak
Dininni	Lehr	Rappaport	Wright, D. R.
Dombrowski	Lescovitz	Rasco	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Rieger	Zwinkl
Duffy	Levin	Ritter	
Durham	Lewis	Rocks	Ryan,
Fargo	Livengood	Rybak	Speaker
Fee	Lloyd	Salvatore	

NAYS—0

NOT VOTING—13

Alden	Evans	Micozzie	Wiggins
Barber	Gray	Mullen	Williams, H.
Deal	Harper	Richardson	Williams, J. D.
Emerson			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—181

Anderson	Fischer	McClatchy	Saurman
Armstrong	Fieck	McMonagle	Serafini
Arty	Foster, W. W.	McVerry	Seventy
Belardi	Foster, Jr., A.	Mackowski	Showers
Belfanti	Freind	Madigan	Shupnik
Berson	Fryer	Maiale	Sieminski
Bittle	Gallagher	Manderino	Sirianni
Blaum	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Marmion	Smith, E. H.
Boyes	Gannon	Merry	Smith, L. E.
Brandt	Geist	Michlovic	Snyder
Brown	George	Micozzie	Spencer
Burd	Gladeck	Miller	Spitz
Burns	Grabowski	Miscevich	Stairs
Caltagirone	Greenwood	Moehlmann	Steighner
Cappabianca	Grieco	Morris	Stevens
Cawley	Gruitza	Mowery	Stewart
Cessar	Gruppo	Mrkonic	Stuban
Cimini	Hagarty	Murphy	Swaim

Civera	Haluska	Nahill	Sweet
Clark	Hasay	Noye	Swift
Clymer	Hayes	O'Donnell	Taddonio
Cochran	Heiser	Olasz	Taylor, E. Z.
Cohen	Hoefel	Oliver	Taylor, F. E.
Colafella	Honaman	Pendleton	Telek
Cole	Hutchinson, A.	Perzel	Tigue
Cordisco	Irvic	Peterson	Trello
Cornell	Itkin	Petrarca	Van Horne
Coslett	Jackson	Petrone	Vroon
Cowell	Johnson	Phillips	Wachob
Cunningham	Kennedy	Piccola	Wambach
DeMedio	Klingaman	Pievsky	Wargo
DeVerter	Kolter	Pistella	Wass
DeWeese	Kowalshyn	Pitts	Wenger
Daikeler	Kukovich	Pott	Weston
Davies	Lashingier	Pratt	Wilson
Dawida	Laughlin	Pucciarelli	Wogan
Dietz	Lehr	Punt	Wozniak
Dininni	Lescovitz	Rappaport	Wright, D. R.
Dombrowski	Letterman	Rasco	Wright, J. L.
Donatucci	Levi	Reber	Wright, R. C.
Dorr	Levin	Rieger	Zwinkl
Duffy	Lewis	Ritter	
Durham	Livengood	Rocks	Ryan,
Fargo	Lloyd	Rybak	Speaker
Fee	Lucyk	Salvatore	

NAYS—1

Horgos

NOT VOTING—12

Alden	Emerson	Harper	Wiggins
Barber	Evans	Mullen	Williams, H.
Deal	Gray	Richardson	Williams, J. D.

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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.

HB 50 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright, who moves that the vote by which concurrence in Senate amendments to HB 50, PN 3112, was defeated on the 4th day of May be reconsidered, the motion of the gentleman, Mr. Wright, being seconded by the gentleman from Tioga, Mr. Spencer.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—180

Anderson	Foster, Jr., A.	McVerry	Seventy
Armstrong	Freind	Mackowski	Showers
Arty	Fryer	Madigan	Shupnik
Belardi	Gallagher	Maiale	Sieminski
Belfanti	Gallen	Manderino	Sirianni
Bittle	Gamble	Manmiller	Smith, B.
Blaum	Gannon	Marmion	Smith, E. H.
Bowser	Geist	Merry	Smith, L. E.
Boyes	George	Micozzie	Snyder

Brandt	Gladeck	Miller	Spencer
Brown	Grabowski	Miscevich	Spitz
Burd	Greenwood	Moehlmann	Stairs
Burns	Grieco	Morris	Steighner
Caltagirone	Gruitza	Mowery	Stevens
Cappabianca	Gruppo	Mrkonich	Stewart
Cawley	Hagarty	Murphy	Stuban
Cessar	Haluska	Nahill	Swaim
Cimini	Hasay	Noye	Sweet
Civera	Hayes	O'Donnell	Swift
Clark	Heiser	Olasz	Taddonio
Clymer	Hoeffel	Oliver	Taylor, E. Z.
Cochran	Honaman	Pendleton	Taylor, F. E.
Cohen	Horgos	Perzel	Telck
Colafiglia	Hutchinson, A.	Peterson	Tigue
Cole	Irvic	Petrarca	Trello
Cordisco	Irkin	Petrone	Van Horne
Cornell	Jackson	Phillips	Vroon
Coslett	Johnson	Piccola	Wachob
Cowell	Kennedy	Pievsky	Wambach
Cunningham	Klingaman	Pistella	Wargo
DeMedio	Kolter	Pitts	Wass
DeVerter	Kowalyshyn	Pott	Wenger
Daikeler	Kukovich	Pratt	Weston
Davies	Lashinger	Pucciarelli	Williams, H.
Dawida	Laughlin	Punt	Williams, J. D.
Dietz	Lehr	Rappaport	Wilson
Dininni	Lescovitz	Rasco	Wogan
Dombrowski	Letterman	Reber	Wozniak
Donatucci	Levi	Rieger	Wright, D. R.
Dorr	Levin	Ritter	Wright, J. L.
Duffy	Lewis	Rocks	Wright, R. C.
Durham	Livengood	Rybak	Zwikel
Fargo	Lloyd	Salvatore	
Fee	Lucyk	Saurman	Ryan,
Fischer	McClatchy	Serafini	Speaker
Fleck	McMonagle		

NAYS—0

NOT VOTING—14

Alden	Deal	Gray	Mullen
Barber	Emerson	Harper	Richardson
Berson	Evans	Michlovic	Wiggins
DeWeese	Foster, W. W.		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question recurring,

Will the House concur in Senate amendments?

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 50, PN 3112**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

On the question recurring,

Will the House concur in Senate amendments?

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

Mr. J. L. WRIGHT. Mr. Speaker, I suggest that the members of this body concur in the amendments inserted into HB 50 by the Senate.

As part of my argument in favor of it, I would like to quote in part from a letter from the commissioners of Allegheny County:

The purpose of House Bill 50 is to provide immunity from liability for the individual or company who voluntarily assists in an emergency situation involving the transportation of hazardous substances. Often times the volunteer who attempts to assist others without regard to his or her own well-being can find themselves the defendant in legal proceedings seeking the recovery of monetary damages for personal or property damages the cause of which was an unintentional act.

If this legislation becomes law, individuals or companies will be encouraged to respond to serious incidents in their geographical areas without fear of liability.

And they go on to point out some other reasons.

I suggest that the members of this House concur in the Senate amendments.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge nonconcurrence in Senate amendments to HB 50. This bill appeared before this chamber a few weeks back, and this chamber decided not to concur in Senate amendments for a number of reasons. Those same reasons still exist in that legislation and continue to be unresolved and can only be resolved in a conference committee.

When this House took up the issue of hazardous waste in 1980 under Act 97, this was one of the issues that we considered. We looked at items, when we were talking about transporting hazardous waste, such as containerization, record-keeping, long-term planning. We never discussed the issue of civil immunity for haulers who engage in activity in this field.

Our biggest problem right now in this entire field of hazardous waste management is confidence with the public or the citizenry of Pennsylvania. In passing HB 50 we do nothing to gain any added confidence from the citizens of Pennsylvania. Instead, what we are doing is we are extending civil immunity in cases where there is possibly simple negligence, where there might be major property damage, possibly loss of life.

Mr. Speaker, incidents like that occurred just a few years back in the city of Chester where some 30,000 to 50,000 drums of industrial waste that had been received over a long-term period exploded. Some 50 firemen required medical treatment, mostly as a result of some lung and skin irritation from the chemical fumes. In that incident, had one of these self-help groups, some of those involved in the activity, been helping and there was no proof of gross negligence, those individuals could not expect to recover under this legislation, nor could those people who suffered property damage as a result of that activity expect to recover. There are similar incidents that the property damage ranges up to \$2 million; the loss of life in some of these instances, up to 20 people.

I do not think, if we are going to gain the confidence of the citizens of Pennsylvania in this field, we should go about offering immunity to self-help groups. I commend them for their activity. I think it is commendable that companies like Rohm And Haas, U.S. Steel, and the like engage in this activity, but the trend today appears to be to have government get involved in this activity, to support a government-funded cleanup, both Federal and State, and to avoid or not promote self-help activity.

In 1981 the Commonwealth—which surprises me why we are promoting this type of legislation—converted a 46-foot trailer for hazardous waste response to engage in just this type of activity. The trailer is in Northumberland County. It is on call 24 hours a day. It is probably the best minilaboratory that we have available for this type of toxic waste detection and cleanup. The tools are there; the emergency apparatus is available on the trailer, and it is not being used to the degree that it should be used. So there does not seem to be a real serious need for this type of legislation with the State already involved in funding that type of vehicle for cleanup.

A few of the technical problems with the legislation for why the House failed to concur last time the legislation appeared before us, that I said still have failed to be cleaned up, involve the exclusions from civil immunity. I am still not convinced that we are protecting the policemen and firemen who are under a legal duty to respond in these types of incidents. While others have tried to convince me that they are excluded, I am still not convinced that we have helped our policemen and firemen and emergency vehicle operators who respond to these types of incidents. That language still exists. There is a provision in the legislation that provides civil immunity for emergency care that is provided by these persons in these situations. Any other civil immunity or Good Samaritan legislation that I have seen go through this chamber that is existing law has provided requirements for those people who are rendering care - one that they be certified; one that they meet certain training qualifications. Those also have failed to be detailed in this legislation.

In summary, Mr. Speaker, I think the margin for error when we are talking about these types of toxic substances or hazardous wastes is much too slim to be promoting this type of self-help activity. There are companies that will continue to provide this type of assistance when they are called upon, and I have that from those companies that are already in the field without civil immunity of this type. The only people who will gain are those companies right now—and there are those in Pennsylvania—who are involved in litigation because of mistakes they have made in cleanups and uprighting a vehicle, because of explosions, because there has been major property damage. They will gain. The only people who will lose are the citizens of Pennsylvania who are injured in one of these incidents.

For those reasons, Mr. Speaker, I would hope that the House would nonconcur in the Senate amendments to HB 50. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I concur with the recommendation of Mr. Lashinger that we vote down this bill and remind the members that we voted this bill down twice before. As the gentleman points out, there are some drafting problems with this bill, and I frankly cannot quite understand why we have not sent this bill to conference, ironed them out, and brought it back so it could stand or fall on its merits. The fact that we have not done that leads me to wonder if there is not something else here more than meets the eye. And the fact that we have run this bill on a supplemental calendar at the end of a long day when everybody is tired also seems to me ought to be a red flag for the members of the House.

As the gentleman, Mr. Lashinger, pointed out, there is language in this bill which could have the effect of removing immunity from firemen and policemen who respond to hazardous waste accidents. I do not think anybody intends that. There are some people who think that the language would not lead to that interpretation. I think it would, and I think it is at least ambiguous. The problem could be resolved very simply by the addition of one sentence simply saying that nothing in this bill takes away immunity granted under any other provision of law.

The second problem with this bill, Mr. Speaker, deals with the extension of immunity to volunteers. As the gentleman, Mr. Lashinger, pointed out, in every case of medical Good Samaritan or nonmedical Good Samaritan, this legislature required some standard, some certificate that the person who is going to receive that immunity should have. This bill does not do that. This bill simply says, if you are a volunteer and you have some training, skill, or knowledge, whatever some judge or some court that we do not like is going to interpret, then you are immune. I think, Mr. Speaker, when there are certificates like what I understand is the HAZMAT certificate that you can get if you have trained to handle hazardous materials, that we could resolve that problem with the bill by writing that standard, that requirement, into the law.

For those who say we do not have to worry about the volunteer firemen and so forth, that that ambiguity is not to concern us, I hope that if there is an accident and somebody comes around looking to sue, and that sharp lawyer, finding that there is nobody else he can sue, says, well, I am going to sue the municipality or I am going to sue the volunteer fire company, I hope that happens in your district. I hope that those of you who are going to vote for this bill will explain why we could not take the time to send this bill to conference and remove all the ambiguities.

Mr. Speaker, for those reasons I think we ought to nonconcur in this bill, send it to a conference committee, get the language cleaned up, and then we can deal with this bill on the merits as Mr. Wright and Mr. Lashinger want to do. I urge nonconcurrency.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I echo the sentiments of Representative Lloyd, for I, too, come from an area where many of our

people are served by volunteer fire companies. I also come from an area where you are going to see a great deal of hazardous waste material *running up and down those highways.*

I join the gentleman and Mr. Lashinger in an effort to convince you that this bill is just not suited for those fine people who will be out there as volunteers trying to correct a bad incident. Very simply put, Mr. Speaker, I think this bill is geared for the chemical companies and those people who are more responsible and more able to face the issue of negligence. So, Mr. Speaker, if you come from an area such as I, I hope you would vote for nonconcurrence. Thank you.

The SPEAKER. *The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.*

Mr. O'DONNELL. Mr. Speaker, I will be very brief. I do not want to tax the patience of the House.

I would ask the House to act consistent with its previous judgment and vote this bill down again. We are not finally defeating the bill; what we are doing is sending this bill to a conference committee where it belongs.

We have a problem with hazardous waste in Pennsylvania. We have a problem in creating the right kind of situation, both legally and otherwise, for cleaning up that spill. Now, one suggestion has been provided in this bill. It is a reasonable suggestion from one point of view only, from the point of view of the person doing the cleaning up, because they are immunized; they are off the hook. It is a completely unreasonable proposition from the point of view of the person who is going to be injured by that spill, whether that spill be outside of TMI (Three Mile Island) or whether it be in downtown Harrisburg or whether it be in the chlorine facility around the corner from my home at the reservoir. When that chlorine spills, as it has in the past, and people become sick and injured, as they have in the past, the question immediately arises, where do they turn for redress? What is their legal remedy? If their injury is caused by the negligence of someone coming in and cleaning up, at this time they have the opportunity to pursue a remedy at law against that negligent person. If this bill passes in its present form, they would be deprived of that remedy, which is the single and most important remedy they have. They would be left solely and entirely with the risk of harm. From any kind of point of view, that is not only unjust, but they are the folks who are least able to take the necessary precautions to insulate themselves from that harm. I urge you to send this bill to a conference committee where some other scheme can be derived.

Finally, I want to point out that there are other schemes available. Presently, if you have a spill from an oil company on the docks in Philadelphia and the oil spill is in the Delaware River, there is a mechanism for taking care of that, including a mechanism for getting somebody in to clean it up and insulating them from liability. That mechanism is primarily insurance; second, there is an agreement to pool resources in the event of that kind of spill among all the parties with a measure of responsibility; and third, there is finally the possibility of government activity in the cleanup, all of which is provided for. Other alternatives are available, and they can be constructed relatively easily out of a conference committee.

The House has instructed, has made the decision to send this to a conference committee once and twice, and I ask you to do it again so finally that message will be heard. Thank you.

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

Mr. SPENCER. Thank you, Mr. Speaker.

Mr. Speaker, this bill is sorely needed. I want to point out a few facts that apparently people are reading into this bill that are not in the bill.

Number one, if there is damage done because of a hazardous waste spill, that does not grant immunity to the person involved in the spilling of it, and it is only during the transportation. The transporter under present law has to carry 1 million dollars' worth of liability insurance. All this bill does is in the event there is a hazardous waste spill in the transportation of that waste or the loading or unloading of it, and the respective authorities, be they the policemen, be they the fire department or whatever government agency, request an expert who is skilled in this type of hazardous waste to come in and tell them what to do in order to clean this thing up, then that expert and his advice is given immunity. The expert cannot be paid. If he is remunerated, he loses his immunity. This bill has been carefully drafted, and it provides a limited immunity just for that person. It does not affect fire departments; it does not have anything to do with the immunity that is granted to them under a different statute. It has nothing to do with doing away with the immunity of ambulance associations; that is in another statute. This only has to do with a volunteer, requested assistance by a highly technical agent to help clean up a dangerous situation, and I urge approval of this bill.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members that it has given permission to WHP-TV of Harrisburg to do 10 minutes of filming on the floor.

CONSIDERATION OF HB 50 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Very briefly, Mr. Speaker, on this subject of what the bill does or does not do to fire departments. If you look at page 3 of the bill, lines 25 and 26, the initial clause in the new civil immunity section, it says, "Notwithstanding any provision of law to the contrary...." Then the bill goes on to spell out who does have immunity and who does not have immunity. One of the groups of people who do not have immunity are those who are under a legal duty to respond to the incident. Now, it is true that title 35, section 7704, gives fire departments and police departments immunity in cases of disasters, but by putting that language in there, "Notwithstanding any provision of law,..." and then spelling out with specificity in a code which is title 42, not title 35, you are leaving it open to a court to say that what the legislature intended was to carve out a special set of immunity for haz-

ardous waste accidents and that that set of immunity, since it does not specifically speak of policemen and firemen, that they were intended to be excluded.

Maybe that fire department is going to win that lawsuit, but why should we put them through the agony of having to worry about that when it is a very simple matter to clean up? Now we have to pass this bill tonight because the Senate is going home and so forth, but we have been playing with this for 2 or 3 or 4 weeks. We could have solved this problem, cleaned up this language a long time ago, and the fact that we do not want to do that at this late hour and that we are bringing it up here and running it on a supplemental calendar suggests to me that there is much more here than meets the eye. I think we ought to look more closely, and we ought to vote "no."

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Very briefly, the speaker, Mr. Spencer, raised some good questions. As to his point that other civil immunity statutes will apply despite this legislation, I think there is language earlier in that same section that voids any other civil immunities that might apply to policemen and firemen or rescue squad attendants. I think Mr. Lloyd is correct that the language at best is ambiguous, and there is no need to be rushing at this point since we are not totally convinced of the language.

More importantly was the point that those people who transport and are involved in a spill will continue to be liable for conduct that they were responsible for. What this type of legislation will be promoting is for that person not to effectively deal with the problem that they have created but instead rely on self-help groups because of their immunity, and then hence, if there is an accident or an injury or property damage, that person can expect to be civilly immune.

I again reiterate, I do not think on behalf of the policemen, firemen, and also the injured citizens in the Commonwealth that we want to be promoting this type of legislation. I would ask the House to nonconcur.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—74

Anderson	Gallen	Mackowski	Sieminski
Armstrong	Geist	Madigan	Sirianni
Arty	Gladeck	Manmiller	Smith, B.
Boyes	Gruppo	Merry	Smith, L. E.
Brandt	Hasay	Miscevich	Snyder
Burd	Hayes	Mowery	Spencer
Burns	Honaman	Mrkonic	Taddonio
Cessar	Horgos	Murphy	Taylor, E. Z.
Clymer	Itkin	Peterson	Taylor, F. E.
Cochran	Jackson	Petrone	Telek
Coslett	Johnson	Phillips	Wambach
Cunningham	Kennedy	Piccola	Wenger
DeVerter	Klingaman	Pitts	Weston
Davies	Kowalshyn	Rasco	Wilson
Dietz	Lehr	Ritter	Wright, J. L.
Dininni	Levi	Rybak	Zwilk
Dorr	Lewis	Salvatore	
Fargo	McClatchy	Saurman	Ryan,

Foster, W. W. McVerry Seventy Speaker
NAYS—106

Belardi	Fee	Livengood	Reber
Belfanti	Fischer	Lloyd	Rieger
Berson	Fleck	Lucyk	Rocks
Bittle	Foster, Jr., A.	McMonagle	Serafini
Blaum	Freind	Maiale	Showers
Bowser	Fryer	Manderino	Shupnik
Brown	Gallagher	Marmion	Smith, E. H.
Caltagirone	Gamble	Michlovic	Spitz
Cappabianca	Gannon	Micozzie	Stairs
Cawley	George	Miller	Steighner
Cimini	Grabowski	Moehlmann	Stevens
Civera	Greenwood	Morris	Stewart
Clark	Grieco	Nahill	Stuban
Cohen	Gruitza	Noye	Swaim
Colafella	Hagarty	O'Donnell	Swift
Cole	Haluska	Olasz	Tigue
Cordisco	Heiser	Oliver	Trello
Cornell	Hoeffel	Pendleton	Van Horne
Cowell	Hutchinson, A.	Perzel	Wachob
DeMedio	Irvis	Petrarca	Wargo
DeWeese	Kolter	Pievsky	Wass
Daikeler	Kukovich	Pistella	Williams, H.
Dawida	Lashinger	Pratt	Wogan
Dombrowski	Laughlin	Pucciarelli	Wozniak
Donatucci	Lescovitz	Punt	Wright, D. R.
Duffy	Letterman	Rappaport	Wright, R. C.
Durham	Levin		

NOT VOTING—14

Alden	Evans	Pott	Vroon
Barber	Gray	Richardson	Wiggins
Deal	Harper	Sweet	Williams, J. D.
Emerson	Mullen		

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

Ordered, That the clerk inform the Senate accordingly.

BILL REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. For what purpose does the majority leader rise?

Mr. HAYES. Mr. Speaker, on page 6 of today's tabled calendar, if I may, I would like to move that HB 2304 be removed from the table.

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

SUPPLEMENTAL CALENDAR B BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2304, PN 2995**, entitled:

An Act providing for the establishment and maintenance of a center to provide ambulatory and inpatient services for the diagnosis,*** of persons who have physical or neuro-developmental disabilities,***.

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

The SPEAKER. To remind the members, HB 2304, PN 2995, was before this House with the amendment offered by the gentleman, Mr. Manderino, being amendment A7791, when our wonderful machine broke. So the question recurs at this time, will the House agree to the amendment offered by the gentleman, Mr. Manderino, being amendment A7791 to HB 2304?

For the further benefit of the House, the amendment had been offered, and the question before the House was on the adoption of the Manderino amendment.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, amendment 7791 we had talked about, and to remind the members, I had offered the amendment which would allow the employees of the Elizabethtown Hospital for Children and Youth to remain within the bargaining unit and the union to which they now belong until it is absolutely necessary, because of the erection of the new facility at Hershey, that they be transferred into a different union, and that would not have to be perhaps until 3 or 4 years down the line when the facility is built.

The Commonwealth remains obligated to pay their expenses, to pay exactly the same money that we are now paying for the support of this personnel and these employees. Included in this bill is money for cost-of-living escalation. Until the new facility is built, the Commonwealth remains responsible. It ought to be the Commonwealth union that represents these employees.

Now, when I raised this question last week, the gentleman who is immediately concerned, the sponsor of the legislation, Mr. Brandt, went to the union that is now representing the employees at Penn State—and I am assuming that he went there; I do not know whether he did or not, but he did receive a letter from that union which he distributed to all the members. Rather than support the position that Mr. Brandt takes, it would seem to me that this letter supports the position that all members of this assembly, including Mr. Brandt for the safety of his constituents who work at Elizabethtown State Hospital, ought to support, which is the amendment that I have proposed.

What the Teamsters have been willing to say—and they are the union that represents the people at Penn State—what they have been willing to say is simply this: In item No. 1 of their letter they say that full-time employees at Elizabethtown who are there presently, they will count their seniority so far as time for vacation accumulation is concerned. It is an important consideration. I think that the employees presently who are State employees at Elizabethtown ought to have that. The second thing that they have conceded in the letter that they are willing to do is two of the employees at Elizabethtown who are now working there and who have different seniority in a competing situation, whether it is bidding for a job, whether it is picking days off, whether it is picking vacation time, or all those things that employees do as opposed to one another, we will recognize, the Teamsters have said, that employee with the longest seniority as having the priority, and I think that

that is well, too. But the most important and critical employee right that is covered by the Teamsters' letter is in item 3, and that is where they say that the Elizabethtown employees, the present Elizabethtown employees, will begin to accumulate seniority in the university system whenever this bill becomes law. That means that they start all over. That means that a 3-month employee presently working at Hershey will have better seniority rights once this legislation is passed without my amendment than a 25-year employee at Elizabethtown who is presently there and has been working for 25 years, and, Mr. Brandt, he is probably a constituent of yours. I think that he ought to be protected at least as best as we can protect him, and I think the best we can do is simply delay the transfer into a different union until it is absolutely necessary. We ought not to enter by legislation passed here in the assembly the negotiations between the two unions.

Anytime I have seen a merger of two unions such as this in the past, there is always a sit-down; there is always a negotiating table; there is always an opportunity for the leaders of both unions to sit down and negotiate the transfer of employees from one union to the other and the retention of seniority and the manner in which one union employee will become an employee represented by a different union. That has not had a chance to occur and it has not occurred, and there is no agreement between the two competing unions at this time, and we ought not to force an agreement, because what we are really doing is saying, union 1 that now represents these employees at Elizabethtown, you will no longer represent these employees; all of their seniority rights will be gone so far as they are in competition with the ones who have seniority rights already in the Teamsters Union at Hershey. They will start from day 1 with the passage of the legislation, and I say we ought not to do that.

My amendment simply says that the employees will remain Commonwealth employees until the new building is built at Hershey. That is reasonable. During that period of time I would hope that the unions, if they have any other problems to iron out, will iron them out. If they can come to a sooner agreement, fine, but we ought not to force them into the situation that this piece of legislation forces them. I ask support of this legislation by all members of the assembly, including Mr. Brandt, Mr. Speaker, if he is concerned with the Elizabethtown employees and their rights.

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

Mr. BRANDT. Just in brief rebuttal to the gentleman, Mr. Manderino, there is built-in protection here for the employees at Elizabethtown. He talks about seniority with the Hershey Medical Center, but I think number 2 there spells it out quite clearly, that if there are jobs opening at Elizabethtown and seniority moving at Elizabethtown, those people at Elizabethtown will get the first crack at those jobs at Elizabethtown.

There was an attempt to get these two unions to meet, and they did meet for a few minutes, but that is all the longer it lasted. This is the most important part about this, as the second part of the memo that I distributed gives a clear indica-

tion, listing item-by-item what those people at Elizabethtown will continue to have and what benefits they will pick up when they move to the payroll at Hershey.

I still think the most disturbing part about this amendment is that they would continue to be employees of the Commonwealth and take instruction from Hershey. I think this is a difficult position to put any group of individuals into. You would still have the problem of whom do they listen to when you have people having two bosses. I certainly contend and ask you once again to vote "no" on the Manderino amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I am sure that members of the assembly will have difficulty in understanding why members who are presently Commonwealth employees, members of the staff at Elizabethtown, would take instructions from the supervisors at Penn State. That is difficult to understand, but it has been happening for the past 2 or 3 years. The supervision of Elizabethtown Hospital has been in the hands of Penn State and the Hershey Medical Center, and we are not going to change that with my amendment. We are simply saying, let them continue to operate in that manner so long as the employees remain at Elizabethtown and until the new facilities are ready at Hershey.

Mr. Speaker, the Teamsters' letter that both Mr. Brandt and I have referred to, in item 2, if Mr. Brandt thinks that item 2 governs any promise by the Teamsters Union to recognize Elizabethtown employees' seniority when it is competing with the seniority of a Teamsters member, he is badly mistaken. The sentence No. 2 starts, "If two or more Elizabethtown employees are in contention with each other for seniority rights,..." then their number of years of service are going to count. But if an Elizabethtown employee is in competition with a Hershey employee, the Hershey employee with 3 months' service is going to be better than the Elizabethtown employee with 25 years' service, and those are your constituents, Mr. Speaker. I think that you ought to join me in asking that they be protected, because you are going to have a sorry state of affairs when you find out that bumping rights and reemployment rights after layoff and all those things are going to be governed by how long have you been a member of the Teamsters Union, and that is what this letter says in no uncertain terms.

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

Mr. BRANDT. Just one other point on Mr. Manderino's remarks. He states that Hershey has been operating the hospital. It is not quite 100 percent that fact. There are individuals who are working at Hershey who are there, but they are mostly doctors performing operations and instruction at Elizabethtown. It is not a total concept where everyone is under the umbrella of operating the hospital. The Department of Health in fact operates Elizabethtown and has some extra abilities from Hershey, but it does not continue the full group.

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

Mr. MILLER. Thank you, Mr. Speaker.

This is the second day that members of the House have been privileged to hear an overview of the Manderino amendment, and lest they get too immersed in the union difficulty question, I have a preliminary remark, and that, Mr. Speaker, is that the ultimate takeover of Elizabethtown Crippled Children's Hospital by the Hershey Medical Center may be the single most significant step in the enhancement of treatment of the crippled children of this Commonwealth that run the gamut of multidisciplinary treatment needs as wide and broad as any medical facility in this State, and that is what the issue ought to be.

What we have in front of us is the worry of who is going to represent what union employee—and the big question mark—3 years down the road. Now, the gentleman, Mr. Manderino, is accurate. He knows that when two competing unions sit down, each protects their own member. Indeed, that is the very reason we are burdened with this useless and needless House debate today. I chose those words carefully - useless and needless. Remember, the primary issue before us is the smooth transition of treatment for crippled children.

At the most, the most credible union position available is to continue this current contract but no more. Let us not burden the transition with a long-term agreement that we all know cannot meet the muster of the very first meeting of those two unions. Mr. Manderino is right; at that first meeting each will seek to protect their own employees, and that will be the tenor of the entire negotiations. And phase 2 will obviously be a union vote by those employees and those members, and that issue will be resolved beyond this chamber.

What this chamber may suggest to do today is perhaps consider the second Manderino amendment to allow that union contract to flow to its normal conclusion, but let us not stop what have been ongoing positive negotiations to offer to our crippled children in this State a broad-range and wide-ranging multidisciplinary medical facility treatment center to serve their needs as they have never been served before over the nickels and dimes of who gets the extra year here and there. I would urge the members to consider the primary point and remember, those union negotiations will take care of themselves. The least we can do is to consider the issue in a timely manner and permit it to run its course. I rise to oppose the Manderino amendment.

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

The following roll call was recorded:

YEAS—115

Arty	Fischer	McVerry	Rybak
Barber	Fryer	Maiale	Serafini
Belardi	Gallagher	Manderino	Seventy
Belfanti	Gamble	Manmiller	Showers
Berson	Gannon	Michlovic	Shupnik
Blaum	George	Micozzie	Stairs
Boyes	Gladeck	Miscevich	Steighner
Brown	Grabowski	Morris	Stewart
Burns	Gray	Mrkonic	Stuban
Callagirone	Greenwood	Murphy	Swaim
Cappabianca	Gruitza	O'Donnell	Sweet
Cawley	Haluska	Olasz	Taylor, F. E.
Civera	Hoeffel	Oliver	Telek

Clark	Horgos	Pendleton	Tigue
Cochran	Hutchinson, A.	Petrarca	Trello
Cohen	Irvs	Petrone	Van Horne
Colafella	Itkin	Phillips	Wachob
Cole	Kolter	Piccola	Wambach
Cordisco	Kowalyszyn	Pievsky	Wargo
Cowell	Kukovich	Pistella	Wass
DeMedio	Laughlin	Pott	Wiggins
DeWeese	Lescovitz	Pratt	Williams, H.
Dawida	Letterman	Pucciarelli	Williams, J. D.
Dombrowski	Levi	Punt	Wogan
Donatucci	Levin	Rappaport	Wozniak
Duffy	Livengood	Rasco	Wright, D. R.
Durham	Lloyd	Rieger	Wright, R. C.
Evans	Lucyk	Ritter	Zwinkl
Fee	McMonagle	Rocks	

NAYS—72

Anderson	Fleck	Lewis	Sirianni
Armstrong	Foster, W. W.	McClatchy	Smith, B.
Bittle	Foster, Jr., A.	Mackowski	Smith, E. H.
Bowser	Freind	Madigan	Smith, L. E.
Brandt	Gallen	Marmion	Snyder
Burd	Geist	Merry	Spitz
Cessar	Grieco	Miller	Stevens
Cimini	Gruppo	Moehlmann	Swift
Clymer	Hagarty	Mowery	Taddonio
Cornell	Hasay	Nahill	Taylor, E. Z.
Coslett	Hayes	Noye	Vroon
Cunningham	Heiser	Perzel	Wenger
DeVerter	Honaman	Peterson	Weston
Daikeler	Jackson	Pitts	Wilson
Davies	Johnson	Reber	Wright, J. L.
Dietz	Kennedy	Salvatore	
Dininni	Klingaman	Saurman	Ryan,
Dorr	Lashingner	Sieminski	Speaker
Fargo	Lehr		

NOT VOTING—7

Alden	Emerson	Mullen	Spencer
Deal	Harper	Richardson	

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—183

Anderson	Fleck	McMonagle	Seventy
Armstrong	Foster, W. W.	McVerry	Showers
Arty	Freind	Mackowski	Shupnik
Belardi	Fryer	Madigan	Sieminski
Belfanti	Gallagher	Maiale	Sirianni
Berson	Gallen	Manderino	Smith, B.
Bittle	Gamble	Manmiller	Smith, E. H.
Blaum	Gannon	Marmion	Smith, L. E.
Bowser	Geist	Merry	Snyder
Boyes	George	Michlovic	Spencer
Brandt	Gladeck	Micozzie	Spitz
Brown	Grabowski	Miller	Stairs
Burd	Greenwood	Miscevich	Steighner

Burns	Grieco	Moehlmann	Stevens
Caltagirone	Gruitza	Morris	Stewart
Cappabianca	Gruppo	Mrkonjic	Stuban
Cawley	Hagarty	Murphy	Swaim
Cessar	Haluska	Nahill	Sweet
Cimini	Hasay	Noye	Swift
Civera	Hayes	O'Donnell	Taddonio
Clark	Heiser	Olasz	Taylor, E. Z.
Clymer	Hoeffel	Oliver	Taylor, F. E.
Cochran	Honaman	Pendleton	Telek
Cohen	Horgos	Perzel	Tigue
Colafella	Hutchinson, A.	Peterson	Trello
Cole	Irvs	Petrarca	Van Horne
Cordisco	Itkin	Petrone	Vroon
Cornell	Jackson	Phillips	Wachob
Coslett	Johnson	Piccola	Wambach
Cowell	Kennedy	Pievsky	Wargo
Cunningham	Klingaman	Pistella	Wass
DeMedio	Kolter	Pitts	Wenger
DeVerter	Kowalyszyn	Pott	Weston
DeWeese	Kukovich	Pratt	Wiggins
Daikeler	Lashingner	Pucciarelli	Williams, H.
Davies	Laughlin	Punt	Williams, J. D.
Dawida	Lehr	Rappaport	Wilson
Dietz	Lescovitz	Rasco	Wogan
Dininni	Letterman	Reber	Wozniak
Dombrowski	Levi	Rieger	Wright, D. R.
Donatucci	Levin	Ritter	Wright, J. L.
Dorr	Lewis	Rocks	Wright, R. C.
Duffy	Livengood	Rybak	Zwinkl
Durham	Lloyd	Salvatore	
Fargo	Lucyk	Saurman	Ryan,
Fee	McClatchy	Serafini	Speaker
Fischer			

NAYS—2

Foster, Jr., A. Mowery

NOT VOTING—9

Alden	Emerson	Gray	Mullen
Barber	Evans	Harper	Richardson
Deal			

EXCUSED—5

Beloff	Frazier	Greenfield	McIntyre
Borski			

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

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. ITKIN. Mr. Speaker, in order to expedite the evening's agenda, I had remarks prepared for HB 2304. I would just like to submit them for the record.

The SPEAKER. The Chair and the members appreciate that. The gentleman will send his remarks to the desk.

Mr. ITKIN submitted the following remarks for the Legislative Journal:

Since 1977, the Department of Health, the Elizabethtown Hospital for Crippled Children and Youth, Penn State University, and we in the legislature have been working towards the objectives outlined in HB 2304. In accordance with Act 11A of 1977, a special committee was created to evaluate programs and services

offered at Elizabethtown. The report, as submitted to the legislature on January 31, 1978, listed recommendations, many of which have been achieved at E-town only because of the assistance and cooperation of Penn State University, through the Hershey Medical Center.

For instance, the report recommended that surgical procedures, which account for most inpatient admissions at E-town, continue but that such procedures must be performed with an anesthesiologist, rather than with a nurse anesthetist, as was the practice at the time of the report.

Today, 5 years later, Elizabethtown still performs surgery with a nurse anesthetist. Complicated surgical procedures, therefore, must be performed at Hershey, after which the patient is transported back to Elizabethtown for postoperative care. The administration at E-town admits that this is an unacceptable, inconvenient, and sometimes dangerous arrangement.

The 1977 report to the legislature also recommended that medical professionals from multiple disciplines be available at E-town on a full-time basis. It was suggested that specialists from the fields of pediatrics, urology, psychiatry, anesthesiology, family medicine and dentistry be added to the staff. To date, E-town has bolstered its staff by adding two orthopedists, one urologist, and two half-time psychiatrists. Once again, Hershey Medical Center is providing these professionals to E-town.

Additionally, the report found that some of the disabilities treated at Elizabethtown, such as spina bifida, require expensive equipment and sophisticated long-term management and care. Hershey has provided the necessary equipment. However, insofar as long-term care is concerned, the report found that Elizabethtown was an unacceptable facility for handling the diverse needs involved in long-term care programs.

Elizabethtown is the only State-operated children's specialty hospital in the United States which is not affiliated with a university medical school or a private trust. Because of the ever-increasing dependence on the staff and resources of the Hershey Medical Center, it seems natural for Elizabethtown to continue and enhance its services to crippled children and adults at that center. The administration at Elizabethtown is strongly in favor of the transfer of operations, as is the Department of Health. Both feel that without the transfer, the facility will eventually be closed.

When voting on this legislation, you will obviously keep in mind that the present facility at Elizabethtown is inconveniently located, that it has few full-time professionals that are committed to it rather than to Hershey, that there is a void in some essential services such as anesthesiology, pediatrics, social work, et cetera, and that the archaic physical plant and required technological, administrative, and staff improvements preclude its survival.

HB 2304 is the vehicle which will assure the continuation of beneficial treatment and services that can no longer be supported by Band-Aids when major surgery is needed.

ANNOUNCEMENT BY MAJORITY LEADER AND RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

A couple of announcements. This will conclude our voting session today; the desk will remain open for the purpose of taking committee reports. Tomorrow's session will begin at 10 a.m. rather than the customary 11 a.m.

I would ask that there be a meeting of the Rules Committee in my office commencing at 7 o'clock this evening so that we can take up for consideration bills which will be coming out of various standing committees between now and that hour.

I have no further announcements at this time, Mr. Speaker, but I do believe that there are committee chairmen who want to call meetings of their respective committees.

PROFESSIONAL LICENSURE COMMITTEE MEETING

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

Mr. DORR. Mr. Speaker, members of the Professional Licensure Committee will meet in room 401 immediately upon the call of the recess. If members of that committee have other committee meetings, would you please see me before you leave the floor? Thank you, Mr. Speaker.

HEALTH AND WELFARE COMMITTEE MEETING

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

Mr. KLINGAMAN. A brief meeting of the Committee on Health and Welfare in room 245 immediately upon the declaration of the recess.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. LEHR. Mr. Speaker, I would like to call a meeting of the Liquor Control Committee in the rear of the House immediately; all members of the Liquor Control Committee.

STATEMENT BY MR. KOWALYSHYN

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

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask permission to make a brief statement.

The SPEAKER. The gentleman is in order.

Mr. KOWALYSHYN. The statement concerns HR 202, which deals with the existing first-time home buyer mortgage program in Pennsylvania. Several members of the House on both sides of the aisle have introduced HR 202 because we feel there is an urgent need to study the existing low-interest mortgage money program. We have found, each of us on our own, that this is a good program and that we want to continue the program, but there appear to be a number of very serious problems with the program. Therefore, I would like to ask that the House give consideration to conducting a study of this program so that it can be carried on henceforth as a viable, practical program which will help the new homeowners and also help the homebuilding industry.

REMARKS SUBMITTED FOR THE RECORD

Mr. KOWALYSHYN. In line with this, Mr. Speaker, I would like to ask at this time that my typewritten remarks be entered into the record of this House.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

Mr. KOWALYSHYN submitted the following remarks for the *Legislative Journal*:

New homeowners badly need low-interest mortgage money so they can afford to finance the purchase of a newly constructed home or a used home. The homebuilding industry also badly needs low-interest mortgage financing to encourage new-home building. The program that has been started is a good program but probably requires strong corrections.

It is a joint State-Federal effort. The United States Treasury has authorized the issuance of tax-free bonds subject to certain regulations. State legislation enacted in 1981 empowers the Pennsylvania Housing Finance Agency to administer this program. Unfortunately, one participating bank says this is "a nightmare as to paperwork." For example, a customer-mortgagor has to sign his or her name 26 times. Another bank did not bid and so did not participate because it did not receive information in time. In order for lending institutions to have sufficient information on time, it appears that the Pennsylvania Housing Finance Agency should give information on this program in plenty of time directly to all lending institutions when additional mortgage money is to be available. Furthermore, new homeowners looking for financing should be encouraged to keep in touch with their own bank or savings association.

So far this is a very limited program in that only \$100 million was made available for it, which converts into only 2,000 mortgages throughout the State. There appears to be a realistic need to expand the present program so that it can be expected to serve the very serious needs of the prospective new homeowner, together with the legitimate interests of the homebuilding industry. This resolution requests a legislative investigation, which naturally looks for possible corrective legislative action, whether in the form of memorializing the United States Congress or a State statutory amendment of the present statute.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1669, PN 1948; HB 1926, PN 2516; HB 1928, PN 2333; HB 1929, PN 2334; HB 1930, PN 2335; HB 1931, PN 2336; HB 1932, PN 2337; and HB 2340, PN 3042**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE-AMENDED SENATE BILLS CONCURRED IN

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 600, PN 1836; and SB 1057, PN 1853**.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 178, PN 3337**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

BILLS SIGNED BY SPEAKER

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

HB 1385, PN 3228

An Act amending Title 42 (*Judiciary and Judicial Procedure*) of the Pennsylvania Consolidated Statutes, further providing for limitations on governmental immunity.

HB 1669, PN 1948

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), changing a provision relating to State tax reporting on a fiscal year basis.

HB 1856, PN 3281

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), adding a definition and further providing for approval of plats.

HB 1926, PN 2516

An Act repealing the act of April 2, 1790 (2 Sm. L. 526, Ch. 1498), entitled "A further supplement to the act, entitled 'An act to incorporate the city of Philadelphia.' "

HB 1928, PN 2333

An Act repealing the act of September 26, 1951 (P. L. 1494, No. 367), entitled "An act authorizing the capture or destruction of unprotected birds in any city or borough in certain cases."

HB 1929, PN 2334

An Act repealing the act of June 10, 1881 (P. L. 95, No. 101), entitled "An act to amend part of an act, entitled 'An act to amend and consolidate the several acts relating to game and game fish.' "

HB 1930, PN 2335

An Act repealing the act of May 8, 1907 (P. L. 186, No. 149), entitled "An act to provide for the better protection and preservation of song and insectivorous birds, *** "

HB 1931, PN 2336

An Act repealing the act of November 9, 1973 (P. L. 331, No. 110), referred to as the Endangered Species Articles Sale Law.

HB 1932, PN 2337

An Act repealing the act of July 30, 1971 (P. L. 270, No. 66), entitled "An act prohibiting the sale of certain wild animals or wild animal products."

HB 2340, PN 3042

An Act amending the act of July 20, 1968 (P. L. 652, No. 220), entitled "An act amending the act of March 31, 1949 (P. L. 372, No. 34), entitled 'An act to promote the welfare of the people of the Commonwealth; creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof;****' empowering the Authority to construct and acquire projects for certain State-related universities;****' removing a Department of Justice project and substituting projects for the Bureau of Correction.

SB 600, PN 1836

An Act regulating the practice and licensure of occupational therapy, creating the State Board of Occupational Therapy Education and Licensure with certain powers and duties and prescribing penalties.

SB 1057, PN 1853

An Act amending the act of January 24, 1966 (1965 P. L. 1527, No. 535), entitled "Landscape Architects' Registration Law," further regulating the practice of landscape architecture; providing a repeal and providing penalties.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. SPENCER presented the Report of the Committee of Conference on **SB 942, PN 2043**.

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I submit for the record additions of sponsors of bills.

HB 2181, Cawley; HB 2474, Fee; HB 2500, Pratt, Lucyk, Civera; HR 202, Cohen.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 7:30 p.m. The Chair hears no objection.

AFTER RECESS

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

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

SB 739, PN 2053 (Amended) (Unanimous)

By Rep. LEHR

An Act amending the act of May 5, 1933 (P. L. 284, No. 104), entitled, as reenacted and amended, "An act imposing a State tax payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," extending the emergency malt or brewed beverage tax credits.

LIQUOR CONTROL.**SB 1335, PN 1777**

By Rep. LEHR

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

LIQUOR CONTROL.**SB 1389, PN 2054 (Amended) (Unanimous)**

By Rep. DORR

An Act amending the act of July 10, 1981 (P. L. 214, No. 67), entitled "Bingo Law," further providing for the conducting of bingo and penalties relating thereto.

PROFESSIONAL LICENSURE.**SB 1427, PN 1895**

By Rep. KLINGAMAN

An Act amending the act of November 30, 1976 (P. L. 1207, No. 265), entitled "Emergency Medical Services Systems Act," extending the expiration date of the act.

HEALTH AND WELFARE.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 203 By Representatives COLAFELLA, CESSAR, LESCOVITZ, KOLTER and LAUGHLIN

Board of Commissioners of Hopewell Township, Beaver County, proclaim week of June 27-July 5, 1982 as "We Love America Week."

Referred to Committee on RULES, June 7, 1982.

No. 204

(Concurrent) By Representatives SIEMINSKI, CESSAR, GRUPPO, RYBAK and HASAY

General Assembly memorialize President and Congress amend Federal regulations to waive 10% added cost to American steel products.

Referred to Committee on RULES, June 7, 1982.

REPORT FROM RULES COMMITTEE

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, and I so move:

HB 2404;
SB 706;
SB 739;
SB 1185;
SB 1335;
SB 1389; and
SB 1427.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bill

from the table and place it on the active calendar, with the understanding that it will be rereferred to the Appropriations Committee for the purpose of a fiscal note at a later date, and I so move:

SB 171.

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 200, PN 3394 By Rep. HAYES
House pay tribute to the Knights of Columbus on its centennial.

RULES.

HR 204, PN 3416 (Concurrent)

By Rep. HAYES
General Assembly memorialize President and Congress amend Federal regulations to waive 10% added cost to American steel products.

RULES.

COMMUNICATION

The SPEAKER. The Chair acknowledges receipt from LeRoy S. Zimmerman of the Annual Report of the Attorney General.

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 8, 1982, at 10 a.m., e.d.t.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:37 p.m., e.d.t., the House adjourned.