

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 1, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 28

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Almighty and everlasting God, Thou who art the Lord of life and all the blessings thereof and who dost ever watch over and care for Thine own, we come before Thee this afternoon hour on behalf of the members of this House of Representatives. We beseech Thee to always keep them in the hollow of Thy hand, and protect them against the insidious snares and pitfalls which confront them in this life. As they work on the preparation of a budget for this great Commonwealth, fill them with the power of Thy presence, direct them with the might of Thy love and care, and share with them the blessing and benediction of Thy peace. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for the session of Monday, April 30, 1984, will be postponed until the Journal is in print. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2101 By Representatives LLOYD, STEWART, HALUSKA, AFFLERBACH, NOYE and LAUGHLIN

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), further providing for the membership of the retirement board.

Referred to Committee on LOCAL GOVERNMENT, May 1, 1984.

No. 2102 By Representatives LLOYD, STEWART, HALUSKA, LAUGHLIN and RUDY

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), authorizing members to reduce their contributions.

Referred to Committee on LOCAL GOVERNMENT, May 1, 1984.

No. 2103 By Representatives LLOYD, STEWART, HALUSKA and RUDY

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), authorizing the withdrawal of accumulated deductions and interest.

Referred to Committee on LOCAL GOVERNMENT, May 1, 1984.

No. 2104 By Representatives HAYES, SIRIANNI, PUNT, NOYE, PITTS, GEIST, HERMAN, G. M. SNYDER, BUNT, FLICK, PETERSON and MICOZZIE

An Act establishing the Pennsylvania Recovery and Economic Redevelopment Fund; and making an appropriation to the fund for economic redevelopment purposes.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2105 By Representatives MANDERINO, IRVIS, DOMBROWSKI, PIEVSKY, WAMBACH, AFFLERBACH, PRESTON, WIGGINS, POTT, GEORGE, BURNS, BATTISTO, SEVENTY, KUKOVICH, McMONAGLE, RYBAK, PERZEL, OLIVER, WACHOB, KOSINSKI, KASUNIC, VAN HORNE, FEE, ALDERETTE, FATTAH, WOZNIAK, DeLUCA, STEIGHNER, OLASZ, LINTON, McCALL, TRELLO, WILSON, GANNON, EVANS, PRATT, BARBER and PISTELLA

An Act protecting employees from unjust dismissal; providing for mediation and arbitration proceedings; and providing legal remedies.

Referred to Committee on LABOR RELATIONS, May 1, 1984.

No. 2106 By Representative CALTAGIRONE

An Act amending the "Senior Citizens Rebate and Assistance Act", approved March 11, 1971 (P. L. 104, No. 3), extending property tax and rent rebate provisions to single persons over fifty years of age.

Referred to Committee on FINANCE, May 1, 1984.

No. 2107 By Representatives HUTCHINSON and LETTERMAN

An Act amending the act of June 10, 1982 (P. L. 454, No. 133) entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," extending provisions to include certain firing ranges.

Referred to Committee on GAME AND FISHERIES, May 1, 1984.

No. 2108 By Representatives LINTON, FATTAH, IRVIS, CARN, FISCHER, KOSINSKI, OLIVER, TRELLO, LETTERMAN, CALTAGIRONE, FREEMAN, KUKOVICH, WAMBACH, RYBAK, WIGGINS, DEAL, TRUMAN, PRESTON, WILLIAMS, WESTON, RICHARDSON, BATTISTO, CORDISCO and DAWIDA

An Act establishing a program for providing smoke detectors to elderly persons by the use of excess lottery funds.

Referred to Committee on FINANCE, May 1, 1984.

No. 2109 By Representatives IRVIS, ITKIN, COWELL, PETRONE, MARKOSEK, OLASZ, PISTELLA, DAWIDA, PRESTON, MRKONIC, VAN HORNE, POTT, SEVENTY, DeLUCA, McVERRY and DUFFY

An Act making an appropriation to the Pittsburgh Cancer Institute, Pittsburgh.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2110 By Representative PIEVSKY

An Act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2111 By Representative PIEVSKY

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2112 By Representative PIEVSKY

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2113 By Representative PIEVSKY

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administra-

tion Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2114 By Representative PIEVSKY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

No. 2115 By Representative PIEVSKY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

Referred to Committee on APPROPRIATIONS, May 1, 1984.

SENATE BILLS FOR CONCURRENCE

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

SB 663, PN 745

Referred to Committee on EDUCATION, May 1, 1984.

SB 934, PN 1911

Referred to Committee on STATE GOVERNMENT, May 1, 1984.

SB 1084, PN 1912

Referred to Committee on BUSINESS AND COMMERCE, May 1, 1984.

SB 1152, PN 1864

Referred to Committee on STATE GOVERNMENT, May 1, 1984.

SB 1159, PN 1913

Referred to Committee on MILITARY AND VETERANS AFFAIRS, May 1, 1984.

SB 1174, PN 1569

Referred to Committee on JUDICIARY, May 1, 1984.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair now turns to leaves of absence. The Chair recognizes the minority whip.

Mr. HAYES. I request a leave for the gentleman from Luzerne, Mr. STEVENS, for the day.

The SPEAKER. Without objection, the leave is granted. The Chair hears no objection.

The Chair recognizes the gentleman from Berks, Mr. Fryer, on leaves of absence.

Mr. FRYER. Mr. Speaker, the majority whip asks leave of absence for the gentleman from Allegheny, Mr. TRELLO, for the entire week.

The SPEAKER. Without objection, the leave is granted. The Chair thanks the gentleman, Mr. Fryer.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—199

Afflerbach	Evans	Livengood	Robbins
Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Salvatore
Barber	Foster, W. W.	McIntyre	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Spitz
Caltagirone	Grieco	Miscevich	Stairs
Cappabianca	Gruitza	Moehlmann	Steighner
Carn	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Herman	O'Brien	Telek
Cohen	Hershey	O'Donnell	Tigue
Colafella	Hoeffel	Olasz	Truman
Cole	Honaman	Oliver	Van Horne
Cordisco	Hutchinson	Perzel	Vroon
Cornell	Itkin	Peterson	Wachob
Coslett	Jackson	Petrarca	Wambach
Cowell	Jarolin	Petrone	Wargo
Coy	Johnson	Phillips	Wass
Deluca	Kasunic	Piccola	Weston
DeVerter	Kennedy	Pievsy	Wiggins
DeWeese	Klingaman	Pistella	Williams
Daley	Kosinski	Pitts	Wilson
Davies	Kukovich	Pott	Wogan
Dawida	Lashinger	Pratt	Wozniak
Deal	Laughlin	Preston	Wright, D. R.
Dietz	Lehr	Punt	Wright, J. L.
Dininni	Lescovitz	Rappaport	Wright, R. C.
Dombrowski	Letterman	Reber	Zwikl
Donatucci	Levi	Reinard	
Dorr	Levin	Richardson	Irvis,
Duffy	Linton	Rieger	Speaker
Durham			

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Kowalyszyn Marmion Stevens Trello

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

- HB 1331;
- HB 1486;
- HB 1555;
- HB 1745;
- HB 1748;
- HB 1951; and
- HB 1969.

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

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

SB 408, PN 1474

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," reducing the waiting period prior to offering certain investments; exempting certain registered promoters; limiting the forfeit of certain mutual fund fees; reducing the time period for certain registration statements to be on file with the commission; further providing for the effectiveness of certain registration statements and amendments thereto; eliminating certain withdrawals for mutual funds; and further providing for fees to be assessed by the Pennsylvania Securities Commission.

SB 884, PN 1423

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," eliminating certain mandatory retirement.

SB 885, PN 1424

An Act amending the act of June 15, 1951 (P. L. 586, No. 144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class," eliminating certain mandatory retirement.

SB 886, PN 1425

An Act amending the act of June 1, 1945 (P. L. 1232, No. 427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class;....," eliminating certain mandatory retirement.

SB 887, PN 1426

An Act amending the act of June 5, 1941 (P. L. 84, No. 45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members;....," eliminating certain mandatory retirement.

SB 888, PN 1427

An Act amending the act of May 31, 1933 (P. L. 1108, No. 272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class;....," eliminating certain mandatory retirement.

SB 892, PN 1431

An Act amending the act of May 31, 1974 (P. L. 296, No. 94), entitled "An act providing for the appointment, promotion, reduction in rank, suspension, furlough, discharge and reinstatement of deputy sheriffs in counties of the second class;....," eliminating certain mandatory retirement.

SB 899, PN 1438

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," eliminating certain mandatory retirement.

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 58, PN 58; and HB 2039, PN 2768.

JUDICIARY COMMITTEE MEETING

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

Mr. RAPPAPORT. Mr. Speaker, there will be an immediate meeting of the Judiciary Committee off the floor, as announced this morning. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1293, PN 2469**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing requirements for attendance at religious schools; and making editorial changes.

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

BILL TABLED

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

Mr. GALLAGHER. Mr. Speaker, I move that HB 1293, PN 2469, be placed on the tabled calendar temporarily.

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

The following roll call was recorded:

YEAS—98

Afflerbach	Evans	McClatchy	Richardson
Alderette	Fattah	McHale	Rieger
Baldwin	Fee	McIntyre	Rybak
Barber	Foster, W. W.	McMonagle	Saloom
Battisto	Freeman	McVerry	Scheetz
Beloff	Freind	Maiale	Serafini
Burd	Fryer	Manderino	Sirianni
Burns	Gallagher	Markosek	Smith, B.
Caltagirone	George	Michlovic	Steighner
Cappabianca	Gladeck	Micozzie	Stewart
Carn	Hagarty	Miller	Stuban
Cessar	Haluska	Morris	Taylor, E. Z.
Civera	Harper	Mrkonic	Taylor, F. E.
Clark	Hoeffel	Murphy	Tigue
Cohen	Itkin	Nahill	Truman
Colafella	Jarolin	O'Donnell	Vroon
Deluca	Kasunic	Olasz	Wargo
DeWeese	Klingaman	Oliver	Wiggins
Daley	Kosinski	Petrarca	Williams
Davies	Kukovich	Piccola	Wilson
Dawida	Laughlin	Pievsky	Wozniak
Deal	Lehr	Pistella	Wright, J. L.
Dombrowski	Lescovitz	Preston	
Donatucci	Levin	Rappaport	Irvis,
Dorr	Linton	Reinard	Speaker

NAYS—84

Angstadt	DeVerter	Hutchinson	Punt
Armstrong	Dietz	Jackson	Robbins
Arty	Dininni	Johnson	Rudy
Belardi	Duffy	Kennedy	Ryan
Belfanti	Durham	Lashingier	Salvatore
Blaum	Fargo	Levi	Schuler
Book	Fischer	Livengood	Seventy
Bowser	Flick	Lloyd	Showers
Boyes	Foster, Jr., A.	Lucyk	Smith, L. E.
Brandt	Gallen	McCall	Snyder, D. W.
Broujos	Gamble	Mackowski	Snyder, G. M.
Bunt	Geist	Madigan	Spencer
Cawley	Godshall	Manmiller	Stairs
Cimini	Greenwood	Merry	Swift
Clymer	Grieco	Moehlmann	Telek
Cole	Gruppo	Mowery	Van Horne
Cordisco	Hasay	O'Brien	Wachob
Cornell	Hayes	Perzel	Wass
Coslett	Herman	Peterson	Weston
Cowell	Hershey	Phillips	Wogan
Coy	Honaman	Pott	Wright, D. R.

NOT VOTING—17

Gannon	Noye	Reber	Sweet
Gruitza	Petrone	Saurman	Wambach
Letterman	Pitts	Semmel	Wright, R. C.
Mayernik	Pratt	Spitz	Zwilk
Miscevich			

EXCUSED—4

Kowalyslyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

BILL REMOVED FROM TABLE

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

Mr. GALLAGHER. Mr. Speaker, I move that HB 1293, PN 2469, be removed from the tabled calendar and placed back on the regular calendar in the third consideration position.

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

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I oppose the motion to put it back on the active calendar. That bill has been on the calendar for at least 15 legislative days. It just clutters the calendar. If it comes back to the active calendar, I move that we take it up immediately.

The SPEAKER. The question is on the motion. Those in favor of lifting HB 1293, PN 2469, from the tabled calendar and placing it on the active 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—144

Alderette	Durham	Lescovitz	Robbins
Angstadt	Fargo	Letterman	Rudy
Armstrong	Fee	Levi	Ryan
Arty	Fischer	Livengood	Rybak
Baldwin	Flick	Lloyd	Salvatore
Belfanti	Foster, W. W.	Lucyk	Saurman
Blaum	Foster, Jr., A.	McCall	Scheetz
Book	Fryer	McClatchy	Schuler
Bowser	Gallagher	McHale	Serafini
Boyes	Gallen	McIntyre	Seventy
Brandt	Gamble	Mackowski	Showers
Broujos	Gannon	Madigan	Sirianni
Bunt	Geist	Maiale	Smith, B.
Burd	George	Manmiller	Smith, L. E.
Burns	Gladeck	Markosek	Snyder, D. W.
Caltagirone	Godshall	Mayernik	Snyder, G. M.
Cappabianca	Greenwood	Merry	Spencer
Cimini	Grieco	Miller	Stairs
Clymer	Gruitza	Moehlmann	Steighner
Cole	Gruppo	Morris	Stewart
Cordisco	Haluska	Mowery	Stuban
Cornell	Hasay	Mrkonjic	Swift
Coslett	Hayes	Nahill	Taylor, E. Z.
Cowell	Herman	Noye	Taylor, F. E.
Coy	Hershey	O'Brien	Telek
Deluca	Honaman	Olasz	Van Horne
DeVerter	Jackson	Perzel	Vroon
DeWeese	Jarolin	Peterson	Wachob
Daley	Johnson	Petrarca	Wass
Davies	Kasunic	Phillips	Weston
Dietz	Kennedy	Pistella	Wilson
Dininni	Klingaman	Pitts	Wogan
Dombrowski	Kukovich	Pott	Wozniak
Donatucci	Lashinger	Punt	Wright, D. R.
Dorr	Laughlin	Reber	Wright, J. L.
Duffy	Lehr	Reinard	Zwikl

NAYS—43

Afflerbach	Deal	Manderino	Richardson
Barber	Evans	Michlovic	Rieger
Battisto	Fattah	Micozzie	Saloom
Belardi	Freeman	Murphy	Tigue
Beloff	Hagarty	O'Donnell	Truman
Carn	Itkin	Oliver	Wargo
Cawley	Kosinski	Petrone	Wiggins
Civera	Levin	Piccola	Williams
Clark	Linton	Pievsky	
Cohen	McMonagle	Preston	Irvis,
Colafella	McVerry	Rappaport	Speaker
Dawida			

NOT VOTING—12

Cessar	Hoefel	Pratt	Sweet
Freind	Hutchinson	Semmel	Wambach
Harper	Miscevich	Spitz	Wright, R. C.

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, on the vote to table HB 1293, I was voted in the affirmative, and I tried to change it, but I was too late. I would like to be recorded in the negative.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1173, PN 2867 (Amended)

By Rep. RAPPAPORT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the penalty for interfering with custody of children.

JUDICIARY.

HB 1776, PN 2869 (Amended)

By Rep. RAPPAPORT

An Act amending the "Divorce Code," approved April 2, 1980 (P. L. 63, No. 26), further providing for grounds for divorce.

JUDICIARY.

HB 1931, PN 2870 (Amended)

By Rep. RAPPAPORT

An Act establishing the priority of advances made under mortgages and the validity of mortgages with no outstanding indebtedness.

JUDICIARY.

SB 672, PN 1943 (Amended)

By Rep. RAPPAPORT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity of school officers and employees relating to drug or alcohol abuse; and providing for limitation of time for bringing an action where infancy, insanity or imprisonment is involved.

JUDICIARY.

BILL REREPORTED FROM COMMITTEE**HB 1579, PN 2868** (Amended)

By Rep. RAPPAPORT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional judges in the sixth, seventh, ninth, tenth, fifteenth, seventeenth, nineteenth, twenty-third, twenty-fourth, thirty-second, forty-second and fifty-first judicial districts.

JUDICIARY.

REMARKS ON VOTE

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

Mr. KOSINSKI. Mr. Speaker, on HB 1293 I had a technical malfunction in my switch. I wish to be recorded in the affirmative.

The SPEAKER. On which one of the motions?

Mr. KOSINSKI. That was the motion to take off the table.

The SPEAKER. The motion to remove from the table. The gentleman's remarks will be spread upon the record.

Mr. KOSINSKI. Thank you, Mr. Speaker.

CONSIDERATION OF HB 1293 CONTINUED

The SPEAKER. It has been moved by the majority leader that the House immediately take up HB 1293, PN 2469, which is in the regular order of business.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. TIGUE offered the following amendment No. A0815:

Amend Sec. 1 (Sec. 1327), page 5, by inserting between lines 7 and 8

Any student enrolled in or attending any school which benefits from appropriations made by this Commonwealth for transportation, textbooks or ancillary services cannot receive a high school diploma if that student does not satisfactorily perform the required testing as established by the Commonwealth for the receipt of a high school diploma by public school students. Satisfactory performance shall be that level of performance required by the Commonwealth from public school students.

On the question,

Will the House agree to the amendment?

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, what this does is it puts back under the guise of the private schools the requirement that each of the private schools, as well as the public schools in accordance with the passage of HB 1181, would have required testing in order to receive a diploma. What the amendment says is, any school which benefits from appropriations by this Commonwealth shall adhere to all the graduation requirements for a diploma.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment, and I do it for two reasons. One is because of the drafting of the amendment. It reads that "Any student enrolled in or attending any school which benefits from appropriations made by this Commonwealth for..." blah, blah, blah. There is no question that with the wording of this amendment, it would immediately become ineffective and would be struck by a court, because, Mr. Speaker, the courts have ruled that nonpublic schools may not benefit from any appropriation. The rationale for permitting textbooks, auxiliary services, and transportation—and this is by court ruling—is that the schools are not benefiting, the students are, which is why anytime we have attempted to provide funds to the schools, such an attempt has been knocked down by the courts. So the first problem you have, Mr. Speaker, is a drafting problem with the amendment.

The second issue is one that we have debated now approximately four different times and have overwhelmingly rejected each time, and that is whether or not you mandate for the nonpublic schools not only the competency test, which we have mandated in HB 1181, but that it is a graduation requirement. As we have indicated before when we debated HB 1181, Mr. Speaker, merely by requiring the nonpublic schools to take a competency test in 11th grade goes farther than any other State in the Union.

In addition to the arguments concerning the distinction of the public and nonpublic schools— Mr. Speaker, could I have some order?

The SPEAKER. Will the gentleman yield?

WELCOMES

The SPEAKER. We are honored by the visit of 43 members of the Neshaminy Activity Center. They are here from Bucks County. They are here as the guests of Representatives Reinard, Burns, Gallagher, and the rest of the Bucks County delegation. Welcome to the hall of the House.

Also from Bucks County, the Richland One Room School House Historical Society. They are here as the guests of Paul Clymer. Welcome to the hall of the House.

FILMING PERMISSION GRANTED

The SPEAKER. WGAL-TV has been given permission, starting now, for 10 minutes of recording on the floor of the House.

Public television has been given continued permission to record on the floor of the House.

CONSIDERATION OF HB 1293 CONTINUED

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

Mr. FREIND. Thank you, Mr. Speaker.

I have already discussed the drafting problem and why this amendment would be ineffective.

The second issue is whether or not we should mandate the graduation requirement for the nonpublic schools. Now, briefly stated, because we have debated it at length before on four different occasions and overwhelmingly rejected it, what this bill does is strike a balance between the need for the State to have some supervision of our nonpublic schools and the independence of the nonpublic schools, the right of the parents, in fact, to have the primary responsibility for education, which has always been our philosophy. Schools work in conjunction with the parents to educate the students.

Now, the difference if we mandate the graduation requirement for nonpublic schools is also very practical. What you have to remember in HB 1181, what we are doing for our public schools is giving second, fifth, and eighth grade testing, competency testing. We are also providing, Mr. Speaker, remedial programs for those students who do not do well in the second, fifth, and eighth grade tests. It will be an ongoing remedial program. We do not in fact provide this for the nonpublic schools. In addition, we do not fund the nonpublic schools when they take the 11th grade test. As the legislature has decided in the past on four separate occasions, this amendment would be a mistake, and I sincerely hope that it is rejected. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment for the second time, the Chair recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

What the previous gentleman had mentioned about the drafting, of course, I disagree with; otherwise, I would not have had it drafted. What it says is, "...any school which benefits from appropriations made by this Commonwealth..." In fact, each and every one of us knows that private schools, parochial schools, all nonpublic schools, do in fact benefit from appropriations made by the State, whether they are directly or indirectly, so that they meet the letter of the law. So it is in fact part and principle in Pennsylvania, in our Commonwealth, and in fact, our Commonwealth probably more than any other State supports private schools with appropriations. So I do not believe it is a constitutional problem.

As far as the testing, again it becomes a question of whether or not we want the people in the nonpublic schools to abide by the same rules as those in the public sector. What we are saying, and I agree with Mr. Freind that the primary responsibility of education may remain with the parent; however, the State also has the responsibility to insure that each and every child in this Commonwealth, regardless of the responsibilities of the parent, receives an adequate education. So I would ask for your support of the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster, on the Tigie amendment.

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

I rise to oppose the Tigie amendment. This amendment has been overwhelmingly rejected in the past, so let it suffice to say that for those who are so concerned about the amount of money that is expended on textbooks and other items, that is more than compensated by the amount of money that is contributed by the parents of private school students that is paid in school taxes. That is no small benefit to the community in which they live either, and to the school system. Therefore, on that basis, Mr. Speaker, I think for those who pay twice for their children's education, they are certainly entitled to operate those schools in the manner in which they see fit, and with the regulations proposed in the bill, I would ask for a negative vote on the Tigie amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, I would just like to make this comment: Up until this time I have not seen hide nor hair of the amendment. I do not know what it does, and I wonder if I am the only one or if there are several others who do not have it either.

The SPEAKER. The Chair was informed that the Tigie amendment had been distributed. Are there other members who do not have it? Apparently there are only two or three who do not have it. The others must have received it.

Will the pages see to it that the gentleman, Mr. Vroon, and other members who wish to see the Tigie amendment get a copy.

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

Mr. PITTS. Thank you, Mr. Speaker.

As I understand the Tigie amendment, any student enrolled in a private religious school that receives appropriations from the Commonwealth for such things as transportation or textbooks could not receive a high school diploma unless they pass the same test required for the public school students. Is that correct? He indicates it is.

Mr. Speaker, this rationale that those schools are recipients of government money for government programs for all citizens should not be the basis used for inserting government control over those religious institutions. We all know that the best way to control curricula is through the testing program.

This State has historically recognized the difference between the private religious schools and the public schools. Religious educational institutions have always been able to teach and hire and discipline according to their private religious convictions without government controls in the past. It is a mistake to try to insert government control, especially in the methodology and the curriculum, as testing would provide. Government should not be able to dictate the textbooks or mandate the philosophy of life or intrude in their religious beliefs. I think we should defeat this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—35

Afflerbach	Donatucci	Linton	Sweet
Alderette	Evans	Mrkonic	Taylor, F. E.
Angstadt	Fattah	Murphy	Tigue
Baldwin	Fischer	Oliver	Wiggins
Barber	Fryer	Petrone	Williams
Battisto	Harper	Preston	Wozniak
Carn	Itkin	Richardson	
Colafella	Kasunic	Rybak	Irvis,
Dawida	Kukovich	Smith, B.	Speaker
Deal			

NAYS—154

Armstrong	Durham	Levin	Rappaport
Arty	Fargo	Livengood	Reber
Belardi	Fee	Lloyd	Reinard
Belfanti	Flick	Lucyk	Rieger
Beloff	Foster, W. W.	McCall	Robbins
Blaum	Foster, Jr., A.	McClatchy	Rudy
Book	Freeman	McHale	Ryan
Bowser	Freind	McIntyre	Saloom
Boyes	Gallagher	McMonagle	Salvatore
Brandt	Gallen	McVerry	Saurman
Broujos	Gannon	Mackowski	Scheetz
Bunt	Geist	Madigan	Schuler
Burd	George	Maiale	Semmel
Burns	Gladeck	Manderino	Serafini
Caltagirone	Godshall	Manmiller	Seventy
Cappabianca	Greenwood	Markosek	Showers
Cawley	Grieco	Mayernik	Sirianni
Cessar	Gruitza	Merry	Smith, L. E.
Cimini	Gruppo	Michlovic	Snyder, D. W.
Civera	Hagarty	Micozzie	Snyder, G. M.
Clark	Haluska	Miller	Spencer
Clymer	Hasay	Moehlmann	Stairs
Cohen	Hayes	Morris	Steighner
Cole	Herman	Mowery	Stewart
Cordisco	Hershey	Nahill	Stuban
Cornell	Hoeffel	Noye	Swift
Coslett	Honaman	O'Brien	Taylor, E. Z.
Cowell	Hutchinson	O'Donnell	Telek
Coy	Jackson	Olasz	Truman
Deluca	Jarolin	Perzel	Vroon
DeVerter	Johnson	Peterson	Wachob
DeWeese	Kennedy	Phillips	Wargo
Daley	Klingaman	Piccola	Wass
Davies	Kosinski	Pievsky	Weston
Dietz	Lashinger	Pistella	Wilson
Dininni	Laughlin	Pitts	Wogan
Dombrowski	Lehr	Pott	Wright, D. R.
Dorr	Letterman	Punt	Wright, J. L.
Duffy	Levi		

NOT VOTING—10

Gamble	Petrarca	Van Horne	Wright, R. C.
Lescovitz	Pratt	Wambach	Zwilk
Miscevich	Spitz		

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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

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

Mr. TIGUE offered the following amendments No. A0895:

Amend Sec. 1 (Sec. 1327), page 4, lines 26 through 30; page 5, line 1, by striking out "Nothing" in line 26, and all of lines 27 through 30, page 4; and all of line 1, page 5

Amend Sec. 1 (Sec. 1327), page 5, by inserting between lines 7 and 8

Any school which benefits from appropriations made by this Commonwealth for transportation, textbooks or ancillary services shall comply with the provisions of this act and the regulations of the State Board of Education.

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

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

Mr. TIGUE. Thank you, Mr. Speaker.

To begin with, this amendment says that any school which benefits from appropriations made by the Commonwealth for transportation, textbooks, or other services shall comply with the provisions of HB 1293 and also the regulations of the State Board of Education. Currently under the provisions of HB 1293 we would eliminate the State Board of Education from regulating any private schools. Thank you, Mr. Speaker.

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

Mr. FREIND. Mr. Speaker, we do not have a copy of that amendment. Could we have a second to take a look at it, please?

Mr. Speaker, I rise to oppose this amendment. This amendment would in fact—and I do not overstate this—destroy every nonpublic school in the Commonwealth of Pennsylvania, because the language says that any school which benefits—and again you have the drafting problem about benefits; schools do not benefit, pupils do, but if you get over that hurdle—shall comply with the provisions of this act and with the regulations of the State Board of Education. This bill amends the School Code; therefore, this amendment would require the nonpublic schools to abide by every provision of the School Code and all of the regs of the State Board of Education in everything - in certification, in collective bargaining, in absolutely every aspect. There would therefore be no distinction whatsoever between the public and the nonpublic schools.

The other side of the coin is also true, Mr. Speaker. If in fact this became law, the nonpublic schools could say that since the distinction has been eradicated, they in fact would also then be the beneficiaries of all of the subsidies given to our nonpublic schools, and when we are talking money, we are talking \$3 billion for public schools and \$75 million for services for students in nonpublic schools. So, A, it would destroy our nonpublic schools, and the other side of the coin is it would bankrupt the Commonwealth of Pennsylvania. I sincerely hope that we defeat this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I will try to be brief, but I think that we have a little exaggeration, to say the least, about how it would destroy the private schools when in fact the private schools right now come under some of the regulations of the State Board of Education regarding certain use of services, et cetera, which again appropriations which benefit private schools are made by the Commonwealth. But to say that they would be put under all regulations regarding schools, I think we again have an exaggeration.

I am putting it to the House. You know, we have continually said that we want to strengthen education, and now we have before us a bill which will eliminate public control over private schools, and if that is what we want, that is what we are going to have to decide today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Tigie amendment. What we want is not more bureaucracy from State Government, but the private religious schools should be under the jurisdiction of the State legislature. As Representative Freind has so aptly pointed out, this is the route that we should go. So I rise in opposition to the Tigie amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—16

Afflerbach	Dawida	Itkin	Richardson
Battisto	Deal	Kasunic	Smith, B.
Clark	Donatucci	Kukovich	Taylor, F. E.
Colafella	Freeman	Linton	Tigue

NAYS—168

Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz
Belardi	Foster, Jr., A.	McMonagle	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Manderino	Seventy
Book	Gallen	Manmiller	Showers
Bowser	Gannon	Markosek	Sirianni
Boyes	Geist	Mayernik	Smith, L. E.
Brandt	George	Merry	Snyder, D. W.
Broujos	Gladeck	Micozzie	Snyder, G. M.
Bunt	Godshall	Miller	Spencer
Burd	Greenwood	Miscevich	Stairs
Burns	Grieco	Moehlmann	Steighner
Caltagirone	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Telek
Clymer	Hayes	O'Donnell	Truman
Cohen	Herman	Olasz	Van Horne
Cole	Hershey	Oliver	Vroon

Cornell	Hoefel	Peterson	Wachob
Coslett	Honaman	Petrarca	Wambach
Cowell	Hutchinson	Petrone	Wargo
Coy	Jackson	Phillips	Wass
Deluca	Jarolin	Piccola	Weston
DeVerter	Johnson	Pievsky	Wiggins
DeWeese	Kennedy	Pistella	Williams
Daley	Klingaman	Pitts	Wilson
Davies	Kosinski	Pott	Wogan
Dietz	Lashinger	Preston	Wozniak
Dininni	Laughlin	Punt	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Dorr	Letterman	Reinard	
Duffy	Levi	Rieger	Irvis,
Durham	Levin	Robbins	Speaker
Evans	Livengood		

NOT VOTING—15

Cappabianca	McVerry	Perzel	Spitz
Cordisco	Maiale	Pratt	Wright, R. C.
Gamble	Michlovic	Rappaport	Zwick
Lescovitz	O'Brien	Salvatore	

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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

On the question recurring,

Will the House agree to the bill on third consideration?

BILL PASSED OVER TEMPORARILY

The SPEAKER. There are no other amendments ready at this time. Mark the bill, HB 1293, over temporarily.

WELCOMES

The SPEAKER. The Speaker is delighted to welcome to the hall of the House a group of students, together with their teacher, Mr. Dale Denlinger. They are here from the Elizabethtown area. They are the guests of Ken Brandt and the Lancaster County delegation.

The Chair welcomes to the House several Delaware County school superintendents and school board members. They are here as guests of the Delaware County delegation.

We have here two former councilmen from Slatington, Thomas Davies and Stanley Shoemaker, here as the guests of the Lehigh County delegation.

SENATE MESSAGE

AMENDED SENATE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 1200, PN 1932**.

Ordered, That the clerk present the same to the House requesting concurrence.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **SB 1200, PN 1932**, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which the concurrence of the House of Representatives is requested:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," rewording definitions; increasing the level of loss reimbursement; and further providing for State appropriation for subsidies for local transportation organizations or companies.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to SB 1200, PN 1932.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, this is the first that we have seen this bill.

The SPEAKER. The Chair apologizes. The Chair thought both caucuses had seen this.

Mr. NOYE. No. If someone would like to explain the amendments—

The SPEAKER. The Chair recognizes the majority leader, who will explain the amendments inserted by the Senate.

The Chair apologizes. The Chair thought both caucuses had seen this.

Mr. MANDERINO. Mr. Speaker, SB 1200 was amended in the House by an amendment introduced by Representative Wachob, and when Representative Wachob explained the amendment, he explained that in the rural demand-response systems where the senior citizen is now paying 25 percent of the cost, the senior citizen cost would be changed to 10 percent and the State would pick up 90 percent. So from a State subsidy of 75 percent, we move to 90 percent on the demand response, mainly in the rural areas.

The amendment that in fact was inserted into the bill was an amendment that was much more extensive than the gentleman, Mr. Wachob, had indicated. It was the total contents of HB 1390 that we passed here earlier in this session that did a lot of other things in addition to expanding the aid to senior citizens in the rural areas on the demand-response system.

The Senate, suspending its rules, amended the Wachob amendment to take it back to the explanation that he gave here in the House that it was an amendment simply moving the 75-percent reimbursement on the demand-response systems to a 90-percent reimbursement on the demand-response systems. I urge a concurrence in the amendment that the Senate placed in the bill.

The SPEAKER. The Chair thanks the gentleman.

What is the wish of the minority leader?

Mr. RYAN. Mr. Speaker, I agree with the explanation given by the gentleman, Mr. Manderino. It was my understanding, after we passed SB 1200 with the amendment, that the cost, rather than being some \$3 million, went up to \$21 million, and that was the reason for the Senate amending it back down to the range that had been discussed here on the floor, and I, too, urge a "yes" vote on this.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAVIES. Mr. Speaker, would the chairman of the conference committee report or anyone else stand for an interrogation?

The SPEAKER. Will the majority leader stand for interrogation by the gentleman, Mr. Davies? The majority leader, Mr. Manderino, indicates he will so stand. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, in view of all the funding and so forth that is incorporated into this with the increases, will this do anything to restore the rail transportation to the branches affecting Berks and Schuylkill Counties or affecting the restoration of upper Bucks, Lehigh, and Northampton Counties as far as these additional subsidies?

Mr. MANDERINO. Mr. Speaker, so far as the amendment inserted by the Senate, which amended the Wachob amendment placed in in the House, it is my understanding that that simply subsidizes to a larger extent the senior citizens who use the demand-response system. It does not place any subsidy moneys into any rail lines. It relieves the senior citizen of paying 25 percent of the cost of those trips and the senior citizen now will simply pay 10 percent of the cost of those trips.

Mr. DAVIES. Also, Mr. Speaker, does it do anything to restore any of the other rail commuter lines that had been discontinued over the additional 3 years since the discontinuation of that into the areas that I spoke to?

Mr. MANDERINO. Not in the narrow focus of the Wachob amendment as amended by the Senate.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman wish to speak on the motion?

Mr. DAVIES. Yes.

The SPEAKER. On the motion, the gentleman is recognized.

Mr. DAVIES. I would, again, have difficulty in defending these increases considering the fact that again we are not going to fund any of the tie lines for commuter services, rail services to the system and by the system, and also the fact that in addition to that, the other rail services will not be reengaged or redeveloped, and therefore, I would have to oppose the conference report. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On concurrence in Senate amendments, the Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Would the majority leader stand for further interrogation?

The SPEAKER. The majority leader indicates he will so stand. The gentleman, Mr. Peterson, is in order and may proceed.

Mr. PETERSON. Mr. Speaker, if I understand this correctly, as the bill is now, the demand-response program, which is basically rural, would be 90 percent subsidized, and the fixed route which was originally in the bill would remain 100 percent subsidized.

Mr. MANDERINO. That is correct.

Mr. PETERSON. Let us say in SEPTA (Southeastern Pennsylvania Transportation Authority) that a fare would be 75 cents and a transfer is 10 cents. Now, as we passed the bill the other day, let us take an example that if a person purchased a fare for 75 cents and transferred twice, that would be 95 cents.

Mr. MANDERINO. Mr. Speaker, I have consented to interrogation. The subject matter is the Senate amendment to the Wachob amendment, and you are far astray from that at this moment, Mr. Speaker.

Mr. PETERSON. Well, what I wanted to know would be, would the Lottery Fund still be rewarding SEPTA \$2.25 for what would normally be a 95-cent fare?

Mr. MANDERINO. I am sorry. I did not hear the question.

Mr. PETERSON. Would the Lottery Fund be asked to reimburse that situation where the normal fare would be 95 cents, 75 plus two transfers, three full fares, which would be \$2.25? Is that still in the bill?

Mr. MANDERINO. Mr. Speaker, to the best of my knowledge, you are confusing fixed routes with demand response. Transfers are not used on demand response. My understanding of demand response is, you pick up the telephone, and you are a senior citizen, and you tell them you have to go to a doctor or shopping, and the cost of that trip is calculated and the senior citizen must pay a certain percentage of that. The reason that we are leaving demand response with a contribution by the senior citizen is the frequency of the use of the system certainly can affect the cost of the system tremendously.

When you are talking fixed routes, you are talking about no matter how many senior citizens get on that particular trolley or bus or mass transit facility, it is going to cost about the same for them to make that run. But the mere fact that a senior citizen picks up the phone and makes a demand, which is responded to—and that is where the demand response comes from—we are asking the senior citizen to pick up a share of the ride so that it guards against abuse. We are now saying that they only have to pick up 10 percent of that cost. In the past they would have had to pick up 25 percent of the cost. The transfers that you are talking about occur on fixed-route systems, and the Wachob amendment and the Senate amendment to the Wachob amendment have nothing to do with fixed-route systems.

Mr. PETERSON. Well, I guess the problem we all have is that we got this bill in front of us a couple of moments ago and have not really had a chance to look at it and what it really does, and my question was, I had a lot of concern about the bill last week, as I am sure you are aware—

Mr. MANDERINO. And you seem to be repeating the concerns that you had last week, which have nothing to do with the Senate amendment.

Mr. PETERSON. Well, how would I know that without having an opportunity to have read the bill?

The SPEAKER. Mr. Peterson, you are to interrogate, not argue. You may interrogate on the subject.

Mr. PETERSON. I guess he does not want to answer my questions.

The SPEAKER. Do you have any further interrogation, sir?

Mr. PETERSON. Am I allowed to speak on the bill itself?

The SPEAKER. No.

Mr. PETERSON. Okay.

The SPEAKER. It has been moved by the majority leader that the House do concur.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—153

Afflerbach	Durham	McHale	Rudy
Alderette	Evans	McIntyre	Ryan
Angstadt	Fattah	McMonagle	Rybak
Armstrong	Fee	McVerry	Saloom
Arty	Flick	Madigan	Salvatore
Baldwin	Freeman	Maiale	Saurman
Barber	Freind	Manderino	Schuler
Battisto	Gallagher	Manmiller	Serafini
Belardi	Gannon	Markosek	Showers
Belfanti	Geist	Mayernik	Sirianni
Beloff	Gladeck	Merry	Spencer
Blaum	Greenwood	Michlovic	Steighner
Book	Grieco	Micozzie	Stewart
Bunt	Gruitza	Miller	Sruban
Burns	Hagarty	Miscevich	Sweet
Caltagirone	Haluska	Moehlmann	Taylor, E. Z.
Cappabianca	Harper	Morris	Taylor, F. E.
Carn	Hasay	Mrkonic	Telek
Cawley	Herman	Murphy	Tigue
Cessar	Hershey	Nahill	Truman
Cimini	Hoeffel	O'Brien	Van Horne
Civera	Hutchinson	O'Donnell	Vroon
Clark	Itkin	Oliver	Wachob
Cohen	Jackson	Perzel	Wambach
Colafella	Jarolin	Petrarca	Wargo
Cole	Kasunic	Petrone	Wass
Cordisco	Kosinski	Piccola	Weston
Cornell	Kukovich	Pievsky	Wiggins
Coslett	Lashinger	Pistella	Williams
Cowell	Laughlin	Pitts	Wilson
Coy	Lescovitz	Pott	Wogan
Deluca	Letterman	Pratt	Wozniak
DeWeese	Levin	Preston	Wright, D. R.
Daley	Linton	Punt	Wright, J. L.
Deal	Livengood	Rappaport	Wright, R. C.
Dininni	Lloyd	Reber	
Dombrowski	Lucyk	Reinard	Irvis,
Donatucci	McCall	Richardson	Speaker
Duffy	McClatchy	Rieger	

NAYS—44

Bowser	Fargo	Honaman	Phillips
Boyes	Fischer	Johnson	Robbins
Brandt	Foster, W. W.	Kennedy	Scheetz
Broujos	Foster, Jr., A.	Klingaman	Semmel
Burd	Fryer	Lehr	Seventy
Clymer	Gallen	Levi	Smith, B.
DeVerter	Gamble	Mackowski	Smith, L. E.
Davies	George	Mowery	Snyder, D. W.
Dawida	Godshall	Noye	Snyder, G. M.
Dietz	Gruppo	Olasz	Stairs
Dorr	Hayes	Peterson	Swift

NOT VOTING—2

Spitz	Zwikl
-------	-------

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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 delighted to welcome to the hall of the House Miss Shelly Jean Bowser. Miss Bowser is to the left of the Chair, and she is the Pennsylvania Junior Miss. The Chair apologizes to Miss Bowser for not being able to allow her to address the House at this time, but, Miss Bowser, we are about to try to get a budget for the State of Pennsylvania, and we are trying to get the members quieted down so we can get that budget.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1584, PN 2053**, entitled:

An Act amending the "Commonwealth Attorneys Act," approved October 15, 1980 (P. L. 950, No. 164), requiring the Attorney General to perform all legal services required for issuance of all State general obligation bonds or notes or other bonds or notes.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendments No. A1384:

Amend Bill, page 2, line 32; page 3, lines 1 through 11, by striking out all of said lines on said pages

Amend Sec. 4, page 3, line 12, by striking out "4" and inserting

2

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, this amendment deals with legal functions that are performed in connection with the Local Government Unit Debt Act. Presently those functions are per-

formed by the Department of Community Affairs. They have the expertise and do a good, competent job. This amendment would keep the current law the way it is. I would ask that the amendment be adopted, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, HB 1584 is a bill having to do with outside bond counsel as used by the Commonwealth. The drafters of the legislation, which I happen to be the chief sponsor of, indicated that they thought that the expertise presently within the department should be transferred to the Attorney General's Office. We have looked at that because it has been brought to our attention that it is not necessary that that entire function be transferred, and I now concur that it does not have to be transferred, and I would accept the Fryer amendment as offered.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Afflerbach	Evans	Linton	Richardson
Alderette	Fargo	Livengood	Rieger
Angstadt	Fattah	Lloyd	Robbins
Armstrong	Fee	Lucyk	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayermik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
Caltagirone	Greenwood	Micozzie	Spencer
Cappabianca	Grieco	Miller	Stairs
Carn	Gruitza	Miscevich	Steighner
Cawley	Gruppo	Moehlmann	Stewart
Cessar	Hagarty	Morris	Stuban
Cimini	Haluska	Mowery	Sweet
Civera	Harper	Mrkonic	Swift
Clymer	Hasay	Murphy	Taylor, E. Z.
Cohen	Hayes	Nahill	Taylor, F. E.
Colafella	Herman	Noye	Telek
Cole	Hershey	O'Brien	Tigue
Cordisco	Hoeffel	O'Donnell	Truman
Cornell	Honaman	Olasz	Van Horne
Coslett	Hutchinson	Oliver	Vroon
Cowell	Itkin	Perzel	Wachob
Coy	Jackson	Peterson	Wambach
Deluca	Jarolin	Petrone	Wargo
DeVerter	Johnson	Phillips	Wass
DeWeese	Kasunic	Piccola	Weston
Daley	Kennedy	Pievsky	Wiggins
Davies	Klingaman	Pistella	Williams
Dawida	Kosinski	Pitts	Wilson
Deal	Kukovich	Pott	Wogan
Dietz	Lashinger	Pratt	Wozniak
Dininni	Laughlin	Preston	Wright, D. R.
Dombrowski	Lehr	Punt	Wright, J. L.

Donatucci	Lescovitz	Rappaport	
Dorr	Letterman	Reber	Irvis,
Duffy	Levi	Reinard	Speaker
Durham			

NAYS—0

NOT VOTING—8

Beloff	Levin	Rudy	Wright, R. C.
Clark	Petrarca	Spitz	Zwinkl

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I rise in opposition to the bill that is before us right now, HB 1584. The truth of the matter, I guess, is this either could be construed as a political bill or a professional jealousy bill - political in the sense that the objection seems to be that the administration can choose bond counsel of its selection; professional jealousy in that maybe some of us who are lawyers would like to be bond counsel to some of these issues, because they are a very fine area of the law to practice if one is capable of it.

Mr. Speaker, what this bill would do would be vest in the Attorney General the power that is now vested in the Governor, the Auditor General, and the Treasurer, and that is the power to select bond counsel to give opinions, principally tax opinions, in large issues of tax-exempt financings here in Pennsylvania. The way the bill is drafted, there is a provision that the Attorney General, in his sole discretion, would have the right to hire outside bond counsel. Today the law, as I understand it, gives that right to the three top officers - the Auditor General, the Treasurer, and the Governor - to do that. So I do not know what is being accomplished by taking it from three and giving it to just the Attorney General to decide whether or not they will have bond counsel.

In addition to that, Mr. Speaker, at a public hearing at the time of the budget, back on February 27, 1984, budget hearings, the Attorney General was asked certain questions in connection with his department acting as bond counsel. In short, and not to prolong this debate, the Attorney General testified that at the moment they do not have anyone in their office who would be able to handle this job. They do not know if they could even hire anyone capable to handle this job, and he was not sure what would happen to the bond ratings of Pennsylvania if an Attorney General were the one to give the bond opinion.

Now, I do not know whether many of you are familiar with just what is involved in the giving of an opinion, but if I may.

A governmental body prepares for sale to the public a bond issue, which is in effect an I O U of the State. One of the things that makes this bond issue attractive to investors is the fact that it is exempt from taxation, both State, local, and Federal taxes. The investors rely on the opinion of bond counsel that in fact this issue is tax exempt. I have been told by some of the large underwriting firms in the Nation that bonds are far more salable—and if they are far more salable, they can be sold at a lower interest rate—if the opinion of bond counsel is a bond counsel that is well known, well recognized, and has a national reputation.

Not any lawyer can be bond counsel. There is a special group of lawyers only who qualify as bond counsel.

Mr. Speaker, as I review quickly some of my notes, I notice a memorandum from the Deputy Secretary of the Budget. I will read it if I may. It will not take but a moment.

If House Bill 1584 were to be enacted, the Commonwealth's credit rating could be decreased, or the interest rate on Commonwealth's bonds may be increased, leading to higher borrowing costs for the Commonwealth. The outside bond counsel fee is a one-time expense; higher interest rates cause costs to be increased for the life of the bond. Even a .01 percent increase in the interest rate paid by the Commonwealth would wipe out any savings from no outside bond counsel fees within 3 years.

This is a complicated issue. It is a very dry issue. It is not the type of issue that really too many of us are interested in. I know there are members on the other side who are familiar with this type activity, bond counsel, bonding, underwriting, and the like. I believe they understand the importance of what we are talking about when we talk about outside bond counsel compared to a young lawyer out of law school who is working for the Attorney General giving an opinion on a \$300-million bond issue that that issue is tax exempt. It might very well be classified as penny-wise and pound-foolish. We may save a \$30,000 or \$50,000 bond counsel fee and end up paying a higher interest rate for the life of the bonds. I think it is foolish to be carried away by these fees that seem exorbitant from time to time when we incur them on behalf of the Commonwealth. But the Commonwealth is the biggest employer in this State, and it is big business, and occasionally they have to go outside and hire the best available lawyers that there are in this Commonwealth.

Mr. Speaker, I would ask for a sane, sensible "no" vote on this without the emotions of the moment carrying this bill over. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in support of HB 1584.

Mr. Speaker, the impetus for HB 1584 at this time comes from the fact that we now have an independent Attorney General. It did not make an awful lot of sense to have the Attorney General of the Commonwealth of Pennsylvania giving the opinion so far as the floating of Commonwealth bonds was concerned when that Attorney General was not an

independent person elected independently than the Governor and the Governor's administration.

Mr. Speaker, back in 1974 the Republicans, then the majority party, had a House select committee on contract practices. They described the system of bond counsel contracts in their final report as legitimate ties, political payoffs. Now, while the 1974 select committee directed its charges at a then incumbent Democratic administration, just recently on February 6, 1983, an article in the Philadelphia Inquirer traced the connection between law firms appointed by Governor Thornburgh and their political contributions. I will quote from that article in the Philadelphia Inquirer. "Lawyers whose firms received a total of more than \$1.6 million in fees from the State last year contributed more than \$160,000 to Governor Thornburgh's recent reelection effort."

Mr. Speaker, the appearance of impropriety, whether such impropriety actually exists, undermines the public's respect for our governmental and political process.

The State of New York, Mr. Speaker, has for the past 32 years been able to have the Attorney General of the State of New York pass on the bonds that are issued in that State.

Mr. Speaker, I think it is red herring to talk about the fact that the bonds may be rated differently, that our credit rating could suffer. That just has not been the experience in States where the Attorney General saves the Commonwealth not only the actual dollars that are paid to bond counsel but saves in the appearance and maybe even the actual impropriety that may take place. Mr. Speaker, I would ask in the name of good government that now that we have an independent Attorney General, that we allow that independent Attorney General to pass on the marketability of the bonds of this Commonwealth and save not only dollars but save the appearance of impropriety.

Mr. Speaker, one other point I would like to make so far as bond counsel is concerned. The gentleman, Mr. Ryan, correctly points out that the bill allows the Attorney General in the initial start-up period—at least that is my anticipation—to hire the expertise that he needs in order to get and develop in-house the expertise that is needed. No one would for one moment assume that the Attorney General who has no experience and no experienced staff in the area of passing on the marketability of bonds, the general obligation bonds of the Commonwealth, could move overnight from no experience to sufficient experience to have the opinions that would be certified accepted in the bond market. This is why we have given to the Attorney General, where it is absolutely necessary to protect the interest of the Commonwealth, the ability to hire bond counsel. It is no one's anticipation—at least it is not mine, as chief sponsor of the bill—that this would be exercised except in that necessary period of initial start-up until the opinions in-house could be accepted. I ask for an affirmative vote on the bill, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader for the second time on the final passage of the bill.

Mr. RYAN. Mr. Speaker, I think it is interesting to note that when the bill was prepared by the gentleman, Mr. Mandarino, purposely excluded from the bill was the Pennsylvania Turnpike Commission. That strikes me as somewhat curious. Granted, there is a separate area of the law that covers the Turnpike Commission, but if we have an independent Attorney General, I wonder what is the motivation that brings a bill about sponsored by the majority leader who would do away with bond counsel selection by three of the top executives of this State - the Auditor General, Treasurer, and Governor - and yet allows the Democrat controlled Turnpike Commission to continue to select bond counsel.

I think it is perfectly apparent what the motivation is, and I think it is a shame, because I happen to believe in what I have said, that in the case of a large issue, we in this Commonwealth, in my judgment, would be penny-wise and pound-foolish if we had young men and women signing off on bond issues of sizeable amounts saying that they are tax exempt and really putting the credit then of the Commonwealth behind it instead of the malpractice carrier of bond counsel behind that opinion.

It is a very complicated field. I think this is a bad bill, and I would ask that it be defeated.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on final passage, the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to reemphasize the remarks of the minority leader, but more importantly, I would also like to point to a section of the bill which the minority leader has not addressed his remarks to and also emphasize those particular aspects of the bill that should be considered by the members. The section I am speaking about is section 501.1 on the third page of HB 1584, and it relates specifically to a transfer of certain powers to the Attorney General. The transfer of these powers is a transfer of powers from the Department of Community Affairs to the Attorney General as it relates to the Local Government Unit Debt Act. I would call to the attention of all the members, since we all have local municipalities which are going to be affected by this, to be aware of the fact that tax anticipation notes, general obligation bonds, those particular types of financing items which most likely all of our local municipalities have had to avail themselves of over the years, are also going to be affected by this legislation.

I am reminded that when the Local Government Unit Debt Act back in 1972 was passed, there was a tremendous amount of confusion, and this confusion went on for a tremendous period of time. That confusion emanated from the fact that the municipalities had to develop a rapport with the Department of Community Affairs, become familiar with the procedures that were going to be followed. Those particular procedures are now intact, are operating, are functioning, and I think it would be a travesty to be vested upon our local governments to now transfer that and begin a whole new type of procedure that they have to become used to, and the potential

harm that could befall those particular local government units is of tremendous concern to me.

So we have the reasons that have been enunciated by the minority leader, which certainly are justifiable and I concur 100 percent in, but I think this is another aspect to the bill that we should consider. I do not see any reason for beginning a new type of regulatory procedure, taking the powers and duties that have been operating and are in place with the Department of Community Affairs and also transferring those to the Attorney General's Office. I would submit that this would be detrimental to our local governments and should be an additional consideration for opposition and defeat of HB 1584. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Very briefly, two items brought up by the previous speaker I would like to refer to. Starting with the last first, Mr. Reber comments on section 501.1. That is the section that Mr. Fryer has removed from the bill, and I indicated to you that on second look at that we did not think it was necessary that those duties be transferred, so they are not being transferred under the bill in its present position.

As to Mr. Ryan's comments about the Turnpike Commission, in September of 1983, when I sent a package of information out to the members indicating that I was sponsoring the bill having to do with bond counsel, which is now HB 1584, my letter to the members at that time pointed out specifically the reasons for the Turnpike Commission's not being included. The last paragraph of that letter indicated that the bond counsel duties of the Attorney General were being proposed with respect to all agencies, authorities, and commissions except the Turnpike Commission, and it went on to state that a 1974 State Supreme Court opinion had held that the General Assembly created the commission as an entity separate, apart, and distinct from the Commonwealth, and in deference to that opinion and in order not to cloud the commission's ability to sell bonds, the commission was omitted from the legislation.

Now, taking the matter from that point, Mr. Speaker, the present Attorney General has looked at the legislation. In fact, he suggested amendments to the legislation. In fact, an amendment that he suggested to the legislation was adopted by the committee and is presently within the legislation. To the best of my knowledge, he found no fault with the rationale that left the Turnpike Commission as a separate entity and did not ask that it be amended back into the bill. I am sure that was done in deference to the same Supreme Court opinion that we worked on and looked at when we constructed the original bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I would like to emphasize what the minority leader stated when he said you are shifting the power from three persons - they being the Auditor General, the State Treasurer, and the

Governor - into the hands of one. During Mr. Manderino's comments he indicated that he was taking precaution in response to the minority leader's express concern that during the early days of this new law, the Attorney General would be able to go out and secure independent bond counsel when the public interest was at stake. Mr. Manderino, I guess, would have us believe that it would only be during those very early days that the Attorney General could go out and get this independent bond counsel. Not true. When he introduced his bill, he limited it to those early days, but as he just stated, the committee struck that language, and now the bill reads, "The Attorney General may, when such services are necessary to protect the public interest, contract with outside bond counsel for certain services." Now, there is no definition of "public interest" and there is no definition in the bill with regard to "certain services."

As the minority leader has stated, you are transferring from the hands of three people the power to seek bond counsel when necessary and placing that power into the single hands of one person, and I respectfully suggest with this language, as it is found in the current printer's number, you are going to have every opportunity for whatever fear the majority leader has. You will still have the opportunity for those problems as you currently do, but instead of having that power in the hands of three, instead of there being a dilution of this power, you are going to have it in the hands of one person in State Government. You have every opportunity for there being whatever hanky-panky Mr. Manderino is concerned about existing right here in this bill, and I respectfully suggest that when the out party does not control the Attorney General's Office, they will lament that that Attorney General is giving legal work to his or her cronies outside of State Government, because the language in the bill absolutely permits the very thing that Mr. Manderino is lamenting today. This legislation absolutely permits one person instead of three to seek outside bond counsel in certain circumstances, whatever they may be.

I respectfully suggest that there is a great deal of smoke, political smoke, I suggest, shrouding this bill. I believe that we should vote "no." We should not put this power in the hands of one; we should allow it to be spread across the elective officers of this Commonwealth, they being the Auditor General, Treasurer, and Governor. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FREIND. Thank you, Mr. Speaker.

I find myself in a somewhat unusual position. I disagree with the majority leader, Mr. Manderino, which is not unusual and is frequently enjoyable, but I also disagree with the minority leader, Mr. Ryan, which is less unusual but equally as enjoyable.

The majority leader made reference to a report of a select committee in 1974 about this issue, and he is absolutely right. I was special counsel of that committee; I drafted the report. What in effect the report said was, the bond counsel situation is a game, that in fact the main reason it is used is to generate

contributions from these law firms to the party in power, and that in fact we do not need outside bond counsel. That is still my opinion, Mr. Speaker. As Mr. Manderino said, and he is absolutely correct, the State of New York has for more than 30 years done its own bond counsel work and has saved hundreds and hundreds of thousands of dollars.

What you ought to remember, you have a guild interest here, Mr. Speaker. You have attorneys, special law firms that are qualified to do bond counsel work; you have the stock-brokers and the stock companies, and they will tell you that if you do not have outside bond counsel, dire things are going to happen. Your bond rating is going to drop; you are going to be turned into a pumpkin at midnight. The truth of the matter is, that is not true. If in fact we have the courage to bite the bullet and have our own people do it, we may go through a period of maybe a year where we have difficulty, and after that we will have no problem at all.

I am a cosponsor of this bill, and the reason I was a cosponsor is I thought we were going to attack the problem. I thought we were going to say, number one, the Attorney General now has the power; but number two, the Attorney General handles the bond counsel work. I would not have had a problem with a phase-in period for a year or two where the Attorney General would be permitted to also utilize outside bond counsel, and the reason you have to do that—it is almost like “Alice in Wonderland”; you cannot get there from here—bond counsel cannot perform bond counsel work until they have been qualified, and they cannot be qualified until they have done bond counsel work. So you would need a year or two for the AG to designate outside bond counsel to work jointly with in-house counsel on a couple of bond issues. Once you have done that, your in-house bond counsel will be qualified and they can handle it.

Now, if the bill said that - a 2-year phase-in period and after that all in-house - that would be fine. But the bill, Mr. Speaker, the way it has been amended, frankly, does not do a darn thing. All that it does is transfer from three elected officials to one elected official the power to hire outside bond counsel. The language is so broad where it says, “The Attorney General may, when such services are necessary to protect the public interest, contract with outside bond counsel,...” that the danger is that is all they would ever do.

I have to oppose this legislation the way it is drafted now. It is my hope, however, that what the majority leader will do is either hold it over or recommit it, whichever is more convenient, so that we can have an amendment that puts teeth in it, that says the Attorney General does it; a 2-year phase-in period where they can also contract cocounsel for bond counsel from the outside, and after that it is in-house. If we do that, we have a good bill; if we pass this bill now, we have done absolutely nothing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, Mr. Hayes used some word that I thought he was swearing, but I was not sure what he said. He talked about “schnook” or whatever it was, but I guess you can describe what may be going on here.

Mr. Manderino, when he had the bill drafted, had the section of the bill read, “The Attorney General may, during the initial implementation of this function, hire, at his discretion, such outside counsel as the Attorney General deems necessary. Thereafter the Attorney General may, when such services are absolutely necessary to protect the public interest, contract with outside bond counsel...”

Now, that was taken out of the bill, the initial start-up period. My understanding is it was taken out of the bill at the insistence of the ranking Republican member of the committee, who received his information from the Attorney General. My understanding is that the Attorney General asked that the period be written up in the manner in which it is written up because he was afraid that his opinions may be challenged if anybody thought that he was beyond an initial start-up period and was still using bond counsel that was not necessarily in-house.

Now, I am sure that there is a gray area, and I am sure that if you do not want the independent Attorney General passing on the general obligation bonds; if you do not want the Commonwealth to save money; if you do not want to get rid of the appearance of impropriety; if you want the election year bonding to be in a graph column that triples any other year bond counsel exercise selection; if you want to continue that kind of a practice, then find your reason and excuse to be against the legislation. If want to make an improvement in this Commonwealth; if you want to do what New York has been doing for 32 years; if you want to take your party's present Attorney General, Mr. Zimmerman, the people's Attorney General, elected by the people, his word that he intends only to use the legislation and the wording given to him for an initial start-up period, then we ought to pass the legislation.

We always have the power in this General Assembly to tighten the language if we think it is being abused. I am willing to take the word of the ranking Republican member on the committee and the Attorney General himself that it will not be abused and this is better language for the bill. I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, we are not passing a law that is only going to be applicable to the incumbent Attorney General, whoever he may be, in this case Mr. Zimmerman. We are establishing a law here today that charts a policy course for this Commonwealth in the years ahead. Yes, we can change that law at some other time, but for sure, we should not be persuaded by Mr. Manderino when he said that the incumbent Attorney General prefers this language; therefore, let us vote for it. Whether the incumbent Attorney General is for or against it as a policy matter I guess is immaterial. Not until the last few moments of debate have we really started to look at this legislation and understand what it really does say.

At the outset of this debate, let me remind you, go check the Journal that is being prepared for us right now in the front

of this room. The gentleman, Mr. Manderino, would have us believe that his language says that it shall only be for the start-up period. Not true. We now have uncovered the fact that you are placing in the hands of one person instead of three the absolute power of deciding when there is public interest at stake, and if there is, you can go out and get independent bond counsel in the private sector in certain circumstances, whatever that means. You are placing in the hands of one person, not just Mr. Zimmerman, the incumbent Attorney General, but those who follow him, absolute power.

If we are genuinely concerned about all those things which have been brought up by Mr. Manderino and his bar graphs, I suggest you do not have a remedy in this legislation. As a matter of fact, you are almost begging it to an extent greater than the opportunity exists today, because you are placing in the hands of one person rather than three elected persons this power to go out and select independent bond counsel.

Only until the last few moments did we really find out what this bill is about. There is a great deal, as I said before, of political fog shrouding this bill, but after you strip it away, I believe most reasonable men and women reading this bill would say there is much to-do about nothing, because you still have whatever mischief is possible available right here in this legislation. I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese, on final passage.

Mr. DeWEESE. Will the gentleman, Mr. Hayes, consent to a couple of questions, please?

The SPEAKER. The gentleman, Mr. Hayes, indicates he will so stand for interrogation. The gentleman, Mr. DeWeese, is in order and may proceed.

Mr. DeWEESE. The gentleman from Blair speculates that if this language is incorporated into our statutes, there will be mischief and travail. Would the gentleman please assert, what is happening now in the State of New York, and why would that system not work in Pennsylvania, please?

Mr. HAYES. First, Mr. Speaker, I did not use the word "travail." I did use the word "mischief," and I used it in regards to the gentleman, Mr. Manderino, when he was talking about what he believes is going wrong at the present time. I presume that he believes that that is mischief, although I do not particularly care to put words in his mouth. But that was my reference. Never did I use the word "travail."

There have been references made today about the fact that we should not allow these powers to rest in the hands, I presume, of a Governor. Of course, we do know that these powers also rest in the hands of the Auditor General and Treasurer, in the hands of three people, and I question a person's logic when they want to take it out of the hands of three people, this power, and put it in the hands of just one if there is the potential for all of the mischief that was at least alluded to by the gentleman, Mr. Manderino.

As to the question about New York, I guess we can go through the statutes of this Nation State by State and find where one State does something differently than another. My

comment, however, Mr. Speaker, was only to the placement of powers - nothing else, nothing more, nothing less, just the placement of powers. It makes no logical sense to me, when we are concerned about certain political practices, to take a chance and put this absolute power in the hands of one person, because I believe, Mr. Speaker, you can recall a famous line in history that says, "Absolute power can corrupt absolutely," so why put it into the hands of just one person rather than three? I do not believe that there is any compelling reason for taking that chance.

The SPEAKER. Has the gentleman, Mr. DeWeese, completed his interrogation?

Mr. DeWEESE. May I speak on the bill, sir?

The SPEAKER. On the final passage of the bill, the gentleman is recognized.

Mr. DeWEESE. It seems as if the sagamores of the Republican side think that young college men or men and women who have just left law school are going to be taking over these assignments. I do not think that is the case. It seems to me that we are either going to allow a new system to evolve in the Commonwealth where in-house attorneys, State workers—State workers—are going to make these decisions or whether the Brahmins of Philadelphia and Pittsburgh are going to be making those decisions.

Now, I respect Mr. Ryan's analysis of what kind of abilities and backgrounds are needed for bond counsel, but nevertheless, I am convinced that within a very short period of time we could train our own people in the Commonwealth, and less chances for mischief, less chances for corruption would take place. I would urge the membership to support the gentleman from Monessen and pass this measure. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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—107

Afflerbach	Dombrowski	Linton	Richardson
Alderette	Donatucci	Livengood	Rieger
Armstrong	Duffy	Lloyd	Rudy
Baldwin	Evans	Lucyk	Rybak
Barber	Fattah	McCall	Saloom
Battisto	Fee	McHale	Seventy
Belardi	Fischer	McIntyre	Showers
Belfanti	Freeman	McMonagle	Stairs
Beloff	Fryer	Manderino	Steighner
Blaum	Gallagher	Markosek	Stewart
Broujos	Gamble	Mayernik	Stuban
Burns	George	Michlovic	Taylor, F. E.
Callagirone	Greenwood	Miller	Tigue
Cappabianca	Gruitza	Miscevich	Truman
Carn	Haluska	Morris	Van Horne
Cawley	Harper	Mrkonic	Wachob
Clark	Hoeffel	Murphy	Wambach
Cohen	Hutchinson	Olasz	Wargo
Colafella	Itkin	Oliver	Wiggins
Cole	Jarolin	Petrarca	Williams
Cordisco	Kasunic	Petrone	Wilson
Cowell	Kosinski	Pievsky	Wogan
Coy	Kukovich	Pistella	Wozniak
Deluca	Laughlin	Pratt	Wright, D. R.
DeWeese	Lescovitz	Preston	
Daley	Letterman	Rappaport	Irvis,

Dawida Deal	Levin	Reinard	Speaker
NAYS—86			
Angstadt	Freind	McVerry	Ryan
Arty	Gallen	Mackowski	Salvatore
Book	Gannon	Madigan	Saurman
Bowser	Geist	Maiale	Scheetz
Boyes	Gladeck	Manmiller	Schuler
Brandt	Godshall	Merry	Semmel
Bunt	Grieco	Micozzie	Serafini
Burd	Gruppo	Moehlmann	Sirianni
Cessar	Hagarty	Mowery	Smith, B.
Cimini	Hasay	Nahill	Smith, L. E.
Civera	Hayes	Noye	Snyder, D. W.
Clymer	Herman	O'Brien	Snyder, G. M.
Cornell	Hershey	Perzel	Spencer
Coslett	Honaman	Peterson	Swift
DeVerter	Jackson	Phillips	Taylor, E. Z.
Dininni	Johnson	Piccola	Telek
Dorr	Kennedy	Pitts	Vroon
Durham	Klingaman	Pott	Wass
Fargo	Lashinger	Punt	Weston
Flick	Lehr	Reber	Wright, J. L.
Foster, W. W.	Levi	Robbins	Wright, R. C.
Foster, Jr., A.	McClatchy		

NOT VOTING—6

Davies	O'Donnell	Sweet	Zwilk
Dietz	Spitz		

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

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

* * *

The House proceeded to third consideration of **HB 1578, PN 1958**, entitled:

An Act requiring a day of rest and for absences on religious holidays.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1578, PN 1958, be placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1578, PN 1958, be lifted from the tabled calendar and placed on the active calendar.

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

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House students from the Scotland School of Veterans' Children, with their instructors, Mr. Richard Tarr and Sgt. 1st Class Barry Reitman. They are the guests of Representative Coy. Welcome to the hall of the House.

Representative Fee and Representative Pratt have as their guests from Lawrence County Ed Shenkan and his brother, Mark, who participated in the Legislative School Art Exhibit today. Welcome to the hall of the House.

Jerry, Lillian, Jennifer, and Deborah Hetrick are here as the guests of Representative Nick Colafella and the other Representatives from Beaver County.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would suggest to those members who did not participate in the rotunda activities at 11 o'clock or 11:30 this morning that some of you will find that there are students from your areas who have participated and have their works of art hanging on the first floor of the Capitol. It would be a wise thing, the Chair would suggest, that you check that exhibit. There may very well be children here who come from your direct areas.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, April 30, 1984

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 7, 1984, unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 7, 1984, unless sooner recalled by the Speaker.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative George, Mr. and Mrs. Chester Dale and their son, Paul Chester Dale, who was an

award winner in the Legislative Art Exhibit. Welcome to the hall of the House.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 923, PN 1061**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further defining the term "physician"; and making editorial changes.

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

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. **DORR**. Thank you, Mr. Speaker.

I will not take a long time discussing this bill, but I do think it deserves the attention of the members before we run the bill.

HB 923 would, by legislative fiat, make all podiatrists in Pennsylvania physicians of the foot. It would infer or it would give the podiatrists of Pennsylvania the right to call themselves physicians of the foot, I think implying to the public of Pennsylvania that they were in fact doctors, and I object, Mr. Speaker, to that being done by the legislature. I think if a person wants to go to school to become a physician, he should go to school to become a physician, and the legislature should not confer upon them, the people of any profession, by legislative fiat the designation of some other kind of health care professional.

I urge the members, Mr. Speaker, to give serious consideration to the ramifications of this action. The term "physician" is used very many times throughout the statutes of Pennsylvania, and we would in fact be doing some damage to each of those references by conferring this particular title upon people who are not trained, in the public's way of thinking, to practice health care upon the entire body. I ask the members to carefully consider this and, if they can, to vote against the bill.

The **SPEAKER**. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. **HALUSKA**. I would like to caution the House of Representatives that this is a very important piece of legislation. A physician, over long periods of time, has been recognized as one who has been trained extensively to treat the entire body. He has taken comprehensive training. In addition to that, he has served 2 or 3 years of internship. In addition to that, he is required to constantly update his knowledge about treating the entire body, and I think it would be improper for us to designate, whether it be a dentist, whether it be an optometrist, or whether it be a podiatrist, the term of "physician" to him.

Basically, one of the major reasons for this is the fact that in order to admit anybody into a hospital, you must be a physician. You must be knowledgeable about the entire body, about its concepts, its functions, and the methods of treatment. And if you are not— For instance, I, as a dentist, if I am admitting a patient to the hospital, I must send him to his family doctor to be examined to make a determination of whether he is physically fit to have an operation, whether he is physically fit to take an anesthetic. I think it is very important for the health and welfare of the average patient that this process be continued.

In addition to this, there are many other reasons. For instance, there are such laws as the Mental Health Procedures Act, the Uniform Anatomical Gift Act, and the Pennsylvania Cancer Law, which assign special duties to physicians which imply knowledge of the body. Therefore, I think if we made a change, it would cause so much confusion in current law, in current regulations, in hospitals as well as on the State level in the Department of Health, that this would be unwarranted. I ask for a negative vote on this piece of legislation. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

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

Mr. **LLOYD**. Thank you, Mr. Speaker.

I rise to ask for a "yes" vote. A number of the arguments which have been made here are based on the contention that somehow if we call these people physicians, it is going to foul up a lot of other statutes in Pennsylvania and expand the rights of podiatrists. But the language in this bill says that this bill will not expand the rights of podiatrists under any other statute. Therefore, that simply is not a valid argument. Furthermore, when the people who were opposing this bill in committee came around to see me and made that argument, I challenged them to come up with some amendments which would solve those problems, if indeed they could prove that they existed. Those amendments have never been forthcoming.

So I suggest, Mr. Speaker, that this whole argument that somehow this bill is going to negatively impact on other kinds of procedures in the medical profession simply does not hold water, and we ought to vote for this bill.

The **SPEAKER**. The Chair thanks the gentleman.

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—37

Battisto	Gallagher	Murphy	Serafini
Belardi	Kasunic	O'Brien	Seventy
Belfanti	Klingaman	Pievsky	Sirianni
Brandt	Kosinski	Pistella	Spencer
Cohen	Lloyd	Preston	Tigue
Coy	McCall	Punt	Truman
DeWeese	McIntyre	Richardson	Weston
Daley	McMonagle	Rieger	Williams
Donatucci	Manderino	Rybak	Wright, D. R.
Freeman			

NAYS—155

Afflerbach	Fargo	Letterman	Reinard
Alderette	Fattah	Levi	Robbins
Angstadt	Fee	Levin	Rudy
Armstrong	Fischer	Linton	Ryan
Arty	Flick	Livengood	Saloom
Baldwin	Foster, W. W.	Lucyk	Salvatore
Barber	Foster, Jr., A.	McClatchy	Saurman
Beloff	Freind	McHale	Scheetz
Blaum	Fryer	McVerry	Schuler
Book	Gamble	Mackowski	Semmel
Bowser	Gannon	Madigan	Showers
Boyes	Geist	Maiale	Smith, B.
Bunt	George	Manmiller	Smith, L. E.
Burd	Gladeck	Markosek	Snyder, D. W.
Burns	Godshall	Mayernik	Snyder, G. M.
Caltagirone	Greenwood	Merry	Spitz
Cappabianca	Grieco	Michlovic	Stairs
Cawley	Gruitza	Micozzie	Steighner
Cessar	Gruppo	Miller	Stewart
Cimini	Hagarty	Miscevich	Stuban
Civera	Haluska	Moehlmann	Sweet
Clark	Harper	Morris	Swift
Clymer	Hasay	Mowery	Taylor, E. Z.
Colafella	Hayes	Mrkonic	Taylor, F. E.
Cole	Herman	Nahill	Telek
Cordisco	Hershey	Noye	Van Horne
Cornell	Hoeffel	Olasz	Vroon
Coslett	Honaman	Oliver	Wachob
Cowell	Hutchinson	Perzel	Wambach
Deluca	Itkin	Peterson	Wargo
DeVerter	Jackson	Petrarca	Wass
Davies	Jarolin	Petrone	Wiggins
Dawida	Johnson	Phillips	Wilson
Deal	Kennedy	Piccola	Wogan
Dietz	Kukovich	Pitts	Wright, J. L.
Dininni	Lashinger	Pott	Wright, R. C.
Dombrowski	Laughlin	Pratt	
Dorr	Lehr	Rappaport	Irvis,
Duffy	Lescovitz	Reber	Speaker
Durham			

NOT VOTING—7

Broujos	Evans	O'Donnell	Zwilk
Carn	Gallen	Wozniak	

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REMARKS ON VOTE

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

Mr. DAVIES. On the previous bill, HB 1584, PN 2053, I was out of my seat. Had I been in my seat, I would have been voted in the negative. Thank you, Mr. Speaker.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1289, PN 1702**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for professional dental health service corporations and for the liability of professional health service corporations.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT

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

Mr. POTT. Mr. Speaker, there are numerous amendments to this bill and we have many important considerations before us today. I would like to move that this bill be recommitted to the House Committee on Insurance, together with the amendments.

The SPEAKER. It is moved by the gentleman, Mr. Pott, that HB 1289, PN 1702, together with the amendments, be recommitted to the Insurance Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I certainly recognize Representative Pott's ability to judge legislation. However, when he said there are numerous amendments, it seems to be a slight miscalculation judging by what I have in front of me that have been offered. I believe that we can dispense with these amendments very quickly and vote on the merits of the bill just as quickly, Mr. Speaker, and I would certainly ask, under the consideration that we have had this bill in our possession for the last year and a half, that we certainly run the bill today.

Mr. Speaker, I would ask for a negative vote on the recommittal motion.

The SPEAKER. On the motion to recommit, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I, too, rise to oppose the recommittal motion. I think this bill should be considered on the floor.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—60

Afflerbach	Fattah	Lescovitz	Pratt
Barber	Fee	Levi	Salvatore
Beloff	Foster, W. W.	Levin	Scheetz
Bunt	Fryer	Linton	Showers
Burd	Geist	McIntyre	Smith, L. E.
Burns	Gladeck	McMonagle	Taylor, F. E.
Caltagirone	Greenwood	Mackowski	Truman
Colafella	Hagarty	Manderino	Vroon
Cole	Haluska	Moehlmann	Wargo
Cordisco	Harper	Morris	Wiggins
Coslett	Hoeffel	Mowery	Wilson
DeVerter	Jackson	O'Brien	Wozniak
DeWeese	Jarolin	Perzel	
Donatucci	Kasunic	Peterson	Irvis,
Durham	Kennedy	Pott	Speaker

Fargo	Kosinski	NAYS—130	
Alderette	Duffy	McHale	Rudy
Angstadt	Fischer	McVerry	Ryan
Armstrong	Flick	Madigan	Rybak
Arty	Foster, Jr., A.	Maiale	Saloom
Baldwin	Freeman	Manmiller	Saurman
Battisto	Freind	Markosek	Schuler
Belardi	Gallagher	Mayernik	Semmel
Belfanti	Gallen	Merry	Serafini
Blaum	Gamble	Michlovic	Seventy
Book	Gannon	Micozzie	Sirianni
Bowser	George	Miller	Smith, B.
Boyes	Godshall	Miscevich	Snyder, D. W.
Brandt	Grieco	Mrkonic	Snyder, G. M.
Broujos	Gruppo	Murphy	Spencer
Cappabianca	Hasay	Noye	Spiz
Cawley	Hayes	Olasz	Stairs
Cessar	Herman	Oliver	Steighner
Cimini	Hershey	Petrarca	Stewart
Civera	Honaman	Petrone	Stuban
Clark	Hutchinson	Phillips	Swift
Clymer	Itkin	Piccola	Taylor, E. Z.
Cornell	Johnson	Pievsky	Telek
Cowell	Klingaman	Pistella	Tigue
Coy	Kukovich	Pitts	Van Horne
Deluca	Lashinger	Preston	Wachob
Daley	Laughlin	Punt	Wambach
Davies	Lehr	Rappaport	Wass
Dawida	Letterman	Reber	Williams
Deal	Livengood	Reinard	Wogan
Dietz	Lloyd	Richardson	Wright, D. R.
Dininni	Lucyk	Rieger	Wright, J. L.
Dombrowski	McCall	Robbins	Wright, R. C.
Dorr	McClatchy		

NOT VOTING—9

Carn	Gruitza	O'Donnell	Weston
Cohen	Nahill	Sweet	Zwikl
Evans			

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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. HALUSKA offered the following amendments No. A0625:

Amend Sec. 2 (Sec. 6341), page 5, lines 15 through 19, by striking out all of said lines

Amend Sec. 2 (Sec. 6343), page 6, line 29, by striking out the colon after "which"

Amend Sec. 2 (Sec. 6343), page 7, line 4, by striking out "(1)"

Amend Sec. 2 (Sec. 6343), page 7, lines 7 through 11, by striking out "; or" in line 7, all of lines 8 through 11 and inserting a period

On the question,

Will the House agree to the amendments?

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

Mr. HALUSKA. Mr. Speaker, this amendment deals with the assignment of benefits for payment of dental services from a professional health service corporation without restriction to the patient's treating dentist. This is a very significant part of this proposed legislation.

Today only a participating dentist receives direct payment by a professional health service corporation. In exchange for prompt, direct payment, the dentist agrees to accept the allowance of a fee made by the dental plan as payment in full. This eliminates the consumer out-of-pocket payment. Last year this saved consumer patients some \$7.8 million. A non-participating dentist may bill patients for any amount which is over Blue Shield's reimbursement. The patient must absorb the additional cost. If this paragraph were in effect, all dentists could receive direct payments. This would destroy the incentive for a dentist to participate and would therefore increase the cost to the consumer on out-of-pocket expenses.

It had been my experience over the years as a practicing dentist, prior to the time that we had any dental plans, that a dentist could expect to lose anywhere from 10 to 15 percent of the gross amount of work that he did in trying to collect from the respective patients, and I think that a participating dentist now who receives in the percentile of 90 percent of reimbursement for basic dental treatment is well reimbursed for the services that are rendered.

I think it is very important for us in this particular day to remember that last year the cost of health services in the United States had risen some 300 percent, while the national inflation rate was 4 percent. They all tell us that currently we are consuming about 12 percent of our gross national product for health services, and if we reach 14 or 15 percent, it is going to be very catastrophic to the economy of this entire Nation. I think it is unwise for us at this time to act on an anticonsumer bill that would add additional costs for health services in this Commonwealth, and I ask for a positive vote.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I listened with interest to what the gentleman had to say about containment of costs and added additional consideration for the patient as opposed to the Blue Shield or the Delta Dental Company that this bill happens to cover.

Mr. Speaker, just the opposite is true of what the gentleman has said. What happens, in all honesty, in the case of a consumer who goes to a practicing dentist to have treatment, they make an X-ray of that particular person's mouth; they diagnose what the treatment is; they send into the third-party carrier, the insurance company, the particular treatment that they feel is appropriate. The insurance company sends back an okay, saying your policy covers this treatment; you are entitled to reimbursement under this; go right ahead and perform the treatment. The dentist goes ahead and performs the treatment and then sends a postoperative X-ray back in to Blue Shield. The end result is they decide that they are not going to pay it. And who do you think is out pocket money, Mr Speaker? Not the dentist, not the insurance company. They have received their premium, and the nonparticipating dentist has received his payment in advance. It is the problem of the consumer who suffers.

Mr. Speaker, this particular piece of legislation is designed to protect the consumer, the patient, who goes to the dentist for that treatment, and it puts the insurance company and the dentist at stake in this particular situation and removes the patient from the middle of that discussion. After all, the dentist is performing the service; the insurance company is providing the protection; the employer is paying the premium. I believe the patient is entitled to that reimbursement and that assignment, Mr. Speaker, and I ask for a negative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment for the second time, the Chair recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, in the first place, I question the statement that was made in regard to preapproval. In my experience, I have never had difficulty in preapproval, and the difficulty lies with dentists who ignore the fact to acquaint themselves with what the plan provides. I have talked to dentists, just as recently as yesterday, where I said it is the responsibility of the dentist to read the plan, to inform the patient what he is entitled to and what he is not entitled to, prior to completing the work. And secondly, when work is completed, as the speaker has stated, if a denture is constructed and it is ill fitting and the patient goes back time and time again and is not satisfied with the work, I do not think the thing should be paid. I think it is the responsibility of the dentist who served that patient.

There are other factors that are involved in this particular case. The dentists go ahead and complete work for cosmetic purposes and other things that could be replaced with lesser cost dentistry, and that is the reason many of these bills go unpaid. It is not for cases that have been previously approved but cases that have not been previously approved that are causing the problem. I think it is important that we do something to make these entities get together and resolve their issues. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment for the second time, the Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, in plain language, what is happening to our people, your constituents and the patients in this circumstance, is that yes, the third-party carrier says, dentist, your work is not up to standard; we are not paying. But, Mr. Speaker, thereafter the third-party carrier does absolutely nothing. Does he try to attack the dentist on the grounds that he performed poor work and insist that he take that patient back and take care of him? Does he follow up and say, dentist, you shall no longer be permitted to practice in this area; I am going to take you before your review group and have your credentials examined on the basis of your work? No, Mr. Speaker, they do not, and as a result, Mr. Speaker, your constituents, the patients in this State who are involved in receiving that kind of treatment, are out the money, not the dentists and not the insurance company.

Mr. Speaker, I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Misceovich, on the amendment.

Mr. MISCEVICH. Mr. Speaker, may I interrogate Representative Haluska, please?

The SPEAKER. The gentleman, Mr. Misceovich, has requested that Mr. Haluska stand for interrogation. The gentleman, Mr. Haluska, indicates he will so stand, and the gentleman, Mr. Misceovich, is in order and may proceed.

Mr. MISCEVICH. Mr. Speaker, if you as a practicing dentist X-rayed my mouth and we sent it to a third-party payer, who reviews the X-rays at the third party?

Mr. HALUSKA. What they generally do, they have technicians who review them. They are instructed to go to a certain point, and if there are any questionable factors, then they go to the consulting dentist. This is not unrealistic in any of the medical training programs or medical practicing programs. Today they have people who are trained who can place fillings, who can do root canal work. Just like you have in the medical field, you have technicians who do much of the work in the doctor's office or in the hospital, other than the operating procedure.

Mr. MISCEVICH. Mr. Speaker, if I understand you correctly, you are telling me that a professional dentist does not review these X-rays. Is that what you are saying?

Mr. HALUSKA. I am not saying that they do not review them. I am saying that they have guidelines to proceed by. When they see an abnormality present, then it goes to the consulting dentist for peer review.

Mr. MISCEVICH. Mr. Speaker, it is also my understanding that if there is a problem with a private insurance carrier, there is an individual whom you could call or my dentist could call and converse with directly about the problem. In the case of a third-party payer located in Camp Hill here, not mentioning their name, there is nobody whom you could really call and ask them about the review of those X-rays. Is that correct?

Mr. HALUSKA. No; that is not true. In the back of each pamphlet or book there is a list of all the consultants whom they may contact—I mean, if they have a particular problem.

Mr. MISCEVICH. I hate to dispute what you are saying, but I have been to several dentists, and I have seen the reviews come back, and there are no names on the bottom of the sheet as to whom you may contact if you have a problem or a question.

The SPEAKER. Will the gentleman yield.

Mr. Misceovich, you know very well that you are not allowed to argue. You are allowed to interrogate. If you are finished with your interrogation, you may make a statement.

Mr. MISCEVICH. Okay. May I rephrase the question then, sir?

Does the third-party payer normally at the bottom of the review have a contact person whom you can in fact contact if you have a problem or a question?

Mr. HALUSKA. Each patient has a pamphlet, and so do the participating dentists, and the other dentists can acquire

it, showing all the consultants on the back page, listing all of the consultants who are available.

Mr. MISCEVICH. Thank you, Mr. Speaker.

I have no further questions. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, much has been said about the Haluska amendment. The bottom line is this, and everybody had better understand it: In many people's opinion, there will be no more participating dentists because there will be no incentive for anybody ever to be a participating dentist, and if there are no more participating dentists—all dentists get paid regardless—costs are going to go up. That is what the unions have said; that is what management has said. United States Steel, in testimony, said that their benefit package would go up by \$1 million per year, and they said they cannot afford that and they would drop it. Now, that is the bottom line to the Haluska amendment. If the Haluska amendment goes in, there will still be participating dentists. If it does not go in, there will be no more participating dentists, in my opinion and in the opinion of many who have reviewed the bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Mr. Speaker, I disagree with the gentleman, Mr. Burns. First of all, 56 percent of the dentists are participating, and they are not going to walk away from this situation.

I would like to interrogate Dr. Haluska, please.

The SPEAKER. Mr. Haluska indicates he will stand for interrogation. The gentleman, Mr. Gallen, is in order and may proceed.

Mr. GALLEN. Mr. Speaker, your amendment, if I am correct, eliminates the assignment of benefits. Is that correct?

Mr. HALUSKA. That is right, sir.

Mr. GALLEN. Could you tell me why you are doing that?

Mr. HALUSKA. I am doing it in order to maintain the participating dentists.

Mr. GALLEN. Well, if you have an automobile claim, in many cases the check is made out to the claimant as well as the body shop. It is a routine thing, whether they are participating or not participating, whether nobody participates or everybody participates. I do not understand why you want to eliminate that.

Mr. HALUSKA. I am doing this to maintain health costs, sir, dental health costs.

Mr. GALLEN. Could you tell me how that does that?

Mr. HALUSKA. What will happen is, you have been shown statistics from Blue Shield alone that had we not had participating dentists the past year, patients would have paid out \$7.8 million more for dental services. This is the reason for maintaining a dental service. As you stated, 56 percent of the dentists currently are participating dentists. Why should we discourage them from being nonparticipating dentists, because they cannot claim any additional payments from their

patients when they are participating dentists. Once they become nonparticipating dentists, they can ask for the additional copayment by the patient.

Mr. GALLEN. And it is your contention that it would have cost patients \$7.8 million more. Is that correct?

Mr. HALUSKA. That is, in Pennsylvania it would have cost \$7.8 million more for dental services without participating dentists. Correct.

Mr. GALLEN. Okay; \$7.8 million over what figure? What is that ratio?

Mr. HALUSKA. That ratio, comparatively speaking, 46 percent of the dentists are nonparticipating, and they in turn collected \$4.4 million additionally from the patients.

Mr. GALLEN. Mr. Speaker, the question is, what is the total cost of all dental care in Pennsylvania, and then what is that total cost?

Mr. HALUSKA. The only figure that I can give you is that if we pass this piece of legislation, it is going to cost an additional \$10 million for dental services of those constituents who are now using the Blue Shield program. In addition to that, \$2 million of that will be a cost in the general budget of the Commonwealth of Pennsylvania for the programs that they cover under dental services.

Mr. GALLEN. Mr. Speaker, I am not getting a response, so I will make a statement.

The SPEAKER. The gentleman is in order and may make a statement on the amendment.

Mr. GALLEN. The gentleman contends that the cost would have been \$7.8 million more. Fine; \$7.8 million over what—\$40 billion, \$10 million, \$150 million? It may be a very, very insignificant sum when you apply it as a ratio, and I think the gentleman's argument is shallow.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Burns, for the second time on the Haluska amendment.

Mr. BURNS. Mr. Speaker, thank you.

The previous speaker alluded to the fact that it could operate just like the insurance company operates with your automobile. That is far, far from the truth. What this bill says in its present form is that when a person walks into a dental office and gets dental work done, the dentist gets paid, period, whether the work is bad, whether the work is good; no matter if he has filled in a false claim, basically, and I do not really mean that, but no matter what happens, the dental work is paid. That is not the same when you have an insurance company and an automobile. The insurance company goes out and authorizes repairs and makes sure the repairs are done. The customer makes sure because he has to sign the check to the auto repair company. That is not the case in this bill. When a person walks into the dental office, under the bill as it presently stands, the dentist will perform the work and the dentist will be paid. The consumer, if he gets a bad job, will be stuck with it. Then it will be a medical malpractice insurance or whatever. But without the Haluska amendment, the dentist will be paid regardless, and if anybody says that people will still opt in for the participation vice the nonpartici-

pation, they are crazy. Why would a person stay as a participating dentist when he is going to get paid anyway?

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Mayernik, on the Haluska amendment.

Mr. MAYERNIK. I would like to make a statement on the Haluska amendment.

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

Mr. MAYERNIK. Approximately 1 million people participate in the third-party carrier that is affected by this bill, Mr. Speaker. I am concerned that we in the Pennsylvania legislature should be concerned about the consumers of the Commonwealth, not about the dentists in this situation. The dentists will not turn away the business of 1 million patients. I ask for a negative vote on the Haluska amendment.

Representative Burns, in my opinion, stated an inaccuracy when he said the dentist gets paid and it is up to the patient. It is up to the patient to decide whether the dentist gets paid or not, so that is why I would ask for a negative vote on the Haluska amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—74

Afflerbach	Donatucci	Lashinger	Scheetz
Baldwin	Durham	Levin	Semmel
Barber	Fargo	Linton	Showers
Beloff	Fattah	Lucyk	Smith, L. E.
Blaum	Fee	McHale	Snyder, D. W.
Book	Freeman	McIntyre	Spencer
Bunt	Fryer	McVerry	Stewart
Burns	Gladeck	Manderino	Sweet
Cawley	Greenwood	Miller	Swift
Cessar	Gruitza	Morris	Taylor, E. Z.
Cohen	Gruppo	Mowery	Taylor, F. E.
Colafella	Hagarty	Nahill	Telek
Cordisco	Haluska	O'Donnell	Vroon
Coslett	Harper	Petrone	Wargo
Deluca	Hasay	Pievsky	Wiggins
DeVerter	Hershey	Pott	Wogan
DeWeese	Hoeffel	Pratt	
Daley	Kasunic	Richardson	Irvis,
Dombrowski	Klingaman	Rybak	Speaker

NAYS—120

Alderette	Flick	McCall	Reber
Angstadt	Foster, W. W.	McClatchy	Reinard
Armstrong	Foster, Jr., A.	McMonagle	Rieger
Arty	Freind	Mackowski	Robbins
Battisto	Gallagher	Madigan	Rudy
Belardi	Gallen	Maiale	Ryan
Belfanti	Gamble	Manmiller	Saloom
Bowser	Gannon	Markosek	Salvatore
Boyes	Geist	Mayernik	Saurman
Brandt	George	Merry	Schuler
Broujos	Godshall	Michlovic	Serafini
Burd	Grieco	Micozzie	Seventy
Caltagirone	Hayes	Miscevich	Sirianni
Cappabianca	Herman	Moehlmann	Smith, B.
Cimini	Honaman	Mrkonic	Snyder, G. M.
Civera	Hutchinson	Murphy	Stairs
Clark	Itkin	Noye	Steighner
Clymer	Jackson	O'Brien	Stuban
Cole	Jarolin	Olasz	Tigue
Cornell	Johnson	Oliver	Truman

Cowell	Kennedy	Perzel	Van Horne
Coy	Kosinski	Peterson	Wachob
Davies	Kukovich	Petrarca	Wambach
Dawida	Laughlin	Phillips	Wass
Deal	Lehr	Piccola	Williams
Dietz	Lescovitz	Pistella	Wilson
Dininni	Letterman	Pitts	Wozniak
Dorr	Levi	Preston	Wright, D. R.
Duffy	Livengood	Punt	Wright, J. L.
Fischer	Lloyd	Rappaport	Wright, R. C.

NOT VOTING—5

Carn	Spitz	Weston	Zwinkl
Evans			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

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

Mr. HALUSKA offered the following amendments No. A0940:

Amend Sec. 2 (Sec. 6341), page 4, lines 14 through 25, by striking out all of lines 14 through 24 and "(f)" in line 25 and inserting

(e)

Amend Sec. 2 (Sec. 6341), page 5, line 6, by striking out "(G)" and inserting

(f)

Amend Sec. 2 (Sec. 6341), page 5, line 15, by striking out "(H)" and inserting

(g)

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

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

Mr. HALUSKA. Mr. Speaker, this amendment removes from the bill the section that states that no professional health service corporation shall refuse to make payment to an insured dental patient on the basis that dental services for which payment is requested were performed inadequately, improperly, or not in accordance with professional standards. This language does not protect the consumer. In effect, this legislation would subsidize poor-quality dentistry.

This amendment also removes from the bill the subrogation rights of the patient to the professional health service corporation for the patient's right to recovery against the dentist for all the amounts paid by the patient to the dentist, to the extent that the professional health service corporation has made payment for the services giving rise to such rights of recovery, when work was performed inadequately, improperly, or not in accordance with professional standards. This language does not protect the consumer. It protects only the dentist's right to collect payment when a dentist performs below professional standards or accepted standards. In effect, this legislation would subsidize poor-quality dentistry.

If the aim of the legislation is consumer protection, this section should prohibit payment for services performed inadequately, improperly, or in accordance with professional stan-

dards. In fact, this legislation does just the opposite. I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly, the gentleman's amendment strikes at the very heart of what we are trying to accomplish in this bill. As I said before, Mr. Speaker, the present situation within the system of reimbursement for dental service requires that a patient, a consumer, must take Blue Shield to court or must take the dentist to court after the appeal procedure in order to get relief, in order to secure legitimate payment from the third-party carrier who has refused to make payment and has refused with the full knowledge that the average consumer and the average patient in this State cannot afford to take that dentist or that Blue Shield to court to get their reimbursement. Mr. Speaker, they cannot afford it because the cost of going to court is many times beyond the payment that they would have received. It is similar to what we did, Mr. Speaker, in the lemon law, when we said that a consumer shall be able to receive legal fees. The same circumstance exists here, Mr. Speaker. The consumer cannot get legal fees, they cannot go to court, and Blue Shield and the dentist hold the patient hostage and they cannot receive their legitimate reimbursement, Mr. Speaker, and I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment for the second time, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, there are some very serious pitfalls in this legislation. There is nothing in this legislation that requires a dentist to take X-rays beforehand and to submit for preapproval. What often happens if a patient comes into an office and he has certain teeth that are missing and it is suggested by the professional dentist that he should have a bridge constructed, he constructs the bridge and submits the thing in for payment. When it is reviewed at Blue Shield, they find that there is periodontal involvement of the roots of these particular teeth that were capped. This periodontal disease should have been treated prior to the time that any work was constructed. And what is happening here, the third party is required to make payment under this bill, and then they are going to expect the third party to sue the dentist to try to recover. I think it is improper. I think when there are things that are incorrect, they should not be paid at that particular time.

In addition to that, you have situations where a patient comes in and they have a corner or something broken off a tooth. Right away for cosmetic purposes they might want to replace it with a crown. If they read the program or read the plan, it is not covered under this particular program, but under this bill they are going to have to pay that regardless of whether or not it is covered, and it is up to them to try to reclaim what has been done.

I think there are many things in this bill that are bad, that are going to cause a lot of trouble, and it is going to cause den-

tistry to be very expensive to the masses of people. I have had an experience back in the 1960's when the United Mine-workers of America had a dental program. They had no control; they had no peer review, and that program just literally went to wild and had to be eliminated within a matter of 3 years because it just broke the fund. That was all attributed to the fact that we had no controls at the third-party level.

So I ask all of you to give very serious consideration to this amendment and ask an affirmative vote in order to protect the consumer. I thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Haluska amendment for the second time, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I believe the gentleman, Mr. Burns, would like to speak. I will forego that until he is finished.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

I just would like you to think about something. Where is there a consumer being benefited when the provider, no matter what it is, is paid no matter what the quality of the product? Think about that a minute.

We just passed a lemon law here that protects the consumer. The purpose is so that if a consumer gets a bad piece of merchandise, he has a recourse. This bill, without Dr. Haluska's amendment, would say that any dentist performing any work will be paid regardless of the quality of the work. Now, you could go in and have periodontal work done or root canal or whatever; the guy could not go deep enough, according to medical standards; your pain would stop, but 2 years later your mouth would be in terrible shape. But that dentist is going to be paid, and if you have any recourse, the only recourse you have is a malpractice case against the dentist. Now, tell me, how does that benefit the consumer?

The SPEAKER. On the Haluska amendment for the second time, the Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly, the gentleman makes the argument for my case, and that is when he says the patient has nowhere to go and the dentist is going to be getting paid for poor work. Mr. Speaker, my entire argument against the third-party carrier, the insurance company, is that they refuse to take action against the dentists who are doing poor work. They refuse to protect the interests of the patient and the consumer under their present system, Mr. Speaker. Instead, they tell the patient, well, I am sorry, we do not agree with this treatment and we are not paying, and that ends it for the patient, Mr. Speaker. They have no protection. They have no way of getting their money.

Mr. Speaker, this bill is not designed, as it has been indicated, to protect the interests of the dentists; it is designed to protect the interests of the consumers. That is why it was drafted, that is why Representative Taddonio and I worked on it for 3 years, and that is why I ask for a negative vote on the amendment.

The SPEAKER. On the Haluska amendment, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

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

I would just like to make an observation that as far as the dental industry is concerned over the years, they have certainly done an outstanding job in keeping in line their costs compared to the rest of the medical profession. I think it is wrong to be considering legislation here today that is going to change a system that has worked relatively well for many, many years. I would only ask that if you consider this amendment, that you consider it on a very positive basis, because it is absolutely important that we do not break down the quality of the work in the name of consumerism. I think that what we want to try and do is provide maybe a better delivery system, a better provider delivery system to our patients, but certainly we do not want to reward work that is not adequate to the standards of the peer group of dentists. Thank you, and please support Dr. Haluska's amendment.

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

The following roll call was recorded:

YEAS—78

Afflerbach	Dorr	Lehr	Rybak
Alderette	Durham	Levi	Salvatore
Baldwin	Fargo	Levin	Scheetz
Barber	Fee	Lucyk	Showers
Beloff	Foster, W. W.	McHale	Sirianni
Bunt	Freeman	McVerry	Smith, L. E.
Burd	Fryer	Mackowski	Snyder, D. W.
Burns	Gladeck	Manderino	Spencer
Clymer	Greenwood	Miller	Stewart
Cohen	Gruitza	Moehlmann	Sweet
Colafella	Hagarty	Morris	Taylor, F. E.
Cordisco	Haluska	Mowery	Telek
Coslett	Harper	Nahill	Vroon
Deluca	Hasay	O'Donnell	Wargo
DeVerter	Hershey	Peterson	Weston
DeWeese	Hoeffel	Petrone	Wiggins
Dawida	Kasunic	Pievsky	Williams
Dietz	Kennedy	Pott	Wilson
Dombrowski	Klingaman	Pratt	Wogan
Donatucci	Lashinger		

NAYS—115

Armstrong	Flick	McClatchy	Rieger
Arty	Foster, Jr., A.	McIntyre	Robbins
Battisto	Freind	McMonagle	Rudy
Belardi	Gallagher	Maiale	Ryan
Belfanti	Gallen	Manmiller	Saloom
Blaum	Gamble	Markosek	Saurman
Book	Gannon	Mayernik	Schuler
Bowser	Geist	Merry	Semmel
Boyes	George	Michlovic	Serafini
Brandt	Godshall	Micozzie	Seventy
Broujos	Grieco	Miscevich	Smith, B.
Caltagirone	Gruppo	Mrkonic	Snyder, G. M.
Cappabianca	Hayes	Murphy	Spitz
Cawley	Herman	Noye	Stairs
Cessar	Honaman	O'Brien	Steighner
Cimini	Hutchinson	Olasz	Stuban
Civera	Itkin	Oliver	Swift
Clark	Jackson	Perzel	Taylor, E. Z.
Cole	Jarolin	Petrarca	Tigue
Cornell	Johnson	Phillips	Van Horne
Cowell	Kosinski	Piccola	Wambach
Coy	Kukovich	Pistella	Wass
Daley	Laughlin	Pitts	Wozniak

Davies	Lescovitz	Preston	Wright, D. R.
Deal	Letterman	Punt	Wright, J. L.
Dininni	Linton	Rappaport	Wright, R. C.
Duffy	Livengood	Reber	
Evans	Lloyd	Reinard	Irvis,
Fattah	McCall	Richardson	Speaker
Fischer			

NOT VOTING—6

Angstadt	Madigan	Wachob	Zwilk
Carn	Truman		

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BURNS offered the following amendments No. A0950:

Amend Sec. 2 (Sec. 6341), page 3, line 15, by inserting after "inquiries"

concerning denied claims or predeterminations

Amend Sec. 2 (Sec. 6341), page 3, line 15, by inserting after "dentists"

and patients

Amend Sec. 2 (Sec. 6341), page 3, line 21, by striking out "or" and inserting

and

Amend Sec. 2 (Sec. 6341), page 3, line 30, by striking out "or" and inserting

and

Amend Sec. 2 (Sec. 6341), page 4, line 1, by striking out "or" and inserting

and

Amend Sec. 2 (Sec. 6341), page 4, line 2, by striking out "may" and inserting

shall

Amend Sec. 2 (Sec. 6341), page 4, line 3, by removing the period after "review" and inserting

if the review is requested

Amend Sec. 2 (Sec. 6341), page 4, line 8, by striking out "or" and inserting

and

Amend Sec. 2 (Sec. 6341), page 4, line 11, by striking out "45 days of the receipt of a request for" and inserting

60 days after the date of the

Amend Sec. 2 (Sec. 6343), page 6, line 24, by inserting after "services" where it appears the first time

as provided for in section 6303 (relating to statement of legislative findings and policy)

Amend Sec. 2 (Sec. 6343), page 6, line 26, by inserting after "question."

Such decision must be made within 60 days of the appeal to the committee. The patient and treating dentist may present evidence and information in writing or by appearing at the review.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

Someone on this side of the aisle said, Burns, you are on a roll; you had better keep going.

This is basically a technical amendment. It assures the consumer of the backing of the treating dentist in pursuing a denied claim. This amendment is basically technical in nature. Its purpose is to assure that any consumer or patient who wishes to know more about a dental claim or who asks for a review of his or her claim that has been denied will have the support of and technical assistance of the treating dentist.

The original bill as written allows for either the dentist or the patient to make inquiries and appeal. The consumer stands a much better chance if he or she is assured of the treating dentist's cooperation and participation.

In addition, the amendment also clarifies what is meant by "professional standards of the dental services" and allows for an appeal decision to be forthcoming from the dental review committee and the peer review committee within 60 days after the date of the actual hearing or review. I believe the 60-day time limit is a little more reasonable than the 45 days as provided in the original bill.

The SPEAKER. The Chair thanks the gentleman.

On the Burns amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I have no objection to the Burns amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Battisto	Freeman	McVerry	Scheetz
Belardi	Freind	Mackowski	Schuler
Belfanti	Fryer	Madigan	Semmel
Beloff	Gallagher	Maiale	Serafini
Blaum	Gallen	Manderino	Seventy
Book	Gamble	Manmiller	Showers
Bowser	Gannon	Markosek	Sirianni
Boyes	Geist	Mayernik	Smith, B.
Brandt	George	Merry	Smith, L. E.
Broujos	Gladeck	Michlovic	Snyder, D. W.
Bunt	Godshall	Micozzie	Snyder, G. M.
Burd	Grieco	Miller	Spencer
Burns	Gruitza	Miscevich	Spitz
Caltagirone	Gruppo	Moehlmann	Stairs
Cappabianca	Hagarty	Morris	Steighner
Carn	Haluska	Mowery	Stewart
Cawley	Harper	Mrkonic	Stuban
Cessar	Hasay	Murphy	Sweet
Cimini	Hayes	Nahill	Swift
Civera	Herman	Noye	Taylor, E. Z.
Clark	Hershey	O'Brien	Taylor, F. E.
Clymer	Hoeffel	O'Donnell	Telek
Colafella	Honaman	Olasz	Tigue
Cordisco	Hutchinson	Oliver	Truman
Cornell	Itkin	Perzel	Van Horne
Coslett	Jackson	Peterson	Vroon
Cowell	Jarolin	Petrarca	Wachob
Coy	Johnson	Petrone	Wambach
Deluca	Kasunic	Phillips	Wargo
DeVerter	Kennedy	Piccola	Wass

DeWeese	Klingaman	Pievsky	Weston
Davies	Kosinski	Pistella	Wiggins
Dawida	Kukovich	Pitts	Williams
Deal	Lashinger	Pott	Wilson
Dietz	Laughlin	Pratt	Wogan
Dininni	Lehr	Preston	Wozniak
Dombrowski	Lescovitz	Punt	Wright, D. R.
Donatucci	Letterman	Rappaport	Wright, J. L.
Dorr	Levi	Reber	Wright, R. C.
Duffy	Levin	Reinard	
Durham	Linton	Richardson	Irvis,
Evans	Livengood	Rieger	Speaker

NAYS—0

NOT VOTING—5

Cohen	Daley	Greenwood	Zwikl
Cole			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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. BURNS offered the following amendments No. A0955:

Amend Sec. 2 (Sec. 6342), page 5, line 27, by inserting after "are"

personally

Amend Sec. 2 (Sec. 6342), page 5, lines 29 and 30, by striking out "or any State or local professional dental society"

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

My amendment deletes the words "or any State or local professional dental society" from gaining automatic legal standing before either the Health or the Insurance Departments. I believe, and the courts have agreed up until this time, that standing for any professional association should only be on a case-by-case basis, not automatic. Should this legislature grant standing to the professional dental association, it had better be prepared to act similarly for every other type of profession or special-interest association. I do not believe we really wish to open a Pandora's box here and now, and I urge adoption of this amendment striking that portion from the bill.

The SPEAKER. The Chair thanks the gentleman.

On the Burns amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, earlier during the discussion it was stated that the qualification of people to appear before any board or organization or get admission to a hospital on HB 1293 requires the expertise and the knowledge and the skill of the people who are involved. Mr. Speaker, I do not believe there is anything wrong with giving standing to an organization in order to represent adequately the position in

any health case before the Insurance Commission or any board of health that would be involved, Mr. Speaker, or the State Insurance Commissioner.

The SPEAKER. The Chair recognizes, for the second time, the gentleman, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

I would like to point out to the House that in several court cases the courts have ruled that the association does not represent the consumer; the professional association is representing itself, and if we open this up, everybody who thinks of themselves as professional associations will have bills on your desks to do the same thing. We are really opening up a Pandora's box. I would ask that you strike this section from the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, in all honesty, I can understand the gentleman's difficulty. However, Mr. Speaker, I think it is important to give those who are best qualified the opportunity to present a position on matters of this sort before the boards and commissions and courts involved, and I would ask for a negative vote.

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

The following roll call was recorded:

YEAS—126

Afflerbach	Durham	Lucyk	Reber
Alderette	Fargo	McClatchy	Reinard
Angstadt	Fee	McHale	Rieger
Armstrong	Foster, W. W.	McIntyre	Robbins
Baldwin	Foster, Jr., A.	McMonagle	Rudy
Battisto	Freeman	McVerry	Ryan
Belardi	Freind	Mackowski	Rybak
Belfanti	Fryer	Maiale	Saloom
Beloff	Geist	Manderino	Saurman
Book	George	Manmiller	Scheetz
Boyes	Gladeck	Michlovic	Schuler
Brandt	Godshall	Micozzie	Semmel
Broujos	Greenwood	Miller	Serafini
Bunt	Gruitza	Moehlmann	Sirianni
Burd	Hagarty	Morris	Smith, L. E.
Cappabianca	Haluska	Mowery	Snyder, D. W.
Cawley	Harper	Nahill	Snyder, G. M.
Cessar	Hasay	Noye	Stewart
Clymer	Hayes	O'Brien	Stuban
Cordisco	Herman	O'Donnell	Sweet
Coslett	Hershey	Perzel	Taylor, E. Z.
Cowell	Hoeffel	Peterson	Telek
Coy	Johnson	Phillips	Vroon
Deluca	Kennedy	Piccola	Wargo
DeVerter	Klingaman	Pievsky	Wass
DeWeese	Lashingner	Pistella	Weston
Dawida	Lehr	Pitts	Wilson
Dietz	Letterman	Pott	Wogan
Dininni	Levi	Pratt	Wozniak
Dombrowski	Levin	Punt	Wright, J. L.
Donatucci	Livengood	Rappaport	Wright, R. C.
Dorr	Lloyd		

NAYS—61

Arty	Fattah	Lescovitz	Spencer
Barber	Fischer	Linton	Stairs
Blaum	Flick	McCall	Steighner
Bowser	Gallagher	Markosek	Swift

Caltagirone	Gallen	Mayernik	Tigue
Cimini	Gamble	Mrkonic	Truman
Civera	Gannon	Murphy	Van Horne
Clark	Grieco	Olasz	Wachob
Colafella	Gruppo	Oliver	Wambach
Cole	Honaman	Petrarca	Wiggins
Cornell	Hutchinson	Petrone	Williams
Daley	Itkin	Preston	Wright, D. R.
Davies	Jackson	Richardson	
Deal	Jarolin	Salvatore	Irvis,
Duffy	Kukovich	Seventy	Speaker
Evans	Laughlin	Smith, B.	

NOT VOTING—12

Burns	Kasunic	Merry	Spitz
Carn	Kosinski	Miscevich	Taylor, F. E.
Cohen	Madigan	Showers	Zwinkl

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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. BURNS offered the following amendments No. A0954:

Amend Sec. 2 (Sec. 6341), page 5, line 2, by removing the comma after "corporation" and inserting

. If

Amend Sec. 2 (Sec. 6341), page 5, lines 4 and 5, by striking out "or any other reason not" in line 4 and all of line 5 and inserting

is viewed as a pattern and practice in denial of pre-terminations or claims payment, the dentist may appeal for relief to the Insurance Department.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

This amendment changes the section dealing with the amount of payment for dental services. While I do not believe that professional health service corporations should arbitrarily reduce any payments to patients because of a dispute with the patient's dentist, I do think that dentists who feel that there is a pattern and practice of denial of claims because of certain disputes should have a remedy, which is not currently afforded them, nor is it in the current version of the bill. There is still not a remedy for it.

My amendment allows for relief for such a pattern and practice from the Insurance Department for any dentist who feels it is truly a problem. I think we must also recognize that in fact some disputes exist because there is a problem with the treating dentist and payment leverage tends to be affected in many cases. So this would allow the Insurance Department to be the arbitrator if the dentist thinks that he or she is being discriminated against. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Burns amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly, what Representative Burns is doing is striking out the very heart of the reimbursement for the consumer in this case when he says that the dentist can go to a peer review group or an appeal after that to the Insurance Department.

Mr. Speaker, at the present time there are some 33,000 appeals which are handled presently by that insurance group. What you are talking about is never getting a response, and those of you who have gone to the Insurance Commission and have asked for relief with regard to consumer complaints, I am sure you are familiar with the very light review that you get and then a corresponding letter back telling you that the Insurance Commissioner cannot enter into this circumstance and as such it was performed properly and we can take no action.

Mr. Speaker, I do not think we can allow the circumstance that the Representative proposes here to be put into law, because what will happen is the consumer and the patient will not ultimately receive, in a reasonable fashion, a return, and they will still be making payments that they should not be making and in return will not receive their reimbursement, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. I have a question. I think that Mr. Laughlin is confused on which amendment it is. Maybe he is not. I would like a moment to confer with him. I think he is arguing against the wrong amendment.

The SPEAKER. All right.

Mr. LAUGHLIN. Mr. Speaker, I am going by the amendment that the gentleman offered.

The SPEAKER. Read the number of the amendment, Mr. Laughlin.

Mr. LAUGHLIN. 0954.

The SPEAKER. That is precisely the amendment that we are on.

Mr. LAUGHLIN. Yes, Mr. Speaker. It deals with the Insurance Department making a decision.

The SPEAKER. Shall we continue, Mr. Burns?

Mr. BURNS. Why do we not just vote it, Mr. Speaker.

The SPEAKER. I think that might be a very wise thing.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—36

Afflerbach	Freeman	McHale	Rappaport
Alderette	Fryer	McIntyre	Rybak
Beloff	Greenwood	McVerry	Scheetz
Burns	Hagarty	Manderino	Smith, L. E.
DeVerter	Haluska	Mowery	Stewart
Daley	Hershey	Nahill	Vroon
Dawida	Hoefel	O'Donnell	Wargo
Donatucci	Kennedy	Pievsky	Wilson
Durham	Levin	Pott	Wogan

NAYS—159

Angstadt	Evans	Linton	Robbins
Armstrong	Fargo	Livengood	Rudy
Arty	Fattah	Lloyd	Ryan
Baldwin	Fee	Lucyk	Saloom
Barber	Fischer	McCall	Salvatore
Battisto	Flick	McClatchy	Saurman
Belardi	Foster, W. W.	McMonagle	Schuler
Belfanti	Foster, Jr., A.	Mackowski	Semmel
Blaum	Freind	Madigan	Serafini
Book	Gallagher	Maiale	Seventy
Bowser	Gallen	Manmiller	Showers
Boyes	Gamble	Mayernik	Sirianni
Brandt	Gannon	Merry	Smith, B.
Broujos	Geist	Michlovic	Snyder, D. W.
Bunt	George	Micozzie	Snyder, G. M.
Burd	Gladeck	Miller	Spencer
Caltagirone	Godshall	Miscevich	Stairs
Cappabianca	Grieco	Moehlmann	Steighner
Carn	Gruitza	Morris	Suban
Cawley	Gruppo	Mrkonc	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	Olasz	Telek
Clymer	Honaman	Oliver	Tiguc
Colafella	Hutchinson	Perzel	Truman
Cole	Itkin	Peterson	Van Horne
Cordisco	Jackson	Petrarca	Wachob
Cornell	Jarofin	Petrone	Wambach
Coslett	Johnson	Phillips	Wass
Cowell	Kasunic	Piccola	Weston
Coy	Klingaman	Pistella	Wiggins
Deluca	Kosinski	Pitts	Williams
DeWeese	Kukovich	Pratt	Wozniak
Davies	Lashinger	Preston	Wright, D. R.
Deal	Laughlin	Punt	Wright, J. L.
Dietz	Lehr	Reber	Wright, R. C.
Dininni	Lescovitz	Reinard	
Dombrowski	Letterman	Richardson	Irvis,
Dorr	Levi	Rieger	Speaker
Duffy			

NOT VOTING—4

Cohen	Markosek	Spitz	Zwilk
-------	----------	-------	-------

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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

On the question recurring,

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

Mr. BURNS offered the following amendment No. A0952:

Amend Sec. 2 (Sec. 6341), page 4, lines 14 through 24, by striking out all of said lines and inserting

(e) Remedial work.—After determination by a dental review committee that dental work is found to be inadequate, improper or not in accordance with professional standards, the professional health service corporation review committee shall make a report to the Pennsylvania Dental Association peer review committee. The affected patient shall be notified and may agree to accept the work done as is, or may insist that satisfactory remedial work be completed with oversight by the peer review committee. A treating dentist shall submit proof of remedial work done to both committees and to the affected patient. Immediately upon review and approval of such remedial work by both committees, the claim will be processed. A patient not choosing remedial work shall have his claim paid within 30 days of notification

to the peer review committee and dental review committee. In no case, however, shall the claim payment take longer than 30 days following the receipt of the proof of the accepted remedial work.

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

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

Mr. BURNS. Thank you, Mr. Speaker.

This amendment reworks the original language on page 4, subsection (e), lines 14 to 24. The original language calls for payment regardless of whether dental work was performed inadequately, improperly, or not in accordance with professional standards. While I understand the sponsor's concern about assuring payment to the patient, I am substituting language which would assure payment, if the patient selects it, or remedial work; in other words, either-or, which would be the dentist's obligation to produce should the patient select that instead. The way the original bill is worded, the health service corporation may subrogate the claim and try to recoup payment made from the dentist, but the patient may be left with a mouth in dire need of repair work and no real leverage to obtain that from the dentist who caused the problem in the first place.

I feel that the consumer is ultimately helped here, since under the present system nonparticipating dentists do not have to get involved in such determinations at all, and with my amendment they will have to answer to their peer review committee. I believe that the consumer benefits more with this language. It is an either-or - either they can accept the payment or they can demand remedial work.

The SPEAKER. The Chair thanks the gentleman.

On the Burns amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, the gentleman indicates that this would be a benefit to the consumer. Quite the contrary is true, Mr. Speaker. What would happen is not only in addition to the peer review program that is presently in place, not only the final review by the Dental Board that is available, but we would now have in addition to that a referral back to the dentist, a referral of the patient back to the dentist, and a continuation in extension. We would have a greater cost applied to the service that is being presented, and an escalation would be involved, Mr. Speaker, rather than decreasing the costs of dentistry.

Mr. Speaker, in all honesty, I can understand the gentleman's wish to change something, but I would have hoped that it would have been a change instead that would benefit the consumer and not benefit Blue Shield and the other dental third-party carriers who have been holding the people hostage in this State on dentistry payments, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

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

Mr. MARKOSEK. Mr. Speaker, I would like the record to show that I would have voted in the negative on the previous amendment, A0954 to HB 1289. Thank you.

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

CONSIDERATION OF HB 1289 CONTINUED

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

I just want to point out that the problem we are talking about here is not caused by third-party payment; the problem is that the work was done incorrectly. Now, if the patient knows the work was done incorrectly, by this amendment we are simply saying the patient, the consumer, has the right to say, okay, pay the dentist, or, I want my mouth put back in the shape it should be in if you had done the work correctly. There is nothing here about third-party, Blue Shield dental carriers.

It is a fact that when you walk into the dental office and you get a bum job, you have a choice as a consumer either to tell the dentist, okay, I will take the bum job; I am satisfied; the pain stopped, or, I will not accept that; make it right. And I think that is an amendment that benefits the consumer, not some third-party payer.

Mr. LAUGHLIN. Mr. Speaker, just briefly.

The SPEAKER. For the second time, the gentleman from Beaver, Mr. Laughlin, is in order.

Mr. LAUGHLIN. Mr. Speaker, for those who listened to what Representative Burns said - that the patient could go back in and if he has a bum job he can accept it - Mr. Speaker, we do not want the patient to accept a bum job. We want the payment to be made by the third-party carrier. And he says that they are not involved, Mr. Speaker. That is totally untrue, because they make the determination based on pre-determination and based on a final examination of the X-ray as to whether or not they are going to pay for a service. Mr. Speaker, once again, it denies the patient reimbursement and it denies the consumer their legitimate right. I ask for a negative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—46

Afflerbach	Durham	Lucyk	Showers
Alderette	Fattah	McHale	Smith, L. E.
Baldwin	Freeman	McVerry	Sweet
Beloff	Fryer	Manderino	Tigue
Burns	Greenwood	Mowery	Vroon
Cessar	Haluska	Nahill	Wachob
DeVertter	Harper	Pievsky	Wargo
DeWeese	Hershey	Pott	Wogan
Daley	Hoefel	Pratt	Zwinkl
Dawida	Kennedy	Richardson	
Deal	Levin	Rybak	Irvis,
Donatucci	Linton	Scheetz	Speaker

NAYS—144

Angstadt	Duffy	Letterman	Reber
Armstrong	Evans	Levi	Reinard
Arty	Fargo	Lloyd	Rieger
Barber	Fee	McCall	Robbins
Battisto	Fischer	McClatchy	Rudy
Belardi	Flick	McIntyre	Ryan
Belfanti	Foster, W. W.	McMonagle	Saloom
Blaum	Foster, Jr., A.	Mackowski	Salvatore
Book	Freind	Madigan	Saurman
Bowser	Gallagher	Maiale	Schuler
Boyes	Gallen	Manmiller	Semmel
Brandt	Gamble	Markosek	Serafini
Broujos	Gannon	Mayernik	Seventy
Bunt	Geist	Merry	Sirianni
Burd	Gladeck	Michlovic	Smith, B.
Caltagirone	Godshall	Micozzie	Snyder, D. W.
Cappabianca	Grieco	Miller	Snyder, G. M.
Carn	Gruitza	Moehlmann	Spencer
Cawley	Gruppo	Morris	Stairs
Cimini	Hagarty	Mrkonic	Steighner
Civera	Hasay	Murphy	Stewart
Clark	Hayes	Noye	Stuban
Clymer	Herman	O'Brien	Swift
Colafella	Honaman	Olasz	Taylor, E. Z.
Cole	Itkin	Oliver	Taylor, F. E.
Cordisco	Jackson	Perzel	Telek
Cornell	Jarolin	Peterson	Truman
Coslett	Johnson	Petrarca	Van Horne
Cowell	Kasunic	Petrone	Wambach
Coy	Klingaman	Phillips	Wass
Deluca	Kosinski	Piccola	Weston
Davies	Kukovich	Pistella	Wiggins
Dietz	Lashingier	Pitts	Williams
Dininni	Laughlin	Preston	Wozniak
Dombrowski	Lehr	Punt	Wright, D. R.
Dorr	Lescovitz	Rappaport	Wright, J. L.

NOT VOTING—9

Cohen	Livengood	O'Donnell	Wilson
George	Miscevich	Spitz	Wright, R. C.
Hutchinson			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

On the question recurring,

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

Mr. DORR offered the following amendments No. A1492:

Amend Sec. 2 (Sec. 6341), page 3, line 2, by striking out “, who” and inserting

. Said dental advisors

Amend Sec. 2 (Sec. 6341), page 3, line 5, by inserting after “claim”

within ten days of receipt of a request for a copy of such statement from the dentist or patient

Amend Sec. 2 (Sec. 6341), page 3, line 9, by inserting after “provided”

, upon request,

Amend Sec. 2 (Sec. 6341), page 4, line 19, by inserting after “standards”

unless it notifies the patient of such refusal and agrees to pay interest at the rate of 9% per annum and legal fees, witness fees and costs of any appeal process entered into by the patient in the event an award is made to the patient

Amend Sec. 2 (Sec. 6341), page 5, line 11, by removing the comma after “CORPORATION” and inserting a period

Amend Sec. 2 (Sec. 6341), page 5, lines 11 through 14, by striking out “BUT IN NO EVENT SHALL A PROFESSIONAL” in line 11 and all of lines 12 through 14

Amend Sec. 2 (Sec. 6341), page 5, line 19, by inserting after “DENTIST”

, in which case the check or draft of the professional health service corporation shall be made payable to both the patient and the treating dentist. A professional health service corporation shall make available to all treating dentists and their patients, forms acceptable to the said corporation for the assignment of benefits in this manner.

Amend Sec. 2 (Sec. 6343), page 6, line 22, by inserting after “committee”

shall be made within 90 days of submission and

Amend Sec. 2 (Sec. 6343), page 7, line 11, by inserting after “SERVICES”

under the provision of section 6341(h) (relating to assignment of benefits)

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment which I present represents an effort at compromise. Many of the members of this House would not like to have to vote on this bill as it stands because they believe that the bill represents a battle between two groups who are up here in Harrisburg fighting with one another and the bill does not represent the legitimate viewpoint of the people back home whom we represent. In an effort to find out what the affected people of our communities back home could live with in legislation of this nature, I met with five dentists and one member of the Pennsylvania Blue Shield board of directors recently, and the amendment that is now before you represents their personal viewpoint of legislation which properly addresses the problems which have been raised throughout the legislative history of this bill without doing tremendous damage to the position of either party.

The amendment is somewhat comprehensive and goes to certain provisions throughout the bill. The first substantive section of the bill requires the review of a claim by a dentist and requires a report to be written by that reviewing dentist and the name of that reviewing dentist to be supplied to the people back home. The objection to that provision is that it is excessive paperwork and takes too much time on the part of the carrier. My amendment will provide that it is only in those cases where, after objection is raised by the carrier and the dentist or the patient still want to proceed with the work as originally proposed, it is only then that the carrier must supply the written opinion as to why the work was not properly proposed or the claim should not be paid. In other words, there must be a request for this written opinion before it is required of the carrier to develop it.

The second amendment has to do with the provisions which under the bill would prevent denial of a claim and refusal to pay for the work that was done, and in that section of the bill on page 4, we add the following language: “unless it notifies

the patient of such refusal and agrees to pay interest at the rate of 9% per annum and legal fees, witness fees and costs of any appeal process entered into by the patient in the event an award is" eventually "made to the patient." In other words, the carrier would then have the option. It may go ahead and pay the claim that it feels is an improper claim and subrogate to the patient's right of recovery against the dentist, or it may refuse to pay the claim. In that case, however, the carrier would then have to give the benefit of having that money working for it during the period of time back to the patient in terms of interest. And if it is willing to support its claim that the work was not properly done or the payment should not be made, then it should be willing to pay the witness fees and the legal fees of the patient in the event that an award is eventually made to that patient. The precedent for this kind of provision in law was made when we passed the equal opportunity, equal access to justice bill for small business in the last session of the legislature, and the language is drafted somewhat along those lines.

Mr. Speaker, the next provision we make is to delete the provision in subsection (G) which allows for a claim to be made on any kind of form that the patient or dentist wanted it to be made on. I think it is legitimate, and the people who talked with me about the issue on both sides felt like it was something they could live with, to have the carrier insist that its form be used. In this day and age of computerized processing and so forth, it is almost necessary, in order to be efficient, to have such a provision.

The next section in which we have some language added is in subsection (H). That subsection, you will recall, allows for the assignment of benefits by a patient to a dentist. We add language which would, in that case, require that the checks or drafts issued by the carrier be made payable both to the patient and to the treating dentist. Mr. Speaker, the dentists that I talked to believe that it is important to still have the patient involved in the payment process and to be aware of what is happening to his claims that are made in the insurance field. However, at the same time they are concerned that in some cases patients will be tempted to take a substantial check, which is issued intending to make the money available to pay the dentist, and in some cases might be tempted to utilize those funds for other purposes, in which case the dentist does not get paid.

We believe that the language added here solves both of those problems. The patient will still be involved; the carrier will still pay its own insured; but yet at the same time, by requiring the addition of the dentist's name, the patient must go to the dentist's office and pay the bill with those funds or require the dentist to endorse the check so that an already paid claim, for example, can be reimbursed to the patient.

In subsection (a) of 6343 we deal with the section dealing with the peer review committee and require that decisions of the peer review committee be made within 90 days. In some of the material that the members have received, it has been alleged that the peer review committee of the Dental Association is taking sometimes up to 6 months to review these

claims. There is work being done on that problem, Mr. Speaker, but we felt it was important for the legislature to state that it believes where we are setting up that system and making it available to the people of this State, that the people involved should make decisions in an expeditious fashion, and therefore, we want to require that to be done within a period of 90 days.

Lastly, Mr. Speaker, under subsection (2) on page 7, we indicate that where an assignment is made, it must be done under the provisions earlier discussed about the rendering of the check to two parties.

Mr. Speaker, I apologize for having to go through the entire amendment, but it was developed at the last minute and we did not have an opportunity to thoroughly review it in caucus.

I think the amendment, Mr. Speaker, gives the members an opportunity to vote for an amendment and then for a bill, as I indicated before, that both sides can live with. As we all know, too many times legislation up here gets involved in what I call Harrisburg egos. Two warring lobbying groups cannot seem to get together and cannot talk to one another and cannot communicate, and therefore, Mr. Speaker, I thought it was important to get grassroots people communicating on this legislation in which it was clear that we were going to have to make a decision. I think they have done that. None of those parties have indicated or even contacted, I believe, their respective groups in Harrisburg, if you will. So this does not represent a compromise of lobbying groups; it only represents a compromise of the grassroots citizens of Pennsylvania when they sit down and look at the legislation that we are here to have to vote on. I ask the members to support this particular compromise amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Dorr amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I am sure that all the members, as I do, appreciate the diligent work of Representative Dorr as a Representative in this House over the years. However, Mr. Speaker, when the gentleman proposes to us a proposal as a compromise that deals with five dentists in his local home area and a member of Blue Shield, I do not believe that that is a consensus for the State of Pennsylvania.

Mr. Speaker, in all honesty, we held hearings and this bill has been in the possession of the Consumer Affairs Committee for the past 3 years. Representative Lee Taddonio, the former chairman of the committee, had been the sponsor and I the cosponsor of the legislation 3 years ago. We held extensive hearings throughout the State, Mr. Speaker. Again this year we went to Pittsburgh to have hearings and allow the different competing organizations to present their case, Mr. Speaker. We did so, and we took the bill to committee and we finished the work on the bill, Mr. Speaker. I believe that the work that we have before us, HB 1289, is a comprehensive review and something that we can live with in the State as it benefits the consumer and patient and looks after the care and

the degree of care of dentistry in this State. Mr. Speaker, I would ask for a negative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Dorr amendment, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALEN. Mr. Speaker, I, too, rise to oppose the amendment. And without meaning any slight, I feel this is a compromise only in the mind of the author. I feel, Mr. Speaker, that this bill has been worked on extensively, and I think that this is a last-minute attempt, and well meaning, to really muddy the waters as opposed to compromising the bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—60

Afflerbach	Davies	Levin	Pott
Alderette	Dawida	Livengood	Rieger
Belfanti	Donatucci	McHale	Rybak
Beloff	Dorr	McIntyre	Scheetz
Book	Fargo	Mackowski	Seventy
Burd	Foster, Jr., A.	Manderino	Sirianni
Caltagirone	Freeman	Miller	Smith, L. E.
Cappabianca	Fryer	Miscevich	Snyder, G. M.
Cessar	Greenwood	Moehlmann	Stewart
Colafella	Haluska	Mowery	Taylor, E. Z.
Cordisco	Hershey	Murphy	Vroon
Coy	Kennedy	Nahill	Wargo
DeVerter	Klingaman	O'Donnell	Weston
DeWeese	Lehr	Peterson	Wozniak
Daley	Levi	Petrone	Zwilk

NAYS—132

Angstadt	Fee	Lloyd	Robbins
Armstrong	Fischer	Lucyk	Rudy
Arty	Flick	McCall	Ryan
Baldwin	Foster, W. W.	McClatchy	Saloom
Barber	Freind	McMonagle	Salvatore
Battisto	Gallagher	McVerry	Saurman
Belardi	Gallen	Madigan	Schuler
Blaum	Gamble	Maiale	Semmel
Bowser	Gannon	Manmiller	Showers
Boyes	Geist	Markosek	Smith, B.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gladeck	Merry	Spencer
Bunt	Godshall	Michlovic	Stairs
Burns	Grieco	Micozzie	Steighner
Carn	Gruitza	Morris	Stuban
Cawley	Gruppo	Mrkonic	Sweet
Cimini	Harper	Noye	Swift
Civera	Hasay	O'Brien	Taylor, F. E.
Clark	Hayes	Olasz	Telek
Clymer	Herman	Perzel	Tigue
Cohen	Hoeffel	Petrarca	Truman
Cole	Honaman	Phillips	Van Horne
Cornell	Hutchinson	Piccola	Wachob
Coslett	Jackson	Pievsky	Wambach
Cowell	Jarolin	Pistella	Wass
Deluca	Johnson	Pitts	Wiggins
Deal	Kasunic	Pratt	Williams
Dietz	Kosinski	Preston	Wright, D. R.
Dininni	Kukovich	Punt	Wright, J. L.
Dombrowski	Lashinger	Rappaport	Wright, R. C.
Duffy	Laughlin	Reber	
Durham	Lescovitz	Reinard	
Evans	Letterman	Richardson	
Fattah	Linton		

NOT VOTING—7

Hagarty	Oliver	Spitz	Wogan
Itkin	Serafini	Wilson	

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I am truly mystified at the votes that have taken place on this board today. I do not know whether they represent a misunderstanding of the nature of the bill or a misunderstanding of the nature of very complicated, technical amendments. But if they represent a favorable vote on the bill, I would ask that every one of you look deep inside and reconsider that position.

Regardless of how many times Mr. Laughlin can tell us that the moon is made of blue cheese, it is not made of blue cheese. This bill is a special-interest bill that benefits the nonparticipating dentists of the Commonwealth of Pennsylvania.

Now, I have been subjected to probably as much pressure from dentists who are friends of mine as anyone on this floor asking me to vote for this bill. I looked at this bill very carefully to see if there was any possible way I could justify that vote, and I found I could not. I found I could not justify it as being in the consumer's interest; I could not justify it as being in business' interest. For those of you who would take a good look at who pays the tab here, the business community of the Commonwealth of Pennsylvania provides most of these plans as a fringe benefit. They do so because it is before tax dollars are used. What you are voting for if you vote for this bill is to significantly increase the business community's tax, because that is basically what it will be, for dental plans.

Now, let us get to the details so that we can understand very clearly why it should be a "no" vote. We presently have participating dentists, those dentists who have agreed that they will submit to regulations and to a fee schedule. For that, in return for that, we give them something. We give them the check directly. They need not have a credit agency out chasing people. They know the check is coming right to them. They get a predetermination; they get their check; the consumer pays nothing. The nonparticipating dentist says, that is not good enough; I want to charge a higher fee, and he has a right to do that under our system. But for that, he must collect himself, and when he has a credit problem, he has a problem.

Now, what Mr. Laughlin has done in this bill is he has said that no one need be a participating dentist, no one need agree

to take a fee schedule, because you will get the check anyway whether you charge more or you do not charge more. Now, how that can be a consumer benefit can only be explained if the moon is made out of blue cheese. Those of us who believe it is not understand that that argument is preposterous.

The next argument that Mr. Laughlin makes is that the dentists are being abused. They are being abused by a system. Now, that is possibly true. I have no way of knowing whether that is true, but I am darn well sure that there are other ways to protect the dentists than to say that the third party must pay every bill first.

Now, if the third party does not pay a nonparticipating dentist because the work is inadequate, they will notify the consumer and the consumer will not pay the dentist. Now, Mr. Laughlin says the consumer will be caught in litigation. That may be true, but he will not have paid the bill. When he is sued, if he is sued by the dentist for doing the poor work, he will have on his backing the entity which denied the bill and the material and the reason. Now, that is being removed by this bill in favor of dentists receiving their money. If that becomes the law of the Commonwealth of Pennsylvania, you can be certain that the consumer will no longer have any interest in whether that dentist is paid or not paid for inadequate work, for improper work. We will forget the frauds and the cheating and all the other things that we know, but just the plain mistakes will have to be paid.

This bill can do nothing but substantially raise the cost to the consumer of the Commonwealth of Pennsylvania. It is an anticonsumer bill, and if anyone is going to vote for it because a dentist is their friend, I suggest they ask the voters of the Commonwealth of Pennsylvania what their position is, because I know what it is; the vote should be "no."

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am sure that most of you by this time have made up your mind how you are going to vote on this bill. I would just like to throw a few thoughts out to you casually for you to think about.

I was a member of the Consumer Affairs Committee during all these years when we held hearings on this bill, and I was very much involved in querying the many witnesses who were brought out to these hearings. I will say this, that out of a million cases that are handled each year by the insurance companies, Blue Shield and Delta Dental, we had a hard job getting testimony from 100 complainants. I must say to you that these complaints by these complainants were not that significant that they merit this kind of a bill. The fact of the matter is, Blue Shield immediately corrected some of their practices in order to accommodate some of these complainants.

I would like to say, Mr. Speaker, if you want to ask the question, is this or is this not a consumer bill, ask yourself the question, have you been contacted by any of the typical consumer agencies? Not one. Have you received any letters from any of these consumer agencies? I do not think you or I have

received one. Mr. Speaker, does not the labor movement usually protest very loudly in favor of the consumer movement when they are being abused? No indeed; they are not doing it this time. The labor movement and the business community together see a great big additional cost from this bill.

Mr. Levin said it truthfully, this is anything but a consumer bill. This is a special-interest bill of the rankest category, in my opinion. I like the dentists, too. I like the good work that my dentist did on my mouth, but certainly I do not think that merits passing a special bill in his behalf.

Finally, Mr. Speaker, I would like to say this: If you are going to pass legislation of this kind, do you realize what you are doing as to the future? You are setting a precedent which may very well carry over into the broad category of medical insurance as a whole. If these people are going to get paid for any kind of work or treatment that they give, then maybe all of the doctors in this Commonwealth also would like to be paid for everything that they do, good or bad or indifferent, even if they kill the patient; he wants to get paid, too.

I think this is a dangerous precedent to set. You can vote your own way on this as much as you may or may not like your dental friends, but I think there is a lot of food for thought here, and I would certainly ask you to consider seriously voting "no" on this bill.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, a number of members have questioned why Blue Shield and the Pennsylvania Dental Association have not met and negotiated a settlement. From May 6, 1982, until November 7, 1983, Mr. Leroy Mann, the president of Pennsylvania Blue Shield, had on six separate occasions attempted to meet and negotiate such a settlement with PDA leadership. On November 7, 1983, in a letter to Dr. Nicholas Saccone, PDA's president, Mr. Mann offered to continue these meetings. Mr. Mann has still not received a full reply.

MOTION TO TABLE

Mr. HALUSKA. In the interest of the consumer, I ask that we place this bill on the table.

The SPEAKER. The question is on the motion of the gentleman, Mr. Haluska, to place the bill on the table.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I just ask for a negative vote.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—68

Afflerbach	Evans	Letterman	Pott
Alderette	Fargo	Levi	Pratt
Angstadt	Fattah	Levin	Richardson
Baldwin	Fee	Linton	Rieger
Barber	Freeman	Livengood	Scheetz
Beloff	Fryer	Lucyk	Showers
Burd	Gladeck	McIntyre	Sirianni
Carn	Godshall	McMonagle	Smith, L. E.
Cessar	Greenwood	McVerry	Stewart
Cohen	Gruitza	Mackowski	Stuban
Colafella	Hagarty	Mandinero	Truman
DeVerter	Haluska	Moehlmann	Vroon
DeWeese	Hoefel	Mowery	Wargo
Dawida	Kennedy	Nahill	Wiggins
Deal	Klingaman	O'Donnell	Williams
Donatucci	Kosinski	Peterson	Wilson
Durham	Lescovitz	Petrone	Zwikl

NAYS—129

Armstrong	Duffy	McHale	Saloom
Arty	Fischer	Madigan	Salvatore
Battisto	Flick	Maiale	Saurman
Belardi	Foster, W. W.	Manmiller	Schuler
Belfanti	Foster, Jr., A.	Markosek	Semmel
Blaum	Freind	Mayernik	Serafini
Book	Gallagher	Merry	Seventy
Bowser	Gallen	Michlovic	Smith, B.
Boyes	Gamble	Micozzie	Snyder, D. W.
Brandt	Gannon	Miller	Snyder, G. M.
Broujos	Geist	Miscevich	Spencer
Bunt	George	Morris	Spitz
Burns	Grieco	Mrkonic	Stairs
Caltagirone	Gruppo	Murphy	Steighner
Cappabianca	Harper	Noye	Swift
Cawley	Hasay	O'Brien	Taylor, E. Z.
Cimini	Hayes	Olasz	Taylor, F. E.
Civera	Herman	Perzel	Telek
Clark	Hershey	Petrarca	Tigue
Clymer	Honaman	Phillips	Van Horne
Cole	Hutchinson	Piccola	Wachob
Cordisco	Itkin	Pievsky	Wambach
Cornell	Jackson	Pistella	Wass
Coslett	Jarolin	Pitts	Weston
Cowell	Johnson	Preston	Wogan
Coy	Kasunic	Punt	Wozniak
Deluca	Kukovich	Rappaport	Wright, D. R.
Daley	Lashingier	Reber	Wright, J. L.
Davies	Laughlin	Reinard	Wright, R. C.
Dietz	Lehr	Robbins	
Dininni	Lloyd	Rudy	Irvis,
Dombrowski	McCall	Ryan	Speaker
Dorr	McClatchy	Rybak	

NOT VOTING—2

Oliver	Sweet
--------	-------

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

I agree with Representative Dorr's approach and also Representative Levin's comments. I myself spent time with non-participating and participating dentists, together with a State

chamber official and the Blue Shield official, all under one roof for two consecutive sessions, and I would tell you that seeing, for the second time as a member of the legislature, business and labor coupling together to be in opposition to legislation got my attention.

My biggest concern as I stand here and ask for a negative vote is really about the thousands of families in Pennsylvania who do not enjoy the third-party coverage. I asked for specific numbers on how many families are not participating or cannot afford to or do not work for a company that can afford to have that benefit, and I was told that it was somewhere between 20 and 25 percent of the families. Well, that still represents a lot of people, and I just, for many other reasons other than that, think there are a lot of folks who do not seem to realize what a luxurious benefit they have, and I do believe the third-party coverage has also helped to flourish the incomes of dentists across Pennsylvania.

I am urging a negative vote for those reasons and many more, which I might as well keep to myself. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly. Earlier it was stated that the dentist would receive his money regardless of circumstances. There is a section in the bill that says "assignment of benefits." Mr. Speaker, that means very clearly that the patient decides who will receive that benefit and how it will be paid. It is not an automatic payment to any dentist in this State.

Mr. Speaker, the last thing that I have ever done in this House of Representatives is to do anything but represent the interests of consumers and my constituency back home, and I would ask for an affirmative vote on this bill. Thank you.

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

Mr. GALLEN. Mr. Speaker, while it may be true that the presence of the insurance carrier, Blue Shield particularly, will hold the cost of dental care down to those patients who are members of that group, it is not true for those uninsured dental patients, and it just holds true that the dentist, if he has a certain price that he charges for a certain treatment and he must charge a lesser price because of the restrictions of the insurance carrier, he is going to charge even more to those patients who are not covered by insurance. Therefore, Mr. Speaker, I think the argument made by Mr. Kennedy is not right.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the bill that is before us.

Mr. Speaker, this General Assembly, from time to time in its deliberations and in its expressed intentions in legislation that it has passed, has indicated, I believe, a desire that medical costs and medically related dental costs for the consumer be contained to a reasonable portion of a man's income. To an extent, the only cost containment that we seem

to achieve—and admittedly, it is not as adequate as we would like to see—the only cost containment that we seem to be able to achieve is that cost containment that comes through the medical and dental service corporations such as Blue Cross/Blue Shield. And this legislation, if you pass it today, will take that minimum amount of cost containment on a person's medical and dental bills and throw it out the window. Yes, we are only dealing with dental costs today, but as the individual who spoke on the subject earlier indicated, you will be faced with the same kind of proposition from every health professional who operates under the same kinds of contracts.

The incentive today to be a participating operator - dentist or physician - is the manner in which the claim is submitted and prompt payment is received, and for that the participating dentist gives up the right to charge whatever the traffic will bear. And he gives up that right to charge whatever the traffic will bear in exchange for those things that he receives as a participating dentist - he receives prompt payment; he receives evaluations, predeterminations; he receives payment, in short, in the end for almost all of the services provided under the contract. That incentive will be taken away if you give the prompt payment that this bill gives to every person rendering the service, whether he is a participating dentist or not, and that is the crux of this legislation.

There are a lot of other things in the bill that are mainly window dressing. Yes, the AFL-CIO and the Chamber of Commerce each have indicated that they oppose the legislation because there are administrative costs that these organizations will have to expend that really will do the consumer no good. And I believe that. I believe that the consumer will be paying for a dental plan which not only encourages but insists on several levels of review, when we know that the final decision by the corporation is going to be the same in the end anyway.

But that is just a small part of the attendant increased costs that this bill will cause. This bill will cause an escalation of dental costs like you have never seen in any of the other health professions, and that is what this bill is all about. I find difficulty in speaking on the subject matter of a health professional or dental professional because we know that there are escalating costs that they must pay, but I know that for my constituents and for those consumers whom we say we are concerned about, I know that we cannot continue to pay a greater and greater percentage of a man's wages for health and dental costs. We cannot continue to do it, and we must find ways to keep those costs at reasonable levels, and what we will do today if we pass the bill that is before us is just let another part of that spiraling inflation in the medical and health care field get away from us.

There is a reason that the Chamber of Commerce and the unions in this Commonwealth have recommended a negative vote. When the unions are at the bargaining table asking for a percentage of increase in wages and the employer sitting on the other side of the table says, I would love to give you that 5 percent or 6 percent or 7 percent but you already got 2 percent over there in the health and dental benefits that we have no

control over, well, there is a way to control it. There is a way to move toward control. And I am sure that you are all aware that there is an ad hoc committee of both business and labor working very feverishly on cost containment. They visited my office and I am sure they visited the offices of many of the members of the Assembly, and they have simply asked, do not pass any new legislation that is going to allow the costs, the health costs for the consumer, to continue to escalate until we can take a comprehensive approach to the subject. I submit that that is what we ought to do. We ought not to piecemeal to death, in the guise of consumerism, any efforts that can be made in health cost containment.

I urge a negative vote on the bill that is before us. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—104

Armstrong	Duffy	Lloyd	Robbins
Arty	Fischer	McClatchy	Rudy
Baldwin	Flick	McVerry	Ryan
Battisto	Foster, Jr., A.	Madigan	Saloom
Belfanti	Freind	Maiale	Saurman
Blaum	Gallagher	Manmiller	Schuler
Book	Gallen	Markosek	Semmel
Bowser	Gamble	Mayernik	Serafini
Boyes	Gannon	Merry	Seventy
Brandt	Geist	Michlovic	Smith, B.
Broujos	Godshall	Micozzie	Snyder, D. W.
Bunt	Grieco	Miller	Snyder, G. M.
Cimini	Gruppo	Mrkonic	Spitz
Civera	Hayes	Noye	Stairs
Clark	Herman	Olasz	Steighner
Clymer	Honaman	Oliver	Sweet
Cole	Hutchinson	Phillips	Swift
Cornell	Itkin	Piccola	Taylor, E. Z.
Cowell	Jackson	Pievsky	Tigue
Coy	Jarolin	Pistella	Van Horne
Daley	Johnson	Pitts	Wambach
Davies	Kukovich	Punt	Wass
Dietz	Lashinger	Rappaport	Wozniak
Dininni	Laughlin	Reinard	Wright, D. R.
Dombrowski	Lehr	Richardson	Wright, J. L.
Dorr	Letterman	Rieger	Wright, R. C.

NAYS—90

Afflerbach	Evans	Levin	Rybak
Alderette	Fargo	Linton	Salvatore
Angstadt	Fattah	Livengood	Scheetz
Barber	Fee	Lucyk	Showers
Belardi	Foster, W. W.	McCall	Sirianni
Beloff	Freeman	McHale	Smith, L. E.
Burd	Fryer	McIntyre	Spencer
Burns	George	McMonagle	Stewart
Caltagirone	Gladeck	Mackowski	Stuban
Cappabianca	Greenwood	Manderino	Taylor, F. E.
Carn	Gruitza	Moehlmann	Telek
Cawley	Hagarty	Morris	Truman
Cessar	Haluska	Mowery	Vroon
Cohen	Harper	Nahill	Wachob
Colafella	Hasay	O'Brien	Wargo
Cordisco	Hershey	O'Donnell	Weston
Coslett	Hoefel	Petzel	Wiggins
DeLuca	Kasunic	Peterson	Williams
DeVerter	Kennedy	Petrarca	Wogan
DeWeese	Klingaman	Petrone	Zwinkl

Deal	Kosinski	Pott	
Donatucci	Lescovitz	Pratt	Irvis,
Durham	Levi	Preston	Speaker

NOT VOTING—5

Dawida	Murphy	Reber	Wilson
Miscevich			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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.

HOUSE SCHEDULE

The SPEAKER. Inquiries have been made of the Speaker as to how long the session will proceed. The Speaker has been informed it is the intention of the majority leader that we shall proceed until 7 p.m.

REMARKS ON VOTE

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

Mr. MURPHY. Mr. Speaker, on HB 1289 I wanted to be voted in the affirmative. I was not recorded.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 1476, PN 2691**, on final passage postponed, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting the levying of tax on amusement devices, on admission to public golf courses and on admission to ski facilities.

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. HB 1476, PN 2691, is on final passage postponed. Without objection, the Chair rescinds its decision that the bill was agreed to on third consideration. The Chair hears no objection.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Cambria, Mr. Wozniak, rise?

Mr. WOZNIAK. During the vote on HB 923, I was on the phone, and if I were to be recorded, I would like to be recorded in the negative.

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

Does the gentleman from Montgomery, Mr. Reber, wish to correct a vote?

Mr. REBER. That is correct, Mr. Speaker.

My switch did not operate on HB 1289. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1476 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. McVERRY offered the following amendments No. A1322:

Amend Sec. 2, page 4, line 1, by inserting after "DEVICE" fees or

Amend Sec. 2, page 4, line 3, by inserting after "that" fees or

On the question,

Will the House agree to the amendments?

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

Mr. McVERRY. Mr. Speaker, this is a very simple amendment.

In the body of the bill the amusement device fees and taxes are both referred to; that is to say, any licensing fees that may have been imposed on amusement devices and taxes. However, in the grandfather clause that relates to taxes prior to July 1, 1983, the word "fees" is not included as being grandfathered. I do not believe that it was the intention of the prime sponsor of the bill to exclude fees, and the amendment simply includes fees that have been enacted by local municipalities prior to July 1, 1983.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Afflerbach	Evans	Livengood	Robbins
Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Salvatore
Barber	Foster, W. W.	McIntyre	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Spitz
Caltagirone	Grieco	Miscevich	Stairs
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Morris	Stewart

Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkonic	Sweet
Civera	Harper	Murphy	Swift
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cohen	Herman	O'Brien	Telek
Colafella	Hershey	O'Donnell	Tigue
Cole	Hoeffel	Olasz	Truman
Cordisco	Honaman	Oliver	Van Horne
Cornell	Hutchinson	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Jackson	Petrarca	Wambach
Coy	Jarolin	Petrone	Wargo
Deluca	Johnson	Phillips	Wass
DeVerter	Kasunic	Piccola	Weston
DeWeese	Kennedy	Pievsky	Wiggins
Daley	Klingaman	Pistella	Williams
Davies	Kosinski	Pitts	Wilson
Dawida	Kukovich	Pott	Wogan
Deal	Lashinger	Pratt	Wozniak
Dietz	Laughlin	Preston	Wright, D. R.
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Lescovitz	Rappaport	Wright, R. C.
Donatucci	Letterman	Reber	Zwinkl
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker

NAYS—0

NOT VOTING—1

Cappabianca

EXCUSED—4

Kowalyszyn Marmion Stevens Trello

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. FRYER offered the following amendments No. A1161:

Amend Title, page 1, line 22, by inserting a period after "devices"

Amend Title, page 1, lines 22 through 24, by striking out "ON" in line 22 and all of lines 23 and 24

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

a clause

Amend Sec. 1 (Sec. 2), page 3, lines 21 through 30, 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 Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, on amendment 1161, which I am offering to the members of the House, the main thrust of the amendment is by going to page 3 of the bill, lines 21 through 30, and the amendment would strike out all of those lines. Now, basically what we have there is an amendment that was inserted in committee that would restrict the levying of a tax on admissions to public golf courses and to ski facilities.

Mr. Speaker, with the need of our school districts for funds for what we all pride ourselves in calling quality education,

with the need for municipalities to receive these funds to keep in repair the roads which lead to these ski facilities and public golf courses, it seems to me that it is far more appropriate to permit these local governments to continue to levy a tax on these facilities.

Mr. Speaker, I would state further that the Supervisors Association, the township supervisors, and the Boroughs Association favor this amendment. I would urge its adoption, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman, Mr. Fryer, indicates he will so consent. The gentleman, Mr. Lashinger, is in order and may proceed.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, is it your interpretation that the bill prohibits the levying of that tax? I took from your comments that the bill, the way it is drafted currently, prohibits the levying of that amusement tax.

Mr. FRYER. Mr. Speaker, I stated that it would restrict the power to levy, and I repeat that assertion.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, permission to make a brief comment?

The SPEAKER. The gentleman is in order and may make a statement on the amendment.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I cannot speak on the admission tax for public golf courses. I can speak on the admission tax to ski facilities.

The Finance Committee in the House has had in front of it for some time separate legislation that was addressing this problem specifically. The industry, I think, convinced the members of the Finance Committee of the burden that this tax created for that industry. They proved to me and to the committee, I believe, that their industry, probably more so than any other industry in the Commonwealth, had more variables involved in its bottom line, in how they arrived at a bottom line - that major variable being the climate.

When the tax is levied at 10 percent and 10 percent on the gross, in some cases it forced some of our ski areas out of business in the Commonwealth. Our lift tickets, which is essentially the price of skiing in Pennsylvania, as compared to the services that are offered at other ski areas in other States in the country are one of the highest because of this tax. So in an effort to help the consumers, the skiers in the Commonwealth, we looked at ways to reduce the tax burden. In an effort to help the industry stay alive—and in some communities this industry is the major employer in some of the smaller communities where these ski areas are situated—it will help those industries stay afloat.

The ski industry originally came to this chamber and indicated that they would like to see the tax gone completely.

With the help of Chairman Trello and other members on the Finance Committee, a compromise was struck and the compromise is in this bill, in HB 1476, today, and I think it is an adequate compromise.

An interesting fact: During hearings on this bill in the last legislative session, there was one municipality—and the name of the municipality, fortunately probably, escapes me at this moment—but that municipality relied so heavily on this tax that 60 percent of its municipal budget was derived from a tax on this industry. I am not sure that that is healthy, Mr. Speaker, for the community and for that industry, and I think that was a signal both to the committee, to myself, and to other members who sponsored the original legislation that some changes had to be made in the way that this tax was levied on the ski industry.

Like I said, Mr. Speaker, I believe your amendment addresses the public golf courses and the ski areas in the same amendment. I cannot speak for the public golf courses, but I can speak on the specific problems that the ski industry faces in the Commonwealth. I think it would be unfair, and I think the future, if we are able to predict the future if this tax stays in effect, will be somewhat bleak for the ski industry in the Commonwealth. It already has started to darken for that industry in the Commonwealth with the changes in weather and the inability to control snowmaking in Pennsylvania, which has been a major problem for the ski industry for some time in this State.

So with that, Mr. Speaker, because the amendment applies to both, but most importantly because it applies to ski facilities, I would urge the House to reject the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I have listened with great interest to the plight of the ski resorts. It seems to me, Mr. Speaker, the only problem that they have is when they do not have sufficient snow.

We have a ski facility in the legislative district that I represent. I have gone there, and, Mr. Speaker, from what I have observed of the people who are skiing—and they were fine people, some of the finest people I have ever met—they do not come from the ghettos. They do not come from the deprived areas that we so eagerly seek. They arrive, in many cases, from out of State. They arrive in imported cars. Now, I realize we have a free trade economy which is fostered by the national economy and these people are assisting in that great crusade, and yet, Mr. Speaker, in this very district is one of the poorest school districts that we have in Berks County. And when I compare their needs and the needs of those low-income people, and then when I spot these cars coming in waving “hello, it is snowing,” I say yes, yes, and I am only glad that there is someone such as Mr. Lashinger to come forth here and plead their plight.

But, Mr. Speaker, let us be sensible about this. Where do we place it? Whom do we help? Are we interested in quality

education? Mr. Speaker, the devil is at work here today. But, Mr. Speaker, our local governments need funds, and if I would have the choice of where to arrive at, where to obtain those funds, and if I need to place funds, I would say that ski resorts somehow or other wind up at the bottom of my list. I would say golfing, wonderful people, golfers, but once again there are so few who come out of the ghettos to enjoy golfing. Are we really concerned about that?

PARLIAMENTARY INQUIRY

Mr. FRYER. Now, Mr. Speaker, I would like to ask of you a parliamentary question.

It has been brought to my attention, Mr. Speaker, that this bill, which came from the Finance Committee, was amended in the Appropriations Committee. Is that correct? Could you help us with that, Mr. McClatchy?

The SPEAKER. The gentleman, Mr. Pievsky, is on the floor. It was amended in the Appropriations Committee?

Mr. FRYER. Well, Mr. Speaker, are we not violating the sacred rules of this House of Representatives? This will never go.

The SPEAKER. The rule which the gentleman refers to is rule 19(a), subsection (3), “The Appropriations Committee shall be limited in its consideration of any such bill”—meaning a bill referred to it for a fiscal note—“to the fiscal aspects of the bill and shall not consider the substantive merits of the bill nor refuse to report any such bill from committee....”

If the amendment inserted by the Appropriations Committee dealt with the fiscal aspects of the bill, then it is the opinion of the Chair that the amendment was well taken. If it did not, if it went to the substance of the bill, then the Appropriations Committee’s action was in error and would have to be reversed. The Chair cannot decide which it is by just glancing at it.

The gentleman may proceed.

Mr. FRYER. Am I at the golf course or the ski resort?

The SPEAKER. You have finished with those admirable, wonderful citizens of the Commonwealth who are skiers. You are now dealing with the outstandingly brilliant people who are golfers.

Mr. FRYER. A fair target.

Mr. Speaker, I am sure after the members of the House have heard what you have stated, in effect, it seems to me we have a supercommittee in the form of the Appropriations Committee. A bill goes there for a fiscal note and here we have a very substantive change. Why was this amendment not brought forth on the floor of the House so it could be fully considered?

However, Mr. Speaker, since this action was taken, I leave it to your good judgment: are we basically interested in trying to help the people from the poor district? And there are costs involved. The streets must be maintained—they are paid by that local government—and as we all know, that requires money. We also know how sorely pressed the school districts

are, particularly in a distressed area such as what I was referring to.

Mr. Speaker, if we believe in local government, it seems to me that we should wish the golfers well. We should wish the skiers well, and all we really ask is that portion. Let them pay that small pittance, that tax, because they can really afford it. I know Mr. Lashinger would give far more than what that tax is that is imposed, and it is a good purpose. I say, let us not destroy it. Let us speak up on behalf of local government and speak on basically what we believe is a fair approach.

Mr. Speaker, I would ask acceptance of the amendment which I have offered in a fair way to people who I feel can assist local government with the heavy burden that they carry in local taxation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Mr. Speaker, would the last speaker stand for a very, very brief interrogation?

The SPEAKER. The gentleman from Berks indicates he will be delighted to be interrogated. The gentleman is in order and may proceed.

Mr. REBER. Thank you, Mr. Speaker.

I would direct this question to my good friend, colleague, and neighbor, Representative Fryer. I noted that he said he visited a local ski resort in his district, and while he was at that ski resort, he was making a number of observations of the people who were arriving in their imported foreign cars, skiing on their imported foreign skis. My question is this, Mr. Speaker: Did Representative Fryer make that observation from the bottom of the hill or the top of the hill?

Mr. FRYER. The Mercedes is my wife's, and, Mr. Speaker, no one will take that from Mary.

Mr. Speaker, I was particularly interested in making that onspot inspection because this type of bill is not new. It has come up in many, many sessions. However, in past sessions it was always referred to Local Government, where we knew after careful study exactly what to do with it.

Mr. REBER. Mr. Speaker, with all due respect, I do not believe the speaker is being responsive to the question that was posed to him.

The SPEAKER. Would the gentleman, Mr. Fryer, indicate whether or not he made his observations from the top of the ski slope or at the bottom of the ski slope, that being pertinent, of course, to the passage of the amendment.

Mr. FRYER. I am not a skier, Mr. Speaker, so I just sat in my wife's car and observed the action and just was amazed by all of the out-of-State tags that I saw and the affluent people who sprung out of those cars ready for action on the ski slope.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman, Mr. Fryer, indicates he will stand for further interrogation. The gentleman, Mr. Mayernik, is in order and may proceed.

Mr. MAYERNIK. Mr. Speaker, it is my understanding that presently the golf courses pay a 10-percent tax to the municipality. Is that correct?

Mr. FRYER. That can be a variable amount, Mr. Speaker. The point I am making is that this bill would restrict the amount that can be imposed.

Mr. MAYERNIK. Okay.

Mr. FRYER. Obviously, it has not been introduced by the school boards or by the local governments.

Mr. MAYERNIK. Okay. May I make a statement on the subject matter, Mr. Speaker?

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

Mr. MAYERNIK. I have been contacted by the owner of my local golf course. He informs me that presently he pays a 10-percent tax, 5 percent going to the school district and 5 percent going to the municipality. With the passage of this legislation, it would be reduced by 50 percent, to 20 cents on each round of golf instead of 40 cents being the revenue. It would be reduced in half. He pays \$12,000 annually, \$6,000 to the school district and \$6,000 to the municipality.

My municipality only has 1,800 people in it. With this bill you would be cutting that revenue of \$6,000 to \$3,000 in a municipality of 1,800 people. Who would make up the difference? Obviously, the taxpayers in my municipality. Who would be benefiting? The golf course owner is putting—

The SPEAKER. Will the gentleman yield.

Is the gentleman speaking on the amendment or on the final passage of the bill?

Mr. MAYERNIK. I will reserve that to the final passage then, Mr. Speaker. I am sorry.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, it is a very rare occasion that I disagree with my colleague, Representative Fryer. We are usually on the same side, but I had a township in my district, and I say "I had" because the leaders in this House succeeded in taking it away from me in the last reapportionment.

The SPEAKER. Not me.

Miss SIRIANNI. Well, some of them.

The SPEAKER. I am too smart for that.

Miss SIRIANNI. Well, anyway, they gave it to Mr. Foster, but I am still fighting for them, too, along with Mr. Foster. The township supervisors wanted to charge the Elk Mountain ski area more money than they were collecting in taxes in the whole township. Now I ask you, is that what we should be permitting? Does not everybody have to pay some taxes? They would have exonerated them from taxes because they were going to collect so much money. Now, finally we convinced them to sit down and work out an agreement where the ski center pays them \$10,000 a year. I do not think they should be asking for more than that. That ski center brings a lot of business into that township, and people had better start realizing that.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, on the amendment.

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. It is extremely difficult to follow such eloquent explanations of why this amendment should pass from such an eloquent member, but I think what we are arguing here for is fairness. I think that Representative Sirianni has just stated a case of what has happened in one township, and I am sure it is happening in other municipalities.

We are talking about an industry in ski resorts that is in direct competition with ski resorts in neighboring States. If in such a case as in Elk Mountain it is more expensive than just across the border in New York State, we will lose business to New York, and that is in fact what is happening. The same is true in New Jersey. I think all we are trying to do is tell the local municipalities that they have to act in fairness. We are not trying to take away their tax base or moneys that would certainly go toward education or toward roads. What we are trying to do is provide them with some moneys on a fair basis.

You know, if we overtax these ski resorts, we may drive them right out of Pennsylvania. It is not a strong industry. Unfortunately, we do not have a long ski season. They have a difficult time existing here. I think we should try and encourage it, keep our tax base, rather than make it difficult for them to stay here and lose it altogether.

It is a fair bill. I think this amendment would take away that fairness, Mr. Speaker, and I oppose the amendment.

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

Mr. GALLEN. Mr. Speaker, I think one thing we must remember is that every dollar that is collected from those golfers and those people who ski is a dollar that does not have to be collected from the local taxpayer.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, just a couple of comments again in opposition to the amendment. I think it is important to keep in mind that in Mr. Fryer's explanation he characterized the industry in Pennsylvania as a resort industry. The ski areas that we talk about in the Commonwealth, notwithstanding probably Elk Mountain up in Union Dale, are not resorts. These are small and in some cases family-owned and operated facilities. These are not large resort facilities like you experience up in the northeast or in the western part of the United States. They are industries that work on a small margin.

The tax currently is being levied right off the top, on the gross, which makes it even more unfair. The tax right now is being levied on the ski equipment rentals and any other revenue that is derived from the portion of money that is derived directly from skiing. With that in mind, and again, in an effort to keep these industries afloat who employ a large number of citizens in the Commonwealth, I think it is important to note the compromise that was worked out on this. This industry is willing to accept a tax. It still amounts to 10

percent of the price of their most expensive lift ticket. On the average, the lift tickets in the Commonwealth are somewhere between \$16 and \$18 for weekend skiing. That would mean \$1.60 to \$1.80 or \$2, whichever is greater. I think that is fair. I think that is the way the tax should be levied. It should be levied on the cost of admission, just like it was levied for movie theaters - upon the cost of admission. Instead, the way the tax is currently being levied, it is levied across the board on all activities taking place at the ski area.

Something else that is important to note: Mr. Fryer indicated that he saw a lot of out-of-State plates. I can assure you, as an avid skier and as a Pennsylvania skier, that most of the skiing that takes place in Pennsylvania takes place among Pennsylvania citizens. Our industry is not heavily dependent, except, again, up in Wayne County, up in the Elk Mountain area, on nonresident skiers. So we do cater to Pennsylvania skiers, so a lot of the people whom we are talking about who are paying the tax are Pennsylvanians.

Buried in some of Mr. Fryer's humor is an important fact, Mr. Speaker. Again, Mr. Fryer said that the people who are unemployed, people of lower incomes, do not ski; therefore, we are taxing at a ski area or at a golf course rich people, wealthy people. Well, I think that is an unfair characterization, number one. And number two, it is important that we do provide access to people of lower income.

Mr. Speaker, again, Mr. Fryer indicated that there are a lot of people lower on the socioeconomic ladder who do not ski or do not play golf. What is happening, what some of the industry is trying to create, is an atmosphere where it is made available to those individuals so that they can ski, so that they can play golf, so that these opportunities are opened up to those individuals. I think that is important, Mr. Speaker, that they have this opportunity to do that, and by increasing this fee, they are going to have even less of an opportunity. I can tell you of specific programs that exist at ski areas in Pennsylvania for minorities in the Commonwealth who have never had the opportunity to ski—and as the price increases on an annual basis, it is going to become less available—and number two, for handicapped individuals who, again, never had the opportunity to ski. There are blind ski programs I know being run at one of the ski areas right in your home county. Those individuals never had that opportunity to ski in the past. For the physically handicapped, programs for amputees are being operated across the Commonwealth.

I think it is important if we want to continue to operate those programs that we do it at the lowest cost possible so that more people have an opportunity to participate, and the only way that they are going to have an opportunity to participate, Mr. Speaker, is by making it less costly. If your amendment goes into this bill, the cost will continue to rise and fewer and fewer people in Pennsylvania will have access to this form of recreation. Therefore, I would urge the House to oppose the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Fryer, for the second time on the debate.

Mr. FRYER. Thank you, Mr. Speaker.

Mr. Speaker, I am very impressed with Representative Lashinger's remarks. Is he really telling us, Mr. Speaker, or is my hearing defective, but do we really have ski resorts, do we have "mom and pop" operations? "Mom and pop," the little guy? No.

Mr. Speaker, this in a sense has become a bit ridiculous, because that savings, if you are going to take that away from local government, that tax savings is not going to go to the skiers. It is going to go to the operator of that ski resort, and it is not a "mom and pop" operation. It is a big operation, and the only problem they have is when it does not snow. Other than that, things are fine.

I say, Mr. Speaker, let us adopt the amendment that I offer here. By so doing, you will keep the law as it is, as it should be, with local government getting its rightful share out of this, and let us not go into great aid programs for these groups, which frankly, Mr. Speaker, they are wonderful people, but I do not think they have established and shown the need that they have for financial assistance. Let it go to our hard-pressed local governments, Mr. Speaker. I ask for a "yes" vote on this most sensible amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Mr. Levi. Mr. LEVI. Thank you, Mr. Speaker.

I rise to support Mr. Fryer's amendment. I have more faith in local government than apparently a lot of people do. I think the local officials can sit down with the business people in the community, the chamber of commerce of the community, and work out something sensible to bring people into the area, the ski areas, the golfing areas, to participate and spend their dollars in these areas of recreation without jeopardizing the industries that we all want to encourage. I think the local people can take care of this thing without hurting anybody, and we all would benefit—the taxpayers, the property owners would all benefit in this—so I recommend we support Mr. Fryer's amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—104

Angstadt	Flick	Laughlin	Robbins
Baldwin	Foster, W. W.	Levi	Rudy
Barber	Foster, Jr., A.	Livengood	Rybak
Belardi	Freeman	Lloyd	Scheetz
Belfanti	Freind	Lucyk	Seventy
Blaum	Fryer	McCall	Showers
Brandt	Gallagher	McHale	Smith, L. E.
Burd	Gallen	McMonagle	Snyder, G. M.
Burns	Gamble	McVerry	Steighner
Caltagirone	George	Madigan	Stewart
Carn	Godshall	Mayernik	Swift
Cawley	Greenwood	Merry	Taylor, E. Z.
Cimini	Grieco	Michlovic	Telek
Civera	Gruitza	Micozzie	Tigue
Clymer	Haluska	Miller	Van Horne
Cole	Herman	Miscevich	Vroon
Cordisco	Hershey	Moehlmann	Wachob

Cowell	Hoeffel	Morris	Wargo
Coy	Honaman	Murphy	Wass
Deluca	Itkin	Noye	Wiggins
DeVerter	Jackson	O'Donnell	Wilson
Davies	Jarolin	Oliver	Wright, R. C.
Dawida	Johnson	Petrone	Zwikl
Duffy	Kasunic	Pistella	
Evans	Klingaman	Preston	Irvis,
Fee	Kosinski	Reinard	Speaker
Fischer	Kukovich		

NAYS—87

Afflerbach	Dombrowski	Markosek	Saurman
Alderette	Dorr	Mowery	Schuler
Armstrong	Durham	Mrkonic	Semmel
Arty	Fargo	Nahill	Serafini
Battisto	Gannon	O'Brien	Sirianni
Beloff	Geist	Olasz	Smith, B.
Book	Gladeck	Perzel	Snyder, D. W.
Bowser	Gruppo	Peterson	Spencer
Boyes	Hagarty	Petrarca	Spitz
Bunt	Harper	Phillips	Stairs
Cappabianca	Hasay	Piccola	Stuban
Cessar	Hayes	Pievsky	Sweet
Clark	Kennedy	Pitts	Taylor, F. E.
Cohen	Lashinger	Pott	Truman
Colafella	Lehr	Pratt	Wambach
Cornell	Lescovitz	Punt	Weston
Coslett	Levin	Rappaport	Williams
DeWeese	McClatchy	Reber	Wogan
Daley	McIntyre	Richardson	Wozniak
Deal	Mackowski	Ryan	Wright, D. R.
Dietz	Manderino	Saloom	Wright, J. L.
Dininni	Manmiller	Salvatore	

NOT VOTING—8

Broujos	Fattah	Letterman	Maiale
Donatucci	Hutchinson	Linton	Rieger

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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—65

Barber	Grieco	Mrkonic	Salvatore
Boyes	Gruitza	O'Brien	Seventy
Caltagirone	Haluska	O'Donnell	Smith, B.
Carn	Harper	Olasz	Smith, L. E.
Cimini	Hasay	Oliver	Stewart
Clark	Hoeffel	Petrarca	Sweet
Cohen	Itkin	Petrone	Vroon
Cole	Jarolin	Piccola	Wachob
Coy	Kosinski	Pievsky	Wiggins
DeWeese	Lashinger	Pitts	Wilson
Daley	Lescovitz	Pott	Wogan
Deal	Letterman	Pratt	Wozniak
Dininni	Levi	Punt	Wright, D. R.
Dombrowski	Linton	Rappaport	
Evans	Manderino	Reber	Irvis,
Fattah	Manmiller	Richardson	Speaker

Gallagher	Markosek	Saloom	
NAYS—132			
Afflerbach	Donatucci	Kukovich	Robbins
Alderette	Dorr	Lehr	Rudy
Angstadt	Duffy	Levin	Ryan
Armstrong	Durham	Livengood	Rybak
Arty	Fargo	Lloyd	Saurman
Baldwin	Fee	Lucyk	Scheetz
Battisto	Fischer	McCall	Schuler
Belardi	Flick	McClatchy	Semmel
Belfanti	Foster, W. W.	McHale	Serafini
Beloff	Foster, Jr., A.	McIntyre	Showers
Blaum	Freeman	McMonagle	Sirianni
Book	Freind	McVerry	Snyder, D. W.
Bowser	Fryer	Mackowski	Snyder, G. M.
Brandt	Gallen	Madigan	Spencer
Broujos	Gamble	Mayernik	Spitz
Bunt	Gannon	Merry	Stairs
Burd	Geist	Michlovic	Steighner
Burns	George	Micozzie	Suban
Cappabianca	Gladeck	Miller	Swift
Cawley	Godshall	Miscevich	Taylor, E. Z.
Cessar	Greenwood	Moehlmann	Taylor, F. E.
Civera	Gruppo	Morris	Telek
Clymer	Hagarty	Mowery	Tigue
Colafella	Hayes	Murphy	Truman
Cordisco	Herman	Nahill	Van Horne
Cornell	Hershey	Noye	Wambach
Coslett	Honaman	Perzel	Wargo
Cowell	Hutchinson	Peterson	Wass
Deluca	Jackson	Phillips	Weston
DeVerter	Johnson	Pistella	Williams
Davies	Kasunic	Preston	Wright, J. L.
Dawida	Kennedy	Reinard	Wright, R. C.
Dietz	Klingaman	Rieger	Zwikl

NOT VOTING—2

Laughlin	Maiale		
EXCUSED—4			
Kowalshyn	Marmion	Stevens	Trello

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1242, PN 2689**, 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 Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), further providing for the application date; requiring breaches of preferential assessments to be recorded; and providing a fee for recordings.

On the question,
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—198

Afflerbach	Durham	Linton	Robbins
Alderette	Evans	Livengood	Rudy
Angstadt	Fargo	Lloyd	Ryan
Armstrong	Fattah	Lucyk	Rybak

Arty	Fee	McCall	Saloom
Baldwin	Fischer	McClatchy	Salvatore
Barber	Flick	McHale	Saurman
Battisto	Foster, W. W.	McIntyre	Scheetz
Belardi	Foster, Jr., A.	McMonagle	Schuler
Belfanti	Freeman	McVerry	Semmel
Beloff	Freind	Mackowski	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Manderino	Showers
Bowser	Gallen	Manmiller	Sirianni
Boyes	Gamble	Markosek	Smith, B.
Brandt	Gannon	Mayernik	Smith, L. E.
Broujos	Geist	Merry	Snyder, D. W.
Bunt	George	Michlovic	Snyder, G. M.
Burd	Gladeck	Micozzie	Spencer
Burns	Godshall	Miller	Spitz
Caltagirone	Greenwood	Miscevich	Stairs
Cappabianca	Grieco	Moehlmann	Steighner
Carn	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Suban
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Telek
Cohen	Herman	O'Donnell	Tigue
Colafella	Hershey	Olasz	Truman
Cole	Hoeffel	Oliver	Van Horne
Cordisco	Honaman	Perzel	Vroon
Cornell	Hutchinson	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Petrone	Wargo
Coy	Jarolin	Phillips	Wass
Deluca	Johnson	Piccola	Weston
DeVerter	Kasunic	Pievsky	Wiggins
DeWeese	Kennedy	Pistella	Williams
Daley	Klingaman	Pitts	Wilson
Davies	Kosinski	Pott	Wogan
Dawida	Kukovich	Pratt	Wozniak
Deal	Lashinger	Preston	Wright, D. R.
Dietz	Laughlin	Punt	Wright, J. L.
Dininni	Lehr	Rappaport	Wright, R. C.
Dombrowski	Lescovitz	Reber	Zwikl
Donatucci	Letterman	Reinard	
Dorr	Levi	Richardson	Irvis,
Duffy	Levin	Rieger	Speaker

NAYS—0

NOT VOTING—1

Maiale			
EXCUSED—4			
Kowalshyn	Marmion	Stevens	Trello

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.

HB 1289 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion signed by the majority leader and the gentleman from Elk, Mr. Wachob.

We, the undersigned, do hereby move for reconsideration of the vote by which House Bill 1289 was passed on May 1, 1984.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

Afflerbach	Evans	Livengood	Robbins
Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Baldwin	Fischer	McClatchy	Saloom
Barber	Flick	McHale	Salvatore
Battisto	Foster, W. W.	McIntyre	Saurman
Belardi	Foster, Jr., A.	McMonagle	Scheetz
Belfanti	Freeman	McVerry	Schuler
Beloff	Freind	Mackowski	Semmel
Blaum	Fryer	Madigan	Serafini
Book	Gallagher	Manderino	Seventy
Boyes	Gallen	Manmiller	Showers
Brandt	Gamble	Markosek	Sirianni
Broujos	Geist	Mayernik	Smith, B.
Bunt	George	Merry	Smith, L. E.
Burd	Gladeck	Michlovic	Snyder, D. W.
Burns	Godshall	Micozzie	Snyder, G. M.
Caltagirone	Greenwood	Miller	Spencer
Cappabianca	Grieco	Miscevich	Spitz
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkonic	Sweet
Civera	Harper	Murphy	Swift
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cohen	Herman	O'Brien	Telek
Colafella	Hershey	O'Donnell	Tigue
Cole	Hoeffel	Olasz	Truman
Cordisco	Honaman	Oliver	Van Horne
Cornell	Hutchinson	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Jackson	Petrarca	Wambach
Coy	Jarolin	Petrone	Wargo
Deluca	Johnson	Phillips	Wass
DeVerter	Kasunic	Piccola	Weston
DeWeese	Kennedy	Pievsky	Wiggins
Daley	Klingaman	Pistella	Williams
Davies	Kosinski	Pitts	Wilson
Dawida	Kukovich	Pott	Wogan
Deal	Lashinger	Pratt	Wozniak
Dietz	Laughlin	Preston	Wright, D. R.
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Lescovitz	Rappaport	Wright, R. C.
Donatucci	Letterman	Reber	Zwikel
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker

NAYS—4

Arty	Bowser	Gannon	Stairs
------	--------	--------	--------

NOT VOTING—1

Maiale

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1289, PN 1702, be placed on the final passage postponed calendar.

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

REMARKS ON VOTE

The SPEAKER. The gentleman from Allegheny, Mr. Dawida, has informed the Chair that he wishes on HB 1289 to be recorded in the affirmative. The gentleman's remarks will be spread upon the record.

HB 1476 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion on HB 1476, which was defeated on May 1, 1984. It is moved by the gentleman from Allegheny, Mr. Clark, that the bill be reconsidered by the House.

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

The following roll call was recorded:

YEAS—181

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Ryan
Angstadt	Fee	McCall	Rybak
Armstrong	Flick	McClatchy	Saloom
Arty	Foster, W. W.	McHale	Salvatore
Baldwin	Foster, Jr., A.	McIntyre	Saurman
Barber	Freeman	McMonagle	Schuler
Battisto	Freind	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Beloff	Gallagher	Madigan	Seventy
Blaum	Gallen	Maiale	Showers
Book	Gamble	Manderino	Smith, B.
Boyes	Geist	Manmiller	Smith, L. E.
Brandt	George	Markosek	Snyder, D. W.
Broujos	Gladeck	Mayernik	Snyder, G. M.
Bunt	Godshall	Merry	Spencer
Burd	Greenwood	Michlovic	Spitz
Burns	Grieco	Micozzie	Steighner
Caltagirone	Gruitza	Miscevich	Stewart
Cappabianca	Gruppo	Morris	Stuban
Cessar	Hagarty	Mowery	Sweet
Cimini	Harper	Mrkonic	Taylor, E. Z.
Clark	Hasay	Murphy	Taylor, F. E.
Clymer	Hayes	Nahill	Telek
Cohen	Herman	Noye	Tigue
Colafella	Hershey	O'Brien	Truman
Cole	Hoeffel	O'Donnell	Van Horne
Cordisco	Honaman	Olasz	Vroon
Cornell	Hutchinson	Oliver	Wachob
Coslett	Itkin	Perzel	Wambach
Cowell	Jarolin	Peterson	Wargo
Coy	Johnson	Petrarca	Wass
Deluca	Kasunic	Petrone	Weston
DeVerter	Kennedy	Piccola	Wiggins
DeWeese	Klingaman	Pievsky	Williams
Daley	Kosinski	Pistella	Wilson
Davies	Kukovich	Pitts	Wogan
Dawida	Lashinger	Pott	Wozniak
Deal	Laughlin	Pratt	Wright, D. R.

Dietz	Lehr	Preston	Wright, J. L.
Dininni	Lescovitz	Punt	Wright, R. C.
Dombrowski	Letterman	Rappaport	Zwikel
Donatucci	Levi	Reber	
Dorr	Levin	Reinard	Irvis,
Duffy	Linton	Richardson	Speaker
Durham	Livengood	Rieger	

NAYS—7

Bowser	Fischer	Moehlmann	Swift
Civera	Jackson	Stairs	

NOT VOTING—11

Belardi	Evans	Miller	Scheetz
Carn	Gannon	Phillips	Sirianni
Cawley	Haluska	Rudy	

EXCUSED—4

Kowalyshyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1476, PN 2691, be placed on the final passage postponed calendar.

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

ANNOUNCEMENT BY MR. OLIVER

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver. The gentleman wishes to announce a committee meeting.

Mr. OLIVER. Thank you, Mr. Speaker.

It was my intention, Mr. Speaker, to call a meeting off the floor of the House today. However, Mr. Speaker, I will not make that announcement today, but I will do it tomorrow.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Cumberland, Mr. Broujos, rise?

Mr. BROUJOS. Mr. Speaker, I was not properly recorded on HB 923. I wish my vote to be in the negative.

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

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2051, PN 2784**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1984 to June 30, 1985, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984; to provide appropriations from the Lottery Fund to the Executive Department; and to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

On the question,

Will the House agree to the bill on third consideration?

Mr. SWEET offered the following amendment No. A1544:

Amend Sec. 202, page 20, by inserting between lines 6 and 7

For the Commission on Crime and Delinquency for the purpose of reimbursing all the counties for the costs of incarceration of drunk drivers.

State appropriation.....	1,900,000
--------------------------	-----------

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, some months ago the House Subcommittee on Crime and Corrections, which I chair and which is cochaired by Mr. Piccola, issued a report on prison overcrowding. One of the recommendations of that prison overcrowding report is that money be allocated to the counties to pay to them a share of the costs for the mandatory incarceration of drunk drivers.

When we passed the drunk driving statute, we imposed a burden upon all 67 counties of this State to house convicted drunken drivers in their jails. Mr. Speaker, we did not follow that legislation with money. I am suggesting today that we put our money where our mouth was and we appropriate \$1.9 million to help the counties pay for the costs we imposed upon them. I would ask for an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Afflerbach	Durham	Levin	Rieger
Alderette	Evans	Linton	Robbins
Angstadt	Fargo	Livengood	Rudy
Armstrong	Fattah	Lloyd	Ryan
Arty	Fee	Lucyk	Rybak
Baldwin	Fischer	McCall	Saloom
Barber	Flick	McClatchy	Salvatore
Battisto	Foster, W. W.	McHale	Saurman
Belardi	Foster, Jr., A.	McIntyre	Scheetz
Belfanti	Freeman	McMonagle	Schuler
Beloff	Freind	McVerry	Semmel
Blaum	Fryer	Mackowski	Serafini
Book	Gallagher	Madigan	Seventy
Bowser	Gallen	Maiale	Showers
Boyes	Gamble	Manderino	Sirianni
Brandt	Gannon	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, L. E.

Bunt	George	Mayernik	Snyder, D. W.
Burd	Gladeck	Merry	Snyder, G. M.
Burns	Godshall	Michlovic	Spencer
Caltagirone	Greenwood	Micozzie	Spitz
Cappabianca	Grieco	Miller	Steighner
Carn	Gruitza	Miscevich	Stewart
Cawley	Gruppo	Mochlmann	Stuban
Cessar	Hagarty	Morris	Sweet
Cimini	Haluska	Mowery	Swift
Civera	Harper	Mrkonic	Taylor, E. Z.
Clark	Hasay	Murphy	Taylor, F. E.
Clymer	Hayes	Nahill	Tigue
Cohen	Herman	Noye	Truman
Colafella	Hershey	O'Brien	Van Horne
Cole	Hoefel	O'Donnell	Vroon
Cordisco	Honaman	Olasz	Wachob
Cornell	Hutchinson	Oliver	Wambach
Coslett	Itkin	Perzel	Wargo
Cowell	Jackson	Petrarca	Wass
Coy	Jarolin	Petrone	Weston
Deluca	Johnson	Phillips	Wiggins
DeVerter	Kasunic	Piccola	Williams
DeWeese	Kennedy	Pievsky	Wilson
Daley	Klingaman	Pistella	Wogan
Davies	Kosinski	Pott	Wozniak
Dawida	Kukovich	Pratt	Wright, D. R.
Deal	Lashinger	Preston	Wright, J. L.
Dietz	Laughlin	Punt	Wright, R. C.
Dininni	Lehr	Rappaport	Zwinkl
Dombrowski	Lescovitz	Reber	
Donatucci	Letterman	Reinard	Irvis,
Dorr	Levi	Richardson	Speaker
Duffy			

NAYS—0

NOT VOTING—4

Peterson	Pitts	Stairs	Telek
----------	-------	--------	-------

EXCUSED—4

Kowalyshyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. PUNT offered the following amendment No. A1440:

Amend Sec. 208, page 30, line 28, by striking out all of said line and inserting

State appropriation.....	16,640,000
--------------------------	------------

On the question,

Will the House agree to the amendment?

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

Mr. PUNT. Thank you, Mr. Speaker.

My amendment would restore the general government operations budget figure in the Department of Agriculture to the request that was originally submitted by the Governor, to \$16,640,000. I would like to see the \$950,000 added back into the budget document so that we can indeed provide adequate programs within the Department of Agriculture dealing with food quality, rabies, EDB (ethylene dibromide), and giardiasis. I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—189

Afflerbach	Durham	Lloyd	Ryan
Alderette	Evans	Lucyk	Saloom
Angstadt	Fargo	McCall	Salvatore
Armstrong	Fee	McClatchy	Saurman
Arty	Fischer	McHale	Scheetz
Baldwin	Flick	McIntyre	Schuler
Barber	Foster, W. W.	McMonagle	Semmel
Battisto	Foster, Jr., A.	McVerry	Serafini
Belardi	Freeman	Mackowski	Seventy
Belfanti	Freind	Madigan	Showers
Blaum	Fryer	Maiale	Sirianni
Book	Gallagher	Manderino	Smith, B.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gamble	Markosek	Snyder, D. W.
Brandt	Gannon	Merry	Snyder, G. M.
Broujos	Geist	Michlovic	Spencer
Bunt	George	Micozzie	Spitz
Burd	Gladeck	Miller	Stairs
Burns	Godshall	Miscevich	Steighner
Caltagirone	Greenwood	Moehlmann	Stewart
Cappabianca	Grieco	Morris	Stuban
Carn	Gruppo	Mowery	Sweet
Cawley	Hagarty	Mrkonic	Swift
Cessar	Haluska	Murphy	Taylor, E. Z.
Cimini	Harper	Nahill	Taylor, F. E.
Civera	Hasay	Noye	Telek
Clark	Hayes	O'Brien	Tigue
Clymer	Herman	O'Donnell	Truman
Cohen	Hershey	Olasz	Van Horne
Colafella	Hoefel	Oliver	Vroon
Cole	Honaman	Perzel	Wachob
Cordisco	Itkin	Peterson	Wambach
Cornell	Jackson	Petrarca	Wargo
Coslett	Jarolin	Petrone	Wass
Cowell	Johnson	Phillips	Weston
Coy	Kasunic	Piccola	Wiggins
Deluca	Kennedy	Pistella	Williams
DeVerter	Klingaman	Pott	Wilson
DeWeese	Kosinski	Pratt	Wogan
Daley	Lashinger	Preston	Wozniak
Davies	Laughlin	Punt	Wright, D. R.
Dawida	Lehr	Rappaport	Wright, J. L.
Deal	Lescovitz	Reber	Wright, R. C.
Dietz	Letterman	Reinard	Zwinkl
Dininni	Levi	Richardson	
Donatucci	Levin	Rieger	Irvis,
Dorr	Linton	Robbins	Speaker
Duffy	Livengood	Rudy	

NAYS—4

Gruitza	Hutchinson	Kukovich	Pievsky
---------	------------	----------	---------

NOT VOTING—6

Beloff	Fattah	Pitts	Rybak
Dombrowski	Mayernik		

EXCUSED—4

Kowalyshyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mrs. HONAMAN offered the following amendment No. A1441:

Amend Sec. 208, page 34, by inserting between lines 15 and 16 For poultry research and promotion. State appropriation..... 500,000

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

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Thank you, Mr. Speaker.

This restores the \$500,000 requested for research on the poultry situation. I think you are all familiar with the avian flu epidemic we have had in Pennsylvania. Just this morning we had a meeting with some of the people from New Bolton who admit that they still do not know how this virus got started or what to do about it completely. I think that this money is vital to the poultry business in Pennsylvania.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—186

- Afflerbach Alderette Angstadt Armstrong Arty Baldwin Barber Battisto Belardi Belfanti Blaum Book Bowser Boyes Brandt Broujos Bunt Burd Burns Caltagirone Cappabianca Carn Cawley Cessar Cimini Civera Clark Clymer Cohen Colafella Coie Cordisco Cornell Coslett Cowell Coy Deluca DeVerter DeWeese Daley Davies Dawida Deal Dietz Dorr Duff Durham Evans Fargo Fee Fischer Flick Foster, W. W. Foster, Jr., A. Freeman Freind Fryer Gallagher Gallen Gamble Gannon Geist George Gladeck Godshall Greenwood Grieco Gruppo Hagarty Haluska Harper Hasay Hayes Herman Hershey Hoeffel Honaman Itkin Jackson Jarolin Johnson Kasunic Kennedy Klingaman Kosinski Kukovich Lashinger Laughlin Levi Linton Livengood Lloyd Lucyk McCall McClatchy McHale McIntyre McMonagle McVerry Mackowski Madigan Maiale Manmiller Markosek Merry Michlovic Micozzie Miller Miscevic Moehlmann Morris Mowery Mrkonic Murphy Nahill Noye O'Brien O'Donnell Olasz Oliver Peterson Petrarca Petrone Phillips Piccola Pott Pratt Preston Punt Rappaport Reber Reinard Rudy Ryan Saloom Salvatore Saurman Scheetz Schuler Semmel Serafini Seventy Showers Sirianni Smith, B. Smith, L. E. Snyder, D. W. Snyder, G. M. Spencer Spitz Stairs Steighner Stewart Stuban Sweet Swift Taylor, E. Z. Taylor, F. E. Telek Tigie Truman Van Horne Vroon Wachob Wambach Wargo Wass Weston Wiggins Williams Wilton Wogan Wright, D. R. Wright, J. L. Wright, R. C. Zwikl

- Dininni Dombrowski Donatucci Lehr Lescovitz Letterman Richardson Rieger Robbins Irviss, Speaker

NAYS—6

- Gruitza Hutchinson Manderino Pievsky Pistella Wozniak

NOT VOTING—7

- Beloff Fattah Levin Mayernik Perzel Pitts Rybak

EXCUSED—4

- Kowalshyn Marmion Stevens Trello

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?

Mr. MADIGAN offered the following amendments No. A1535:

Amend Sec. 208, page 36, line 3, by striking out "food banks" and inserting counties

Amend Sec. 208, page 36, lines 5 through 9, by striking out "I" in line 5 and all of lines 6 through 9

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

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. Thank you, Mr. Speaker.

In the Agriculture Department's budget on page 36, the \$8-million grant for the purchase of food, this merely removes the words "food banks" and replaces it with "counties" and eliminates a section. This will provide the same basis as the \$8 million was distributed this year, guaranteeing that each of the counties is provided with their fair share of these funds. I urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Madigan amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I oppose the amendment. I think after the hearings that have taken place and the newspaper accounts of some of the problems with the food distribution and the surplus commodities and the way it has been handled through the Department of Agriculture, I think it is important that we leave the language the way it is. This is the first amendment so far that does not change money, add money, delete money, et cetera. But I think it has become very clear that we need to put the actual channeling and purchasing of food in the hands of those who have the expertise to do it.

Now, I would advise you that the Department of Agriculture still controls, still monitors—hopefully they will do a better job—but the actual purchase of food will be done by the food banks that have been doing it for many years.

I would suggest that in my own area I really should not complain too much about this, because the county has let the

food banks do it because that county is astute enough to know that this is not their job. This has never been the job of the Department of Agriculture. Neither the counties nor the department have ever been set up to handle this. Most of them do not care to handle it. All we are saying is that where food banks are operating, they will handle the purchasing.

The language also says that if the food bank is not operating in that area, then the county may operate as it always has. I think this is the best way to provide uniformity across the State and to make sure we get the best purchase for our dollar.

In the western part of the State, as a matter of fact, only 3 or 4 days ago I saw one of the emergency food boxes which was purchased with this type of money that we provided in the last budget and we are providing in this budget. For a \$60 box of food, the food bank only had to spend \$15. That is the kind of expertise we are trying to foster.

For that reason, among many others, I would ask for a negative vote, Mr. Speaker.

The SPEAKER. On the Madigan amendment, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I do not believe that we should be making a mistake here this afternoon and conclude that the types of problems that Mr. Kukovich has recalled to our attention are what we are talking about in the Madigan amendment or the distribution of the \$8 million which we appropriated as a General Assembly for the current fiscal year. He was kind of confusing the so-called cheese and butter program with the food bank program which was carried in the current year's fiscal plan, the general appropriations bill. But let us for a moment talk about the cheese and butter distribution.

Forget a minute the Department of Agriculture and all the misgivings some persons may have as to whether the department did or did not do such a good job at administering that. Once we got away from Harrisburg—once we got away from Harrisburg—there were problems with the types of organizations that Mr. Kukovich is singing praise about today. There were in fact problems. If you go and read the testimony, there were some problems with those organizations here and there that were purportedly the local distributor of cheese and butter. And I ask you today, after 1 year's experience with the \$8-million allocation that we made in the current budget, why should we change something that is not broke? Why should we try to fix something that is not broke? I do not recall there being any problems with the way the county governments carefully managed these \$8 million. And if there have not been those types of problems, why go to a system where here and there with the cheese and butter program there have been problems?

You have the most uniform system with the county governments. Mr. Kukovich used the word "uniform." I suggest to you that there is nothing more uniform across the 67 counties than those governmental units. Certainly the gentleman cannot say that in every county there is an equal number of organizations prepared to distribute these dollars as you do have with the county governments. As a matter of fact, the

GA bill has language in it where it says, if there are not these types of organizations, then the county government will do it. You talk about a lack of uniformity when the gentleman proclaims he is for it; I suggest that he is advocating a program that lacks uniformity in any way whatsoever.

We were able to distribute those \$8 million properly. They were accounted for properly. There have been no administrative problems. So why fix something that is not broke and go to a system where here and there, when the committee was out in the field taking testimony, where here and there there were problems with the organizations that Mr. Kukovich would have do the whole job where they are available?

I suggest that the gentleman, Mr. Madigan, offers a proper amendment and one which should be adopted by this House of Representatives. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BOWSER. Thank you, Mr. Speaker.

I would just like to follow up with one observation on what the minority whip has just said.

Food banks in Pennsylvania have split the State up into nine areas. I will use my own area as an example.

There is a food bank centered in Erie County. It takes in Warren County, McKean County, Cameron County, Elk County, Clearfield County, Jefferson County, Clarion, Forest, Venango, Mercer, as well as Crawford. I am saying that a food bank centered in Erie County is not going to service Representative George's Clearfield County like it should be serviced.

I feel we have done a good job with the counties doing this in the past year. I ask for huge support of Representative Madigan's amendment to continue this service the way it has been. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I rise in opposition to Mr. Madigan's amendment, 1535, mainly because several previous speakers have mentioned that the counties could run the programs more efficiently. Well, one of the problems we did have when we traveled around was an awful lot of the inefficiency that the counties were doing. As a matter of fact, they were picking up and delivering the food inappropriately. They were not using the appropriate equipment. They were using regular county facilities. They were also using employees who had no experience, no background in dealing with distribution, had no idea as far as dealing with the proper diet as far as people are concerned. It just really caused an awful lot of problems. There was also a lack of communication, because the people who were doing it, again, did not have the ability and the understanding to be able to handle the situation. I do not think that the counties should be involved in this unless they are the last resort.

Again, another one of the problems we continue to come up with in counties is the people who were involved, and it would

appear to be political ties with different private organizations, private businesses, and other politicians who should not even be involved in it. So I think the more that we can put the food into the hands of the people who are trained to do this, who have the experience and the expertise to do it, the more we are going to be serving the people and being able to get the food that is necessary.

If there is anything we can do for our constituents, we can vote against this amendment. I ask for a negative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to oppose this amendment.

By requiring the funds to go through the counties first, what we do is in essence delay the distribution of foods to those who need it. There is already provision in the bill that if there are no regional food banks serving that county, the county then can maintain operation. As Mr. Kukovich and Mr. Preston have pointed out, it is important that the food be distributed by those who have the expertise and the knowledge of distribution, and it is crucially important that the individuals who will obtain this food obtain it as soon as possible. By adding the go-between of the county level of government, we delay their receiving the essential foods.

I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

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

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

I rise also to oppose the amendment, and I do so, Mr. Speaker, as a member of the committee on food distribution of cheese and butter here in the Commonwealth of Pennsylvania who has had an opportunity to travel across this Commonwealth dealing with this issue.

We have had an opportunity not only to talk to a number of persons who in fact have been denied cheese and butter, but we have been in a better position to recognize that if it had not been for the establishment of the committee and the chairman here in this House of Representatives where we have been going from county to county to check on how the food and butter have been distributed, we found that a number of persons were not getting all of the commodities. One of the things we fought hard to do was to create and find food banks that would make sure that the citizens in this Commonwealth would in fact be serviced. Since that has happened, there has been a better distribution of the food and cheese all across this Commonwealth. But before the committee was formed—the gentleman probably was correct that there needed to be some action taken—but since that time, I can honestly say that there has been a step forward to making sure that counties, where food banks are presently located now, are in fact dealing with making sure that the citizens within those areas are in fact getting butter, cheese, cornmeal, honey, powdered milk, and other commodities that originally were not a part of

the overall program. I think that unless we continue to fight to make sure that those present food banks that are now distributing the food stay in order, we are going to find ourselves not only in a delayed situation but we are going to find those same persons who were squawking and hollering and screaming before coming back to this House of Representatives asking us what we have done.

I urge a negative vote on the amendment. Let us keep it the way it is so we can make sure the people get the distribution of the food and cheese that is due them. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

I rise in support of the Madigan amendment.

We in Indiana County have had a truly successful distribution of food under the county system, and I would want it continued as it has. It has been referred to that we have had delays and many other problems in the county distribution. That is not true. Indiana County has had a very successful program, and I wish that it continue as Mr. Madigan's amendment would speak to it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a negative vote on the amendment offered by the gentleman, Mr. Madigan.

Based on the experience we had in Erie County, it is my opinion that the food banks are working a great deal better than they would at a county distribution. In fact, I think if we left this up to the county, as Mr. Madigan is suggesting, Erie may not have a food bank program or a program that would distribute the food to the needy. Our county executive has indicated that she has a lot of faith in the person running the food bank program in Erie, and I think throughout the Commonwealth that the same feeling is held by everyone. I think it is a bad amendment, and I think if we ever go to the distribution of food through the counties, we would have a lot more waste in the food than we have at the present time.

I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

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

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

I rise in support of the Madigan amendment. I do so because in my county I received more complaints about what occurred with the food after it was distributed than during the distribution process. We had a number of instances where people brought blocks of cheese and butter into local bars and sold them to the bartender or to other patrons and used the money to purchase drinks. I would therefore say to those who are concerned about Mr. Madigan's amendment and oppose it, you had better fix the wheel of the wagon that is broken first. I urge support for Mr. Madigan's amendment.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, may I interrogate Representative Freeman?

The SPEAKER. Representative Freeman? Is that the person you asked to interrogate?

Will Representative Freeman stand for interrogation? Miss Sirianni is in order and may proceed.

Miss SIRIANNI. Mr. Speaker, why do you believe that it would take longer to distribute it if the counties did it?

Mr. FREEMAN. Mr. Speaker, in some cases I am sure the situation arises where the counties do not have the facilities in which to handle the distribution themselves, or would prefer, in many cases, to hand it over to the food banks to begin with. By using a go-between, we end up delaying the distribution of foods, since the food banks in many cases will still be the distributors since they have the expertise, the techniques, and the staff and know-how.

Miss SIRIANNI. Mr. Speaker, may I make a statement?

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

Miss SIRIANNI. Mr. Speaker, I disagree with the gentleman's statement. You know, all the counties have to do is get a refrigerated trailer and take care of the problem. They pick it up where the government sends it in and bring it right to their own location instead of unloading it at a food bank and then unloading it again at the other distribution sites. In our area, each township and borough has been distributing it voluntarily through the county commissioners. Nobody has to pay anything; it does not cost anything except the price of renting a refrigeration truck for a day.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Erie, Mr. Bowser, for the second time on the amendment.

Mr. BOWSER. Thank you, Mr. Speaker.

I am going to have to stand here and disagree with my good friend and colleague, Representative Dombrowski from Erie County. We have a food bank in Erie County that just recently refused to continue handling the surplus butter and cheese. The county has taken it over. We have run into all kinds of problems in Erie County. They were handling it through their food pantries, if you know what a food pantry is. They admittedly were servicing only one-third of the people who were eligible in the county. We used the figures from the last general distribution in Erie County to ascertain that these figures were correct. Warren County and Crawford County, which border Erie County, were into their third general distribution while Erie County had none other than what was being serviced out of the food pantries.

Now, there is nothing to say that the money cannot be given to the food bank in Erie County or any other place in Pennsylvania that happened to have a food bank. If the county commissioners or the county executives see fit to do that, fine. If they can do the job, I have no problem with it. But to reiterate what I was saying a while ago, there are nine food bank territories in the State of Pennsylvania, and I think all of us in this House should think about it. Like I said before, the Erie County food bank would control all counties down through and including Clearfield County. If you live in one of these

areas and you are in the outreaches of that, you are not very apt to be serviced very well by that food bank.

The county commissioners around this State have done a good job; it has been proven that local government can best serve its people because it knows its people. I cannot believe that people running a food bank in Erie County know what is going on down in Clearfield County or Cameron County or in any of the other outlying counties. I think it is a good amendment to keep this program going as it is. I think in most cases they have done a darn good job this year, and I hope that we continue it that way. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

There have been several statements made, and I do not want some of the members to think that we are just talking about food and cheese. We are not talking in that instance at all. That is only a small part and is not related at all to the \$8 million that we are in the process of voting on. What we are talking about is maybe one food bank buying two or three or even four truckloads just of frozen green beans. We are not talking about just one truckload of cheese for a county. We are talking about hundreds of thousands of dollars of food being purchased at a bulk rate, maybe between 20 or 30 counties getting together. We are also talking about some counties that are not even equipped and do not even have warehouse space. So we are not just talking about food and cheese. Please let the members remember that. We are talking about a wide range of commodities that are being purchased and bid upon, in many cases from different parts of the State. And there are even some counties that we found out last time that had to go to warehouses outside the State of Pennsylvania, into New York.

So please be aware of exactly what we are voting on. We are voting on \$8 million of food to be purchased not just by counties but on a regional basis so that we can get a competitive price. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Just briefly, Mr. Speaker.

The last time my colleague from Erie spoke, he said that it was not good for Erie to handle the distribution of food in Warren County and Clearfield County and Crawford County and whatever counties he said, but he also did say that all these counties had a mass distribution of butter and cheese but Erie did not. So I do not know where he was coming from. I think that the Erie office did a good job in distribution. The only reason we did not have a good distribution of butter and cheese initially is because we never had enough to go around. The person handling the food bank was taking the cheese and butter and holding it until she could accumulate enough. If she could not accumulate enough, she made up baskets and gave it to the small distributors in Erie County and they were giving it out at a good level, or whatever, for

lack of a better word. But they have been doing a good job at the food banks in Erie County, contrary to what my colleague says. He has got to understand that Erie never did get enough butter and cheese like he wanted for mass distribution. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Once again, let us not confuse the cheese and butter program with the \$8 million that this General Assembly appropriated for the current fiscal year when we adopted the budget last year. We are talking about the allocation of \$8 million. We are not talking about the distribution of cheese and butter under the Federal surplus program, and we are not talking about various foodstuffs being allocated by this General Assembly to a warehouse in the 67 counties. We are talking about how \$8 million are to be managed in a fiscally sound way and at the same time meet the needs of the people of this Commonwealth who need the services provided by food banks. *We are talking about the management of money, and 67 counties can certainly do that better.*

There is no one who has been able to stand up here today and say there has been a patterned problem across Pennsylvania. If you do want to talk about cheese and butter, there have been some problems, there have been some problems in some of those food bank areas. Mr. Dombrowski just acknowledged it, although he would have you believe that it just had to do with quantity. I respectfully suggest it had to do with the management of the problem, not just quantity. We did not, this fiscal year, have any problem with the management of the \$8 million which this General Assembly appropriated for allocation across the 67 counties. Now, if something is not broken, why try to fix it? If you do try to fix it, I suggest you are fixing it in the wrong way.

There were problems in some of those food bank areas, and again, I would ask that we not forget what the Representative from Erie, Mr. Bowser, brought to our attention. There are a handful of regional food bank offices in Pennsylvania, and those regional offices are purportedly going to manage these \$8 million for the 67 counties. Now, I wonder if Mr. Belfanti is going to be happy with the thought that someone up in Williamsport is going to decide what his food banks in Northumberland County get. Maybe he will be satisfied. Maybe he will not be. But for sure, if those moneys are being allocated to his county, he can be best assured and best guaranteed that the people residing in that county of his will be best served. I do not believe that we should run the risk of having that particular allocation go to Williamsport for later distribution down in his county. It makes no sense at all. It is best to keep these programs as close to our home base as possible.

There has been nothing in the experience of the last few months that implores us to allocate these \$8 million out to the private food banks, which are not uniform across the Commonwealth, and Mr. Kukovich said he was interested in uniformity. There is nothing guaranteeing that. You are going to have a hodgepodge of allocation. I believe that Mr. Madigan,

who served on the cheese and butter committee—we should not be confusing it, but he did serve there—he has monitored the allocation of the \$8 million over the last several months, and I believe that he brings to us a make-sense amendment.

Do not fix something that is not broken. I urge support of Mr. Madigan's amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. RICHARDSON. Thank you very much, Mr. Speaker, and I will be very brief.

I just wanted to help correct some of the statements that have just been made by the previous speaker. Number one, it is quite clear to me that the counties do not already have a mechanism and a program in motion to be able to give the distribution of food and cheese in those counties. There is not an organization or a body that they have under their auspices that can in fact do that kind of work, which is why they went outside to find independent agencies that had more understanding of the whole concept of where to place and put that into operation.

I would hope that you do not get confused either with the Federal Government program and also the programs that are being run out of the various communities. In our city it is a little different than maybe some of the other counties, but it is quite clear that food banks and those who have had experience in being able to operate and handle those problems have had a much better understanding of that, and particularly with the founding of the committee that went out and was able to separate those specific issues that in fact dealt with the problem. I again ask for a negative vote on this matter and ask that we keep the food banks in operation so that they can continue to make sure that the food and cheese and other commodities get to the persons whom we are supposed to help within this Commonwealth. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I am not only surprised that this amendment has been offered; I am also surprised by the fervor with which it is being supported, and I am somewhat disappointed about the partisanship that I am witnessing.

I think the only question here is the most efficient way to feed the hungriest and the neediest of our people. I think that the last year or the last 2 years have made it very clear that in terms of the emergency food boxes, the emergency box programs, the emergency pantries—those three names all interweave a little bit—not the mass distribution but the use of this \$8 million which Mr. Madigan is attempting to amend, that the regional food banks have operated in an exemplary manner.

We have seen problems, and I did not want to stand here and run through a litany of what those problems are, because it tends to be scandalous on the part of this department. I do not think we want to get into that. I do not want to be parti-

san; I will not be. All I am saying is that we came up with compromise language which I think is too weak. If I had my way, we would not have Agriculture involved at all. Under this language, they still control the allocation; they still control the money. We are just saying they allocate it. We let the people who have been doing this purchasing, in some areas for 10 years, long before Agriculture ever heard of a surplus commodity, continue to do it and do it efficiently. And I challenge anybody to point out where a regional food bank has not got much more than its dollar's worth when they purchased those funds.

I suggest that we will have uniformity under this current situation. If we do not, then we can blame almost everybody, including Agriculture. I do not want to place any blame. I want to have a program which I think is going to feed the hungriest people in this State, and I think this language currently in the bill will do it, and I suggest that you vote "no" on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to support the Madigan-Bowser amendment. As a Representative who represents three rural counties that would be affected in the northwest, I have real concerns from my observation of how government works generally. It is my observation that rural Erie County struggles to get its fair share of any Erie County allocation, and what about counties that are 100 or more miles away, such as Clearfield or Forest or Clarion or McKean? How are they going to be sure that they get their fair share of what is out there for the poor? They have their share of poor, too. From my observation, Representative Bowser had to struggle to get his portion of Erie County to get its fair share of what Erie County distributed in the past.

I think we should go with county governments. In that way, each and every one of our counties will get its fair share, and in most cases they will be using the food banks which worked in most cases the last time. I strongly support the Madigan-Bowser amendment.

The SPEAKER. Now, Mr. Madigan, you have been very patient. The Chair recognizes you on your own amendment.

Mr. MADIGAN. Thank you, Mr. Speaker.

First and perhaps foremost, the special committee, to the best of my knowledge, heard no testimony—and I repeat that—no testimony critical of the efforts of the various counties in spending the \$8-million appropriation of this 1983-84 fiscal year. If the money was expended without significant problem for the purpose for which it was intended, why should we change?

As to one of the concerns that I had with the original proposal, I quote from the original plan submitted by the food banks of the Commonwealth. On page 4 of that plan it is stated: "Feeding needy families is a shared responsibility which must utilize federal, state and local resources." I believe that local resources is very important. This plan then goes on to state: "It should not be the responsibility of the

federal or state government to bale [sic] out the food needs of needy families, where there is no local involvement."

I quote again this most important line from the food bank's own proposal: "It should not be the responsibility of the federal or state government to bale [sic] out the food needs of needy families, where there is no local involvement." If the involvement of local resources is essential—and I feel strongly that it is—to the success of a food program, how can the food banks insure that this critical element of success will be present if the remote food bank in Erie is in complete charge of the program in Clearfield County? It is submitted that more local involvement would be realized if each individual county is responsible for its own food program instead of relying on the good intentions of a food bank several counties away.

However, I would like to point out that the food banks can provide a very important part. In area 5, the Williamsport food bank, 12 counties took their funds to that food bank and purchased this food through that food bank, but each of these counties was assured that they got their fair share as determined out of the overall \$8-million appropriation. I submit that it has worked, and I believe that, and the reason that I introduced this amendment was to carry out this program, which is working where they do want it to work. I would also point out, Mr. Speaker, that in Allegheny County, the county commissioners chose to divide their appropriation 60 percent to the Pittsburgh food bank and 40 percent to the Hunger Action Coalition to carry out this program more effectively.

Mr. Speaker, I urge support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—114

Angstadt	Fargo	Lloyd	Salvatore
Armstrong	Fee	McClatchy	Saurman
Arty	Fischer	McVerry	Scheetz
Baldwin	Flick	Mackowski	Schuler
Battisto	Foster, W. W.	Madigan	Semmel
Belardi	Foster, Jr., A.	Manmiller	Serafini
Book	Freind	Merry	Showers
Bowser	Gallen	Micozzie	Sirianni
Boyes	Gannon	Miller	Smith, B.
Brandt	Geist	Moehlmann	Smith, L. E.
Bunt	George	Morris	Snyder, D. W.
Burd	Gladeck	Mowery	Snyder, G. M.
Burns	Godshall	Nahill	Spencer
Caltagirone	Greenwood	Noye	Spitz
Cawley	Grieco	O'Brien	Stairs
Cessar	Gruitza	Perzel	Stuban
Cimini	Gruppo	Peterson	Swift
Civera	Hagarty	Phillips	Taylor, E. Z.
Clymer	Hayes	Piccola	Telek
Cordisco	Herman	Pitts	Vroon
Cornell	Hershey	Pott	Wargo
Coslett	Honaman	Punt	Wass
Coy	Jackson	Reber	Weston
DeVerter	Johnson	Reinard	Wilson
Davies	Kennedy	Rieger	Wogan
Dietz	Klingaman	Robbins	Wright, D. R.
Dininni	Lashinger	Rudy	Wright, J. L.
Dorr	Lehr	Ryan	Wright, R. C.
Durham	Levi		

NAYS—81

Afflerbach	Duffy	McCall	Richardson
Alderette	Evans	McHale	Rybak
Barber	Fattah	McIntyre	Saloom
Belfanti	Freeman	McMonagle	Seventy
Beloff	Gallagher	Maiale	Steighner
Blaum	Gamble	Manderino	Stewart
Broujos	Haluska	Markosek	Sweet
Cappabianca	Harper	Mayernik	Taylor, F. E.
Carn	Hoeffel	Michlovic	Tigue
Clark	Hutchinson	Miscevich	Truman
Cohen	Itkin	Mrkonic	Van Horne
Colafella	Jarolin	Murphy	Wachob
Cole	Kasunic	Olasz	Wambach
Cowell	Kosinski	Oliver	Wiggins
Deluca	Kukovich	Petrarca	Williams
DeWeese	Laughlin	Petrone	Wozniak
Daley	Lescovitz	Pievsky	Zwinkl
Dawida	Levin	Pistella	
Deal	Linton	Pratt	Irvis, Speaker
Dombrowski	Livengood	Preston	
Donatucci	Lucyk	Rappaport	

NOT VOTING—4

Fryer	Hasay	Letterman	O'Donnell
-------	-------	-----------	-----------

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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. VROON offered the following amendment No. A1422:

Amend Sec. 209, page 37, line 20, by striking out all of said line and inserting

State appropriation.....	1,300,000
--------------------------	-----------

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this amendment restores a reduction of \$800,000 for commercial advertising by the Department of Commerce. This advertising is for the attraction of new business into the Commonwealth. It has proved to be successful. The results are good. I checked with the Department of Commerce, and they had nothing but good things to say about this, and they asked if we would please restore this reduction. I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—155

Alderette	Fee	Lloyd	Ryan
Angstadt	Fischer	Lucyk	Saloom
Armstrong	Flick	McCall	Salvatore
Arty	Foster, W. W.	McClatchy	Saurman
Baldwin	Foster, Jr., A.	McHale	Scheetz
Barber	Freeman	McIntyre	Schuler
Battisto	Freind	McMonagle	Semmel
Belardi	Fryer	McVerry	Serafini

Belfanti	Gallen	Mackowski	Showers
Book	Gamble	Manmiller	Sirianni
Bowser	Gannon	Markosek	Smith, B.
Boyes	Geist	Mayernik	Smith, L. E.
Brandt	George	Merry	Snyder, D. W.
Bunt	Gladeck	Micozzie	Snyder, G. M.
Burd	Godshall	Miller	Spencer
Burns	Greenwood	Miscevich	Stairs
Cessar	Grieco	Moehlmann	Steighner
Cimini	Gruitza	Morris	Stuban
Civera	Gruppo	Mowery	Sweet
Clymer	Hagarty	Murphy	Swift
Cohen	Haluska	Nahill	Taylor, E. Z.
Colafella	Hasay	Noye	Taylor, F. E.
Cole	Hayes	O'Brien	Telek
Cordisco	Herman	Oliver	Truman
Cornell	Hershey	Perzel	Vroon
Coslett	Honaman	Peterson	Wachob
Cowell	Hutchinson	Petrarca	Wambach
Coy	Itkin	Petrone	Wass
Deluca	Jackson	Phillips	Weston
DeVerter	Johnson	Piccola	Wiggins
DeWeese	Kasunic	Pitts	Williams
Davies	Kennedy	Pott	Wilson
Dietz	Klingaman	Punt	Wogan
Dininni	Lashinger	Rappaport	Wozniak
Donatucci	Laughlin	Reber	Wright, D. R.
Dorr	Lehr	Reinard	Wright, J. L.
Duffy	Lescovitz	Rieger	Wright, R. C.
Durham	Levi	Robbins	Zwinkl
Fargo	Livengood	Rudy	

NAYS—37

Afflerbach	Evans	Maiale	Rybak
Blaum	Fattah	Manderino	Seventy
Broujos	Gallagher	Michlovic	Stewart
Caltagirone	Harper	Mrkonic	Tigue
Cawley	Hoeffel	O'Donnell	Van Horne
Clark	Jarolin	Olasz	Wargo
Daley	Kosinski	Pievsky	
Dawida	Kukovich	Pistella	Irvis, Speaker
Deal	Letterman	Preston	
Dombrowski	Linton	Richardson	

NOT VOTING—7

Beloff	Carn	Madigan	Spitz
Cappabianca	Levin	Pratt	

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. ITKIN offered the following amendment No. A1564:

Amend Sec. 209, page 37, by inserting between lines 22 and 23

For the purpose of financial assistance to zoological gardens. A zoological garden is defined as an installation for the public display of living animals which is owned, operated or financially assisted by a political subdivision, provided that outside financial assistance annually is not less than \$500,000 or not less than 25% of its annual operating costs.

State appropriation.....	1,000,000
--------------------------	-----------

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, this is an amendment which recognizes an increasingly difficult need for the support of zoos in Pennsylvania. The zoological gardens in Pennsylvania have, over the past few years, been experiencing increasing difficulty in raising sufficient revenue to keep the zoos open. It is especially critical with respect to municipal zoos and zoos which are financially assisted by municipal governments. This is the case in Erie, in Philadelphia, and in Pittsburgh, where there is a tremendous undertaking by the municipalities involved to support the zoo.

We all recognize that zoos are a cultural attraction of at least a regional nature. In fact, I would say that in southeastern Pennsylvania, the zoo in Philadelphia serves the entire region, and I know that in the western part of the State, the Pittsburgh Zoo serves most of the residents who live in Allegheny County and in counties contiguous to Allegheny and beyond.

Mr. Speaker, this is a very modest appropriation of \$1 million to be distributed to all of the zoos in Pennsylvania. It will go a long way in helping zoos meet their financial needs and commitments, and I urge a positive vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna, Mr. Cawley, on the amendment.

Mr. CAWLEY. Mr. Speaker, I would like to interrogate Mr. Itkin, please.

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

Mr. CAWLEY. Mr. Speaker, you mentioned Philadelphia, Erie, and Pittsburgh. Does this also include Scranton and Norristown?

Mr. ITKIN. It is my understanding that it does.

Mr. CAWLEY. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—168

Angstadt	Fattah	McIntyre	Saurman
Arty	Fee	McMonagle	Schuler
Baldwin	Fischer	McVerry	Semmel
Barber	Flick	Mackowski	Serafini
Battisto	Foster, W. W.	Madigan	Seventy
Belardi	Freind	Maiale	Showers
Belfanti	Gallagher	Manmiller	Sirianni
Beloff	Gallen	Markosek	Smith, B.
Blaum	Gamble	Mayernik	Smith, L. E.
Book	Gannon	Merry	Snyder, D. W.
Boyes	Geist	Michlovic	Spencer
Brandt	George	Micozzie	Spitz
Bunt	Gladeck	Miscevich	Stairs
Burd	Godshall	Mowery	Steighner
Burns	Greenwood	Mrkonic	Stewart
Caltagirone	Grieco	Murphy	Stuban
Cappabianca	Gruppo	Nahill	Sweet

Carn	Hagarty	Noye	Swift
Cawley	Haluska	O'Brien	Taylor, E. Z.
Cessar	Harper	Olasz	Taylor, F. E.
Cimini	Hasay	Oliver	Telek
Civera	Hershey	Perzel	Tigue
Clark	Hoeffel	Peterson	Truman
Clymer	Honaman	Petrarca	Van Horne
Cohen	Hutchinson	Petrone	Vroon
Colafella	Itkin	Phillips	Wachob
Cole	Jarolin	Piccola	Wambach
Cordisco	Kasunic	Pistella	Wargo
Cornell	Kennedy	Pott	Wass
Coslett	Klingaman	Pratt	Weston
Cowell	Kosinski	Preston	Wiggins
Coy	Kukovich	Punt	Williams
Deluca	Lashinger	Rappaport	Wilson
DeWeese	Laughlin	Reber	Wogan
Daley	Lehr	Reinard	Wozniak
Davies	Lescovitz	Richardson	Wright, D. R.
Deal	Letterman	Rieger	Wright, J. L.
Dininni	Levin	Robbins	Wright, R. C.
Donatucci	Linton	Rudy	Zwinkl
Dorr	Livengood	Ryan	
Duffy	Lucyk	Saloom	Irvis,
Durham	McCall	Salvatore	Speaker
Evans	McClatchy		

NAYS—30

Afflerbach	Dombrowski	Jackson	Moehlmann
Alderette	Fargo	Johnson	Morris
Armstrong	Foster, Jr., A.	Levi	Pievsky
Bowser	Freeman	Lloyd	Pitts
Broujos	Fryer	McHale	Rybak
DeVerter	Gruitza	Manderino	Scheetz
Dawida	Hayes	Miller	Snyder, G. M.
Dietz	Herman		

NOT VOTING—1

O'Donnell

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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?

Mr. GEIST offered the following amendment No. A1425:

Amend Sec. 209, page 38, line 5, by striking out all of said line and inserting

State appropriation..... 19,250,000

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This amendment simply reinstates \$4.25 million back into the PIDA (Pennsylvania Industrial Development Authority) Fund, taking it from \$15 million back up to \$19.25 million. In my part of the State, PIDA has been a program that has worked very, very successfully, and I would like to see that program and the moneys reinstated to budgetary levels.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—175

Alderette	Evans	Letterman	Rudy
Angstadt	Fargo	Levi	Ryan
Armstrong	Fattah	Livengood	Rybak
Arty	Fee	Lloyd	Saloom
Baldwin	Fischer	Lucyk	Salvatore
Battisto	Flick	McCall	Saurman
Belardi	Foster, W. W.	McClatchy	Scheetz
Belfanti	Foster, Jr., A.	McHale	Schuler
Blaum	Freeman	McIntyre	Semmel
Book	Freind	McMonagle	Serafini
Bowser	Fryer	McVerry	Seventy
Boyes	Gallagher	Mackowski	Showers
Brandt	Gallen	Madigan	Sirianni
Bunt	Gamble	Manmiller	Smith, B.
Burd	Gannon	Markosek	Smith, L. E.
Burns	Geist	Mayernik	Snyder, D. W.
Caltagirone	George	Merry	Snyder, G. M.
Cappabianca	Gladeck	Micozzie	Spencer
Cawley	Godshall	Miller	Spitz
Cessar	Greenwood	Miscevich	Stairs
Cimini	Grieco	Moehlmann	Stewart
Civera	Gruppo	Morris	Stuban
Clark	Hagarty	Mowery	Sweet
Clymer	Haluska	Mrkonic	Swift
Cohen	Harper	Murphy	Taylor, E. Z.
Colafella	Hasay	Nahill	Taylor, F. E.
Cole	Hayes	Noye	Telek
Cordisco	Herman	O'Brien	Tigue
Cornell	Hershey	O'Donnell	Truman
Coslett	Hoeffel	Olasz	Vroon
Cowell	Honaman	Perzel	Wachob
Coy	Hutchinson	Peterson	Wambach
Deluca	Itkin	Petrarca	Wargo
DeVerter	Jackson	Petrone	Wass
DeWeese	Jarolin	Phillips	Weston
Daley	Johnson	Piccola	Williams
Davies	Kasunic	Pitts	Wilson
Dawida	Kennedy	Pott	Wogan
Dietz	Klingaman	Punt	Wozniak
Dininni	Kosinski	Rappaport	Wright, D. R.
Donatucci	Lashingner	Reber	Wright, J. L.
Dorr	Laughlin	Reinard	Wright, R. C.
Duffy	Lehr	Rieger	Zwikl
Durham	Lescovitz	Robbins	

NAYS—17

Afflerbach	Kukovich	Pievsky	Van Horne
Broujos	Linton	Pistella	
Deal	Manderino	Preston	Irvis,
Dombrowski	Michlovic	Richardson	Speaker
Gruitza	Oliver	Steighner	

NOT VOTING—7

Barber	Carn	Maiale	Wiggins
Beloff	Levin	Pratt	

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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?

Mr. VROON offered the following amendment No. A1429:

Amend Sec. 209, page 38, line 15, by striking out all of said line and inserting

State appropriation..... 2,000,000

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this amendment restores a cut of \$1.5 million for site development by the Department of Commerce. Again, checking with the Department of Commerce, I find that these are not for empty business sites, but these are for actual business sites that are going to be developed and on which there have been secured some very definite private-sector commitments. So I strongly urge an approval of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—166

Alderette	Duffy	Letterman	Robbins
Angstadt	Durham	Levi	Rudy
Armstrong	Fargo	Livengood	Ryan
Arty	Fee	Lloyd	Rybak
Baldwin	Fischer	Lucyk	Saloom
Battisto	Flick	McCall	Salvatore
Belardi	Foster, W. W.	McClatchy	Saurman
Blaum	Foster, Jr., A.	McHale	Scheetz
Book	Freeman	McIntyre	Schuler
Bowser	Freind	McVerry	Semmel
Boyes	Fryer	Mackowski	Serafini
Brandt	Gallen	Madigan	Seventy
Broujos	Gamble	Manmiller	Showers
Bunt	Gannon	Markosek	Sirianni
Burd	Geist	Mayernik	Smith, B.
Burns	George	Merry	Smith, L. E.
Caltagirone	Gladeck	Micozzie	Snyder, D. W.
Cappabianca	Godshall	Miller	Snyder, G. M.
Cawley	Greenwood	Miscevich	Spencer
Cessar	Grieco	Moehlmann	Stairs
Cimini	Gruitza	Morris	Steighner
Civera	Gruppo	Mowery	Stewart
Clark	Hagarty	Mrkonic	Stuban
Clymer	Haluska	Murphy	Swift
Cohen	Hasay	Nahill	Taylor, E. Z.
Colafella	Hayes	Noye	Taylor, F. E.
Cole	Herman	O'Brien	Telek
Cordisco	Hershey	Olasz	Tigue
Cornell	Hoeffel	Perzel	Truman
Coslett	Honaman	Peterson	Vroon
Cowell	Hutchinson	Petrarca	Wambach
Coy	Itkin	Petrone	Wass
Deluca	Jackson	Phillips	Weston
DeVerter	Jarolin	Piccola	Williams
Daley	Johnson	Pitts	Wilson
Davies	Kasunic	Pott	Wogan
Dawida	Kenredy	Punt	Wozniak
Dietz	Klingaman	Rappaport	Wright, D. R.
Dininni	Lashingner	Reber	Wright, J. L.
Dombrowski	Laughlin	Reinard	Wright, R. C.
Donatucci	Lehr	Rieger	Zwikl
Dorr	Lescovitz		

NAYS—21

Afflerbach	Harper	Michlovic	Van Horne
DeWeese	Kosinski	Oliver	Wargo
Deal	Kukovich	Pievsky	
Evans	Linton	Pistella	Irvis,
Fattah	McMonagle	Preston	Speaker
Gallagher	Manderino	Richardson	

NOT VOTING—12

Barber	Carn	O'Donnell	Sweet
Belfanti	Levin	Pratt	Wachob
Beloff	Maiale	Spitz	Wiggins

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

REMARKS ON VOTE

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

Mrs. RUDY. Mr. Speaker, on the Itkin amendment, A1564, I was incorrectly recorded. I wish to be recorded in the negative.

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

CONSIDERATION OF HB 2051 CONTINUED

On the question recurring,

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

Mr. PETERSON offered the following amendment No. A1428:

Amend Sec. 209, page 38, line 19, by striking out all of said line and inserting

State appropriation..... 400,000

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

My amendment will restore \$300,000 to the Appalachian local development districts grant program, which increases that total appropriation to \$400,000, which was exactly the Governor's request. The local development districts utilize these additional funds to help foster small business growth and have been administered normally by our regional planning commissions and have been good for small business growth and expansion across Pennsylvania. It is a small amount of money, but I think it is a good investment, and I urge my colleagues to support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—172

Alderette	Durham	Lucyk	Saloom
Angstadt	Fargo	McCall	Salvatore
Armstrong	Fischer	McClatchy	Saurman
Arty	Flick	McHale	Scheetz
Baldwin	Foster, W. W.	McIntyre	Schuler
Barber	Foster, Jr., A.	McVerry	Semmel
Battisto	Freeman	Mackowski	Serafini
Belardi	Freind	Madigan	Seventy
Belfanti	Gallagher	Manmiller	Showers
Blaum	Gallen	Markosek	Sirianni
Book	Gamble	Mayerik	Smith, B.
Bowser	Gannon	Michlovic	Smith, L. E.
Boyes	Geist	Micozzie	Snyder, D. W.
Brandt	George	Miller	Snyder, G. M.
Bunt	Gladeck	Miscevich	Spencer
Burd	Godshall	Moehlmann	Stairs
Burns	Greenwood	Morris	Steighner
Caltagirone	Grieco	Mowery	Stewart
Cappabianca	Gruitza	Mrkonic	Stuban
Cawley	Gruppo	Murphy	Sweet
Cessar	Haluska	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	Olasz	Telek
Clymer	Hershey	Oliver	Tigue
Cohen	Hoeffel	Perzel	Truman
Colafella	Honaman	Peterson	Van Horne
Cole	Hutchinson	Petrarca	Vroon
Cordisico	Itkin	Petrone	Wambach
Cornell	Jackson	Phillips	Wass
Coslett	Jarolin	Piccola	Weston
Cowell	Johnson	Pitts	Wiggins
Coy	Kasunic	Pott	Williams
DeVerter	Kennedy	Preston	Wilson
Daley	Klingaman	Punt	Wogan
Davies	Kosinski	Rappaport	Wozniak
Dawida	Kukovich	Reber	Wright, D. R.
Deal	Lashinger	Reinard	Wright, J. L.
Dietz	Laughlin	Rieger	Wright, R. C.
Dininni	Lehr	Robbins	Zwilk
Dombrowski	Lescovitz	Rudy	
Donatucci	Letterman	Ryan	Irvis,
Dorr	Levi	Rybak	Speaker
Duffy	Livengood		

NAYS—14

Afflerbach	Fee	McMonagle	Pistella
Broujos	Fryer	Manderino	Richardson
DeWeese	Harper	Pievsky	Wargo
Fattah	Lloyd		

NOT VOTING—13

Beloff	Hagarty	Maiale	Pratt
Carn	Levin	Merry	Spitz
Deluca	Linton	O'Donnell	Wachob
Evans			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. ITKIN offered the following amendment No. A1555:

Amend Sec. 209, page 40, line 10, by striking out all of said line and inserting

State appropriation..... 1,500,000

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

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

Mr. ITKIN. Mr. Speaker, this amendment would restore the appropriation to the Port of Pittsburgh to last year's level. Last year the Port of Pittsburgh received \$1.5 million, and in this year's budget it has been reduced to \$750,000. We from Allegheny County are asking to restore that \$750,000 to \$1.5 million, the same as last year's.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—167

Alderette	Donatucci	Lehr	Robbins
Angstadt	Dorr	Lescovitz	Ryan
Armstrong	Duffy	Levi	Saloom
Arty	Durham	Linton	Salvatore
Barber	Evans	McCall	Saurman
Battisto	Fargo	McClatchy	Scheetz
Belardi	Fattah	McIntyre	Schuler
Belfanti	Fee	McMonagle	Serafini
Blaum	Fischer	McVerry	Seventy
Book	Flick	Mackowski	Showers
Bowser	Foster, W. W.	Madigan	Sirianni
Boyes	Foster, Jr., A.	Maiale	Smith, B.
Brandt	Freeman	Manmiller	Smith, L. E.
Broujos	Freind	Markosek	Snyder, D. W.
Bunt	Fryer	Mayernik	Snyder, G. M.
Burd	Gallagher	Michlovic	Spencer
Burns	Gallen	Micozzie	Stairs
Caltagirone	Gamble	Miscevich	Steighner
Cappabianca	Gannon	Moehlmann	Stewart
Carn	Geist	Mowery	Swift
Cawley	George	Mrkonic	Taylor, E. Z.
Cessar	Gladeck	Murphy	Taylor, F. E.
Cimini	Godshall	Nahill	Telek
Civera	Grieco	Noye	Truman
Clark	Gruppo	O'Brien	Van Horne
Clymer	Hagarty	Olasz	Vroon
Cohen	Haluska	Oliver	Wambach
Colafella	Harper	Perzel	Wargo
Cole	Hayes	Peterson	Wass
Cordisco	Herman	Petrarca	Weston
Cornell	Hershey	Petrone	Wiggins
Coslett	Honaman	Phillips	Williams
Cowell	Hutchinson	Piccola	Wilson
Coy	Itkin	Pistella	Wogan
Deluca	Jackson	Pitts	Wozniak
DeWeese	Jarolin	Pott	Wright, D. R.
Daley	Johnson	Preston	Wright, J. L.
Davies	Kasunic	Punt	Wright, R. C.
Dawida	Kennedy	Rappaport	Zwikl
Deal	Kosinski	Reber	
Dietz	Lashinger	Reinard	Irvis,
Dininni	Laughlin	Rieger	Speaker
Dombrowski			

NAYS—22

Afflerbach	Hoeffel	Lucyk	Pievsky
Baldwin	Klingaman	McHale	Rudy
DeVerter	Kukovich	Manderino	Rybak
Greenwood	Letterman	Miller	Semmel
Gruitza	Livengood	Morris	Tigue
Hasay	Lloyd		

NOT VOTING—10

Beloff	O'Donnell	Spitz	Sweet
Levin	Pratt	Stuban	Wachob
Merry	Richardson		

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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?

Mr. EVANS offered the following amendment No. A1540:

Amend Sec. 209, page 40, line 12, by striking out all of said line and inserting
State appropriation..... 500,000

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

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

Mr. EVANS. Mr. Speaker, the purpose of this amendment is to restore small business development back to \$500,000, as it was proposed in the Governor's budget.

I ask that each and every one of you support this amendment. It has support from Representative Lynn Herman also. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. Mr. Speaker, I would like to speak on that amendment.

The following amendment, which I have cosponsored, is identical to this one. I would like to withdraw amendment A1543 in favor of Mr. Evans' amendment, which is towards this appropriation.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Alderette	Fattah	Lloyd	Rybak
Angstadt	Fee	Lucyk	Saloom
Armstrong	Fischer	McCall	Salvatore
Arty	Flick	McClatchy	Saurman
Baldwin	Foster, W. W.	McHale	Scheetz
Barber	Foster, Jr., A.	McIntyre	Schuler
Battisto	Freeman	McMonagle	Semmel
Belardi	Freind	McVerry	Serafini
Belfanti	Fryer	Mackowski	Seventy
Blaum	Gallagher	Madigan	Showers
Book	Gamble	Manmiller	Sirianni
Bowser	Gannon	Markosek	Smith, B.
Boyes	Geist	Mayernik	Smith, L. E.
Brandt	George	Merry	Snyder, D. W.
Broujos	Gladeck	Michlovic	Snyder, G. M.
Bunt	Godshall	Micozzie	Spencer
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Stuban

Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Telek
Cohen	Herman	Olasz	Tigue
Colafella	Hershey	Oliver	Truman
Cole	Hoeffel	Perzel	Van Horne
Cornell	Honaman	Peterson	Vroon
Coslett	Hutchinson	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Coy	Jackson	Phillips	Wargo
Deluca	Jarolin	Piccola	Wass
DeVerter	Johnson	Pistella	Weston
DeWeese	Kasunic	Pitts	Wiggins
Daley	Kennedy	Pott	Williams
Davies	Klingaman	Pratt	Wilson
Dawida	Kosinski	Preston	Wogan
Deal	Kukovich	Punt	Wozniak
Dietz	Lashinger	Rappaport	Wright, D. R.
Dininni	Laughlin	Reber	Wright, J. L.
Dombrowski	Lehr	Reinard	Wright, R. C.
Donatucci	Lescovitz	Richardson	Zwikl
Dorr	Letterman	Rieger	
Duffy	Levi	Robbins	Irvis,
Durham	Linton	Rudy	Speaker
Fargo	Livengood	Ryan	

NAYS—4

Afflerbach	Gallen	Manderino	Pievsky
------------	--------	-----------	---------

NOT VOTING—10

Beloff	Cordisco	Maiale	O'Donnell
Cappabianca	Evans	Moehlmann	Spitz
Carn	Levin		

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. EVANS offered the following amendment No. A1539:

Amend Sec. 209, page 40, line 15, by striking out all of said line and inserting

State appropriation.....	3,000,000
--------------------------	-----------

On the question,

Will the House agree to the amendment?

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

Mr. EVANS. Mr. Speaker, I am asking that small minority business be restored to \$3 million. Under the Governor's proposed budget, he had increased it by \$1 million. Originally the appropriation was \$2 million.

Small minority business has not been increased in over 14 years. I think the Governor, in his budget, had asked that it be increased \$1 million. I think we should have it at \$3 million. I hope that both sides of the aisle will support this amendment for \$3 million. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Alderette	Evans	Linton	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fattah	Lloyd	Rybak
Arty	Fee	Lucyk	Saloom
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McClatchy	Saurman
Battisto	Foster, W. W.	McHale	Scheetz
Belardi	Foster, Jr., A.	McIntyre	Schuler
Belfanti	Freeman	McMonagle	Semmel
Blaum	Freind	McVerry	Serafini
Book	Fryer	Mackowski	Seventy
Bowser	Gallagher	Madigan	Showers
Boyes	Gallen	Manmiller	Sirianni
Brandt	Gamble	Markosek	Smith, B.
Broujos	Gannon	Mayernik	Smith, L. E.
Bunt	Geist	Merry	Snyder, D. W.
Burd	George	Michlovic	Snyder, G. M.
Burns	Gladeck	Micozzie	Spencer
Caltagirone	Godshall	Miller	Spitz
Cappabianca	Greenwood	Miscevich	Stairs
Carn	Grieco	Moehlmann	Steighner
Cawley	Gruitza	Morris	Stewart
Cessar	Gruppo	Mowery	Stuban
Cimini	Hagarty	Mrkonic	Sweet
Civera	Haluska	Murphy	Swift
Clark	Harper	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Taylor, F. E.
Cohen	Hayes	O'Brien	Telek
Colafella	Herman	Olasz	Tigue
Cole	Hershey	Oliver	Truman
Cordisco	Hoeffel	Perzel	Van Horne
Cornell	Honaman	Peterson	Vroon
Coslett	Hutchinson	Petrarca	Wachob
Cowell	Itkin	Petrone	Wargo
Coy	Jackson	Phillips	Wass
Deluca	Jarolin	Piccola	Weston
DeVerter	Johnson	Pistella	Wiggins
DeWeese	Kasunic	Pitts	Williams
Daley	Kennedy	Pott	Wilson
Davies	Klingaman	Pratt	Wogan
Dawida	Kosinski	Preston	Wozniak
Deal	Kukovich	Punt	Wright, D. R.
Dietz	Lashinger	Rappaport	Wright, J. L.
Dininni	Laughlin	Reber	Wright, R. C.
Dombrowski	Lehr	Reinard	Zwikl
Donatucci	Lescovitz	Richardson	
Dorr	Letterman	Rieger	Irvis,
Duffy	Levi	Robbins	Speaker
Durham			

NAYS—3

Afflerbach	Manderino	Pievsky
------------	-----------	---------

NOT VOTING—5

Beloff	Maiale	O'Donnell	Wachob
Levin			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. GEIST offered the following amendment No. A1426:

Amend Sec. 209, page 41, by inserting between lines 9 and 10 For Enterprise Development State appropriation..... 5,000,000

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

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This amendment simply reinstates the \$5 million for enterprise zones. We who have districts that are economically devastated realize the value of the enterprise zone designation.

I would urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—169

Table listing names of members who voted 'YEAS' for amendment A1426, including Alderette, Angstadt, Arty, Baldwin, Battisto, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Brandt, Bunt, Burd, Burns, Caltagirone, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, Daley, Davies, Dawida, Dietz, Dininni, Dombrowski, Donatucci, Dorr, and Duffy.

NAYS—22

Table listing names of members who voted 'NAYS' for amendment A1426, including Afflerbach, Armstrong, Barber, Broujos, Fattah, Gallagher, Haluska, Harper, Linton, Lloyd, Manderino, Oliver, Rybak, Wargo, and Wiggins.

Table listing members who did not vote: DeWeese Deal, Hoeffel Kukovich, Pievsky Richardson, and Irvis, Speaker.

NOT VOTING—8

Table listing members who were excused: Beloff Freind, Hutchinson Letterman, Levin Maiale, and O'Donnell Spitz.

EXCUSED—4

Table listing members who were excused: Kowalyszyn, Marmion, Stevens, and Trello.

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?

Mrs. TAYLOR offered the following amendment No. A1427:

Amend Sec. 209, page 41, by inserting between lines 9 and 10 For the Capital Loan Program. State appropriation..... 2,000,000

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

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

Mrs. TAYLOR. Mr. Speaker, this amendment restores the Governor's request for the first year of a new capital loan program to a total of \$2 million. The Pennsylvania capital loan program will provide working capital to small businesses, especially the advanced technological firms. Lack of sufficient working capital is one of the primary reasons that small businesses often fail.

I urge the support of this amendment.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—182

Table listing names of members who voted 'YEAS' for amendment A1427, including Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cohen, and Colafella.

Cole	Hayes	Noye	Tigue
Cordisco	Herman	O'Brien	Truman
Cornell	Hershey	Olasz	Vroon
Coslett	Hoeffel	Oliver	Wachob
Cowell	Honaman	Perzel	Wambach
Coy	Hutchinson	Peterson	Wass
Deluca	Itkin	Petrarca	Weston
DeVerter	Jackson	Petrone	Wiggins
DeWeese	Jarolin	Phillips	Williams
Daley	Johnson	Piccola	Wilson
Davies	Kasunic	Pistella	Wogan
Dawida	Kennedy	Pitts	Wozniak
Deal	Klingaman	Pott	Wright, D. R.
Dietz	Kosinski	Punt	Wright, J. L.
Dininni	Lashinger	Rappaport	Wright, R. C.
Dombrowski	Laughlin	Reber	Zwinkl
Donatucci	Lehr	Reinard	
Dorr	Lescovitz	Richardson	Irvis,
Duffy	Levi	Rieger	Speaker

NAYS—11

Afflerbach	Kukovich	Pievsky	Sweet
Alderette	Letterman	Preston	Van Horne
Fryer	Manderino	Rybak	

NOT VOTING—6

Beloff	Maiale	Pratt	Wargo
Carn	O'Donnell		

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

REMARKS ON VOTE

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

Mr. FREIND. Mr. Speaker, on the Geist amendment, A1426, I failed to hit my switch. Had I done so, I would have voted in the affirmative.

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

CONSIDERATION OF HB 2051 CONTINUED

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

Mr. FLICK offered the following amendment No. A1430:

Amend Sec. 209, page 41, by inserting between lines 9 and 10
 For the Economic Recovery Program.
 State appropriation..... 1,000,000

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

This amendment restores the Governor's request of \$1 million to develop a two-part economic recovery program to facilitate employee buy-outs of business facilities and to provide local governments with planning funds to develop local economic recovery strategies.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—174

Alderette	Fargo	Livengood	Rudy
Angstadt	Fee	Lloyd	Ryan
Armstrong	Fischer	Lucyk	Salvatore
Arty	Flick	McCall	Saurman
Baldwin	Foster, W. W.	McClatchy	Scheetz
Barber	Foster, Jr., A.	McHale	Schuler
Battisto	Freeman	McIntyre	Semmel
Belardi	Freind	McMonagle	Serafini
Belfanti	Fryer	McVerry	Seventy
Blaum	Gallagher	Mackowski	Showers
Book	Gallen	Madigan	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
Boyes	Gannon	Markosek	Smith, L. E.
Brandt	Geist	Mayernik	Snyder, D. W.
Bunt	George	Merry	Snyder, G. M.
Burd	Gladeck	Michlovic	Spencer
Burns	Godshall	Micozzie	Spitz
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stewart
Cawley	Gruppo	Morris	Stuban
Cessar	Hagarty	Mowery	Sweet
Cimini	Haluska	Mrkonic	Swift
Civera	Harper	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cohen	Herman	O'Brien	Tigue
Cole	Hershey	Olasz	Truman
Cordisco	Honaman	Oliver	Van Horne
Cornell	Itkin	Perzel	Vroon
Coslett	Jackson	Peterson	Wachob
Deluca	Jarolin	Petrarca	Wambach
DeVerter	Johnson	Phillips	Wass
Daley	Kasunic	Piccola	Weston
Davies	Kennedy	Pistella	Wiggins
Dawida	Klingaman	Pitts	Williams
Dietz	Kosinski	Pott	Wilson
Dininni	Lashinger	Pratt	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Donatucci	Lehr	Reber	Wright, D. R.
Dorr	Lescovitz	Reinard	Wright, J. L.
Duffy	Letterman	Rieger	Wright, R. C.
Durham	Levi	Robbins	Zwinkl
Evans	Linton		

NAYS—14

Afflerbach	Kukovich	Rappaport	Wargo
Broujos	Manderino	Richardson	
Deal	Pievsky	Rybak	Irvis,
Hoeffel	Preston	Saloom	Speaker

NOT VOTING—11

Beloff	Coy	Hutchinson	O'Donnell
Colafella	DeWeese	Levin	Petrone
Cowell	Fattah	Maiale	

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. MICHLOVIC offered the following amendment No. A1562:

Amend Sec. 210, page 45, line 24, by striking out all of said line and inserting
State appropriation..... 500,000

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

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, amendment A1562 increases the appropriation for regional councils of government from \$150,000 to \$500,000. This appropriation will help our local governments, since they are the partners and participants in the councils of government and their dues go into paying what the Department of Community Affairs does not. So they badly need this increase, and I would urge support of the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Angstadt	Evans	Levin	Rudy
Armstrong	Fargo	Livengood	Ryan
Arty	Fee	Lucyk	Rybak
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McClatchy	Scheetz
Battisto	Foster, W. W.	McHale	Schuler
Belardi	Foster, Jr., A.	McIntyre	Semmel
Belfanti	Freeman	McMonagle	Serafini
Blaum	Freind	McVerry	Seventy
Book	Fryer	Mackowski	Showers
Bowser	Gallagher	Madigan	Sirianni
Brandt	Gallen	Manmiller	Smith, B.
Broujos	Gamble	Markosek	Smith, L. E.
Bunt	Gannon	Mayermik	Snyder, D. W.
Burd	Geist	Merry	Snyder, G. M.
Burns	George	Michlovic	Spencer
Caltagirone	Gladeck	Micozzie	Spitz
Cappabianca	Godshall	Miller	Stairs
Carn	Greenwood	Miscevich	Steighner
Cawley	Grieco	Moehlmann	Stewart
Cessar	Gruitza	Morris	Stuban
Cimini	Gruppo	Mowery	Sweet
Civera	Hagarty	Mrkonic	Swift
Clark	Haluska	Murphy	Taylor, E. Z.
Clymer	Harper	Nahill	Taylor, F. E.
Cohen	Hasay	Noye	Telek
Colafella	Hayes	O'Brien	Tigue
Cole	Herman	O'Donnell	Truman
Cordisco	Hershey	Olasz	Van Horne
Cornell	Hoeffel	Oliver	Vroon
Coslett	Honaman	Perzel	Wachob
Cowell	Hutchinson	Peterson	Wambach
Coy	Itkin	Petrarca	Wass
Deluca	Jackson	Petrone	Weston
DeVerter	Jarolin	Phillips	Wiggins
DeWeese	Johnson	Piccola	Williams
Daley	Kasunic	Pistella	Wilson
Davies	Kennedy	Pitts	Wogan
Dawida	Klingaman	Pott	Wozniak
Deal	Kosinski	Pratt	Wright, D. R.
Dietz	Kukovich	Preston	Wright, J. L.
Dininni	Lashingier	Punt	Wright, R. C.
Dombrowski	Laughlin	Reber	Zwikl

Donatucci	Lehr	Reinard	
Dorr	Lescovitz	Richardson	Irvis,
Duffy	Letterman	Rieger	Speaker
Durham	Levi	Robbins	

NAYS—9

Afflerbach	Lloyd	Pievsky	Saloom
Alderette	Manderino	Rappaport	Wargo
Boyes			

NOT VOTING—5

Beloff	Linton	Maiale	Saurman
Fattah			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. COY offered the following amendment No. A1518:

Amend Sec. 211, page 56, line 9, by striking out all of said line and inserting
State appropriation..... 5,896,000

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

This amendment appropriates and restores to a 7-percent increase the appropriation for the Scotland School for Veterans' Children in Franklin County. The increase in the budget that is contained in HB 2051 is only 4 percent. This makes the increase a full 7 percent like most of the other educational institutions.

Scotland School for Veterans' Children in Franklin County continues to serve the need of the veteran, his widow, and his orphan, and I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Alderette	Durham	Levin	Robbins
Angstadt	Fargo	Linton	Rudy
Arty	Fattah	Livengood	Ryan
Baldwin	Fee	Lloyd	Rybak
Barber	Fischer	Lucyk	Saloom
Battisto	Flick	McCall	Salvatore
Belardi	Foster, W. W.	McClatchy	Saurman
Belfanti	Foster, Jr., A.	McHale	Semmel
Blaum	Freeman	McIntyre	Serafini
Book	Freind	McMonagle	Seventy
Bowser	Fryer	McVerry	Showers
Boyes	Gallagher	Mackowski	Sirianni
Brandt	Gallen	Madigan	Smith, B.
Broujos	Gamble	Manmiller	Smith, L. E.
Bunt	Gannon	Markosek	Snyder, D. W.
Burd	Geist	Mayermik	Snyder, G. M.
Burns	George	Merry	Spencer
Caltagirone	Gladeck	Michlovic	Stairs

Cappabianca	Godshall	Micozzie	Steighner
Carn	Greenwood	Miller	Stewart
Cawley	Grieco	Miscevich	Stuban
Cessar	Gruitza	Moehlmann	Sweet
Cimini	Gruppo	Morris	Swift
Civera	Hagarty	Mowery	Taylor, E. Z.
Clark	Haluska	Mrkonic	Taylor, F. E.
Clymer	Harper	Nahill	Telek
Cohen	Hasay	Noye	Tigue
Colafiglia	Hayes	O'Brien	Truman
Cole	Herman	O'Donnell	Van Horne
Cordisco	Hershey	Olasz	Wachob
Cornell	Honaman	Oliver	Wambach
Coslett	Hutchinson	Perzel	Wargo
Cowell	Itkin	Peterson	Wass
Coy	Jackson	Petrarca	Weston
Deluca	Jarolin	Petrone	Wiggins
DeVerter	Johnson	Phillips	Williams
DeWeese	Kasunic	Piccola	Wilson
Daley	Kennedy	Pistella	Wogan
Davies	Klingaman	Pitts	Wozniak
Dawida	Kosinski	Pott	Wright, D. R.
Deal	Kukovich	Pratt	Wright, J. L.
Dietz	Lashinger	Preston	Wright, R. C.
Dininni	Laughlin	Punt	Zwinkl
Dombrowski	Lehr	Reber	
Donatucci	Lescovitz	Reinard	Irvis,
Dorr	Letterman	Richardson	Speaker
Duffy	Levi	Rieger	

NAYS—7

Afflerbach	Hoeffel	Pievsky	Scheetz
Armstrong	Manderino	Rappaport	

NOT VOTING—7

Beloff	Maiale	Schuler	Vroon
Evans	Murphy	Spitz	

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. COWELL offered the following amendments No. A1489:

Amend Sec. 211, page 57, line 19, by inserting after "that" the Factor for Educational Expense under section 2501 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall be increased to \$1,725 and

Amend Sec. 211, page 57, line 23, by striking out "7.45%" and inserting 8%

Amend Sec. 211, page 57, line 27, by striking out all of said line and inserting State appropriation..... 1,906,625,000

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, this particular amendment deals with the distribution of new moneys to our local school districts, and in contrast to most of the amendments which have been offered

to date which would simply add additional dollars to the budget, it is my intention that this particular amendment, which would cost approximately \$15.1 million, would be paid for by drawing from or reducing that \$50-million asbestos appropriation, which we will consider at a later time.

I have two amendments which would be funded by eliminating that \$50 million. The actual elimination of the \$50 million would occur in the second amendment.

This particular amendment reflects that language that has been circulated by the Coalition of Urban School Districts. It makes two basic changes to the distribution of moneys for the schools for the next fiscal year. One, it would increase the median student cost figure that is used in the school district subsidy formula from \$1,654 per student to \$1,725 per student. Secondly, whereas the current bill before us would permit no school district to receive a school subsidy increase greater than 7.45 percent, this would increase that ceiling to 8 percent.

I would urge the adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. LLOYD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentleman state the point.

Mr. LLOYD. Mr. Speaker, this amendment is to the section of the bill dealing with school subsidies. There are subsequent amendments, including one which I intend to offer, which would spend additional money out of that \$50-million asbestos appropriation for school subsidies.

What I want to know, Mr. Speaker, is, if we pass this amendment, is my amendment still in order? Do we have to vote for or against this amendment in order to preserve our rights with a later amendment?

The SPEAKER. The Chair cannot arbitrarily answer your question. The Chair would have to see what this amendment actually does to the bill. If this amendment does not change the lines of the bill by striking out lines and if those lines are still available to the gentleman's amendment later on, then the gentleman's amendment would be in order. If the House adopts the Cowell amendment, and if the gentleman follows with an amendment which in effect cancels out the Cowell amendment, then it would be canceled out. It is the opinion of the Chair that once an amendment is adopted by this House, it is no longer an amendment; it is part of the body of the bill and therefore is subject to change if at a later time the House decides to change it. So it is a matter of waiting to see what is accomplished by this amendment, if in fact it is passed, before the Chair could answer whether or not your amendment would take effect.

Does the gentleman have anything further to ask?

Mr. LLOYD. Mr. Speaker, I think Mr. Hayes might, and I might, after he is finished.

The SPEAKER. The Chair recognizes the minority whip.
Mr. HAYES. Thank you, Mr. Speaker.

I have been asked by some Representatives who heard Mr. Cowell say that his amendment is supported by urban school districts, whether or not this would have a favorable impact upon their school districts, which are not urban school districts. My answer to all of those who have the same question, the answer is yes. When you increase that part of the formula referred to as the factor for educational expense, it will have the effect of helping hundreds of school districts across Pennsylvania and not just those which are referred to as urban school districts. I am not saying that it would necessarily bring additional dollars to each of the 501 school districts, but it is certainly fair to say that most of the 501 school districts would be favorably affected by increasing the factor for educational expense from \$1,656 up to \$1,725. I realize that that is a lot of subsidy talk, and not all are familiar with \$1,656 versus \$1,725, but I can tell you that it would have a favorable impact upon most school districts across Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—188

Alderette	Evans	Linton	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fattah	Lloyd	Rybak
Arty	Fee	Lucyk	Saloom
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McHale	Saurman
Battisto	Foster, W. W.	McIntyre	Scheetz
Belardi	Foster, Jr., A.	McMonagle	Schuler
Belfanti	Freeman	McVerry	Semmel
Blaum	Freind	Mackowski	Serafini
Book	Fryer	Madigan	Seventy
Bowser	Gallagher	Maiiale	Showers
Boyes	Gallen	Manmiller	Sirianni
Brandt	Gamble	Markosek	Smith, B.
Broujos	Gannon	Mayermik	Smith, L. E.
Bunt	Geist	Merry	Snyder, D. W.
Burd	George	Michlovic	Snyder, G. M.
Burns	Gladeck	Micozzie	Spencer
Caltagirone	Godshall	Miller	Stairs
Cappabianca	Greenwood	Miscevich	Steighner
Carn	Grieco	Moehlmann	Stewart
Cawley	Gruitza	Morris	Stuban
Cessar	Gruppo	Mowery	Swift
Cimini	Hagarty	Mrkonic	Taylor, E. Z.
Civera	Haluska	Murphy	Taylor, F. E.
Clark	Harper	Nahill	Telek
Clymer	Hasay	Noye	Tigue
Cohen	Hayes	O'Brien	Truman
Colafella	Herman	O'Donnell	Van Horne
Cole	Hershey	Olasz	Vroon
Cordisco	Honaman	Oliver	Wachob
Cornell	Hutchinson	Perzel	Wambach
Coslett	Itkin	Peterson	Wargo
Cowell	Jackson	Petrarca	Wass
Coy	Jarolin	Phillips	Weston
Deluca	Johnson	Piccola	Wiggins
DeVerter	Kasunic	Pistella	Williams
DeWeese	Kennedy	Pitts	Wilson
Davies	Klingaman	Pott	Wogan
Dawida	Kosinski	Pratt	Wozniak
Deal	Kukovich	Preston	Wright, D. R.

Dietz	Lashinger	Punt	Wright, J. L.
Dininni	Laughlin	Reber	Wright, R. C.
Dombrowski	Lehr	Reinard	Zwilk
Donatucci	Lescovitz	Richardson	
Dorr	Letterman	Rieger	Irvis,
Duffy	Levi	Robbins	Speaker
Durham	Levin		

NAYS—7

Afflerbach	McClatchy	Pievsky	Sweet
Daley	Manderino	Rappaport	

NOT VOTING—4

Beloff	Hoeffel	Petrone	Spitz
--------	---------	---------	-------

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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. CORDISCO offered the following amendments No. A1505:

Amend Sec. 214, page 84, line 2, by striking out all of said line and inserting

State appropriation..... 11,064,000

Amend Sec. 214, page 90, by inserting between lines 17 and 18

For the establishment of a Vietnam Veterans

Herbicide Exposure and Health Registry.

State appropriation..... 100,000

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

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

Mr. CORDISCO. Mr. Speaker, this reduces the General Fund appropriation to the Department of Health by \$100,000. It makes it a specific line item for the creation of the registry for the Herbicide Commission.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Afflerbach	Durham	Linton	Rudy
Alderette	Evans	Livengood	Ryan
Angstadt	Fargo	Lloyd	Rybak
Armstrong	Fattah	Lucyk	Saloom
Arty	Fee	McCall	Salvatore
Baldwin	Fischer	McClatchy	Saurman
Barber	Flick	McHale	Scheetz
Battisto	Foster, W. W.	McIntyre	Schuler
Belardi	Foster, Jr., A.	McMonagle	Semmel
Belfanti	Freeman	McVerry	Serafini
Blaum	Freind	Mackowski	Seventy
Book	Fryer	Madigan	Showers
Bowser	Gallagher	Manderino	Sirianni
Boyes	Gallen	Manmiller	Smith, B.
Brandt	Gamble	Markosek	Smith, L. E.
Broujos	Gannon	Mayermik	Snyder, D. W.
Bunt	Geist	Merry	Snyder, G. M.
Burd	George	Michlovic	Spencer
Burns	Gladeck	Micozzie	Stairs

Caltagirone	Godshall	Miller	Steighner
Cappabianca	Greenwood	Miscevich	Stewart
Carn	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Sweet
Cessar	Gruppo	Mowery	Swift
Cimini	Hagarty	Mrkonic	Taylor, E. Z.
Civera	Haluska	Nahill	Taylor, F. E.
Clark	Harper	Noye	Telek
Clymer	Hasay	O'Brien	Tigue
Cohen	Hayes	O'Donnell	Truman
Colafella	Herman	Olasz	Van Horne
Cole	Hershey	Oliver	Vroon
Cordisco	Honaman	Perzel	Wachob
Cornell	Hutchinson	Peterson	Wambach
Coslett	Itkin	Petrarca	Wargo
Cowell	Jackson	Petrone	Wass
Coy	Jarolin	Phillips	Weston
Deluca	Johnson	Piccola	Wiggins
DeVerter	Kasunic	Pievsky	Williams
DeWeese	Kennedy	Pistella	Wilson
Daley	Klingaman	Pitts	Wogan
Davies	Kosinski	Pott	Wozniak
Dawida	Kukovich	Pratt	Wright, D. R.
Deal	Lashinger	Preston	Wright, J. L.
Dietz	Laughlin	Punt	Wright, R. C.
Dininni	Lehr	Reber	Zwilk
Dombrowski	Lescovitz	Reinard	
Donatucci	Letterman	Richardson	Irvis,
Dorr	Levi	Rieger	Speaker
Duffy	Levin	Robbins	

NAYS—1

Rappaport

NOT VOTING—5

Beloff	Maiale	Murphy	Spitz
Hoefel			

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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. CORDISCO offered the following amendments No. A1668:

Amend Sec. 217, page 99, line 10, by striking out all of said line and inserting

State appropriation..... 2,758,000

Amend Sec. 217, page 99, line 26, by striking out all of said line and inserting

State appropriation..... 8,384,000

On the question,

Will the House agree to the amendments?

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

Mr. CORDISCO. Thank you, Mr. Speaker.

This particular amendment adds \$126,000 to the Erie Soldiers' and Sailors' Home, which would establish a 56-bed personal care unit, as well as restoring the cost of \$479,000 to the Hollidaysburg Veterans' Home. Without these funds, approximately 19 employees would have to be furloughed as well as the reduction for the personal health care of those par-

ticular residents. I would appreciate the House's support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Alderette	Durham	Levi	Robbins
Angstadt	Evans	Levin	Rudy
Armstrong	Fargo	Linton	Ryan
Arty	Fattah	Livengood	Rybak
Baldwin	Fee	Lloyd	Saloom
Barber	Fischer	McCall	Salvatore
Battisto	Flick	McHale	Saurman
Belardi	Foster, W. W.	McIntyre	Scheetz
Belfanti	Foster, Jr., A.	McMonagle	Schuler
Beloff	Freeman	McVerry	Semmel
Blaum	Freind	Mackowski	Serafini
Book	Fryer	Madigan	Seventy
Bowser	Gallagher	Manmiller	Showers
Boyes	Gallen	Markosek	Sirianni
Brandt	Gamble	Mayernik	Smith, B.
Broujos	Gannon	Merry	Smith, L. E.
Bunt	Geist	Michlovic	Snyder, D. W.
Burd	George	Micozzie	Snyder, G. M.
Burns	Gladeck	Miller	Spencer
Caltagirone	Godshall	Miscevich	Stairs
Cappabianca	Greenwood	Moehlmann	Steighner
Carn	Grieco	Morris	Stewart
Cawley	Gruitza	Mowery	Sweet
Cessar	Gruppo	Mrkonic	Swift
Cimini	Hagarty	Murphy	Taylor, E. Z.
Civera	Haluska	Nahill	Taylor, F. E.
Clark	Harper	Noye	Telek
Clymer	Hasay	O'Brien	Tigue
Cohen	Hayes	O'Donnell	Truman
Colafella	Herman	Olasz	Van Horne
Cole	Hershey	Oliver	Vroon
Cordisco	Hoefel	Perzel	Wachob
Cornell	Honaman	Peterson	Wambach
Coslett	Hutchinson	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Coy	Jackson	Phillips	Weston
Deluca	Jarolin	Piccola	Wiggins
DeVerter	Johnson	Pistella	Williams
DeWeese	Kasunic	Pitts	Wilson
Daley	Kennedy	Pott	Wogan
Davies	Klingaman	Pratt	Wozniak
Dawida	Kosinski	Preston	Wright, D. R.
Deal	Kukovich	Punt	Wright, J. L.
Dietz	Lashinger	Rappaport	Wright, R. C.
Dininni	Laughlin	Reber	Zwilk
Dombrowski	Lehr	Reinard	
Donatucci	Lescovitz	Richardson	Irvis,
Dorr	Letterman	Rieger	Speaker
Duffy			

NAYS—4

Afflerbach	McClatchy	Manderino	Pievsky
------------	-----------	-----------	---------

NOT VOTING—4

Lucyk	Maiale	Spitz	Stuban
-------	--------	-------	--------

EXCUSED—4

Kowalshyn	Marmion	Stevens	Trello
-----------	---------	---------	--------

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. NAHILL offered the following amendments No. A1569:

Amend Sec. 211, page 57, line 26, by removing the period after 1983-1984' and inserting : Provided, further, That no school district shall have their equalized subsidy calculated with a market value/personal income aid ratio of less than .2000.

Amend Sec. 211, page 57, line 27, by striking out of said line and inserting
State appropriation..... 1,891,963,000

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

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Nahill, on that question.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a minor adjustment in the school subsidy, and it amounts to about \$400,000. I would ask for support of this.

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

The following roll call was recorded:

YEAS—191

Table listing names of members who voted 'YEAS' for amendment A1569, including Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Beloff, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, DeLuca, DeVerter, DeWeese, Daley, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Hoeffel, Honaman, Itkin, Jackson, Jarolin, Johnson, Kasunic, Kennedy, Klingaman, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Miscевич, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Pott, Pratt, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigie, Truman, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Weston, Wiggins, Williams, Wilson, Wogan.

Table listing names of members who did not vote on amendment A1569: Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Kosinski, Kukovich, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Preston, Punt, Rappaport, Reber, Reinard, Richardson, Rieger, Robbins, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Zwickl, Irvis, Speaker.

NAYS—5

Table listing names of members who voted 'NAYS' on amendment A1569: Afflerbach, Lashinger, McHale, Manderino, Pievsky.

NOT VOTING—3

Table listing names of members who did not vote on amendment A1569: Hutchinson, Maiale, Spitz.

EXCUSED—4

Table listing names of members who were excused on amendment A1569: Kowalshyn, Marmion, Stevens, Trello.

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. FLICK offered the following amendment No. A1444:

Amend Sec. 211, page 57, by inserting between lines 27 and 28 For the implementation of a program promoting "Excellence in Teaching."
State appropriation..... 10,000,000

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

This appropriation is to support the excellence in teaching award which will be given annually to Pennsylvania's outstanding educators. Ten million dollars is recommended to implement an excellence in teaching award which would provide excellence awards of \$2,000 to each district's finest teachers. Up to 5 percent of each district's teachers would be eligible, and the program would be strictly optional with the Commonwealth providing all the funding. In those districts that participate, the school boards would determine the criteria to be used to make the awards but the Department of Education would have to approve the criteria in order to assure conformity among the various districts. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—165

Table listing names of members who voted 'YEAS' for amendment A1444: Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Blaum, Book, Bowser, Durham, Fargo, Fattah, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Gallen, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Manmiller, Markosek, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Sirianni, Smith, B.

Boyes	Gannon	Merry	Smith, L. E.
Brandt	Geist	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spencer
Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Truman
Colafella	Hoeffel	Olasz	Van Horne
Cole	Honaman	Oliver	Vroon
Cordisico	Hutchinson	Perzel	Wachob
Cornell	Itkin	Peterson	Wambach
Coslett	Jackson	Petrarca	Wass
Cowell	Jarolin	Petrone	Weston
Coy	Johnson	Phillips	Wiggins
Deluca	Kasunic	Piccola	Williams
DeVerter	Kennedy	Pitts	Wilson
DeWeese	Kosinski	Pott	Wogan
Daley	Kukovich	Punt	Wozniak
Davies	Lashinger	Rappaport	Wright, D. R.
Dawida	Laughlin	Reber	Wright, J. L.
Deal	Lehr	Reinard	Wright, R. C.
Dietz	Lescovitz	Richardson	Zwinkl
Dininni	Letterman	Rieger	
Donatucci	Linton	Robbins	Irvis,
Dorr	Livengood	Ryan	Speaker
Duffy	Lucyk	Rybak	

NAYS—28

Afflerbach	Fee	Klingaman	Pratt
Alderette	Fryer	Levi	Preston
Belfanti	Gallagher	Lloyd	Rudy
Broujos	Gamble	Manderino	Showers
Carn	George	Morris	Snyder, D. W.
Dombrowski	Gruitza	Pievsky	Sweet
Evans	Haluska	Pistella	Wargo

NOT VOTING—6

Beloff	Levin	Mayernik	Spitz
Cappabianca	Maiale		

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Northampton, Mr. Freeman, rise?

Mr. FREEMAN. To correct a vote, Mr. Speaker.

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

Mr. FREEMAN. Mr. Speaker, on amendment A1569, the Nahill amendment to HB 2051, I was recorded in the affirmative. I would like to be recorded in the negative.

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

The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, I, too, would like to be recorded in the negative on amendment A1569 to HB 2051.

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

CONSIDERATION OF HB 2051 CONTINUED

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A1445:

Amend Sec. 211, page 57, by inserting between lines 27 and 28 For the implementation of literacy testing and remedial reading and mathematics programs.

State appropriation..... 28,000,000

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Thank you, Mr. Speaker.

This amends section 211, page 57, by inserting in line 27 to 28 "For the implementation of literacy testing and remedial reading and mathematics programs." It is a State appropriation of some \$28 million for the completion of that program.

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

Mr. COWELL. Mr. Speaker, would Mr. Davies first stand for interrogation, please?

The SPEAKER. The gentleman, Mr. Davies, indicates he will so stand. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Mr. Speaker, first of all, what would be the source of the \$28 million to fund this amendment?

Mr. DAVIES. The normal source would be out of the State General Fund.

Mr. COWELL. You do not envision this money to replace those dollars that currently are in this bill and direct it at an asbestos program?

Mr. DAVIES. I am sorry; I missed that. What was that again, please?

Mr. COWELL. It is not your intention to use the \$50 million that currently is in this bill for an asbestos program and use at least a portion of that money to pay for the \$28 million you are identifying?

Mr. DAVIES. No, sir.

Mr. COWELL. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. COWELL. Mr. Speaker, I would have a parliamentary inquiry then.

The SPEAKER. Would the gentleman state his parliamentary inquiry.

Mr. COWELL. Mr. Speaker, a little ways through your amendment package, specifically on page 29, I have an amendment which is similar to Mr. Davies' but not exactly alike.

First, the amendment which I intend to offer would eliminate the asbestos appropriation. But what concerns me is that I have language that is similar to Mr. Davies' in terms of the purpose of this appropriation, although the appropriation in my amendment is larger, also. If the Davies amendment is adopted and my amendment were adopted, how would this bill read?

The SPEAKER. Because of the way the language is drawn in the Davies amendment, Mr. Cowell, and that language is "inserting between lines 27 and 28," and the active word there is "between," your language would strike out line 28. That would therefore not affect Mr. Davies' language if in fact it were placed in the bill. Mr. Davies' language would fall between 27 and 28, and the language would remain in, if in fact the House were to adopt Mr. Davies' amendment.

Mr. COWELL. Mr. Speaker, am I correct in understanding then that we would have two similar appropriations following one another?

The SPEAKER. Absolutely. Absolutely. It has happened many, many times before in budgets. No question about it.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, my intent, going back to it again, is to take the moneys from the General Fund and not take the moneys from those that have been earmarked for correcting the asbestos conditions. That, as I understand, is what would be the source of the other moneys, and that is the intent. If we can come to some accommodation or something other than that relative to the sources, I have no problem, but other than that, I would have some genuine concerns about the funding of the program.

The SPEAKER. The Chair thanks the gentleman.

The Chair understands that Mr. Cowell is not opposing your amendment. Mr. Cowell wanted to make sure that if he voted for your amendment, it would not preclude him from voting for his own amendment. In other words, it is only a matter of procedure; it is not a matter of substance which his question is directed to.

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

The following roll call was recorded:

YEAS—170

Angstadt	Dorr	Lehr	Reber
Armstrong	Duffy	Lescovitz	Reinard
Arty	Durham	Letterman	Rieger
Baldwin	Fargo	Levi	Robbins
Barber	Fattah	Levin	Rudy
Battisto	Fee	Livengood	Ryan
Belardi	Fischer	McCall	Saloom
Belfanti	Flick	McClatchy	Salvatore
Beloff	Foster, W. W.	McHale	Saurman
Bloum	Foster, Jr., A.	McIntyre	Scheetz
Book	Freeman	McMonagle	Schuler
Bowser	Freind	McVerry	Semmel
Boyes	Fryer	Mackowski	Serafini
Brandt	Gallagher	Madigan	Seventy
Bunt	Gallen	Manmiller	Sirianni
Burd	Gamble	Markosek	Smith, B.
Burns	Gannon	Mayernik	Smith, L. E.
Caltagirone	Geist	Merry	Snyder, D. W.
Cappabianca	George	Michlovic	Snyder, G. M.

Cawley	Gladeck	Micozzie	Spencer
Cessar	Godshall	Miller	Stairs
Cimini	Greenwood	Miscevich	Steighner
Civera	Grieco	Moehlmann	Stewart
Clark	Gruppo	Mowery	Stuban
Clymer	Hagarty	Murphy	Swift
Cohen	Harper	Nahill	Taylor, E. Z.
Colafella	Hasay	Noye	Taylor, F. E.
Cole	Hayes	O'Brien	Telek
Cordisco	Herman	O'Donnell	Tigue
Cornell	Hershey	Olasz	Van Horne
Coslett	Hoeffel	Oliver	Vroon
Cowell	Honaman	Perzel	Wambach
Coy	Hutchinson	Peterson	Wass
Deluca	Itkin	Petrarca	Weston
DeVerter	Jackson	Petrone	Wiggins
DeWeese	Jarolin	Phillips	Wilson
Daley	Johnson	Piccola	Wogan
Davies	Kasunic	Pistella	Wozniak
Dawida	Kennedy	Pitts	Wright, D. R.
Dietz	Klingaman	Pott	Wright, J. L.
Dininni	Kosinski	Punt	Wright, R. C.
Dombrowski	Lashinger	Rappaport	Zwikl
Donatucci	Laughlin		

NAYS—20

Afflerbach	Linton	Preston	Wachob
Alderette	Lloyd	Richardson	Wargo
Deal	Manderino	Rybak	
Gruitza	Morris	Showers	Irvis,
Haluska	Pievsky	Sweet	Speaker
Kukovich	Pratt		

NOT VOTING—9

Broujos	Lucyk	Mrkoncic	Truman
Carn	Maiale	Spitz	Williams
Evans			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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

PARLIAMENTARY INQUIRY

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

Mr. FREIND. Mr. Speaker, point of parliamentary inquiry?

The SPEAKER. Will the gentleman state the point.

Mr. FREIND. Mr. Speaker, I am referring to the two amendments, the Cowell amendment on page 20 and the Nahill amendment on page 21. Now, they did separate things, but they each amended page 57, line 27. Mr. Cowell's amendment, which ran first, put the total at \$1,906,000,000. We then ran Mr. Nahill's amendment, and that put the total at \$1,891,000,000. Now, my question is, as the bill stands right now, what is the overall figure for the subsidy on line 27?

The SPEAKER. It is the opinion of the Chair again that because the Nahill amendment followed the Cowell amendment, that by the time Mr. Nahill offered his amendment the Cowell words were no longer amendatory but were part of the bill. Therefore, the Nahill amendment would succeed wherever it canceled out the words of Mr. Cowell.

Mr. FREIND. Can I ask you another question, Mr. Speaker?

The SPEAKER. Certainly.

Mr. FREIND. Then if we moved to reconsider the Cowell amendment and it was reconsidered and we voted it again, that would come then subsequent to the Nahill amendment—would it not?—and the \$1,900,000,000 would then take effect. Is that correct?

The SPEAKER. No; I do not believe so. I think the original order would preclude that. If that were not so, then each one of us could reconsider his own amendments and each one would be fighting to be the last one to offer an amendment, and that would be even more ridiculous than we usually get.

The Chair recognizes Mr. Cowell.

Mr. COWELL. If I may make a suggestion. I think as long as the substantive language is inserted through these various amendments and remains the same, it will be necessary toward the end of this process to do a calculation or recalculation that will reflect the changes that occur in the substance of the formula, if you will, and at that point we can either reconsider one of these amendments and insert a correct number or add another amendment with the appropriate calculation. Would that seem to be a reasonable approach to the Chair?

The SPEAKER. It is a reasonable approach, and the Chair knows precisely how this will be decided and all of those of us who are veterans on the floor understand what process we are going through right now, and I think you are wasting your energies and time being concerned about something which is going to be totally immaterial eventually. I see you understand the message.

Mr. COWELL. Mr. Speaker, one final question. You indicated in response to the question that the actual number, the \$1,900,000,000-and-some, now reads as it read in the Nahill amendment. However, in terms of amendment 1469, would that language in the initial part of the amendment still stand, specifically the change in the formula to reflect \$1,725 and that line that speaks to 8 percent?

The SPEAKER. What page is the amendment?

Mr. COWELL. That is page 20 we are talking about.

The SPEAKER. Oh, A1489.

Mr. COWELL. It is amending page 57 of the bill.

The SPEAKER. The Chair is not going to give a snap judgment on that. The Chair is unable to discern what will be there and what will not be there. In all reality, what will happen is that after all the amendments are offered and either rejected or accepted, we will have to structure the bill and see whether or not it makes any sense whatsoever and then restructure it eventually. I would rather not put on the record what the procedure of the House is in such matters, but I assume that you all understand what will eventually happen.

On the question recurring,

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

Mrs. TAYLOR offered the following amendment No. A1446:

Amend Sec. 211, page 57, by inserting between lines 27 and 28 For the implementation of strengthening curricula requirements.

State appropriation..... 10,000,000

On the question,

Will the House agree to the amendment?

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

Mrs. TAYLOR. Mr. Speaker, the purpose of this appropriation is to provide financial assistance to school districts in raising the academic standards of Pennsylvania schools by establishing programs to meet the increased curriculum and graduation requirements which were mandated in HB 1181, which passed the House with a very large vote in February, and which are mandated in "Chapter 5: Curriculum Regulations," which were adopted by the State Board of Education in January.

There are cost implications for every school district in the Commonwealth, and this appropriation would help to offset those costs.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—177

Angstadt	Fischer	McCall	Rybak
Armstrong	Flick	McClatchy	Saloom
Arty	Foster, W. W.	McHale	Saurman
Barber	Foster, Jr., A.	McIntyre	Scheetz
Battisto	Freeman	McMonagle	Schuler
Belardi	Freind	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Beloff	Gallagher	Madigan	Seventy
Blaum	Gallen	Manmiller	Sirianni
Book	Gannon	Markosek	Smith, B.
Bowser	Geist	Mayernik	Smith, L. E.
Boyes	George	Merry	Snyder, D. W.
Brandt	Gladeck	Michlovic	Snyder, G. M.
Bunt	Godshall	Micozzie	Spencer
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stewart
Cappabianca	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonjic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Truman
Colafella	Hoeffel	Olasz	Van Horne
Cole	Honaman	Oliver	Vroom
Cordisco	Hutchinson	Perzel	Wachob
Cornell	Itkin	Peterson	Wambach
Coslett	Jackson	Petrarca	Wargo
Cowell	Jarolin	Petrone	Wass
Coy	Johnson	Phillips	Weston
DeLuca	Kasunic	Piccola	Wiggins
DeVerter	Kennedy	Pistella	Williams
DeWeese	Klingaman	Pitts	Wilson
Daley	Kosinski	Pott	Wogan
Davies	Lashingner	Pratt	Wozniak
Dawida	Laughlin	Punt	Wright, D. R.
Dininni	Lehr	Rappaport	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Donatucci	Letterman	Reinard	Zwilk

Dorr	Levi	Rieger	
Durham	Levin	Robbins	Irvis,
Fargo	Linton	Rudy	Speaker
Fee	Livengood	Ryan	

NAYS—15

Afflerbach	Deal	Lloyd	Preston
Alderette	Dietz	Lucyk	Richardson
Baldwin	Evans	Manderino	Showers
Broujos	Kukovich	Pievsky	

NOT VOTING—7

Carn	Fattah	Maiale	Spitz
Duffy	Gamble	Salvatore	

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. HERMAN offered the following amendment No. A1568:

Amend Sec. 211, page 57, by inserting between lines 27 and 28 For adult literacy.

State appropriation.....	1,000,000
--------------------------	-----------

On the question,

Will the House agree to the amendment?

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

Mr. HERMAN. Thank you, Mr. Speaker.

This amendment provides for \$1 million that will replenish cuts the Federal Government made in the adult basic education literacy program. This money will support additional students and expand the current adult basic education program in the areas of general equivalency diploma as well as the services they provide.

The SPEAKER. The Chair thanks the gentleman.

On the gentleman, Mr. Herman's amendment, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, if I may, I would withdraw my identical amendment and lend my support to Mr. Herman's amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

Angstadt	Fargo	Levin	Rudy
Armstrong	Fattah	Linton	Ryan
Arty	Fee	Livengood	Rybak
Baldwin	Fischer	McCall	Saloom
Barber	Flick	McClatchy	Salvatore
Battisto	Foster, W. W.	McHale	Saurman
Belardi	Foster, Jr., A.	McIntyre	Scheetz
Belfanti	Freeman	McMonagle	Schuler
Beloff	Freind	McVerry	Semmel
Blaum	Fryer	Mackowski	Serafini
Book	Gallagher	Madigan	Seventy
Bowser	Gallen	Manmiller	Showers

Boyes	Gamble	Markosek	Sirianni
Brandt	Gannon	Mayernik	Smith, B.
Bunt	Geist	Merry	Smith, L. E.
Burd	George	Micozzie	Snyder, D. W.
Burns	Gladeck	Miller	Snyder, G. M.
Caltagirone	Godshall	Miscevich	Spencer
Cappabianca	Greenwood	Moehlmann	Stairs
Cawley	Grieco	Morris	Steighner
Cessar	Gruitza	Mowery	Stewart
Cimini	Gruppo	Mrkonic	Suban
Civera	Hagarty	Murphy	Swift
Clark	Haluska	Nahill	Taylor, E. Z.
Clymer	Harper	Noye	Taylor, F. E.
Cohen	Hasay	O'Brien	Telek
Colafranca	Hayes	O'Donnell	Tigue
Cole	Herman	Olasz	Truman
Cordisco	Hershey	Oliver	Van Horne
Cornell	Hoeffel	Perzel	Vroon
Coslett	Honaman	Peterson	Wachob
Cowell	Hutchinson	Petrarca	Wambach
Coy	Itkin	Petrone	Wargo
Deluca	Jackson	Phillips	Wass
DeVerter	Jarolin	Piccola	Weston
DeWeese	Johnson	Pistella	Wiggins
Daley	Kasunic	Pitts	Williams
Davies	Kennedy	Pott	Wilson
Dawida	Klingaman	Pratt	Wogan
Deal	Kosinski	Preston	Wozniak
Dietz	Kukovich	Punt	Wright, D. R.
Dininni	Lashingier	Rappaport	Wright, J. L.
Dombrowski	Laughlin	Reber	Wright, R. C.
Donatucci	Lehr	Reinard	Zwilk
Dorr	Lescovitz	Richardson	
Durham	Letterman	Rieger	Irvis,
Evans	Levi	Robbins	Speaker

NAYS—8

Afflerbach	Broujos	Lucyk	Pievsky
Alderette	Lloyd	Manderino	Sweet

NOT VOTING—5

Carn	Maiale	Michlovic	Spitz
Duffy			

EXCUSED—4

Kowalyszyn	Marmion	Stevens	Trello
------------	---------	---------	--------

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?

Mr. COWELL offered the following amendment No. A1598:

Amend Sec. 211, page 57, lines 28 through 30; page 58, lines 1 through 30; page 59, lines 1 through 4, by striking out all of said lines on said pages and inserting

For payments on account of curriculum enhancement, competency testing and remediation.

State appropriation.....	34,900,000
--------------------------	------------

On the question,

Will the House agree to the amendment?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, thus far we have enjoyed the luxury of being able to be for everything and against nothing as we have added probably close to \$50 million, or in excess of \$50 million, to the budget.

At the risk of some redundancy, I am going to offer this amendment that deals with a specific line item for payments to school districts on account of curriculum enhancement, competency testing, and remediation. The number \$34.9 million is the dollar figure that is left after we approved the plus amendment earlier at a cost of \$15.1 million. I want to pay for those two amendments by eliminating, as this amendment would do, the \$50-million line item for asbestos programs in our school districts.

The bottom line would be no increase in the State budget, but the bottom line through the adoption of these two amendments would be two specific programs to channel dollars to our local school districts.

I am offering this particular amendment, as a couple of other legislators have offered similar amendments, because I think we have an obligation to identify a specific line item to pay for those new mandates that we approved in HB 1181 and which many of us have been supportive of as the State Board of Education has considered chapter 5 and chapter 3 and perhaps subsequent regulations and rules that they will be promulgating. I think we owe it to our school districts, I think we owe it to ourselves, to have a line item in this budget that we can point to when we tell school districts, you have an additional mandate which we have approved, but we are also approving specific dollars to back up that particular mandate. I would urge the adoption of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the Cowell amendment.

Mr. COHEN. Mr. Speaker, I realize this debate is largely advisory, but nevertheless, I would like to oppose this amendment.

While Mr. Cowell's amendment may be in a very narrow sense fiscally responsible, I do not believe it is at all a socially responsible amendment. Asbestos in the public schools in Pennsylvania is a very, very serious problem. The lives of faculty in many school districts in the State are seriously endangered by exposure to asbestos. The lives of students, while not as endangered as the faculty, may well be shortened because of exposure to asbestos. Whatever merits there are in the Cowell amendment part which deals with appropriations, they are not so full of merit that they should make necessary reducing the money for asbestos by about 70 percent. It is very, very shortsighted to run the long-range health interests of the students and faculty in Pennsylvania schools against educational progress. If there is merit for spending more money for the public schools, that merit ought to be proclaimed openly and not through using asbestos moneys as something that can be just thrown away.

The lives, the health of our students and faculty is very, very important. I would urge the defeat of this amendment because it needlessly makes two worthwhile programs com-

peting programs, and I do not believe there is any way this amendment can be divided.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, even though I am a cosponsor of this amendment, I am just being informed here that this would eliminate all of the asbestos money. I certainly do not go along with the \$50 million for asbestos and especially in the way it was allocated. I have some questions about that and I have an amendment that would speak to that. But I am also told that we have already adopted an amendment for \$28 million to do what Representative Cowell wants to do, and that was the Davies amendment that went in, and I am informed also that there was another amendment adopted to do what Mr. Cowell wants to do, and that was the Taylor amendment. Now, it seems to me that those two amendments will do just about what we are asking without taking all of the asbestos money out. I really feel that school districts have an obligation to face this problem, and we have an obligation to help them face it by helping them pay for it. I would ask then on that basis to oppose this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TIGUE. Thank you, Mr. Speaker.

By voting "no" on the Cowell amendment, what we will be doing is we will be adding \$4 million to the budget, as we already have, as Mr. Burns said - \$10 million by Mrs. Taylor's amendment and \$28 million by Mr. Davies' amendment - and we will keep the money for the asbestos removal in the budget. So I am suggesting you vote "no" on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MILLER. Thank you, Mr. Speaker.

I rise to oppose the Cowell amendment. As the previous speakers have pointed out, the school asbestos issue is one that is not going to go away. We have ignored it for nearly two decades since the evidence has been available. But what can go away from us today is the opportunity to further negotiate for the education dollar in an effort to nail down positively some asbestos support for this pressing problem in our local school districts. By adopting the Cowell amendment, we would be forfeiting that additional negotiation option as this appropriation bill moves through the halls of the General Assembly and eventually into conference committee.

Finally, if we have to compare levels of need, let us not forget that the primary financial problem that has the Cowell amendment presenting itself to us is that we are looking for dollars to fund a new program - i.e., testing, in our mandated testing program - at the expense of student health safety; and secondarily, it is a new creation of ours, and if it is a new creation, perhaps we ought to generate the new dollars to pay for

that need and permit the school asbestos need to remain one that we have made a firm decision and commitment to solve. Let us not get the negotiations on new programs and new needs, as we all know them to be in the legislature, confused with those fixed obligations that each of us knows we have, that of removing asbestos and the health and safety hazard from the school buildings that are 30 and 40 years old across this Commonwealth.

I would earnestly encourage a negative vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Blair, Mr. Geist. Mr. GEIST. Thank you, Mr. Speaker.

I would like to concur in the remarks made by Representatives Burns and Miller. My wife teaches in a school that has a terrible asbestos problem, and we are very familiar with it. The asbestos problem as we know it in the school districts will not go away, and I think it is something that has to be addressed by this General Assembly. Therefore, I would urge a "no" vote on the Cowell amendment.

The SPEAKER. The Chair thanks the gentleman.

AMENDMENT WITHDRAWN

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, in terms of the asbestos problem, it is something that a lot of us are talking about now, but in fact we do not have a program, and in fact, if we look at that \$50-million appropriation, a lot of people recognize that that appropriation was in there only as a way of avoiding a recurring item; i.e., adding to the base for the school subsidy. It really does not represent any particular commitment to do something about an asbestos problem in this State. In fact, we do not have a good statewide survey to indicate which districts do have needs and to what extent they have needs, and in fact we would penalize those districts that have taken the initiative in prior years, because they have spent their own money, and basically what we will tell them is, tough luck; we have money for everybody else.

Mr. Speaker, after listening to the other folks who have testified or commented on this amendment, I am persuaded that once again we are not prepared to make any real, tough decisions on this floor and that we want to continue to engage in the same kinds of exercises that lead a lot of legislative leaders to view this whole process with mockery and to not take seriously what we do when we do debate amendments on the floor of this House, particularly at budget time.

Mr. Speaker, I think that we will choose to do what we have usually done in the past, and that is avoid the tough decisions here, send an inflated budget to the other chamber and ultimately to a conference committee, and let a few legislative leaders sit around a table and let them make the real decisions.

Mr. Speaker, in light of what I think is the general sentiment on the floor, I withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes that we are getting tied up now in this question of asbestos, and the next two amendments do deal with it.

The Chair suggests that we will stay here for another few moments for reports of committee and an announcement which must be read by the clerk so that we meet the sunshine requirements.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the sunshine requirement announcement.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE SESSION SCHEDULE 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 date and time:

Wednesday, May 2, 1984 at 10 a.m. instead of 11 a.m.

John J. Zubeck
Chief Clerk

May 1, 1984

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 May 1, 1984, 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

May 1, 1984

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, may I just make a few comments about the general topic of asbestos as we prepare for tomorrow, not with regard to any one of the specific amendments but just a general statement?

The SPEAKER. Because of the respect the Chair has for the gentleman's knowledge on all subjects regarding education, the Chair will hear that statement.

The Chair wants to advise the members that we will be coming in at 10 o'clock tomorrow morning, and the Chair wants Mr. Pievsky to remain so we receive the report of the committee on conference on the capital budget bill.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. All other bills on the calendar, with the exception of HB 56, will go over for today's session.

STATEMENT BY MINORITY WHIP

The SPEAKER. The Chair recognizes the minority whip.
Mr. HAYES. Thank you, Mr. Speaker.

All of those persons who have a concern about asbestos in public school buildings should take the time over the evening to read pages 57 and 58. As I listened to the debate on the amendment offered by the gentleman from Allegheny, Mr. Cowell, I believe it is safe to say that there are some who have concern for asbestos, but at the same time, even if this legislation before us right now were adopted with the current language, their school districts would not be favorably affected by it, because the language is very restrictive in terms of what types of school buildings could be considered for repair or reconstruction with regard to asbestos. The language talks about school buildings, for instance, that are over 40 years of age. The gentleman, Mr. Geist, was making reference to a school building that is much newer in its construction than what the language provides for in the bill. So those persons who have a genuine concern should read that language found on pages 57 and 58 as they work together to form an amendment that will take care of the problem Commonwealthwide and not just in a few of the school districts of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. The Chair is delighted to welcome, as the guests of Representative Robbins, three seventh grade students from the Greenville Senior High School along with their history teacher. Jason Nicoloff, Robert Mornewick, and Mike Roche are the three students. David Clelland is their teacher. We welcome you to the hall of the House.

I can assure you that if they had known that you were watching, they would have tried to have raised their behavior to the level of the seventh grade. Maybe tomorrow, now that they are aware of it, they will behave at least like seventh graders and not like adults. Thank you for being here, boys.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. PIEVSKY presented the Report of the Committee of Conference on **SB 985, PN 1961**.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON LOCAL GOVERNMENT**

HB 2094, PN 2830

By Rep. RICHARDSON

An Act amending the "Public Auditorium Authorities Law," approved July 29, 1953 (P. L. 1034, No. 270), extending the provisions of this law to cities of the second class A and counties in which a city of the second class A is located; and making editorial changes.

URBAN AFFAIRS.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Schuylkill, Mr. Lucyk, rise?

Mr. LUCYK. Mr. Speaker, on amendment A1668 to HB 2051, I would like to be recorded in the affirmative.

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

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 1242, PN 2689

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), further providing for the application date; requiring breaches of preferential assessments to be recorded; and providing a fee for recordings.

SB 1200, PN 1932

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," rewording definitions; increasing the level of loss reimbursement; and further providing for State appropriation for subsidies for local transportation organizations or companies.

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 56, PN 65**, entitled:

An Act making an appropriation to the Pennsylvania Academy of Science, Harrisburg, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 56, PN 65**, be placed on the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 56, PN 65**, be lifted from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session of the House of Representatives, the Chair recognizes the gentleman from Allegheny, Mr. Book.

Mr. BOOK. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 2, 1984, at 10 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:54 p.m., e.d.t., the House adjourned.