

# COMMONWEALTH OF PENNSYLVANIA

## Legislative Journal

WEDNESDAY, JUNE 20, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 49

### HOUSE OF REPRESENTATIVES

The House convened at 11 a.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:

Eternal and most wise God, we come before Thee in the quiet moments of this hour to express our thanks and praise for all of the joys of this life. We graciously express our gratitude for the assurance of Thy love and care. We beseech Thee to be very close to each one of us and keep the members of this legislature in the hollow of Thy hand.

O God, challenge them with the responsibilities of this hour, enable them to visualize the opportunities of this day, and guide them in the accomplishment of the greatest good for the peoples of this Commonwealth. In Thy blest name and for Thy sake, we pray. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### JOURNAL APPROVED

The SPEAKER. The Journal for Wednesday, May 2, 1984, is in print, and unless the Chair hears objection, the Journal will be approved as printed. The Chair hears no objection.

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Tuesday, June 19, 1984, is not yet in print, and the approval of that Journal will be postponed until it is in print, unless the Chair hears objection. The Chair hears no objection to that.

##### HOUSE BILLS INTRODUCED AND REFERRED

No. 2329 By Representatives PICCOLA, LEVIN, HAGARTY, GREENWOOD, HERMAN, J. L. WRIGHT, PISTELLA, CLYMER, MERRY and E. Z. TAYLOR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a Judicial Qualifications Commission and judicial appointments by the Governor.

Referred to Committee on JUDICIARY, June 20, 1984.

No. 2330 By Representatives MARKOSEK, HUTCHINSON, PETRARCA, LIVENGOOD, CLARK, COLAFELLA, SEVENTY, LETTERMAN, McMONAGLE and BURNS

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," further providing for actions to enforce the provisions of this act.

Referred to Committee on LABOR RELATIONS, June 20, 1984.

##### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 242 By Representatives WACHOB and GALLAGHER

Urging the Governor to adopt and implement a Jobs for Pennsylvania Graduates Program.

Referred to Committee on RULES, June 20, 1984.

No. 243 (Concurrent) By Representatives GEIST, COWELL and MURPHY

Honoring Clifton C. Caldwell as the father of the Area-Labor Management Committee Grant Program.

Referred to Committee on RULES, June 20, 1984.

No. 244 By Representatives MAIALE, WIGGINS, McMONAGLE, McINTYRE, DONATUCCI and MANDERINO

Memorializing Congress to pass House Resolution No. 5125, which requires the Secretary of Defense to implement actions to appoint military chaplains in representative proportion to the different faiths represented among the total membership of the armed forces.

Referred to Committee on RULES, June 20, 1984.

**SENATE BILL FOR CONCURRENCE**

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

**SB 1414, PN 2071**

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 20, 1984.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair now turns to the master roll call for today. Members will proceed to vote.

The following roll call was recorded:

**PRESENT—198**

Afflerbach	Fargo	Lucyk	Ryan
Alderette	Fattah	McCall	Rybak
Angstadt	Fee	McClatchy	Saloom
Arty	Fischer	McHale	Salvatore
Baldwin	Flick	McIntyre	Saurman
Barber	Foster, W. W.	McMonagle	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	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	Stevens
Cawley	Gruppo	Mowery	Stewart
Cessar	Hagarty	Mrkonic	Stuban
Cimini	Haluska	Murphy	Sweet
Civera	Hasay	Nahill	Swift
Clark	Hayes	Noye	Taylor, E. Z.
Clymer	Herman	O'Brien	Taylor, F. E.
Cohen	Hershey	O'Donnell	Telek
Colafella	Hoeffel	Olasz	Tigue
Cole	Honaman	Oliver	Trello
Cordisco	Hutchinson	Perzel	Truman
Cornell	Itkin	Peterson	Van Horne
Coslett	Jackson	Petrarca	Vroon
Cowell	Jarolin	Petrone	Wachob
Coy	Johnson	Phillips	Wambach
Deluca	Kasunic	Piccola	Wargo
DeVerter	Kennedy	Pievsky	Wass
DeWeese	Klingaman	Pistella	Weston
Daley	Kosinski	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams
Dawida	Kukovich	Pratt	Wilson
Deal	Lashinger	Preston	Wogan
Dietz	Laughlin	Punt	Wozniak
Dininni	Lescovitz	Rappaport	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Reinard	Wright, R. C.
Dorr	Levin	Richardson	Zwilk
Duffy	Linton	Rieger	
Durham	Livengood	Robbins	
Evans	Lloyd	Rudy	Irvis,
			Speaker

**ADDITIONS—1**

Harper

**NOT VOTING—1**

Armstrong

**EXCUSED—2**

Lehr

Marmion

**LEAVE ADDED—1**

Armstrong

**LEAVE CANCELED—1**

Armstrong

**LEAVE OF ABSENCE GRANTED**

The SPEAKER. The Chair now turns to leaves of absence. The gentleman from Philadelphia, Mr. Pievsky, indicates at this time he has no requests.

Does the minority whip have any requests for leaves?

Mr. HAYES. Thank you, Mr. Speaker.

I request leave for the gentleman from Lancaster, Mr. ARMSTRONG, for the day.

The SPEAKER. The Chair hears no objection to the granting of the leave, and the leave is granted.

**CALENDAR**

**BILLS AGREED TO ON SECOND CONSIDERATION**

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

**HB 637, PN 705; HB 2169, PN 3136; HB 278, PN 3080; HB 2183, PN 2998; HB 2184, PN 3103; HB 2194, PN 3104; HB 1725, PN 2210; HB 1950, PN 2602; and SB 1181, PN 1596.**

**MEMBER'S PRESENCE RECORDED**

The SPEAKER. The lady from Philadelphia, Mrs. Harper's name will be added to the master roll.

**WELCOMES**

The SPEAKER. The Chair is delighted to welcome to the hall of the House Charles Andrews and George Verlahay. They are here as guests of Representative Barry Alderette. Welcome to the hall of the House.

We have from Chester County, as the guests of Representative Hershey, Mrs. Art Hershey and committee folks from Chester County. Welcome to the hall of the House.

And from Delaware County, as the guest of the Delaware County delegation, Mike Bortnicker, Delaware County Council liaison.

In the balcony, as the guests of Bill Telek and the Cambria-Somerset County delegation, Martha and Jim Bertolino, William and Gloria Getzey, Terry and Sue Hunter, and Lee and Grace Williams. They are here with the Teamsters State Conference. Welcome to the hall of the House.

And a good friend, who happens to be living in the area of Representative Dave Mayernik and therefore is his guest, Susan Suhy. Susan, welcome to the hall of the House.

We have Rev. Williard Wetzel, whose church is the Leesport United Church of Christ. He has a group of his parishioners with him. They are here as the guests of Representative Fryer and the Berks County delegation. Welcome to the hall of the House.

**FILMING PERMISSION GRANTED**

The SPEAKER. The Chair gives permission to Mackenzie Carpenter from Public TV to film on the floor of the House.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 750, PN 865**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for interpreters for certain deaf persons in civil proceedings.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A3025:

Amend Title, page 1, line 2, by inserting after "for" payment by the Commonwealth of the costs and expenses incurred in trials resulting from multicounty investigating grand jury indictments and

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Section 4553 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4553. Expenses of investigating grand juries and trials resulting therefrom.

(a) County.—The expenses of a county investigating grand jury shall be borne by the county in which it is impaneled.

(b) Multicounty.—The expenses of any multicounty investigating grand jury shall be borne by the Commonwealth. In addition, the costs and expenses resulting from any trial of a person against whom an indictment is returned by a multicounty investigating grand jury shall be borne by the Commonwealth. Costs and expenses under this subsection include, but are not limited to, the costs incurred by the county for the services of the courts, the trial jury, the sheriff, the clerk of courts, the county prison, the district attorney and any public defender appointed by the court, and related costs and expenses incurred by the county in the course of the trial. Counties shall be reimbursed from the General Fund of the Commonwealth upon application to the State Treasurer through the Administrative Office pursuant to procedures prescribed by that office.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 6 and 7, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Bill, page 2, by inserting between lines 9 and 10

Section 3. Section 1 of this act shall be retroactive to March 29, 1983.

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

In 1978 the General Assembly enacted Act 271 of 1978, which is known as the Investigating Grand Jury Act. Part of that act authorized the impaneling of statewide grand juries to investigate crime that has multicounty aspects to it, and as a part of that act, we indicated that the Commonwealth would bear the costs of those grand jury investigations.

As a result of several of the first multicounty grand jury investigations, several trials have come about, and the trying of those cases has revealed an oversight, I believe, in the law with regard to the costs of those trials. It appears that we made no specific provision as to who is going to bear the costs of the trials resulting from these statewide and multicounty grand jury investigations, and these trials are beginning to come to fruition and to cost our counties large sums of money with regard to their budgets, which I do not believe this legislature ever intended for them to bear.

This amendment, Mr. Speaker, will clarify that law and direct the Commonwealth to bear the costs of the trials that result from multicounty and statewide investigating grand juries. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—197**

Afflerbach	Fargo	Lucyk	Rybak
Alderette	Fattah	McCall	Saloom
Angstadt	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Blaum	Fryer	Maiale	Showers
Book	Gallagher	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Markosek	Smith, L. E.
Brandt	Gannon	Mayermik	Snyder, D. W.
Broujos	Geist	Merry	Snyder, G. M.
Bunt	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Spitz
Burns	Godshall	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stevens
Carn	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	O'Donnell	Tigue
Colafella	Hershey	Olasz	Trello
Cole	Honaman	Oliver	Truman
Cordisco	Hutchinson	Perzel	Van Horne
Cornell	Itkin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Jarolin	Petrone	Wambach
Coy	Johnson	Phillips	Wargo

Deluca	Kasunic	Piccola	Wass
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Williams
Davies	Kowalshyn	Pott	Wilson
Dawida	Kukovich	Pratt	Wogan
Deal	Lashinger	Preston	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	Zwikl
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans	Lloyd	Ryan	

NAYS—0

NOT VOTING—2

Hoeffel Richardson

EXCUSED—3

Armstrong Lehr Marmion

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. PICCOLA offered the following amendments No. A2945:

Amend Title, page 1, line 3, by inserting after "proceedings" ; precluding a defense in actions for support; precluding actions for wrongful life; and precluding a defense against claims for injuries sustained in utero

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 6714. Defense to claim of duty of support barred.

It shall not be a defense to, or factor in mitigation of, any claim for the payment of support that the person on whose behalf the support is claimed failed or refused to submit or consent to an abortion, or could or should have been aborted.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 6 and 7, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Bill, page 2, by inserting between lines 9 and 10

Section 3. Title 42 is amended by adding sections to read:

§ 8304. Actions for wrongful life.

There shall be no cause of action on behalf of any person based on a claim of that person that, but for an act or omission of the defendant, the person would not have been conceived or, once conceived, would or should have been aborted.

§ 8305. Defense against claim for injury sustained in utero barred.

Where a person has, by reason of the wrongful act or negligence of another, sustained injury while in utero, it shall not be a defense to any action brought to recover damages for the injury, or a factor in mitigation of damages, that the person could or should have been aborted.

Section 4. Sections 1 (section 6714) and 3 (sections 8304 and 8305) shall not apply to any case in which a final award of damages has been made and with regard to which the time to take an appeal has expired without an appeal being taken.

Section 5. Sections 1 (section 6714) and 3 (sections 8304 and 8305) shall have retroactive effect including application to any case pending or on appeal.

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This is the amendment that deals with the issue of wrongful life. This amendment, Mr. Speaker, takes three of the four components involved in the wrongful life issue and would place them in the statutory law of the Commonwealth of Pennsylvania.

The first section of this amendment would prevent the possibility of the issue of abortion being a defense in any lawsuit seeking child support. No father of any child should be permitted to raise such a defense to avoid supporting his children.

The other two aspects of this amendment deal with, first of all, the elimination of the possibility of a cause of action for wrongful life in the Commonwealth of Pennsylvania; that is, no person can bring a lawsuit for damages sustained by himself or herself solely because they are alive. Pennsylvania courts, and most courts, have already rejected this cause of action, and I believe properly so.

Finally, the amendment prohibits the possibility of abortion as a defense in any action for damages for injuries sustained in utero; that is, injuries sustained by a child prior to birth. Such a defense has never been raised in Pennsylvania, but in my view it is good public policy to prevent the possibility of that defense ever being raised. For that reason, Mr. Speaker, I urge the adoption of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Freind, on this amendment.

Mr. FREIND. Very briefly, Mr. Speaker, I rise to support the Piccola amendment. It does three of the four things embodied in HB 1802 and in the amendment which will also be considered to this bill. There will be an additional amendment by us with respect to wrongful birth, but I support this amendment and ask my colleagues to do likewise.

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—192

Afflerbach	Fattah	Lucyk	Ryan
Alderette	Fee	McCall	Rybak
Angstadt	Fischer	McClatchy	Saloom
Arty	Flick	McHale	Salvatore
Baldwin	Foster, W. W.	McIntyre	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Blaum	Fryer	Madigan	Serafini
Book	Gallagher	Maiiale	Seventy
Bowser	Gallen	Manderino	Showers
Boyes	Gamble	Manmiller	Sirianni
Brandt	Gannon	Markosek	Smith, B.

Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Spitz
Cappabianca	Grieco	Miscevich	Stairs
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Morris	Stevens
Cessar	Hagarty	Mowery	Stewart
Cimini	Haluska	Mrkonic	Suban
Civera	Harper	Murphy	Sweet
Clark	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Cohen	Herman	O'Brien	Taylor, F. E.
Colafella	Hershey	Olasz	Telek
Cole	Hoeffel	Oliver	Tigue
Cordisco	Honaman	Perzel	Trello
Cornell	Hutchinson	Peterson	Truman
Coslett	Jackson	Petrarca	Van Horne
Cowell	Jarolin	Petrone	Vroon
Coy	Johnson	Phillips	Wambach
Deluca	Kasunic	Piccola	Wargo
DeVerter	Kennedy	Pievsky	Wass
DeWeese	Klingaman	Pistella	Weston
Daley	Kosinski	Pitts	Williams
Davies	Kowalshyn	Pott	Wilson
Dawida	Kukovich	Pratt	Wogan
Deal	Lashinger	Preston	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	Zwikl
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—7

Barber	Itkin	Richardson	Wiggins
Evans	O'Donnell	Wachob	

EXCUSED—3

Armstrong	Lehr	Marmion
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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. KOSINSKI offered the following amendments No. A1404:

Amend Title, page 1, line 2, by inserting after "for" the temporary assignment of Philadelphia Municipal Court judges and for

Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting sections

Amend Bill, page 1, by inserting between lines 7 and 8 § 4124. Assignment of Philadelphia Municipal Court judges.

(a) General rule.—Subject to general rules, any judge may be temporarily assigned to another court and there may hear and determine any matter with like effect as if duly commissioned to sit in that other court.

(b) Senior judges.—A senior judge who has not been defeated for reelection or suspended or removed from office and who has served an aggregate of four years as an elected judge may, with his consent, be assigned on temporary judicial service pursuant to subsection (a).

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

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

This amendment is similar to HB 88, the first printer's number of HB 88, which overwhelmingly passed the House and is currently in the Senate, and we are having problems getting it out of the Senate. What this does is grant senior judge status to municipal court judges in Philadelphia.

Right now, municipal court is overburdened with cases and there is a need for additional judges. At the present time the law states that any common pleas court judges can serve as senior judges. This would grant the same senior judge status to municipal court judges, and it would only be effective for Philadelphia County.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman consent to interrogation?

Mr. KOSINSKI. Yes, sir.

The SPEAKER. Mr. Kosinski indicates he will stand for interrogation. Mr. Ryan may proceed.

Mr. RYAN. Would the gentleman advise the House, what does that mean, that a municipal court judge is granted—senior judge status, is that it?

Mr. KOSINSKI. Yes, sir, Mr. Speaker.

Mr. RYAN. Does that mean he can then sit on common pleas court or handle that type of case?

Mr. KOSINSKI. Not necessarily. He should only be assigned to municipal court. That is my understanding. He was elected as a municipal court judge. He would be granted senior judge status, but if he was elected to municipal court, it would only be senior judge status in municipal court, as I understand it.

Mr. RYAN. Now, by senior judge status, are you referring to a municipal court judge who has retired and then is brought back to sit as a senior judge in the sense that he has been retired?

Mr. KOSINSKI. Yes, Mr. Speaker.

Mr. RYAN. I thank the gentleman.

Mr. Speaker, I think this would be a fine 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—181

Afflerbach	Fattah	McClatchy	Rudy
Alderette	Fee	McHale	Ryan
Angstadt	Flick	McIntyre	Rybak
Arty	Foster, W. W.	McMonagle	Saloom
Baldwin	Foster, Jr., A.	McVerry	Salvatore
Battisto	Freeman	Mackowski	Saurman
Belardi	Freind	Madigan	Scheetz
Belfanti	Fryer	Maiale	Schuler
Blaum	Gallagher	Manderino	Semmel
Book	Gamble	Manmiller	Serafini
Boyes	Gannon	Markosek	Seventy

Brandt	Geist	Mayernik	Showers
Broujos	George	Merry	Sirianni
Bunt	Gladeck	Michlovic	Smith, L. E.
Burd	Godshall	Micozzie	Snyder, G. M.
Burns	Greenwood	Miller	Spencer
Caltagirone	Grieco	Miscevich	Spitz
Cappabianca	Gruitza	Moehlmann	Steighner
Carn	Gruppo	Morris	Stevens
Cawley	Hagarty	Mowery	Stewart
Cessar	Haluska	Mrkonic	Stuban
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Herman	Noye	Taylor, F. E.
Clymer	Hershey	O'Brien	Telek
Cohen	Hoeffel	O'Donnell	Tigue
Colafella	Honaman	Olasz	Trello
Cole	Hutchinson	Oliver	Truman
Cordisco	Itkin	Perzel	Van Horne
Cornell	Jackson	Peterson	Vroon
Coslett	Jarolin	Petrarca	Wambach
Cowell	Kasunic	Petrone	Wargo
Coy	Kennedy	Phillips	Wass
Deluca	Kosinski	Piccola	Weston
DeVerter	Kowalyszyn	Pievsky	Williams
DeWeese	Kukovich	Pistella	Wilson
Daley	Laughlin	Pitts	Wogan
Davies	Lescovitz	Pott	Wozniak
Dawida	Letterman	Preston	Wright, D. R.
Deal	Levi	Punt	Wright, J. L.
Dietz	Levin	Rappaport	Wright, R. C.
Dininni	Linton	Reber	Zwinkl
Dombrowski	Livengood	Reinard	
Donatucci	Lloyd	Richardson	Irvis,
Duffy	Lucyk	Rieger	Speaker
Durham	McCall	Robbins	

NAYS—12

Bowser	Fischer	Johnson	Smith, B.
Dorr	Gallen	Klingaman	Snyder, D. W.
Fargo	Hayes	Lashingner	Stairs

NOT VOTING—6

Barber	Pratt	Wachob	Wiggins
Evans	Sweet		

EXCUSED—3

Armstrong	Lehr	Marmion
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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. FREIND offered the following amendments No. A1139:

Amend Title, page 1, line 3, by inserting after "proceedings" precluding a defense in actions for support; precluding actions for wrongful birth and wrongful life; and precluding a defense against claims for injuries sustained in utero

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read: -

§ 6714. Defense to claim of duty of support barred.

It shall not be a defense to, or factor in mitigation of, any claim for the payment of support that the person on whose behalf the support is claimed failed or refused to submit or consent to an abortion, or could or should have been aborted.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting

Amend Sec. 1, page 1, lines 6 and 7, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Bill, page 2, by inserting between lines 9 and 10

Section 3. Title 42 is amended by adding sections to read:

§ 8304. Actions for wrongful birth and wrongful life.

(a) Wrongful birth.—There shall be no cause of action or award of damages on behalf of any person based on a claim that, but for an act or omission of the defendant, a person once conceived would or should have been aborted.

(b) Wrongful life.—There shall be no cause of action on behalf of any person based on a claim of that person that, but for an act or omission of the defendant, the person would not have been conceived or, once conceived, would or should have been aborted.

§ 8305. Defense against claim for injury sustained in utero barred.

Where a person has, by reason of the wrongful act or negligence of another, sustained injury while in utero, it shall not be a defense to any action brought to recover damages for the injury, or a factor in mitigation of damages, that the person could or should have been aborted.

Section 4. Sections 1 (Section 6714) and 3 (Sections 8304 and 8305) shall not apply to any case in which a final award of damages has been made and with regard to which the time to take an appeal has expired without an appeal being taken.

Section 5. Sections 1 (Section 6714) and 3 (Sections 8304 and 8305) shall have retroactive effect including application to any case pending or on appeal.

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

This amendment, which is sponsored by myself and 39 other cosponsors, is identical to the provisions of HB 1802, which was introduced in December and referred to the House Judiciary Committee. The bill was drafted after an enormous amount of work with a number of individuals, including the law firm of Ball and Skelly in Harrisburg and Americans United for Life in Chicago.

In addition, each member of the House, by memo dated April 10, received a copy of the analysis of this legislation. It has the support of a large number of organizations, including all of the prolife organizations in Pennsylvania, the Pennsylvania Catholic Conference, the Keystone Christian Education Association, Pennsylvanians for Biblical Morality, the Christian Action Council, and the Pennsylvania Medical Society.

This amendment contains four parts, three of which are just the ratification of what we did in the Piccola amendment. Three of those four points, as enunciated by Mr. Piccola, are basically agreed to. It is the fourth point where there is controversy.

The SPEAKER. Will the gentleman yield.

Is the gentleman stating for the record that his language under point 1, point 2, and point 3 is identical to the language of the Piccola amendment? The reason for the question is, if it is identical, you will simplify matters by dividing your amendment.

Mr. FREIND. Well, of course, it is not, because, Mr. Speaker, if you look at your title section, the Piccola amendment does not have wrongful birth in it. This amendment does. Now, the section 6714 in the Piccola amendment, "Defense to claim of duty of support barred," that is identical. "Actions for wrongful life," that is identical.

The SPEAKER. Then those should be removed so that we are not confused in our setting up of the bills.

The House will stand at ease. Mr. Freind and Mr. Piccola, come here, please.

### WELCOME

The SPEAKER. We have a group of Cub Scouts here. They are from Cub Scout Pack 406 in Nanticoke. They are here with their den mothers, Shirley Chouinard, Kathy Hunter, Mary Ann Atwell, and guest, Barbara Mendrzycki. They are all here as the guests of Representative Jarolin. Welcome to the hall of the House.

### CONSIDERATION OF SB 750 CONTINUED

The SPEAKER. The Chair thought we might be able to divide the amendment offered by Mr. Freind, but on consultation, we are not able to divide the amendment.

Mr. Freind will explain how his amendment would differ from the one adopted by the House, offered by Mr. Piccola.

Mr. FREIND. Thank you, Mr. Speaker.

Three of the four sections in this amendment are identical to the Piccola amendment, barring, in a support proceeding, a defense that the child should have been aborted; barring, in a negligence action, an injury action, the defense that the child should have been aborted; and the section which prohibits the wrongful life lawsuits.

What is different in this amendment as opposed to the Piccola amendment is that we also include a prohibition against wrongful birth lawsuits, and I would like to read the small section that deals with this: "There shall be no cause of action or award of damages on behalf of any person based on a claim that, but for an act or omission of the defendant, a person once conceived"—and that is important—"once conceived would or should have been aborted." What this would do is bar lawsuits, which generally are lawsuits filed by parents against the doctor, claiming that the doctor should have performed an abortion, suggested an abortion, or suggested a test which would have made the woman decide to have an abortion.

The reason why we want to outlaw these types of lawsuits is very simple. Regardless of how you feel about a woman's right for an abortion, keep in mind that that right, given by the Supreme Court in *Roe v. Wade*, was a right to a termination of a pregnancy. The Supreme Court has never ruled that any woman has a right to a dead child. If you permit wrongful birth lawsuits, what you are doing is saying that life can be a cause of action, that you can, in effect, sue on the basis that a human was born rather than aborted. We oppose, at any time, for any reason, any lawsuit that says you can sue on the

basis of life. From a practical standpoint, the only thing that assures the survival and the continuity of the human race is birth. How can you sue on the basis of birth?

Now, a number of questions have been asked about different hypotheticals, and I would like to discuss some of them, particularly in light of a memo which Planned Parenthood sent around, prepared by an attorney from a Philadelphia law firm, and after reading that memo, I am happy that he shares the same goal that I have, and that is writing fiction. So let me respond to a couple of things.

Number one, this amendment has nothing to do with wrongful conception; it only triggers after a child has been conceived. Example: A woman comes in to have a tubal ligation, or a man comes in for a vasectomy. Despite the fact that the procedure is performed, the woman becomes pregnant and has a child. Does our amendment do anything whatsoever to limit that type of lawsuit, because the child was born, asking for damages on that basis? The answer is, absolutely not. Absolutely not. It was willfully designed not to have anything whatsoever to do with any issue prior to conception. Those lawsuits could still obtain.

A second situation: A woman comes in for an abortion, which is her constitutional right; the doctor performs the abortion, and yet the child survives, regardless of the child's condition. Can the woman sue? The answer is yes. The woman can sue for any damages sustained as a result of the continuation of her pregnancy, because her right in an abortion is a right to a continuation of the pregnancy, not for a dead child. If in fact the continuation of the pregnancy caused her physical harm and damages, that is actionable. We do nothing to prevent that lawsuit.

Example three: A woman comes in to have an abortion; the doctor performs the abortion, botches the abortion, and in performing the procedure injures the child, who is subsequently born but with injuries caused by the doctor in performing the abortion. Can the doctor be sued for malpractice? Can the doctor be sued for damages? Can the doctor be sued for the medical expenses of that child because of the injuries suffered? The answer is, absolutely yes. This amendment does nothing whatsoever to prohibit that type of lawsuit.

Then there is the question, what if a couple comes in, the woman is not pregnant, gives the history to the doctor; the doctor should have been aware that he should have counseled that couple for genetic screening; he does not; the woman becomes pregnant, has the baby with a defect. Can you sue? Again, if you look at the language of our amendment, we do nothing to alter existing case law, because keep in mind, this amendment only triggers for a child once conceived.

Okay, what about the case where a doctor has an amniocentesis performed—and amniocentesis and all of the prenatal testing have a high degree of accuracy, although keep in mind, they are certainly not perfect—but the amniocentesis is performed, which indicates the possibility that the child might be born with a defect or not normal—and I should point out that I am very uneasy when I use those terms

“defective” or “normal,” because the question that leaps to my mind is, what is defective, what is normal, and who is keeping score? I mean, do we say Down’s syndrome, that is not normal? Do we say cleft palate? Do we say red hair, or I should point out, gray hair? Do we say if you talk with a lisp, that is not normal? Who is the scorekeeper there? But at any rate, the doctor willfully withholds the results of that test from the parents, or, by contrast, lies. Can you sue? Yes, you can sue. You may not sue on the basis that the child was born, but you may sue on the basis of malpractice, that the doctor willfully withheld information. It might be somewhat difficult to have compensatory damages, but in that kind of a case, I submit that that doctor could very easily be crucified on punitive damages. And keep in mind, if a doctor did that, the other recourse, in addition, would be to go after his license, because a doctor cannot lie to a patient. We do not change that.

The argument has been used that by this amendment we are giving doctors a license to lie, and that is not the case. And I should point out that I find it a little inconsistent that the same groups now that are trying to require doctors to act in a certain way avidly opposed the informed-consent section in the Abortion Control Act when we were setting forth standards that a doctor had to adhere to, and their argument was that there should never be any interference on how a doctor practices medicine. I find that just a little bit inconsistent.

So notwithstanding the horror stories that you have heard, this is a very, very narrow amendment, and what it says is, you cannot sue because a human, any human, was born.

Let me tell you what the state of our law in Pennsylvania right now is. You cannot have a wrongful birth action for a child who is born who is “normal,” but our Supreme Court, in its infinite wisdom, has said, yes, you can sue for a wrongful birth action if the child is handicapped. Think about that. Number one, what is handicapped? But, number two, is it not inconsistent, in an age where increasingly we are recognizing the rights of the handicapped, when we are mandating access to education and mainstreaming, when we are mandating access to public transportation, when we are mandating access to buildings, when we are in fact saying whether or not you have a handicap, that does not matter, you are the same as everyone else, but yet we permit people to sue on the basis that a handicapped person—whatever that term means—should not have been born but instead should have been aborted. I submit to you that that is a colossal masterpiece of inconsistency.

Is there a possibility on occasion for an inequity to obtain? We have never passed a bill yet that is perfect. Sure, you could have the case where the doctor, through negligence—not through intention but through negligence—or intentionally, failed to disclose the results of a test; a child was born with defects; and the parents, even though they could sue for punitive damage if it is willful, could not sue for the damages for the medical expenses to raise that handicapped child. The reason we say that is because even though that may be a problem, you have to balance it against the overwhelming

policy issue. If you permit people to sue because any human was born, you have taken an irreversible step down that road. You have marched in to the quality-of-life ethic, which says that life is only for the planned, the privileged, and the perfect, and if we walk down that road, Mr. Speaker, all of us lose.

I think what we have to do is come down on the side of life, and I sincerely hope that you will overwhelmingly support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

First of all, let me state, contrary to what Mr. Freind has alleged in his comments, that this issue is not one of abortion or choice or prolife; it is one of justice. I think there are two things which point to that fact. First of all, Mr. Freind in HB 1802 came up with a very good idea, three-fourths of which everyone in this House agreed with. We adopted that amendment earlier on this morning, and that dealt with the issue of abortion and whether or not it should be a basis of a cause of action or a defense in certain kinds of cases. This is an issue involving justice.

Secondly, Mr. Freind indicates that life should never be the basis for a cause of action. Life is the basis for every cause of action in our legal system in this State and in this country.

The question, as I indicated, Mr. Speaker, is one of justice and fairness. What we are going to do—and you have all read the various legal opinions, and I am not going to go into detail on those, but where two or more lawyers are gathered together there are usually three or more opinions, and I think it is an open question and very likely will come down on the side that I am advocating, Mr. Speaker—we are going to cloak outright negligence by physicians with immunity in this State if we adopt this amendment. I do not think we want to do that, and it has nothing to do with abortion except in the very abstract.

More importantly than that, Mr. Speaker, we are going to permit the victims of that negligence or that malfeasance to suffer the financial burdens that directly resulted from that negligence or malfeasance. Why do I say that, Mr. Speaker? First of all, it is recognized by the courts and the legislatures and the Constitution that individuals have a right to have children or not to have children. That right, Mr. Speaker, becomes particularly important to a couple - a man and a woman, a husband and a wife - who are the carriers of certain types of genetic defects, such as Tay-Sach’s disease, sickle cell anemia, and elephant man’s disease. Simply put, Mr. Speaker—and here I disagree with Mr. Freind’s interpretation of what his amendment will do—a doctor who fails to advise, misleads, or withholds, deliberately withholds or negligently withholds information, or performs negligently a medical procedure that results in a birth of a child that is afflicted with one of those diseases should bear the costs of maintaining that child, the medical costs of maintaining that child. And these costs are extraordinary, Mr. Speaker, both in terms of the



dollars for medical and support costs but also in terms of the emotional anguish, and some of these types of diseases do result in quite a bit of pain, particularly the Tay-Sach's disease.

By passing this amendment, Mr. Speaker, you are permitting a negligent party—and you have to have negligence before you even ever get into this case in this situation—a negligent party to cloak himself with immunity from lawsuits for his irresponsibility.

Simply put, Mr. Speaker, the language in this amendment, I believe, is unconstitutional, unfair, and unjust, and I would urge that this House defeat it in view of the fact that we have clearly gone on record on the issue of no cause of action for wrongful life, and we have outlawed a defense in the case of injury in utero and in support cases. This legislature is clearly on record on those three issues, and I believe this particular amendment, about which there is so much controversy, so much uncertainty, and the results of which could cause so much hardship, should be defeated.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. Mr. Speaker, would the gentleman from Delaware consent to interrogation?

The SPEAKER. The gentleman, Mr. Freind, indicates he will so stand. The gentleman, Mr. Rappaport, may proceed.

Mr. RAPPAPORT. Mr. Speaker, many of us find that hypotheticals lead one to a better understanding of the issues. I would like to pose some hypothetical questions to the gentleman from Delaware. I perhaps have been accused over the years that I have been here of wanting to get down to the bottom line. My problem is, how is a judge going to charge a jury if this becomes law, which I think is where we are at, because what we are talking about here are lawsuits, and when you have a lawsuit, you have a jury and the judge has to tell them what the law is and what they have to do. So I would like to ask you some questions, if I may.

Mr. Speaker, let us assume a hospital—let us assume it is called St. Jude's Hospital—when you walk into the hospital, you see the nurses wearing nuns' habits; there is a crucifix on the wall in every office; the doctor's office has a picture of the Pope on the wall; and there is a sign in the lobby in large print that says, this hospital is run by the Sisters of Mercy and we adhere to the teachings of the magisterium with respect to conception, birth, and life. A woman comes into the hospital who is pregnant, who had measles in her third month—which, I am sure the House knows, could lead to severe birth defects—and she presumably reads that sign and sees the nuns and goes into the doctor's office and sees the picture of the Pope on the wall, and she says, doctor, I have just had measles; you are an expert; what should I do? The doctor does not advise her to have an amniocentesis - a test to determine if the child is deformed or has defects - and indeed does not advise her of the availability of such a test or of the possibility of obtaining an abortion. The doctor, obviously, is carrying out his personal religious beliefs and the beliefs of that institu-

tion. Would that doctor, under your amendment, be liable in a suit by that woman for malpractice, one; and two, in a suit by that woman for the support of the malformed child, after it is born, for the support of that child; and three, could the child sue? It is a bar exam question.

Mr. FREIND. Well, I have passed the bar exam, but it was a while ago, Mr. Speaker, but I will try.

Whether or not it were a Catholic hospital, our amendment would not preclude a malpractice suit on the basis that the woman was not provided her options. Admittedly, however, the damages would be limited, because clearly, whether or not it were a Catholic hospital, if this amendment passed, you could not have a lawsuit on the basis that the child was born. Defective or otherwise, you could not sue on the basis that the child was born, would otherwise have been aborted, and therefore because he is born or she is born, the doctor or the hospital is responsible for the damages of the expenses of raising the child. You could not have that. You could sue, for example, on this basis: Technology has increased so much that now amniocentesis can give indications of problems which can be dealt with in utero—okay?—could sue on that basis that prohibited an option where the child could have received treatment and did not. But the bottom line is, whether it is a Catholic hospital, a Jewish hospital, whether it is a public hospital, there could not be a lawsuit on the basis that the child was born instead of aborted.

Mr. RAPPAPORT. Now, if I can follow that up, Mr. Speaker. Therefore, a doctor who may believe that abortion is immoral and is murder—and I recognize those beliefs; I am not criticizing them, as the gentleman well knows—must say to that woman, there is a possibility of a birth defect; here are your options; however, if you want to take some of these options, you had better see another doctor. A doctor must do that. Is that what the gentleman is saying?

Mr. FREIND. I am not saying that, Mr. Speaker, because you get down to another issue.

Right now, forgetting abortion, German measles, forgetting all of that, in the overall practice of medicine there is no statutory law in Pennsylvania which sets forth what responsibility the doctor has to give information to his patient.

As you remember, a bill was introduced in the House 3 or 4 years ago which in effect said, a doctor must advise the patient of everything and must upon request turn over the entire file. That bill never passed. It had nothing to do with abortion, but the feeling was that that is something that the law should not get involved in, that there are times that the doctor has to make the judgment of how much to tell the patient. So as far as the issue that you asked, that will remain. Our amendment does nothing to change that existing uncertainty, and it would be taken on a case-by-case basis. No law in Pennsylvania sets forth how much a doctor has to tell a patient.

Mr. RAPPAPORT. And the gentleman's amendment would not affect that at all?

Mr. FREIND. That is absolutely correct, Mr. Speaker.

Mr. RAPPAPORT. So therefore, a judge could charge a jury and say, the standards of medical practice in this community are that a doctor must tell the woman, regardless of his personal beliefs, of these options; or the judge, subject to review by the Supreme Court, of course, could say, when the woman walked into the hospital she was on notice by the notice there and the type of hospital it is that certain options would not be discussed there, and therefore she knowingly made that choice as if she went to a Christian Science healer or a chiropractor or anybody else like that, that a certain philosophy obtains in that hospital. In other words, under the gentleman's amendment, a judge could charge either way subject to the review of the Supreme Court?

Mr. FREIND. That is correct, Mr. Speaker.

Mr. RAPPAPORT. Therefore, would it be fair to say that this will be another philosophy of medical care that will be perfectly proper in Pennsylvania, and each potential patient has the choice of whether they want to go to a medical doctor, to a doctor with this philosophy? And he has put everybody on notice; I am not saying he is unfair about it. I am saying the woman is on notice that this is what is going on here. If she wants to go to a chiropractor or a faith healer, that is her business.

Mr. FREIND. We do nothing to change that, Mr. Speaker.

Mr. RAPPAPORT. Now, let us go a step further. Then, under your amendment, obviously the child could not sue in any event.

Mr. FREIND. Under the Piccola amendment, the child could not sue under any event.

Mr. RAPPAPORT. And under the gentleman's amendment as well.

Mr. FREIND. That is correct. That is wrongful life.

Mr. RAPPAPORT. The mother could not sue either, under the gentleman's amendment, for the failure to give the information.

Mr. FREIND. Could not sue, very specific and very narrow, could not sue on the basis that the child was born rather than aborted.

Mr. RAPPAPORT. And, of course, as the gentleman pointed out, if a doctor starts to do an abortion and botches it, then he is liable, under a malpractice theory, for the medical expenses, I would assume, the extra medical expenses occasioned by his negligence and the pain and suffering, but would not be liable for the support of the child born regardless of the condition of that child unless it was caused by that particular bit of malpractice.

Mr. FREIND. That is correct, Mr. Speaker.

Mr. RAPPAPORT. I, unfortunately, was at another meeting, but was the case of *Speck v. Finegold* discussed in the debate today?

Mr. FREIND. We did not specifically discuss that. We discussed the fact that the first part of *Speck v. Finegold*, without referencing it, which was a wrongful sterilization, would not be affected by this amendment.

Mr. RAPPAPORT. For the edification of the House—and I know it sounds like it just could not happen, but it did, if I may have the indulgence for a moment—a case came down from our Supreme Court several years ago in which a couple had two profoundly birth-defected children, both with the same defect, profoundly defected. The husband went to a doctor to become sterilized. The doctor said, you are sterilized; do not worry; go live with your wife; be happy. Nevertheless, she became pregnant. She then went to a doctor to have an abortion. The doctor told her, do not worry; you are now aborted; you are not pregnant anymore, and she duly gave birth to a child with a very serious birth defect, the same birth defect the first two children had. That is a true case. It sounds highly improbable, but it happened, and it went to our Supreme Court. I think there were four different opinions, but the final result was 4 to 3, and many of us really do not know what the result in fact was.

Under the gentleman's amendment and the Piccola amendment, it is clear that the husband could sue the doctor who messed up his sterilization procedure under a malpractice theory. Could the gentleman inform us what kind of damages he can get from the doctor for what?

Mr. FREIND. Mr. Speaker, under my amendment, you could even sue for the expenses of raising the retarded child, because of the fact we made it very clear that it only triggers after conception. So an individual could have a wrongful sterilization action for not only his medical expenses but saying that because of the fact you botched the sterilization, I have a child; I have a child who has enormous medical expenses, and therefore, you, doctor, who botched the vasectomy, are responsible.

We differentiate between contraception and abortion. The prolife movement, as a movement, has never been involved in contraception, only in abortion. The distinction there is, one, the prevention of life, in their opinion; the other one is the taking of it.

Mr. RAPPAPORT. Now, let us go to the next step. The husband could sue for the support of the child whether the child, within the avenue that we have been discussing, is normal or has a birth defect. No problem; that is not a distinction?

Mr. FREIND. That is correct.

Mr. RAPPAPORT. Despite the fact that the Supreme Court in that case and in other cases indicated that if it is a healthy child, you cannot sue, but if it is not a healthy child, you can get the support?

Mr. FREIND. That is right.

Mr. RAPPAPORT. Now, let us go further. The wife, the mother, has an action for the botched abortion, which would include the medical expenses of the birth, pain and suffering, mental distress, I would assume, and support of that child whether normal or not normal, assuming it was not the result of the botched abortion, and support of the child. Is that the case under the gentleman's amendment?

Mr. FREIND. The first three sections that you talked about - medical expenses because of the continuation of the preg-

nancy, medical expenses with respect to childbirth, pain and suffering of childbirth, mental duress because of a continuation of the pregnancy - all would still be actionable even if my amendment became law. The mother would not be able to sue on the basis that the child was born, should have been aborted, and therefore the doctor who botched the abortion would have to contribute to the medical expenses of the child.

Mr. RAPPAPORT. In other words, under the gentleman's amendment, the doctor who botched up an abortion, and therefore a child was born, would not be liable, under the theory of this amendment, for the support of that child.

Mr. FREIND. That, for the reasons that I have enunciated why we do not believe life can ever be a cause of action, is absolutely correct, Mr. Speaker.

Mr. RAPPAPORT. Okay. I am just trying to clarify the issues.

Mr. Speaker, if I may?

The SPEAKER. Is the gentleman finished with the interrogation?

Mr. RAPPAPORT. Yes, I am. I would like to be recognized for a moment.

The SPEAKER. The gentleman is recognized to make a statement on the amendment.

Mr. RAPPAPORT. In my questioning of the gentleman, I did not attempt to advance a particular point of view but merely to clarify some of the issues. These are highly complex issues, sophisticated ones, and I would hope the House, and by its attention, showed that it wanted to know what it was voting on before it decided how to vote.

I would only point out that what we are doing now is cutting down on the recovery that can be had against the doctor who is negligent, who commits malpractice in the performance of an abortion. Each of you will have to determine whether you want to do that, whether you want to relieve the doctor of that much of his liability, and it is a tremendous amount of liability. It is for the support of that child until it reaches majority. That is the issue that I believe is before the House—and the gentleman, of course, will correct me, and I will stand corrected—that is the issue that you must vote on, and each of us will have to look to our own conscience to determine what to do. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak about some of the terms that have been used on the floor today to explain to members of this House what we are talking about for women. It is important to understand that since the mid-1970's State courts have consistently recognized that when a doctor fails to inform a patient, who he knows because of maternal age, because of family history or prior genetic defects, is at risk of giving birth to a deformed child, State courts have consistently upheld the right of that woman to sue that doctor for failure to inform her that there are tests available to determine if this mother, who he knows is at risk of having a birth-defective child, in fact is carrying that child.

There are primarily two tests that are used today, and just as I am sure most of you have never heard these terms before this debate, let me tell you that most women do not know anything about this either. Women do not know that there are tests that can determine birth defects by and large, and what we are talking about is a doctor's duty to inform women who may be at risk of having a birth-defective child. The woman might not even know that she faces a substantially greater risk than other people. The two tests that are generally used are relatively recent, and that is why this is a recent issue.

There is one test, which is called an amniocentesis, which can determine about 200 genetic defects with virtually 100 percent accuracy, and there are ultrasounds which are used which can also be helpful in determining birth defects. What we are considering is whether we want to say that our State, because our State now recognizes that if a doctor fails to perform his medical duty of telling a woman who is at risk of giving birth to a defective child that she can find out in early pregnancy, whether the mother and father will be able to sue that doctor and recover the costs to raise what may be a seriously genetically deformed baby.

The courts that have upheld this right have recognized that it is important in insuring good medical practice that doctors should be urged to be knowledgeable themselves and to provide their patients with adequate information. I find it ironic, frankly, that I think perhaps 2 years ago we stood here and listened to Representative Freind argue about informed consent for women. He wanted women to have informed consent before they made choices, and yet today he stands before this General Assembly and he says that women should not be informed of the availability of certain tests. I say to you that he says to you they should not be informed because he is going to bar the right to recover if a doctor fails to inform a woman of the consequences of that. He has suggested to you that she can still sue for malpractice but that the damages will be different. I do not agree and other lawyers do not agree that she can even sue for malpractice. He has said that there will be no suit for wrongful birth. If there is no suit for wrongful birth, I do not believe that there is a malpractice suit either, because it stems from the same problem, the problem that a doctor failed to inform a woman of tests that could determine whether or not she is going to give birth to a genetically deformed baby.

There is another thing that is important to remember. This is not only an issue of whether or not she chooses to have an abortion. Doctors today and medical science is just beginning to be able to operate on babies intrauterine. How is the mother to know whether or not she is going to need to have a doctor, as sophisticated as it may be, perform an operation intrauterine, possibly to correct a defect in her baby, if there is no pressure on a doctor to adequately inform her that an amniocentesis is available? What we are doing is we are immunizing doctors from the duty to provide women with information.

I find it further ironic that yesterday we debated right-to-know legislation. Perhaps it is a bad analogy, but I cannot

help but think when I sit here as a woman in this chamber that it is important for this legislature to provide information about chemicals in the workplace and yet it is not important to provide women with information so that they can decide, so that they can know whether they may be carrying a baby that has serious birth defects. I ask this General Assembly, is that a policy choice that we want to make?

Allowing damages for wrongful birth is not antilife. Such suits allow compensation for what might be great pain and suffering for a family, and I would like to tell you a description of a Tay-Sach's child, so I can bring home to this General Assembly the kind of children that we are going to deny compensation for.

Mr. Speaker, I would like to read a description of a child born with Tay-Sach's disease. Tay-Sach's disease is a disease that by the process of an amniocentesis done in early pregnancy, a family can be aware whether or not they are carrying a child with this disease. It is a disease which many people know they are carriers of and so they know that they may be at risk. It is a disease that they may not know that they are carriers of, and women may not know that it can be determined. A child born with Tay-Sach's has a life expectancy of 4 years. The child was found to suffer from mental retardation, susceptibility to other diseases, convulsions, sluggishness, apathy, failure to fix objects with her eyes, inability to take an interest in her surroundings, loss of motor reactions, inability to sit up or hold her head up, loss of weight, muscle atrophy, blindness, palsy, inability to feed orally, rigidity, and gross physical deformity.

I suggest to this General Assembly that if we pass the Freind amendment, we bar recovery and compensation for those parents who give birth to that child through the negligence of a doctor. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Will the gentleman, Mr. Freind, stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Freind, indicates he will so stand. Mr. Greenwood is in order and may proceed.

Mr. GREENWOOD. Thank you, Mr. Speaker.

Mr. Speaker, another hypothetical, and it is somewhat duplicative of what Representative Rappaport brought up, but I need some more clarification.

My wife goes to a doctor and she says, I am over 35 years of age and I think I ought to have amniocentesis. The doctor performs that test and the doctor gets the results of that test a week later, and she comes back in and he lies to her. He says everything is okay, go ahead. Then one of two things happens - either she gives birth to a Tay-Sach's child or to a severely handicapped child, or she herself dies in childbirth, and she was not forewarned by her physician that in fact going through with the pregnancy could cause her death. Now, if we pass your amendment today, can I go to court and sue the doctor because my wife died in childbirth?

Mr. FREIND. Absolutely. The amendment does nothing whatsoever to preclude that type of lawsuit.

Mr. GREENWOOD. Okay.

Now, I am not a lawyer and you are, and I would like for you to put yourself in that courtroom as my lawyer and you tell me how you are going to phrase the pleading in court. What are you going to tell the judge and jury about why they should provide damages to me or to my wife?

Mr. FREIND. Now, let us take damages because of your wife's death, first; we have not gotten to your first issue. Precisely what would be said right now is, number one, a woman has a constitutional right to an abortion, which means a termination of her pregnancy. If in fact a doctor is negligent, or in your case is not just negligent but willful, lies, and because of that lie the woman continues her pregnancy and dies, to me, I would love to be the plaintiff's attorney in that case. It is open and shut. Nothing here, if you just look at the language, nothing here in any way impinges upon that lawsuit. All wrongful birth says is, you cannot sue because the child was born instead of aborted. So you would use the exact same charge that attorneys would use today. Nothing whatsoever would change. Clearly, it would be actionable. My opinion is, not only would the doctor get absolutely crucified on compensatory damages as far as wrongful death is concerned, but there would be massive punitive damages for his outrageous conduct in lying to his client.

That is the second part of your question. Would you like for me to answer the first?

Mr. GREENWOOD. Well, you have told me that there is a case, but what you have not done in response to my question is tell me how you would phrase that case in court, because it would seem to me that I would get a lawyer, I would want a lawyer, without your amendment, to go in there and say to the judge and jury, this woman was at serious risk and the doctor knew it, and if he had told her, she would have had an abortion, and if she had had an abortion, she would be alive today.

Mr. FREIND. That is right. That is exactly right.

Mr. GREENWOOD. All right. Now you tell me why your amendment does not preclude that kind of a pleading in court.

Mr. FREIND. All you have to do is read it, Mr. Speaker.

Mr. GREENWOOD. I have read it.

Mr. FREIND. Okay. "...no cause of action or award of damages on...any person based on a claim that, but for an act or omission of the defendant, a person once conceived would or should have been aborted." We have nothing to do with that in your case. We are only talking about damages based on the fact that a child was born and not aborted, damages because of that child being born.

Mr. GREENWOOD. All right. A child is born, but the damage is that my wife is dead.

Mr. FREIND. That is exactly right, and this amendment categorically would have nothing whatsoever to do with that lawsuit, would in no way, even in the slightest, impinge upon that lawsuit.

Mr. GREENWOOD. Mr. Speaker, I have finished my interrogation. I would like to make a brief statement.

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

Mr. GREENWOOD. Mr. Speaker, in all due respect to Mr. Freind, I do not agree with his argument at all. I do not buy it for 1 second. I think that these are just the kinds of cases that would be thrown out of court, never heard, never given the opportunity to be heard because of this amendment.

Mr. Speaker, we are attempting here to add an extremely controversial amendment to a Senate bill. Now, I think what we did earlier today with the Piccola amendment made sense. We took three-quarters of this amendment and we said, it is not controversial; we can agree to it, and it makes sense to put this kind of an amendment into a Senate bill and have it simply be concurred in by the Senate and signed into law. But I think it is the height of irresponsibility, Mr. Speaker, to take an issue like this that is a life-and-death issue, that raises very serious questions about whether or not physicians are going to be responsible and help people decide, help husbands and wives decide whether or not they are going to go through with the pregnancy. It is an amendment that is very likely, in my view, to bring into the world more Tay-Sach's children, more children born with severe birth defects, children born with their organs outside of their bodies, horrible spinal injuries, births where there is no spine at all on the child.

I think it is highly irresponsible of this legislature, this House today, to adopt this kind of an amendment when it has never been considered in a committee in the House. It will never be considered in a committee in the Senate. We will not have the expert testimony of the legal profession. We will not have the expert testimony of the medical profession. I think that this House should do the responsible thing and vote this down. If Mr. Freind wants to have this issue considered, let him do it in the form of a bill so that it can be duly considered by the committees.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. TAYLOR. Mr. Speaker, I am rising in support of Representative Freind's amendment. I am not a lawyer, I am not a doctor, I am not a judge, and I am not the scorekeeper, and I am not at all sure, after listening to the remarks of Representative Hagarty and Representative Greenwood, without even this discussion on the floor of the House today, that they have any guarantee that the doctor is going to have informed that woman correctly. To my knowledge, no doctor signs a paper in front of a patient, gives proof of the fact that he is telling the truth to the individual at the time of the examination.

I also know that this issue will not be resolved by economics, by the payment for the child's injuries or birth defects throughout life. I think that what we are talking about is something that is only going to be resolved as the Representatives view and put a value on human life.

While there are women who would abort a defective child, there are women who would not abort a defective child. If you

are talking to a group of women who have raised a child with a defect and if you by any chance are going to say to that family and to that woman, you should not have had that child, let me tell you, you take your life in your hands. There are those who, to many people and everybody who will listen, will say that that defective child has brought into that family life, into individual lives, something that cannot be measured by economics. When society recognizes that a family has a cause of action for wrongful birth against another family member, a physician, a hospital, or anyone else, it certainly has indeed devalued human life. To say that nonexistence is better than life is to say that life itself is worthless. And once again, if we say that nonexistence is better than being born with a handicap, surely this can be extended to the poor or to anyone else deemed not perfect in our society. What is justice and what is fairness? Will we answer this only in terms of the dollar sign?

In closing, Mr. Speaker, I would like to say that the Representatives who vote on this issue will, in my opinion, be putting a price tag on human life. It prevents us from seeing one another and ourselves in strictly economic terms. It will preserve essential family relations and mutual respect, and this bill reasserts the value of human life, perfect and imperfect, reassuring us that all of us belong to the same human family.

Again, what this bill does, very simply, it says that you cannot sue because a life has been given and you cannot sue because a human is born and you cannot sue, Mr. Speaker, only on the basis of birth and life. Thank you very much.

The SPEAKER. The Chair thanks the lady.

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

Mr. LEVIN. Mr. Speaker, I have been on the floor of this House for a very long period of time, and I am very much aware that the sentiment of this House is decidedly prolife. I have watched the votes on this board for a very long period of time substantially reaffirm a commitment to the prolife movement on this floor. What mystifies me today is how this can be conceived of as a prolife initiative.

If we will listen very carefully to what Mr. Freind has just done, while it has some impact, some very minor impact for that movement, it very clearly is a punitive, punishing amendment. What you will do when you pass this—and I have no doubt you will—you will say to someone who has exercised an option to have an abortion that if that doctor negligently, carelessly botches that abortion and a defective, brain-damaged child is born as a result of his negligence, there are no damages.

Now, let no one have any doubt. Mr. Freind has been less than candid with you. He tries very hard to characterize this as allowing damages, and he brings in the term "punitive damages." Do not be deceived. That is not a normal damage in our course of law, and it occurs only when a jury decides that it is willful. Doctors do not willfully botch abortions. Doctors try desperately, in the normal course of events, to perform medical services to the best of their ability. Some-

times, being human beings, they make mistakes. What you will do in passing this is you will excuse that doctor and his insurance carrier from the responsibility for the economic burden that he has created. Now, how that can be considered prolife I have great difficulty understanding. It just does not fit within the prolife concept. What it fits in is a concept of punishing someone who has decided to exercise his constitutional privilege and someone who disagrees and has an abortion.

There is no way this language can be read in a constitutional fashion. We will be setting up what we have set up before - another act which will pass this House overwhelmingly and the courts will have to declare unconstitutional. That is really not the problem today, because that will happen as sure as I am speaking to you. What will happen, however, is many of you sitting here today who are committed to the prolife movement—and I have no qualms and no problems with that moral commitment; I understand it after 8 years of listening to it—you will, however, be casting your vote and saying that you are willing to punish someone economically who does not agree with you.

I would ask you to examine carefully whether you want to go on record with that kind of vote, not that you disagree morally with someone but that you are willing to punish them, that you are willing to say that a child who is born who is defective, who requires medical care for the rest of his life, shall be denied that medical care from the insurance carrier of the provider of the services, because that is what you are saying. Mr. Freind can do his dance on damages after I finish again, but it will not be real. You will know the truth.

Please, take a good look at your vote, because this bill is unconstitutional. The courts are going to declare it unconstitutional. It has been declared unconstitutional elsewhere. Ask yourself as a policy decision, do you want to be on record as casting that type of vote?

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 support of the Freind amendment. My remarks will be short, since Representative Taylor has stolen most of my thunder, but let me just add a few things.

It has been alluded here today that somehow the physicians will hide behind this law or that they do not give out the information they should to the expecting parents. Let me say that with 13 years in the health care industry, I find that the doctors are very open, that they stand on their reputations. For them to play games, so to put, with an expecting mother and father is something that could be very injurious to them, cause them to even go before the Medical Review Board if there are complaints. So this is one area, and in all areas they want to stay above board.

In addition, if there is any professional group of men and women in our society who fear lawsuits, it is the medical profession. If you just check the malpractice insurance rates that they have experienced over the last 3 to 5 years, you will know

what I mean. So I find that it is hard for me to stand here and believe that doctors are not going to be forthright, open, and honest with the people with whom they deal.

Secondly, Mr. Speaker, one of the keynotes of our Western culture is the fact that we put a high premium, a high value, on human life, and this amendment that we are debating here this afternoon is one in which we are emphasizing again as a body of lawmakers that we indeed value human life, and we are setting our priorities right where they should be, in protecting the individual.

So, Mr. Speaker, I would ask that as the members of this General Assembly consider this amendment that they will find in their hearts and minds the compassion that is expressed in this bill and give this measure a positive vote. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

## WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House the mother and great uncle and great aunt of Representative Robert Freeman. The mother is Joyce Freeman; the great uncle and great aunt, James and Jean Chegwidan, and they are in the gallery. Welcome to the hall of the House.

And the Chair has to the left of the Speaker, as the guest of Mr. Showers, a visitor from Vienna, Austria, Mrs. Maria Vierhapper. Welcome to the hall of the House.

## CONSIDERATION OF SB 750 CONTINUED

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

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

I rise in support of the Freind amendment. I think the Freind amendment as carefully as possible tries to narrow the issue between that of wrongful birth and malpractice.

When we come to the matter of cause of action based purely on the birth of an individual, I find that most of us find that repugnant, but we must be very careful to distinguish between that and malpractice. I think the Freind amendment does that. Malpractice suits in this area should and will be allowed, and despite everything that has been said to the contrary, no doctor is going to take a possible malpractice suit lightly. We know that because of the incidence of malpractice suits today.

When we get down to the matter of quality of life in our society, I think it should give us pause to think that any of us could fall victim to this argument about handicapped children at some time down the road. To say that a child should not have been born because of a particular handicap, I wonder where that leaves us in terms of quality of life for the aged, for the ill, the handicapped.

Basically, we have an amendment here that to the best of anyone's ability narrows the gray area between malpractice and wrongful birth, and I think it deserves the support of every member.

The SPEAKER. The Chair thanks the gentleman.

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point.

Mr. BROUJOS. The Freind amendment A1139 is unconstitutional in violation of the United States Constitution, Article XIV, and the Pennsylvania Constitution, Article I, section 11. I ask that that be submitted to the House.

The SPEAKER. It is moved by the gentleman, Mr. Broujos, on a question of order under rule 4, that the amendments submitted by the gentleman, Mr. Freind, to the House to SB 750 be declared unconstitutional.

The matter is for the floor. Members may debate it only as to the issue of constitutionality and only once. The motion will be placed in the positive. Those who believe it to be constitutional will be voting "aye"; those who believe it to be unconstitutional will be voting "nay."

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, the question of constitutionality does not deal with the motive or the merits of the issues which have been raised in the amendment. However, there are serious constitutional defects. Although it is seldom that the House may decide a bill before it to be unconstitutional, it is my position that this is a clear and unequivocal case.

First there must be a remedy for a wrong. Pennsylvania cases as late as 1981 and 1983 have stated, it is fundamental that one may seek redress for every substantial wrong. That is also guaranteed under the Constitution.

In addition, the bill is constitutionally infirm in that it is vague. There have appeared before this House hypothetical situations presented by the speaker, Mr. Freind. There have been interpretations provided by him, narrow or broad. There have been interpretations and hypotheticals by Representative Greenwood, Representative Hagarty, Representative Rappaport, and Representative Levin. This supports our proposition that the bill is vague, because it is subject to many different interpretations.

Now, these conclusions that are presented to you are presented to you by the speaker, Mr. Freind, in terms of being a narrow interpretation. The speaker has presented the question of the wrong of malpractice, of damages, of medical expenses, of punitive damages, of pain and suffering, and he has raised each one of them with a hypothetical and said, this bill does not cover that situation, and he narrowed it down to a hypothetical which is either willful or on the act of a physician advising with respect to pregnancy and then the child is born. I do not wish to take words or put words into the speaker, Mr. Freind's mouth; however, any hypothetical that

he has presented to you illustrates our point, and that is that the interpretation of this bill raises so many alternatives and is so vague that it is in fact unconstitutional.

Now, in support of that, I raise these points. The language as stated is this: "8304(a)...a person once conceived would or should have been aborted." There are two conditions - first, once conceived; and secondly, would have been aborted. Now, what damages can flow from the abortion? First, if there may be improper counseling, if there may be an improper operation, if there may be improper administration of medicine, or any other situation presented by the speaker, then a cause of action would arise. This House must look at that language and see that it does not say in the event that there is malpractice there is a cause of action; it does not say in the event that there is an improper operation or improper counseling there shall be no cause of action. It has a blanket prohibition in the language which states that "There shall be no cause of action...." It is not sometimes; it is a blanket prohibition, and the conditions are set forth subsequently that "a person once conceived would or should have been aborted."

Now, we must, to test the constitutionality of this, look closely at that language, and that language raises the issue, what does the term "once conceived" mean? If "once conceived" modifies "aborted," then it is a condition under which the abortion occurs; however, if "once conceived" is intended to create a date when a cause of action arises, then it becomes a statute of limitations condition, saying, in effect, that no cause of action may arise until once conceived, and I believe the speaker did present that. He certainly can clarify that. If he did not, that again raises the issue, why are there so many interpretations or why can there be so many interpretations of this critical bill?

Now, if we look at that language, and it says "a person once conceived would or should have been aborted," the question is, again, does it mean that a person once conceived would have been aborted, requiring a cause of action to arise prior thereto? This bill does not say that. And if it is intended to limit the cause of action so that anything happening prior to conception, such as a vasectomy, is not intended to give rise or to be prevented to be a cause of action, if anything that does occur prior to conception is in fact intended to permit a cause of action, this language does not say that. Consequently, there are so many different interpretations, it is so vague, that it is in fact unenforceable.

This legislature cannot act arbitrarily. This bill separates one kind of malpractice and permits that one malpractice type to be immune. It treats different cases differently, which violates Article XIV under the equal protection of the law. The right conferred now by the Constitution is beyond the reach of legislative interference. The courts have already ruled on the question of fundamental rights, have already ruled on the right of redress. Consequently, this bill is unconstitutional, and I would ask for a "no" vote on the constitutional question.

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

With respect to constitutionality, Mr. Speaker, the first thing I would like to point out is that the States of Minnesota and South Dakota have wrongful birth statutes, which have consistently withstood constitutional challenges. They are still the law in those two States. So in fact we have two States that already have this, and the laws have withstood court challenge.

Secondly, Mr. Broujos references a section that says there must be a remedy for every wrong, and the problem I have with that is simply this: If you agree with that, what you would be saying then is that birth is a wrong, that a human being born, that is a wrong, and that is the whole crux of the amendment. We believe there can never be a wrong because a human being was born.

Thirdly, we have drafted this amendment, with tremendous assistance from a number of legal counsel, the best way any bill should be drafted - as simply and narrowly as possible. And if in fact you just read the four lines, notwithstanding all of the hypotheticals that you heard, you find out one thing - there is only one type of cause of action that is barred, and that is a cause of action—and let me just read it again, because it is only three or four lines— "...no cause of action or award of damages on behalf of any person based on a claim that, but for an act or omission of the defendant, a person once conceived would or should have been aborted." Strictly that. You cannot sue on the basis that a human being was born rather than aborted. I fail to see how that language, number one, is vague; I think it is very specific; and number two, how we can ever find a declaration of a right to life to be unconstitutional.

I sincerely hope, regardless of your feeling, your philosophical feeling, on the merits of the amendment, that you will vote "yes" on this motion on constitutionality. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

The issue at stake here is the constitutionality of the amendment regarding wrongful birth. Keep in mind, the issue is wrongful birth. One of the first guarantees in the Constitution is that of life. We speak of life, liberty, and the pursuit of happiness. Which comes first in that? Life.

The issue clearly passes the constitutional test, and I hope everyone will affirm the constitutionality of it by casting a "yes" vote.

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

Mr. PITTS. Mr. Speaker, in reading our Constitution, Article I, Declaration of Rights, in section 1, Inherent Rights of Mankind, I quote from our Constitution: "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

Mr. Speaker, if our Constitution does not speak to life and the right to life, I do not know what it is saying. I do not know any other way that a person can have life than by being born. A wrongful birth action in effect is maintaining that birth is wrong and constitutes an injury which warrants compensation to the parents. We are talking about physicians defending and protecting themselves, parents protecting their interests and being compensated. To me it is an unconscionable thing in a civilized society to view the birth of a child as injurious. It attacks the very nature, the dignity, the worth of all human beings and life itself.

I urge that we support the constitutionality of the Freind amendment.

The SPEAKER. Does the gentleman from Lehigh, Mr. Afflerbach, wish to be recognized on constitutionality?

Mr. AFFLERBACH. Yes, indeed, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman.

Mr. AFFLERBACH. I had not anticipated speaking on this motion, but I do believe there are a couple of points that need to be made. The gentleman, Mr. Freind, mentioned that wrongful birth statutes are in existence in Minnesota and North Dakota. There is also one in the State of Utah. He also mentioned that they had withstood all of the court challenges. I am not aware of any of these States having gone the full route of constitutionality. If he would care to cite those cases for us at some later time and the jurisdictions within which they occurred, I would find that information valuable.

I should also point out that the Piccola amendment we adopted earlier merely ratifies the rulings already offered by the courts in Pennsylvania. This particular portion of the Freind amendment dealing with wrongful birth, and particular phraseology of that amendment, flies directly into the face of existing constitutional case law. I have no doubt in my mind that should this be passed, it would be found unconstitutional for that reason, as well as the other reasons that Mr. Broujos has enumerated. I urge we find this amendment unconstitutional and get it over with now.

The SPEAKER. The Chair thanks the gentleman.

Those who believe the amendment to be constitutional will vote "aye"; those who believe the amendment to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—123

Alderette	Duffy	Levi	Rybak
Arty	Durham	Lloyd	Saloom
Baldwin	Fargo	Lucyk	Salvatore
Battisto	Fee	McCall	Scheetz
Belardi	Fischer	McClatchy	Schuler
Blaum	Flick	McHale	Semmel
Book	Foster, Jr., A.	McIntyre	Serafini
Boyes	Freind	McMonagle	Seventy
Bunt	Gallagher	Mackowski	Sirianni
Burns	Gallen	Madigan	Snyder, D. W.
Caltagirone	Gamble	Manmiller	Snyder, G. M.
Cappabianca	Gannon	Markosek	Stairs
Cawley	Geist	Micozzie	Steighner



Cessar	George	Miller	Stevens
Cimini	Godshall	Miscevich	Stewart
Civera	Grieco	Morris	Stuban
Clark	Gruitza	Mrkonic	Swift
Clymer	Gruppo	Noye	Taylor, E. Z.
Cohen	Haluska	O'Brien	Taylor, F. E.
Colafella	Hasay	Olasz	Telek
Cole	Hayes	Perzel	Tigue
Cordisco	Herman	Peterson	Trello
Coslett	Hershhey	Petrarca	Vroon
Coy	Johnson	Petrone	Wargo
Deluca	Kasunic	Phillips	Wass
Daley	Klingaman	Pitts	Weston
Dawida	Kosinski	Pratt	Wogan
Dietz	Kowalyszyn	Punt	Wozniak
Dininni	Lashinger	Rieger	Wright, D. R.
Dombrowski	Laughlin	Robbins	Wright, J. L.
Donatucci	Lescovitz	Ryan	

NAYS—73

Afflerbach	Freeman	Mayernik	Saurman
Angstadt	Fryer	Merry	Showers
Barber	Gladeck	Michlovic	Smith, B.
Belfanti	Greenwood	Moehlmann	Smith, L. E.
Bowser	Hagarty	Mowery	Spencer
Brandt	Harper	Murphy	Sweet
Broujos	Hoeffel	Nahill	Truman
Burd	Honaman	O'Donnell	Van Horne
Carn	Hutchinson	Oliver	Wachob
Cornell	Itkin	Piccola	Wambach
Cowell	Jackson	Pievsky	Wiggins
DeVerter	Jarolin	Pistella	Williams
DeWeese	Kennedy	Pott	Wilson
Davies	Kukovich	Preston	Wright, R. C.
Deal	Levin	Rappaport	Zwikel
Dorr	Linton	Reber	
Evans	Livengood	Reinard	Irvis,
Fattah	McVerry	Richardson	Speaker
Foster, W. W.	Manderino	Rudy	

NOT VOTING—3

Letterman	Maiale	Spitz
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EXCUSED—3

Armstrong	Lehr	Marmion
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

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

The SPEAKER. On the adoption of the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Earlier in the debate today Mr. Freind stated, and accurately so, that there is no statute setting forth in Pennsylvania what a doctor must tell a patient. Part of the reason for that is because the threat of a malpractice suit, the threat of a negligence suit, or any number of other types of suits which may be brought, encourage a high standard of medical care. The question here is, does this amendment in any way discourage or in any way limit a high standard of medical care?

There has been conflicting opinion offered by very esteemed attorneys in this chamber, as well as attorneys throughout the Commonwealth, as to exactly what this amendment does or does not limit. It certainly deals directly with the elimination of professional responsibility in the event

an abortion is attempted and is unsuccessful, and I direct you to the language of the amendment itself. The operative phrase is this: "There shall be no cause of action...on behalf of any person based on a claim that...a person once conceived would or should have been aborted." Now, I can only interpret the phrase "should have been aborted" to apply to those cases where an abortion was attempted and failed, and I again direct your attention to the language that says, "There shall be no cause of action...." The least that we are experiencing under this language, in my opinion, is a direct conflict between whether or not there shall in fact be no cause of action if an attempted abortion failed or whether there may be some way to get negligence or malpractice in. No one here today seems to be certain of that answer.

I think it is perfectly proper for this Assembly to take up legislation which regulates the quality of medical treatment and the quality of health care and the provision of these services, and also the provision for legal redress in the event these services are not properly carried out. In my opinion, this amendment does exactly the opposite. At the very least, it raises the question of whether or not there can be legal redress if these medical services are not carried out. At the very least, it raises the question as to whether or not a doctor, a clinic, or a hospital or any other medical service facility can be held accountable.

As a conservative, if I am to err in a matter of this importance, I would rather err on the side of the status quo, which is still developing case law, than to err on the side of preventing or restricting adequate medical services for any individual or restricting legal redress if they are not carried out for any individual, and especially for a pregnant woman. I urge defeat of the amendment.

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

Mr. HOEFFEL. Thank you, Mr. Speaker.

Mr. Speaker, the issue here with this amendment, in my judgment, is not abortion. No matter how many times Mr. Freind says that the issue is abortion, no matter how many times Mr. Pitts or Mr. Clymer or Mrs. Taylor says that the issue is abortion, it is not abortion. This amendment, if it is approved, will not stop any abortions; it will not encourage any abortions. Those of us who oppose this amendment, in so opposing, are not encouraging or discouraging abortions. That is not the question today.

I also do not think that the key issue is one of constitutionality. As much as I agree with Mr. Broujos' and Mr. Levin's earlier comments, as much as I recognize the poor track record that Mr. Freind has with the constitutionality of his legislation, as much as I recognize that you cannot take away a remedy from an individual who has a constitutionally protected right, I do not think that the constitutionality of this amendment is the key question before us.

I think there are two issues that we are facing here today. The first is whether or not we are going to shield doctors from liability for their malfeasance or their negligence. That is the impact of this amendment; that is the purpose of this amend-

ment; and I think that we should not do that. I do not think we should encourage doctors who may not agree with the procedure of abortion to fail to fully inform their patients, nor do I think we should shield doctors who perform these procedures with negligence, whether it is willful or not. I think that is a great mistake, and I think on that basis we should turn down this amendment.

The second key issue that I see here today is the question of how many times Mr. Freind is going to get away with it. How many times will this House face these issues, knowing that two-thirds of you will vote Mr. Freind's way if he says the word "abortion" on the floor of the House? How many times will the courts review what we have done here today and strike them down? How many times will we be put through this political process—and if anybody thinks that there are no politics involved here today, you are sadly mistaken. The question is, how many times are we going to be put through this; how many times will Mr. Freind get away with it? He will get away with it as long as three-quarters or two-thirds of this House continues to vote his way when he stands on the floor and says "abortion."

#### POINT OF ORDER

Mr. GANNON. Mr. Speaker, a point of order.

The SPEAKER. What is the gentleman from Delaware, Mr. Gannon's point of order?

Mr. GANNON. Mr. Speaker, my recollection is, and I may be wrong on this, but I believe that a member has a right to bring before this House any proposed legislation he sees fit.

The SPEAKER. The Chair agrees with that. What is the gentleman's point?

Mr. GANNON. I hear Mr. Hoeffel over here questioning Mr. Freind's, I think, probably his integrity.

The SPEAKER. I do not hear that.

Mr. GANNON. Well, Mr. Speaker, I think that—

The SPEAKER. The Chair has been listening very attentively, Mr. Gannon, and the Chair listens accurately. If the current speaker were to impugn the motivation or the character of Mr. Freind, the Chair would immediately stop him. Be assured the Chair will continue its alertness.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hoeffel, may continue.

Mr. HOEFFEL. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Freind is sincerely dedicated to the anti-abortion movement. Nobody can question his sincere dedication to that movement. I also, in observing Mr. Freind over the last 8 years and having been involved in this issue on the floor of this House on the opposite side of him, have observed the fact that he does not want to lose a vote on the floor of this House, that he has on several occasions, after discussing an abortion-related question, failed to bring a motion on the floor on that question when it was clear he did not have the votes to succeed. And he will continue to avoid any possibility of defeat, bringing only to this floor the questions he feels he can get a majority for.

I think that it is time for this House, particularly on a motion on an amendment that does not affect abortion, does not limit abortion, does not promote abortion, but in fact would shield doctors from liability, I think it is time for us to say to Mr. Freind, we do not buy the fact that this is a pro-life vote; that we view this particular amendment as one of whether or not doctors should be liable for their actions. And I think it is time for us to say no not only on the merits of this bill but to protect us from whatever other schemes Mr. Freind may have up his sleeve next session. This is my last chance. I will not be back next session, but you are going to be faced with this; you will be faced with this many, many times.

#### POINT OF ORDER

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I heard the remarks of the Speaker in reply to the question raised by Mr. Gannon. I cannot sit by now while Mr. Hoeffel talks in terms of any member of this House having schemes and carrying on like this. I do not think it is becoming to the gentleman, Mr. Hoeffel; I do not think it is becoming to this House, and I would respectfully request that the gentleman, Mr. Hoeffel, temper his remarks. If he wants to talk on the issues, that is fine, but I believe he now is into the motivation of one of our members, and I do not care which political party that member is from, I think it is unbecoming to any member of this House.

The SPEAKER. The Chair disagrees with the gentleman, Mr. Ryan. I believe the person in the Chair has tried to be fair with every member on this floor. If anyone wishes to challenge that statement, let him stand.

The Chair does not believe using the term "scheme" impugns the motivation or the character of Mr. Freind or anybody else. There has been no attack upon his character; there has been no impugning of his motivation. The Chair would not permit that if that started.

The gentleman, Mr. Hoeffel, may continue.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, when anyone uses the word "schemes" in connection with the action of someone on the floor of this House and what they are doing, I do not think that you can properly say that he is not having his motives attacked. A scheme, by its very nature, I think, connotes that, and I would respectfully disagree with the Speaker, although would not think for a moment to challenge the Speaker's integrity but simply would ask that the Speaker maybe listen more closely and perhaps more sympathetically to the wording, as I have pointed it out to the Speaker.

The SPEAKER. The Chair will continue to be alert.

#### POINT OF ORDER

Mr. GALLEN. Mr. Speaker?

The SPEAKER. On what point does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Mr. Speaker, I raise a different point of order.

The SPEAKER. What is the point of order?

Mr. GALLEN. The gentleman, Mr. Hoeffel, has not addressed this issue at all.

The SPEAKER. What is the gentleman's point of order?

Mr. GALLEN. Mr. Speaker, that the gentleman should address the issue and not skirt it.

The SPEAKER. The Chair thanks the gentleman. The gentleman will address the issue.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I think that you have always been a fair Speaker with members of both parties, but I do think that Mr. Hoeffel is way out of line, and maybe you are not listening today.

The SPEAKER. The Chair is listening.

Does anybody else wish to speculate on the acuity of the Chair's hearing? Very well then, you may continue, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Speaker.

I would simply argue, Mr. Speaker, that it is time for this House to decide for itself, and on our own as individual members, where we want to go with this issue, how many times we want to face it, how many times we want to be asked to go down this road. This amendment today is abstruse, arcane. It is not a prolife amendment. It is not promoting or restricting or denying abortion, but it is presented in that vein by its proponents and by those who have spoken on the floor. I simply say to the House that my judgment is, as long as we react to amendments as if they are the substance of the prolife question and give those amendments our standard two-thirds or three-quarters approval, then we will continue to see abstruse and arcane amendments on this subject session after session.

Now, pretty soon Mr. Freind, I believe, will come back to this House and try to readopt those sections of the Abortion Control Act that have been struck down by the courts. I think that will occur after the Supreme Court strikes down the provisions of that law, as the third circuit has done in the past month. But in between that and after that, there will be more, a never-ending stream of these kinds of amendments.

Mr. RYAN. Mr. Speaker?

Mr. HOEFFEL. Let me close, Mr. Speaker.

The SPEAKER. The gentleman now is advised that you have no right to speculate on what the gentleman, Mr. Freind, may or may not do. You will limit your remarks to the issue or your opinion of the issue but not speculate on the gentleman's motivation or what he may do in the future.

Mr. HOEFFEL. Thank you, Mr. Speaker.

My opinion of this amendment is that it is not what it is billed to be, that it is not an abortion question; it is a question of whether or not doctors should be shielded from liability for their malfeasance or their negligence, and I ask the House to vote "no." Thank you.

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

Mr. HALUSKA. Mr. Speaker, listening to the debate here today gives me an impression that the people here think that we are giving birth to a robot. I mean, child development intrauterine and childbirth is a very complex matter, and I think even with the greatest expertise that a physician can exercise, things can go wrong. I wonder here just what happens when a lady is tested for the various deformities that might exist with a child. Testing is not 100 percent proof. What happens if the tests are negative and the child is born with defects? Does the parent at that particular time have a right to sue the physician?

I think that there are many things that can happen in the process of giving birth to a child. People can develop hypertension; anesthetics can have great effects on any individual in the simplest of operations, and every doctor will tell you that when you are taking any anesthetic; drugs can have great effects; and the process of delivery is very complex; it can bring about deformities, and I think that the Freind amendment deals with these issues. I think we have to be reasonable and try to give the professional people some latitude in their expertise of doing their particular work, and putting impediments on the professional people and trying to make accusations of their every action, their every step, is wrong, and I ask for an affirmative vote on this amendment.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, today we heard questions on constitutionality, politics of an individual questioned, of a group, et cetera, but it all comes down to the vote we are going to make shortly on the Freind amendment.

Earlier today, unanimously I might add, we voted on the Piccola amendment 2945. It was accepted unanimously by the members of this House. There were no questions on prolife and prochoice. It was a question of, we thought very simply, what was right or what was wrong, and we accepted it unanimously. When you compare the two amendments, it was mentioned earlier, three-quarters of the Freind amendment has been adopted unanimously. What did we adopt? We took away the right of the child to sue for damages. Now we have spent hours debating on the rights of the parents. Regardless if you are prochoice or prolife, who, more than the child, especially a handicapped child or someone who is not "normal," has a right to sue for damages? That child, under the amendment we passed earlier, could not even sue its parents for support. They could be a defendant.

So, therefore, I would urge the House to vote in favor of the Freind amendment, because what we are doing is we are merely adding the parents to what we have already added the child to, and that is they cannot go back and sue for certain courses of action. We have taken that right from the child. I cannot see what the big difference is, all of a sudden now, because Mr. Freind has offered the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Freind amendment. This amendment is abstruse, complicated. This is not a prolife amendment; this is truly just an amendment to protect doctors. I think doctors, I know doctors should inform their patients; they should inform pregnant women of the status of the fetus. Science is so great today that doctors know the status of a fetus, and I know that they should pass that information on to their patients and leave that decision up to the woman.

This is a very bad amendment, and every time Representative Freind brings an amendment that touches somewhere near abortion, a large number of the members think only of abortions and Representative Freind. But this is not an amendment on abortion. To me, for a woman to give birth to a healthy what we call normal child is a blessing, but for a woman to give birth to what we call a handicapped child is a burden, and I think that that woman should know, and that information is there for the doctors to give. They should know if this child is going to be retarded, and the doctors know that. They know ahead of time. That information should be given.

Science is great today, and I ask you to look at this amendment as it is. It is not an abortion amendment; it is a protection amendment. Vote against the amendment. Thank you.

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

Mr. KENNEDY. Thank you, Mr. Speaker.

In 1980 I won a seat in this General Assembly, partially, I believe, because I was a prolife candidate, and I took a steadfast, hard-core position in the district that I believe had uncertainties about that. In my first term I was placed on the Health and Welfare Committee, and I believe if you check the record, I was supportive of the abortion control measure. If you further check the record, the final passage of Mr. Freind and Mr. Cunningham's proposal I was in support of.

#### MOTION TO RECOMMIT

Mr. KENNEDY. But today I will ask you a very simple favor, my fellow members. I would like to make a motion to place this bill and this amendment back into the Judiciary Committee in this House. Now, I do that because I am confused. I listened to Representative Broujos' well-planned and well-articulated—

The SPEAKER. Will the gentleman yield. We will place the motion, and then the gentleman may argue his reasons for it.

Mr. KENNEDY. I place the motion and I ask for your support.

#### LEAVE OF ABSENCE CANCELED

The SPEAKER. Mr. Armstrong has appeared on the floor of the House. He is removed from leave, and his name will be placed on the master roll.

#### CONSIDERATION OF SB 750 CONTINUED

The SPEAKER. It has been moved by the gentleman, Mr. Kennedy, that SB 750, PN 865, together with the Freind amendment offered thereto, be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER. Mr. Kennedy, if you wish to speak on the motion, you will be so recognized.

Mr. KENNEDY. Thank you, Mr. Speaker.

This is not to be construed as a parting of the way of my position on the normal abortion measures in this House, but I simply feel that so oftentimes we as members here attend our committees and we work very hard and we either defeat or we approve measures at committee level, and I believe in this case this amendment here has not proven that test, and for those reasons I ask for your support.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the motion. I think one thing everyone has to admit, whenever legislation is introduced, whether it is antiabortion or prolife—and there is a difference—we always attempt to play by the rules.

This bill, HB 1802, to which this amendment is identical, was introduced in December and was sent to the House Judiciary Committee. Absolutely no action whatsoever has been taken on that. Each of us has had that happen to different of our bills, and if we feel strongly about a bill, after a period of time has gone by we feel it is our obligation to do what we can to get it in front of the full elected membership of this House so that the full elected membership can make a decision "yes" or "no" on the merits of the issue.

After 6 months, that is precisely what we are doing right now, and as usual, we have made it a point never to keep you in the dark. You knew it well in advance; you got a memo on April 10 saying this would be run as an amendment to SB 750 with an analysis of what in fact the amendment did. We have never tried to railroad anything, to pull a sneak attack. Through the entire Abortion Control Act, I think we ran out of paper with the number of memos we sent to each member so you knew what we were doing, where we were coming from, and what the issues were, and I believe right now that the membership of this House, notwithstanding all the debate, knows what the issues are.

It is up to the wisdom of the membership to decide one way or the other on the issue, but let us not duck it. Let us not duck the issue; let us vote on the merits, and let us defeat this motion to recommit and get on with the merits of the amendment. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, I, in preface to my remarks, would say to the House that I do not intend to vote

for the Freind amendment, which probably comes as no great surprise to the members. However, as chairman of the Judiciary Committee, I must make several observations on this motion.

Mr. Freind is quite correct. The bill has been in committee and has not been considered by the committee. The chairman has not placed it on the agenda for a meeting, which is the chairman's privilege to do or not to do, and Mr. Freind, quite rightfully, is not questioning that. That is the way we run this House, and it is a good thing. And secondly, I have had no great outcry from the members of the committee to put it on the agenda of a meeting. In fact, I would think—and correct me if I am wrong—that none of the vice chairmen of the committee on either side of the aisle intends to vote for Mr. Freind's amendment. And Mr. Freind has taken the way that is open under the parliamentary procedure to bring the issue to the House, and quite properly so. It is his right; it is his privilege and his duty as a member, if he believes very strongly in this, which he does.

I would say to the House that I intend to vote against the motion to recommit. Mr. Freind, being an active advocate of his point of view, will merely seek to put this amendment on yet another bill amending title 42, and I do not care to have the Judiciary Committee inhibited from bringing out bills amending title 42 because they are going to be used as a vehicle for this particular concept. I do not think that is the way to run the House.

I think we have to face the issue. The issue has been brought up; now is the time to vote on it, up or down; and therefore, I will oppose and vote against the motion to recommit to Judiciary. I think that is the way we can conduct the business of this House in an orderly fashion. Thank you, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—44**

Barber	Harper	Nahill	Truman
Broujos	Hoefel	O'Donnell	Wachob
Carn	Itkin	Oliver	Wambach
DeWeese	Jackson	Piccola	Wiggins
Deal	Kennedy	Pistella	Williams
Evans	Kukovich	Preston	Wilson
Fattah	Levin	Richardson	Wright, R. C.
Freeman	Linton	Scheetz	Zwikl
Fryer	Manderino	Steighner	
Gladeck	Miller	Sweet	Irvis,
Greenwood	Moehlmann	Swift	Speaker
Hagarty	Mowery		

**NAYS—153**

Afflerbach	Dombrowski	Letterman	Reinard
Alderette	Donatucci	Levi	Rieger
Angstadt	Dorr	Livengood	Robbins
Armstrong	Duffy	Lloyd	Rudy
Arty	Durham	Lucyk	Ryan
Baldwin	Fargo	McCall	Rybak
Battisto	Fee	McClatchy	Saloom
Belardi	Fischer	McHale	Salvatore
Belfanti	Flick	McIntyre	Saurman
Blaum	Foster, W. W.	McMonagle	Schuler
Book	Foster, Jr., A.	McVerry	Semmel
Boyes	Freind	Mackowski	Serafini

Brandt	Gallagher	Madigan	Seventy
Bunt	Gallen	Manmiller	Showers
Burd	Gamble	Markosek	Sirianni
Burns	Gannon	Mayernik	Smith, B.
Caltagirone	Geist	Merry	Smith, L. E.
Cappabianca	George	Michlovic	Snyder, D. W.
Cawley	Godshall	Micozzie	Snyder, G. M.
Cessar	Grieco	Miscevich	Spencer
Cimini	Gruitza	Morris	Stairs
Civera	Gruppo	Mrkonic	Stevens
Clark	Haluska	Murphy	Stewart
Clymer	Hasay	Noye	Suban
Cohen	Hayes	O'Brien	Taylor, E. Z.
Colafella	Herman	Olasz	Taylor, F. E.
Cole	Hershey	Perzel	Telek
Cordisco	Honaman	Peterson	Tigue
Cornell	Hutchinson	Petrarca	Trello
Coslett	Jarolin	Petrone	Van Horne
Cowell	Johnson	Phillips	Vroon
Coy	Kasunic	Pievsky	Wargo
Deluca	Klingaman	Pitts	Wass
DeVerter	Kosinski	Pott	Weston
Daley	Kowalshyn	Pratt	Wogan
Davies	Lashinger	Punt	Wozniak
Dawida	Laughlin	Rappaport	Wright, D. R.
Dietz	Lescovitz	Reber	Wright, J. L.
Dininni			

**NOT VOTING—3**

Bowser	Maiale	Spitz
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**EXCUSED—2**

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

**WELCOME**

The SPEAKER. The Chair is delighted to welcome to the hall of the House—the lady has been waiting here quite a long time with her grandson—Mrs. Henderson and Chris Lewis, both from Aspinwall. They are here as the guests of the Chair's good friend, Representative Cessar.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Mr. Speaker, my switch just malfunctioned. I was recorded in the affirmative, and I would like to be recorded in the negative on the motion to recommit SB 750.

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

**CONSIDERATION OF SB 750 CONTINUED**

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

The following roll call was recorded:

**YEAS—124**

Alderette	Dombrowski	Kowalshyn	Pitts
Armstrong	Donatucci	Lashinger	Pratt
Arty	Duffy	Laughlin	Rieger
Battisto	Durham	Lescovitz	Robbins

Belardi	Fargo	Letterman	Ryan
Belfanti	Fee	Levi	Rybak
Blaum	Fischer	Livengood	Saloom
Book	Flick	Lloyd	Salvatore
Boyes	Foster, W. W.	Lucyk	Schuler
Bunt	Foster, Jr., A.	McCall	Serafini
Burd	Freind	McClatchy	Seventy
Burns	Gallagher	McHale	Sirianni
Caltagirone	Gallen	McIntyre	Snyder, D. W.
Cappabianca	Gamble	McMonagle	Snyder, G. M.
Cawley	Gannon	Mackowski	Stairs
Cessar	Geist	Madigan	Steighner
Cimini	George	Manmiller	Stevens
Civera	Godshall	Markosek	Stewart
Clark	Grieco	Micozzie	Stuban
Clymer	Gruitza	Miller	Taylor, E. Z.
Cohen	Gruppo	Miscevich	Taylor, F. E.
Colafella	Haluska	Morris	Telek
Cole	Hasay	Mrkonic	Tigue
Cordisco	Hayes	Noye	Trello
Coslett	Herman	O'Brien	Vroon
Coy	Hershey	Olasz	Wargo
Deluca	Jarolin	Perzel	Wass
Daley	Johnson	Peterson	Weston
Dawida	Kasunic	Petrarca	Wogan
Dietz	Klingaman	Petrone	Wozniak
Dininni	Kosinski	Phillips	Wright, J. L.

NAYS—73

Afflerbach	Gladeck	Mowery	Showers
Angstadt	Greenwood	Murphy	Smith, B.
Baldwin	Hagarty	Nahill	Smith, L. E.
Barber	Harper	O'Donnell	Spencer
Bowser	Hoeffel	Oliver	Sweet
Brandt	Honaman	Piccola	Swift
Broujos	Hutchinson	Pievsky	Truman
Carn	Itkin	Pistella	Van Horne
Cornell	Jackson	Pott	Wachob
Cowell	Kennedy	Preston	Wambach
DeVerter	Kukovich	Punt	Wiggins
DeWeese	Levin	Rappaport	Williams
Davies	Linton	Reber	Wright, D. R.
Deal	McVerry	Reinard	Wright, R. C.
Dorr	Manderino	Richardson	Zwinkl
Evans	Mayernik	Rudy	
Fattah	Merry	Saurman	Irvis,
Freeman	Michlovic	Scheetz	Speaker
Fryer	Moehlmann	Semmel	

NOT VOTING—3

Maiale	Spitz	Wilson
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EXCUSED—2

Lehr	Marmion
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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?

REMARKS ON VOTES

The SPEAKER. Does the gentleman from Luzerne, Mr. Jarolin, rise to change his vote on the constitutional question?

Mr. JAROLIN. Yes, I do, Mr. Speaker. I would like to be recorded in the affirmative on the constitutionality of the Freind amendment A1139 to SB 750. Thank you.

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

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

On the Piccola amendment A2945 to SB 750, I was out of my seat and would like to be recorded in the affirmative, and on the Kosinski amendment A1404 to SB 750, the same. Thank you.

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

**BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMENDED TO COMMITTEE ON RULES**

HB 731, PN 814

By Rep. RAPPAPORT

An Act making an appropriation to the Attorney General for the payment of certain moral claims against the Commonwealth.

JUDICIARY.

**COMMITTEE MEETINGS**

The SPEAKER. The gentleman from Lawrence, Mr. Fee, would like, on the declaration of the recess, a meeting of the Liquor Control Committee at the rear of the hall of the House.

The gentleman from Bucks, Mr. Gallagher, would like to have a meeting of the Education Committee in room 401 upon the declaration of the recess.

The gentleman from Philadelphia, Mr. Oliver, would like to have a meeting of the State Government Committee at the rear of the hall of the House immediately.

The Chair recognizes the gentleman from Allegheny, Mr. Michlovic, for a committee meeting announcement.

Mr. MICHLOVIC. The investigation committee on A.T. & T.

The SPEAKER. The investigating committee on A.T. & T. at the rear of the hall of the House immediately.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMENDED TO COMMITTEE ON RULES**

HB 2254, PN 3124

By Rep. FRYER

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for the sale of land to a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township; and providing for the sale of land to a redevelopment authority.

LOCAL GOVERNMENT.

HB 2255, PN 3125

By Rep. FRYER

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for the sale of land to a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township; and providing for the sale of land to a redevelopment authority.

## LOCAL GOVERNMENT.

**REPUBLICAN CAUCUS**

The SPEAKER. Does the minority leader wish to make an announcement?

Mr. RYAN. Yes. Mr. Speaker, before the members leave the floor, the Republicans will caucus at 2 o'clock. There are two or three matters that will require caucusing. I would appreciate it if the members would be there at 2, and it is my understanding, Mr. Speaker, we will return to the floor at 3. Thank you, Mr. Speaker.

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

Mr. COLAFELLA. Mr. Speaker, HR 239 is going to investigate all State contracts and not A.T. & T., which was erroneously mentioned.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. This House stands in recess until 3 p.m.

**AFTER RECESS**

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

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1152, PN 2054**.

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

The clerk of the Senate, being introduced, returned **HB 1969, PN 3131; HB 2111, PN 3264; and HB 2115, PN 3266**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 402, SB 1078, SB 1102, and SB 1309 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.

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 402, SB 1078, SB 1102, and SB 1309 be recommitted to the Committee on Appropriations for fiscal notes.

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

**BILL SIGNED BY SPEAKER**

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

**HB 1256, PN 3024**

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Canaan Township 2.307 acres of land, more or less, situate in Canaan Township, Wayne County, Pennsylvania.

**ADDITIONS AND DELETION OF SPONSORS**

The SPEAKER. The Chair is in receipt of a list of names of Representatives whose names must be added or deleted as sponsors of various bills. The clerk will file the report.

The following list of additions and deletions was submitted:

**ADDITIONS:**

HB 365, Fee; HB 612, Fee; HB 1898, Broujos, Fee; HB 1900, Fee; HB 1945, Fee; HB 1946, Preston; HB 1956, Rudy; HB 2289, Broujos; HB 2290, Broujos; HB 2293, Broujos, Fee; HB 2294, Broujos; HB 2296, Broujos; HB 2299, Wozniak, DeLuca.

**DELETION:**

HB 2047, Micozzie.

**SENATE BILLS FOR CONCURRENCE**

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

**SB 629, PN 2100**

Referred to Committee on APPROPRIATIONS, June 20, 1984.

**SB 680, PN 2083**

Referred to Committee on JUDICIARY, June 20, 1984.

**SB 1409, PN 2045**

Referred to Committee on APPROPRIATIONS, June 20, 1984.

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 455, PN 516** By Rep. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), granting additional authority to school boards relating to the awarding of contracts open to public bidding.

**EDUCATION.**

**HB 481, PN 542** By Rep. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence"; and defining "maternity leave of absence."

**EDUCATION.**

**HB 1590, PN 3275 (Amended)**

By Rep. GALLAGHER

An Act providing a tax credit for donated computer equipment.

**EDUCATION.**

**HB 2269, PN 3276 (Amended)**

By Rep. GALLAGHER

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), prohibiting tuition increases assessed for capital improvement programs; and making an editorial change.

**EDUCATION.**

**HB 1875, PN 2453** By Rep. OLIVER

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for salary determinations.

**STATE GOVERNMENT.**

**CALENDAR CONTINUED**

**CONSIDERATION OF SB 750 RESUMED**

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. On page 7 of the active calendar, we will pass over temporarily SB 750. The men who wish to offer amendments not being on the floor, we are not going to wait for them any longer.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 1276, PN 1915**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

**YEAS—195**

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

**NAYS—0**

**NOT VOTING—5**

Armstrong	Hershey	Hoeffel	Rappaport
Broujos			

**EXCUSED—2**

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



Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 1324, PN 2055**, entitled:

An Act amending the act of July 15, 1983 (P. L. 596, No. 3A) entitled, "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, 1983 to June 30, 1984 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983," providing an additional appropriation.

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

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

The question is, shall the bill pass finally?

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

**YEAS—195**

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Maiale	Showers
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Markosek	Smith, L. E.
Broujos	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	Stevens
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Suban
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	Honaman	Olasz	Truman
Cordisco	Hutchinson	Oliver	Van Horne
Cornell	Itkin	Perzel	Vroon
Coslett	Jackson	Peterson	Wachob
Cowell	Jarolin	Petrarca	Wambach
Coy	Johnson	Phillips	Wargo
DeLuca	Kasunic	Piccola	Wass
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Williams
Davies	Kowalshyn	Pott	Wilson
Dawida	Kukovich	Pratt	Wogan
Deal	Lashinger	Preston	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.

Donatucci	Levi	Richardson	Zwilk
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans			

**NAYS—0**

**NOT VOTING—5**

Armstrong	Petrone	Rappaport	Trello
Hoeffel			

**EXCUSED—2**

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

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

\* \* \*

The House proceeded to third consideration of **HB 1317, PN 3016**, entitled:

An Act providing for the certification of professional geologists.

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

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

The question is, shall the bill pass finally?

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

**YEAS—188**

Afflerbach	Duffy	McClatchy	Saloom
Alderette	Durham	McHale	Salvatore
Angstadt	Evans	McIntyre	Saurman
Armstrong	Fargo	McMonagle	Scheetz
Arty	Fattah	McVerry	Schuler
Baldwin	Fee	Mackowski	Semmel
Barber	Fischer	Madigan	Serafini
Battisto	Flick	Maiale	Seventy
Belardi	Foster, W. W.	Manderino	Showers
Belfanti	Freeman	Manmiller	Sirianni
Blaum	Freind	Markosek	Smith, B.
Book	Gallagher	Mayernik	Smith, L. E.
Bowser	Gamble	Merry	Snyder, D. W.
Boyes	Gannon	Michlovic	Spencer
Brandt	Geist	Micozzie	Spitz
Broujos	George	Miscevich	Stairs
Bunt	Gladeck	Moehlmann	Steighner
Burd	Godshall	Mowery	Stevens
Burns	Greenwood	Mrkonic	Stewart
Caltagirone	Grieco	Murphy	Suban
Cappabianca	Gruitza	Nahill	Sweet
Carn	Gruppo	Noye	Swift
Cawley	Hagarty	O'Brien	Taylor, E. Z.
Cessar	Haluska	O'Donnell	Taylor, F. E.
Cimini	Harper	Olasz	Telek
Civera	Hasay	Oliver	Tigue
Clark	Hayes	Perzel	Trello
Clymer	Herman	Peterson	Truman
Cohen	Hershey	Petrarca	Van Horne
Colafella	Hoeffel	Petrone	Vroon

Cole	Honaman	Phillips	Wachob
Cordisco	Itkin	Piccola	Wambach
Cornell	Jackson	Pievsky	Wargo
Coslett	Jarolin	Pistella	Wass
Cowell	Kasunic	Pitts	Weston
Coy	Kennedy	Pott	Wiggins
Deluca	Klingaman	Pratt	Williams
DeVerter	Kosinski	Preston	Wilson
DeWeese	Kowalshyn	Punt	Wogan
Daley	Kukovich	Reber	Wozniak
Davies	Laughlin	Reinard	Wright, D. R.
Dawida	Lescovitz	Richardson	Wright, J. L.
Deal	Letterman	Rieger	Wright, R. C.
Dietz	Levi	Robbins	Zwilk
Dininni	Linton	Rudy	
Dombrowski	Livengood	Ryan	Irvis,
Donatucci	Lucyk	Rybak	Speaker
Dorr	McCall		

NAYS—7

Foster, Jr., A.	Gallen	Lloyd	Snyder, G. M.
Fryer	Hutchinson	Morris	

NOT VOTING—5

Johnson	Levin	Miller	Rappaport
Lashinger			

EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 1946, PN 3052**, entitled:

An Act amending "The Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the voluntary fingerprinting of certain school children.

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?

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

HB 1946 provides for a voluntary fingerprinting program in the public and private schools. If I could elaborate briefly, Mr. Speaker, the State Police shall provide the training to school personnel at the designation of the superintendent, and the school district may undertake this voluntary fingerprinting program if it so desires. This is a "may" bill, not a "shall" bill. It is not mandatory.

Students between the ages of kindergarten and sixth grade shall be fingerprinted, and they shall have an authorization form signed by the parent or the guardian of the child before he or she shall participate. The parental consent form is necessary before the child shall be fingerprinted. The school district

shall notify parents 2 weeks prior to the date set for the fingerprinting, and a fingerprint card shall be established and approved by the Commissioner of the State Police having the following information: name, address, race, sex, date of birth, color of eyes, color of hair, complexion, birthplace, height, weight, any scars, name of parent or guardian. Also, this completed card shall be given to no one else other than the parent or the guardian. The school district shall not retain a copy of the fingerprint card.

I ask for a positive vote on HB 1946, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—189

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

NAYS—2

Afflerbach	Freeman
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NOT VOTING—9

Blaum	Hoeffel	Perzel	Richardson
Cawley	O'Brien	Rappaport	Tigue
Deal			

EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 1916, PN 3026**, entitled:

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), entitled "An act establishing a Vietnam Herbicides Information Commission; imposing powers and duties on the commission; granting additional powers and duties to the Department of Health and making an appropriation," designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Afflerbach	Fargo	Lucyk	Rybak
Alderette	Fattah	McCall	Saloom
Angstadt	Fee	McClatchy	Salvatore
Armstrong	Fischer	McHale	Saurman
Arty	Flick	McIntyre	Scheetz
Baldwin	Foster, W. W.	McMonagle	Schuler
Barber	Foster, Jr., A.	McVerry	Semmel
Battisto	Freeman	Mackowski	Serafini
Belardi	Freind	Madigan	Seventy
Belfanti	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Bunt	Gladeck	Micozzie	Spitz
Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkoncic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Olasz	Trello
Colafella	Honaman	Oliver	Truman

Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashinger	Preston	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	Zwikel
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Iris,
Durham	Livengood	Rudy	Speaker
Evans	Lloyd	Ryan	

NAYS—0

NOT VOTING—3

Deal	Hoeffel	Rappaport
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EXCUSED—2

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

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

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The House proceeded to third consideration of **HB 2196, PN 3078**, entitled:

An Act establishing a Chesapeake Bay Pollution Abatement Fund to be administered by the State Conservation Commission; and providing for the powers and duties of the commission with respect to the fund.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Blaum	Fryer	Maiale	Showers
Book	Gallagher	Manmiller	Sirianni
Bowser	Gallen	Markosek	Smith, B.
Boyes	Gamble	Mayernik	Smith, L. E.
Brandt	Gannon	Merry	Snyder, D. W.
Broujos	Geist	Michlovic	Snyder, G. M.
Bunt	George	Micozzie	Spencer

Burd	Gladeck	Miller	Spitz
Burns	Godshall	Miscevich	Stairs
Caltagirone	Greenwood	Moehlmann	Steighner
Cappabianca	Grieco	Morris	Stevens
Carn	Gruitza	Mowery	Stewart
Cawley	Gruppo	Mrkoncic	Stuban
Cessar	Hagarty	Murphy	Sweet
Cimini	Haluska	Nahill	Swift
Civera	Harper	Noye	Taylor, E. Z.
Clark	Hasay	O'Brien	Taylor, F. E.
Clymer	Hayes	O'Donnell	Telek
Cohen	Herman	Olasz	Tigue
Colafella	Hershey	Oliver	Trello
Cole	Honaman	Perzel	Truman
Cordisco	Hutchinson	Peterson	Van Horne
Cornell	Itkin	Petrarca	Vroon
Coslett	Jackson	Petrone	Wachob
Cowell	Jarolin	Phillips	Wambach
Coy	Johnson	Piccola	Wargo
Deluca	Kasunic	Pievsky	Wass
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daley	Kosinski	Pott	Williams
Davies	Kowalshyn	Pratt	Wilson
Dawida	Kukovich	Preston	Wogan
Deal	Lashinger	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	Zwikl
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker

NAYS—0

NOT VOTING—2

Hoeffel Manderino

EXCUSED—2

Lehr Marmion

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 1823, PN 2374**, entitled:

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for payment of interest on certain Commonwealth purchases.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Afflerbach	Fargo	Lucyk	Ryan
Alderette	Fattah	McCall	Rybak
Angstadt	Fee	McClatchy	Saloom
Armstrong	Fischer	McHale	Salvatore
Arty	Flick	McIntyre	Saurman

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

NAYS—0

NOT VOTING—1

Hoeffel

EXCUSED—2

Lehr Marmion

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

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from York, Mr. Dorr, rise?

Mr. DORR. Mr. Speaker, to correct a vote.

My switch malfunctioned on HB 1317. I would like the record to show that I voted in the negative.

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

## RESOLUTIONS

Mr. COLAFELLA called up **HR 239, PN 3149**, entitled:  
Amending House Resolution No. 198, Printer's No. 2678.

On the question,  
Will the House adopt the resolution?

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

Mr. COLAFELLA. Mr. Speaker, I introduce this House resolution today for a couple of reasons.

A couple of months ago we were given subpoena power to investigate the new building behind us on the matter of whether there was domestic steel or foreign steel in the building. We had a couple of hearings on the matter, and some of the allegations that were made at the hearing were that there was not competitive bidding on the project, sole-source bidding had occurred on that project, and because of the type of bidding that occurred on that project, the cost of the project would be a lot higher than what it really is, what it was budgeted for. As of 1 month ago, the Department of General Services estimated that the cost of the building would be \$56 million. In Sunday's Harrisburg Patriot they reported that that building will now cost \$102 million.

This committee in their investigation and by asking questions in reference to steel had gotten information about the types of bidding that may have occurred, and because of that, we were only able to legally ask questions about whether domestic or foreign steel was in the project, but I must say that Secretary Baran was very cooperative and answered any kind of question, as well as the Emco Mechanical Company that came in to testify.

In order for this committee to now look at sole-source bidding, preferential bid specifications and so on, and the cost overruns, which are absolutely horrendous, this committee now needs the authority to look at every aspect of the contracts in this building and also any other State construction project. For those reasons I ask your support for this resolution.

The SPEAKER. The Chair thanks the gentleman.

On the adoption of the resolution, the Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

I am a member of the select committee investigating the use of foreign steel in the parking garage near the Capitol and was present at the meeting this morning when Representative Colafella advised us he was going to introduce this resolution. At that time I objected to expanding the role of the select committee to delve into the matters that this resolution hopes to accomplish. I still object to it; however, I believe that Representative Colafella and the members of the select committee have done an outstanding job in investigating this matter. However, before I support this resolution, I would urge Mr. Colafella and the other members of the committee to stick to the subject that we were initially organized to do, and that is to determine whether or not foreign steel was used in the

project behind the Capitol. To date, we have not, to the best of my knowledge, compiled a report, either an interim or a final report on this committee, to determine whether foreign steel was used in this project or any other project.

My concern as a member of the Steel Caucus and a member of the steel select committee is to determine whether or not foreign steel is being used in projects funded by the Commonwealth. I intend to pursue that goal, and I want the committee to continue pursuing that goal. My feeling is that by expanding the role of this committee, we are diluting its purpose. But I have talked to Representative Colafella and have his assurances that we will continue in our quest to determine the use of foreign steel in these projects, whether they be current or those that have been completed. Therefore, I would urge that we adopt the resolution and continue in our pursuit to determine that to protect the steelworkers in this Commonwealth and the steel industry from being misused or abused by our own Commonwealth. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Trello, on the question of the adoption of the resolution.

Mr. TRELLO. Mr. Speaker, I rise to support the resolution of Representative Colafella. I think the investigation of the use of foreign or American steel should be the primary cause, but I also think that we should also look into the fact that the cost of this facility has increased well over 100 percent. My God, we are getting like the Pentagon up here anymore; we start out with a small budget and it increases 100 to 200 percent.

I think the primary concern is the fact that whoever spends the taxpayers' money should realize that they should treat the situation as if they were spending their own money. I think the investigation should go on beyond whether it be foreign steel or American steel but why the increase in costs is well over 100 percent when they already eliminated certain segments of that program, like the health room and so forth. I think it should have been a lot less; the percentage should have dropped, but it increased well over 100 percent. I urge the committee to investigate all aspects, not only the steel aspect. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Kennedy, on the adoption of the resolution.

Mr. KENNEDY. Thank you, Mr. Speaker.

I would like to mirror the exact sentiment of Representative Trello. As a member of this House, I can probably say I am, if not the most active, one of the most active members of the construction industry, and also being situated here close to the Capitol, I know what is going on in the construction industry.

I heard some whispers not long ago by one of the subs who has entered into a contract to perform certain duties for the Commonwealth. He said that he has never seen a design so overdesigned in all the 29 years that he has been in the business. Because of that statement and other things I have heard, I urge Representative Colafella and his committee to go beyond their original intent.

I would not be so bold to say that I believe that General Services and those who are responsible for the design should take a look at the design, because you cannot sit here and have a project that was initially geared to \$50 million all of a sudden zoom to \$59 million and 2 or 3 weeks later to \$102 million and have the press tell me in writing that they point the finger on material increases. Materials have not increased to that type of money in the construction industry. I know what concrete sells for in Cumberland and Dauphin Counties. I have an idea of what stone sells for and a few other items. We have labor involved here; we have productivity; we have efficiency; and we have profits.

So I am just asking your committee, Mr. Speaker, if you would just think about going beyond the limits of your original intent, as Representative Trello alluded to, and I hope that you would even consider expanding the membership of that committee, and I would be very glad to serve on it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the adoption of the resolution, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I urge all my colleagues to support HR 239, but I ask them to support it more so in another direction than what was previously stated. I think if people look at the base bid price of what this construction project came in at, you will find that all of the generals who came in under .1 came in within probably \$2 million of each other. I am more concerned about the other matters relating to compliance with State law.

What I have heard from contractors in my district was the fact that there are ways in which subs are chosen that really make it exclusionary to their company alone without using the competitive bid process. Now, that is over and above what has occurred as far as this project out here is concerned, and I think it is about time that we put a lid on that and rectify that and have the committee investigate that.

So I think it is an important resolution that we look at not just because we have a project going on in our backyard but the fact that if the compliance to State law is not being met and if compliance with the Steel Products Procurement Act is not being met, I think the committee should investigate that. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am in favor of this resolution. I am not standing up really to debate the resolution but rather to respond in brief to some of the remarks that were made.

I think when this committee looks into the question of the cost escalation on the Capitol to the rear, they will find, if they study closely the minutes of those meetings, that four legislative caucuses participated in making the decisions that caused those costs to go up some, and I do not have those figures exactly at my fingertips. I attended many of those meetings, had staff at many of those meetings, as did all four caucuses.

As far as the overdesign goes—and I speak only for myself—I think it was the intention of the legislative leaders participating or their representatives, the intention of the Historical and Museum Commission and people with oversight or overview responsibilities that any construction we did in connection with this magnificent Capitol building that would be next to, adjacent to, attached to this building complement this building, and speaking only for myself, if the only thing we could do to build a building to supplement this building was to put up a barracks-type building, I would rather we did nothing at all. I believe that is the general feeling of the members of the General Assembly, and I believe any person who has ever been through this Capitol would hate to see it desecrated by an improper addition to the building.

I share the concerns of Mr. Wambach. If in fact there is any truth to them, if there is any improper selection of subcontractors, that should be looked into. But check your minutes before you get too excited about these cost overruns, because a lot of it was due to the input of the legislative leaders to make sure that when the new annex was completed, there would be adequate facilities for this membership and for the members of the Senate and that it would be a building that future generations of Pennsylvanians could be proud of the same way we are proud of the building we are sitting in here today. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, only to briefly disclaim any participation in cost overruns.

If there are cost overruns in that building, they were never brought to my attention as the leader of this caucus until the last contract was bid. None of the planning in that building that I was aware of expected that that building would cost anything more than the estimates that were originally given. All of the planning and all of the input of the caucuses that I am aware of were all made with the specific understanding that everything that was planned could be constructed within the dollar figure of the estimates that had been given to us by General Services. If that has gone askew, it has gone askew either because we were given bad estimates or the department was unable to make estimates other than the ones they made and circumstances made it go askew. I will not take any responsibility for input that allowed cost overruns.

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

Mr. DININNI. Mr. Speaker, I will be real brief.

I agree, also, that the law should be complied with. I happen to know the contractor personally who was the low bidder, but through alternates and so forth he lost out to the Pittsburgh firm, which is fine if all the laws were complied with. But when it comes to the cost of this structure out here, I recall when I was first elected that the estimate was \$17 million, so to me, these costs do not frighten me. But I do know this for a fact, that you already have \$58 million spent out there in that hole, as you well can see, so when we start saying \$102 million, deduct that \$58 million, and then you will see in reality what you are down to.

The low bid from the lowest bidder that was submitted for just the granite alone to match this structure was between \$19 million and \$20 million. I believe, if my mathematics is correct, you will find that the structure itself really is only costing into \$20 million. To me, I do not think that is a bad price, but when you start comparing apples and oranges, there is no comparison. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

NAYS—7

Cornell	Noye	Saloom	Vroon
Nahill	Petrarca	Tigue	

NOT VOTING—5

Clymer	Johnson	Mackowski	Moehlmann
Godshall			

EXCUSED—2

Lehr Marmion

The question was determined in the affirmative, and the resolution was adopted.

\* \* \*

Mr. MANDERINO called up SR 86, PN 1522, entitled:

Providing for a special bipartisan committee to investigate and make recommendations to the General Assembly on the sponsorship of the first "Pennsylvania Products Exposition."

On the question,  
Will the House concur in the resolution of the Senate?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that SR 86, PN 1522, be placed upon the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that SR 86, PN 1522, be returned to the active calendar.

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

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following HB 1939, PN 2973, 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 Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), further defining alternative sources of share insurance.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I recommend concurrence in Senate amendments. All the Senate did was take out meaningless amendments that the House put in due to the most-favored-lender clause, because it is covered under the Federal regulations, and I recommend concurrence.

The SPEAKER. It is moved by the gentleman, Mr. Taylor, that the House do concur in Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Lehr Marmion

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.

CONSIDERATION OF SB 750 RESUMED

On the question recurring,

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

Mr. GREENWOOD offered the following amendments No. A1493:

Amend Title, page 1, line 3, by inserting after "proceedings" ; further providing for budgets; and further providing for reimbursement for certain costs

Amend Sec. 1, page 1, line 6, by inserting after "Section 1." Section 3521 of

Amend Sec. 1, page 1, line 7, by striking out "section" and inserting subsection

Amend Bill, page 1, by inserting between lines 7 and 8 § 3521. Development of budget information.

\*\*\*

(b.1) Internal controls.—The Administrative Office shall develop and implement procedures to insure that budget requests relating to chamber facilities for judges and their personal staff are reasonable. The Administrative Office shall establish criteria to define the reasonable needs of judges for facilities.

\*\*\*

Section 2. Title 42 is amended by adding sections to read: § 3542.1. Limitation on reimbursement.

Notwithstanding any provision of this title or any other law to the contrary, the amount of money available to counties as reimbursement for costs incurred in the operation of courts shall be limited to the amount annually appropriated by the General Assembly for county court administration cost reimbursement. Funds appropriated to the Judicial Department for other purposes shall not be available to provide additional moneys for county court administration cost reimbursement.

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker, and thank you for your indulgence.

This language has nothing to do with wrongful life; it has to do with the Supreme Court and the appellate courts of Pennsylvania.

This is identical language to language which was, I believe, unanimously adopted by the House in the budget bill. What this does is put into statute two requirements. One is that the Administrative Office of the Supreme Court shall develop and implement procedures to insure that budget requests relating to chamber facilities for judges and their personal staff are reasonable.

The second thing that it does is it prohibits the courts from spending any more money than the legislature appropriates for them. This is as a result of the stories we have all heard about the Supreme Court justices spending \$92,000 for—at least one of them—an office in Allegheny County.

I think we feel very strongly that we in the legislature should tell the appellate court judges how much they can spend for



their chamber facilities, and I would ask for support of the 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—192

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	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	Moehlimann	Steighner
Carn	Gruitza	Morris	Stevens
Cawley	Gruppo	Mowery	Stewart
Cessar	Hagarty	Mrkonic	Stuban
Cimini	Haluska	Murphy	Sweet
Civera	Harper	Nahill	Swift
Clymer	Hasay	Noye	Taylor, E. Z.
Cohen	Hayes	O'Donnell	Taylor, F. E.
Colafella	Herman	Olasz	Telek
Cole	Hershey	Oliver	Tigue
Cordisco	Hoeffel	Perzel	Trello
Cornell	Honaman	Peterson	Truman
Coslett	Itkin	Petrarca	Van Horne
Cowell	Jackson	Petrone	Vroon
Coy	Jarolin	Phillips	Wachob
DeLuca	Johnson	Piccola	Wambach
DeVerter	Kasunic	Pievsky	Wargo
DeWeese	Kennedy	Pistella	Wass
Daley	Klingaman	Pitts	Weston
Davies	Kosinski	Pott	Williams
Dawida	Kowalshyn	Pratt	Wilson
Deal	Kukovich	Preston	Wozniak
Dietz	Lashingier	Punt	Wright, D. R.
Dininni	Laughlin	Rappaport	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Donatucci	Letterman	Reinard	Zwikl
Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Irvis,
Durham	Linton	Robbins	Speaker
Evans	Livengood		

NAYS—2

O'Brien Wogan

NOT VOTING—6

Barber Hutchinson Rudy Wiggins  
Clark McVerry

EXCUSED—2

Lehr Marmion

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.

(Members proceeded to vote.)

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Rappaport, interrupt the taking of the roll? There is really nothing in order except the taking of the roll.

Mr. RAPPAPORT. I wanted the members to understand they are voting on final passage of SB 750.

The SPEAKER. The Chair said that four times.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

The SPEAKER. The Chair will repeat it. The vote on the board is on final passage of SB 750. Again the Chair will repeat, we are on final passage of SB 750 as amended by Mr. Piccola, Mr. Kosinski, and Mr. Freind.

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

Mr. DAVIES. Just to add to that, Mr. Greenwood you left out.

The SPEAKER. As amended by Mr. Piccola, Mr. Kosinski, Mr. Freind, and Mr. Greenwood. Now do we have any other comments to add before we take this final vote?

On the question recurring,

Shall the bill pass finally?

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

YEAS—150

Afflerbach	Duffy	Livengood	Salvatore
Alderette	Durham	Lloyd	Saurman
Angstadt	Fargo	Lucyk	Schuler
Armstrong	Fee	McCall	Semmel
Arty	Fischer	McClatchy	Serafini
Baldwin	Flick	McHale	Seventy
Battisto	Foster, W. W.	McIntyre	Sirianni
Belardi	Foster, Jr., A.	McMonagle	Smith, L. E.
Belfanti	Freeman	McVerry	Snyder, D. W.
Blaum	Freind	Mackowski	Snyder, G. M.
Book	Gallagher	Madigan	Spencer
Bowser	Gallen	Maiale	Spitz
Boyes	Gamble	Manmiller	Stairs
Bunt	Gannon	Markosek	Steighner
Burd	Geist	Merry	Stevens
Burns	George	Micozzie	Stewart
Caltagirone	Godshall	Miscevich	Stuban
Cappabianca	Grieco	Morris	Swift
Cawley	Gruitza	Mowery	Taylor, E. Z.
Cessar	Gruppo	Mrkonic	Taylor, F. E.
Cimini	Haluska	Murphy	Telek
Civera	Hasay	Noye	Tigue
Clark	Hayes	O'Brien	Trello
Clymer	Herman	Olasz	Van Horne
Cohen	Hershey	Perzel	Vroon
Colafella	Hutchinson	Peterson	Wargo
Cole	Jarolin	Petrarca	Wass
Cordisco	Johnson	Petrone	Weston

Coslett	Kasunic	Phillips	Wilson
Coy	Kennedy	Pitts	Wogan
DeLuca	Klingaman	Pott	Wozniak
DeVerter	Kosinski	Pratt	Wright, D. R.
Daley	Kowalshyn	Punt	Wright, J. L.
Dawida	Lashinger	Rieger	Wright, R. C.
Dietz	Laughlin	Robbins	Zwikl
Dininni	Lescovitz	Ryan	
Dombrowski	Letterman	Rybak	Irvis,
Donatucci	Levi	Saloom	Speaker

**NAYS—50**

Barber	Gladeck	Michlovic	Reinard
Brandt	Greenwood	Miller	Richardson
Broujos	Hagarty	Moehlmann	Rudy
Carn	Harper	Nahill	Scheetz
Cornell	Hoeffel	O'Donnell	Showers
Cowell	Honaman	Oliver	Smith, B.
DeWeese	Itkin	Piccola	Sweet
Davies	Jackson	Pievsky	Truman
Deal	Kukovich	Pistella	Wachob
Dorr	Levin	Preston	Wambach
Evans	Linton	Rappaport	Wiggins
Fattah	Manderino	Reber	Williams
Fryer	Mayernik		

**NOT VOTING—0**

**EXCUSED—2**

Lehr Marmion

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

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

\* \* \*

The House proceeded to third consideration of **HB 2307, PN 3205**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to sell and convey a certain lot or tract of land situate in Allegheny County, Pennsylvania, known as Dixmont State Hospital to St. John's General Hospital of Allegheny County.

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

**BILL RECOMMENDED**

The **SPEAKER**. On page 3 of today's calendar, the Chair passed over, without objection, HB 2307. But at the time the Chair passed it over, there were members who wished to raise an objection to the passing over because they wished to move to recommit the bill to the State Government Committee.

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

Mr. **MAYERNIK**. Mr. Speaker, I move that HB 2307, PN 3205, be recommitted to the Committee on State Government.

On the question,

Will the House agree to the motion?  
Motion was agreed to.

**RULES SUSPENDED**

The **SPEAKER**. The Chair is about to take up a condolence resolution for a nonmember but for a man who lived in Philadelphia and was a friend of the Chair's and a friend of a number of members on this floor. The death of Mr. Pearlman was sudden and tragic.

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

Mr. **HOEFFEL**. Mr. Speaker, I move that the rules of the House be suspended so that we may immediately vote on a resolution of condolence.

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

The following roll call was recorded:

**YEAS—193**

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

NAYS—0

NOT VOTING—7

Carn	Evans	Stewart	Williams
Coy	Levin	Truman	

EXCUSED—2

Lehr	Marmion
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel, who offers the following resolution, which the clerk will read.

The following resolution was read:

**A RESOLUTION**

Expressing grief upon the death of Philadelphia City Councilman Alvin Pearlman.

WHEREAS, Alvin Pearlman was a city councilman at large of the City of Philadelphia; and

WHEREAS, Alvin Pearlman was born on May 25, 1929 and died on Sunday, June 10, 1984; and

WHEREAS, Councilman Pearlman served two consecutive terms as city councilman beginning in 1974 and during that time served as Chairman of the Appropriations Committee and Ward Leader of the 21st Ward of Roxborough and Manayunk and was reelected councilman at large in 1983; and

WHEREAS, Alvin Pearlman was Chairman of the Committee on Public Safety in his final term and was the owner of Tracy Mechanical Company, formerly Tracy Construction Company in Philadelphia; and

WHEREAS, Councilman Pearlman was a tireless worker and dedicated public servant who fought relentlessly for the benefit of his constituents; and

WHEREAS, Councilman Pearlman was community and people oriented and was responsible for the rehabilitation of all the athletic fields in Upper Roxborough, the \$650,000 renovation for the Kendrick Recreation Center at Ridge Avenue and Pensdale Street and the soccer and basketball fields at the Farm School, Henry Avenue and Cinnaminson Street; and

WHEREAS, Alvin Pearlman fought zoning changes in order to "Save the Wissahickon" which was a ten-year battle which he never stopped fighting and which resulted in the city buying six and one-tenth acres and deeding them to the Fairmont Park Commission; therefore be it

RESOLVED, That the House of Representatives hereby expresses its profound grief and sense of loss upon the tragic death of Alvin Pearlman; and be it further

RESOLVED, That the House of Representatives call upon members of the General Assembly to express their condolences to Alvin Pearlman's family.

Joseph M. Hoeffel III  
 Robert W. O'Donnell  
 Gerard A. Kosinski  
 Stephen E. Levin  
 Gordon J. Linton  
 Nicholas J. Maiale  
 Alphonso Deal  
 Frank A. Salvatore  
 Frances Weston  
 Peter Daniel Truman

Max Pievsky  
 David P. Richardson, Jr.  
 Christopher R. Wogan  
 Mark B. Cohen  
 Chaka Fattah  
 John M. Perzel  
 Robert C. Donatucci  
 Andrew J. Carn  
 K. Leroy Irvis

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair, without objection, will cast a unanimous vote. The Chair hears no objection.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1901, PN 3051**, entitled:

An Act requiring health care insurers to provide coverage for alcohol abuse and dependency.

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

Mr. MICHLOVIC offered the following amendments No. A3158:

Amend Title, page 1, line 2, by inserting after "dependency"  
, drug abuse and mental disorders

Amend Table of Contents, page 1, by inserting between lines 11 and 12

Section 9. Benefits for expenses for treatment of drug abuse and mental disorders.

Amend Table of Contents, page 1, line 12, by striking out "9" and inserting  
10

Amend Table of Contents, page 1, line 13, by striking out "10" and inserting  
11

Amend Table of Contents, page 1, line 14, by striking out "11" and inserting  
12

Amend Table of Contents, page 1, line 16, by striking out "12" and inserting  
13

Amend Table of Contents, page 1, line 17, by striking out "13" and inserting  
14

Amend Table of Contents, page 2, line 1, by striking out "14" and inserting  
15

Amend Bill, page 7, by inserting between lines 3 and 4  
Section 9. Benefits for expenses for treatment of drug abuse and mental disorders.

(a) Provision of benefits.—Every group or individual policy, contract or certificate, as described in section 4, must include benefits for the treatment of clinically significant drug abuse and mental disorders as identified in the Diagnostic and Statistical Manual of the American Psychiatric Association, 3rd edition (DSM III) or International Classification of Diseases, 9th Revision, Clinical Modification (ICD 9 CM) and revisions of each which in the professional judgment of a licensed physician or licensed psychologist are subject to significant improvement through appropriate treatment. These benefits must be at least equal to the following minimum requirements:

(1) With respect to confinement as an inpatient in a hospital, the period of confinement for which benefits are payable shall be at least 30 days in any calendar year or benefit period.

(2) With respect to residential treatment for drug abuse in a hospital or nonhospital facility, the period of treatment for which benefits are payable shall be at least 30 days in any calendar year or benefit period.

(3) With respect to major medical expense coverage, benefits, after the applicable deductible, for covered expenses arising from all those services, other than inpatient, which are rendered to treat clinically significant drug abuse and mental disorders, shall be at a rate which is no less than the benefits which the policy, contract or certificate provides for other types of illnesses, except that annual benefit payments for all services, other than inpatient, may be limited to \$2,500 per year per covered person. The Insurance Commissioner shall, on January 1 of each year, adjust the aforementioned limit to the nearest hundredth to reflect any changes in the medical component of the Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor.

(b) Nonduplication of benefits.—These benefits shall not be in duplication of or in excess of any benefits payable under section 5, 6 or 7.

Amend Sec. 9, page 7, line 17, by striking out "9" and inserting

10

Amend Sec. 10, page 7, line 22, by striking out "10" and inserting

11

Amend Sec. 11, page 7, line 27, by striking out "11" and inserting

12

Amend Sec. 12, page 8, line 4, by striking out "12" and inserting

13

Amend Sec. 13, page 8, line 7, by striking out "13" and inserting

14

Amend Sec. 14, page 8, line 9, by striking out "14" and inserting

15

On the question,

Will the House agree to the amendments?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, HB 1901 extends to insurance policies in the Commonwealth of Pennsylvania the mandate to cover alcoholism. My amendment, A3158, would extend that coverage to include other substance abuse other than alcoholism, namely drug abuse, and also to mental illness. I am doing this for a number of reasons.

The first one is that to pass HB 1901 without the inclusion of the other two maladies, drug abuse and mental illness, is really a discrimination. It is a discrimination against people with sometimes the same problems, the same kinds of problems, sometimes the same kinds of symptoms, needing the same kind of treatment, and yet we, because of a political decision, are saying that that person will not get the coverage; another person will get the coverage. That is discrimination. That is the strongest argument for this amendment that I can give.

I had occasion, in debating HB 1132, which covered all three of these illnesses, to meet a woman who came under a severe depression. She spent 2 to 3 years of her life trying to combat that depression. She almost committed suicide several times. She went from doctor to doctor to doctor trying to seek remedy for her problem. Finally, after a full physiological screening at the Western Pennsylvania Institute and Clinic, they found that she had a chemical imbalance in her brain, and because of that chemical imbalance she exhibited the symptoms of depression. If that chemical imbalance in her brain would have caused the loss of the use of her arm, she would have had insurance coverage. But it did not. Instead, it caused her to be depressed and so she did not get insurance coverage. That also became a great ordeal for her and exacerbated her problem - that discrimination - and that is why we must include these provisions in HB 1901.

Much of the opposition to this amendment and to the bill itself that you will hear today will come from those who will say that this costs too much. Earlier today I had passed to each of your desks some reading material which showed that if we did include mental illness coverage, drug abuse coverage, and alcoholism coverage, oftentimes there are offset savings. We are able to deal with these problems on an outpatient basis, on a less costly basis than we are now with an inpatient setting. Twelve States have this kind of comprehensive coverage, and their insurance coverages are no more expensive than those States without it. That, too, is a reason why we ought to be voting for this. This, in essence, is real cost containment. There are not going to be any more cases of mental illness or drug abuse because we pass this legislation; what there will be is quicker, more cost-effective treatment of those illnesses.

Studies show that when patients are treated - patients with cardiovascular symptoms, patients with upper respiratory illnesses - for illnesses that are oftentimes terminal illnesses, studies show that when psychiatric treatment is also applied to that patient, the average cost per patient is \$405 less per year for that patient. That is cost containment. What we are talking about in premium is pennies per week for this treatment. We are talking about hundreds of dollars per year saved because of this kind of inclusion in the policy. So for reasons of cost savings, I urge you also to vote for this amendment.

Finally, there will be those who will argue today that the inclusion of this particular amendment will somehow destroy the chances of this bill passing. Yesterday members of the ADM (Alcohol Abuse; Drug Abuse; Mental Illness) Insurance Coalition who were supportive of the inclusion of this amendment met with people from the Governor's Office and received assurances that their bill would not be vetoed because this particular amendment was in it. The same arguments that could be applied to HB 1901 without the amendment can be applied to this bill with the amendment, and so that argument really falls short of any reality.

That argument is based upon an approach, and I differ with the prime sponsors of the legislation on that approach. I think we have to take an approach that is a comprehensive treat-

ment of the illness rather than a partial treatment, a little at a time. If we pass this bill with just alcoholism coverage in it, we are basically consigning the coverage of mental illness and drug abuse to years and years away. There is a sunshine amendment in this bill that goes until 1989. We would be required to review the effectiveness of this legislation in 1989. If this amendment does not pass, I do not think it is likely that the legislature will take up a bill including these kinds of coverages before they do the sunshine on that very bill; in other words, until after 1989. Yet the U.S. Public Health study shows that upwards of 60 percent of physical treatment also has some emotional involvement in it and that we ought to be also treating that emotional disturbance, that illness, and that is what my amendment attempts to do through the inclusion of parity for licensed psychologists and psychiatrists that would allow them to receive the same kinds of coverage for mental illness, drug abuse, and alcoholism that medical doctors do receive in hospitals today, and outside of hospitals.

I urge all the members, all my colleagues, to support the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker.

This term and last term, we saw in this House, Mr. Speaker, similar legislation introduced. Last term I had a bill that would just cover alcoholism and there was another bill that would cover alcoholism, drug, and mental health, and nothing saw the light of day.

In this term we have reintroduced the bill for treatment of alcoholism by third-party coverage. Our idea and our concept, Mr. Speaker, that of Representative Wambach and me and others of our colleagues, is to say to the insurance industry that you must provide, in policies written for health coverage, treatment of alcoholism. We fear, Mr. Speaker, that if it goes further than that, and no one more than Mr. Wambach or I would want to see the same kind of required coverage for the treatment of mental health, but we fear that the cost of this would exclude from all any chances of our legislative initiative being passed.

We certainly sympathize and empathize with all of the needs for coverage for all sorts of treatment, but what we really want to do is to be able to get alcoholism coverage on the books and into practice and to be able to absolutely demonstrate that this is cost effective and it is to the benefit of everyone involved - insurers and insureds, the people who pay for the insurance coverage, the business, the industry, and the people who will be restored to health and to productivity in our Commonwealth by virtue of this coverage when it is passed. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise very reluctantly and ask the membership of this House to reject the Michlovic amendment.

Initially, Mr. Speaker, when HB 1132 was introduced, I joined in the cosponsorship of that bill. Within the structure of the committee we had hearings on the bill, the three-part bill, and amendments were taken. Amendments were taken that really knocked, if you will, the treatment modality for alcoholism and drugs within the structure. As a result of that action, Mr. Speaker, I voted against HB 1132 in committee because I felt, personally, that the alcoholism modality certainly had to have something that was workable. Shortly after that, Mr. Speaker, the chairman of the committee, Representative Kowalyszyn, called for HB 1901, on which we had hearings as well.

I just want to say to all the members of this House, when I said in committee during those hearings that, yes, there is a political reality to this bill, I meant it based on testimony at the HB 1901 hearing. I would like to include, as part of the record on this debate, the actual questions that were made and set forth within the hearing on HB 1901.

This was on May 10, 1984. Representative Kowalyszyn specifically asked Dr. Muller of the Department of Health, he said: "Several months ago you appeared before this Committee when it was considering HB 1132 which proposed mandating treatment not only for alcohol abuse but for drug abuse and mental illness, in health and accident insurance contracts. At that time you stated that you would favor limiting the mandate into law as a first step to the treatment of alcoholism and alcohol abuse. Would you please tell the Committee whether your position remains the same - that you would be opposed to expanding this to the other diseases but just work first on the problem of alcohol abuse?" Dr. Muller responded: "My stand is the same. Yes, it is." Representative Kowalyszyn: "And could you tell us what the sentiment is with the administration? Could we say that you speak for the administration on this matter?" Dr. Muller: "Yes."

I think what we are saying here is that the administration is receptive to receive one of the prongs this year, and that prong is alcoholism. And what we have and what we can do in the future by accepting the alcoholism prong and rejecting the Michlovic amendment is to let the alcohol prong prove itself, and if successful, we can come back before the General Assembly and include drug and mental illness in the treatment modalities.

I think that is an opportunity that we have here, and I wish all of my colleagues would join me and join me reluctantly, very reluctantly, in opposing this amendment. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

Mr. A. C. FOSTER. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. A. C. FOSTER. Mr. Speaker, is the amendment divisible by deleting in several places the words "drug abuse"?

The SPEAKER. No.

To be divisible, all parts of an amendment must stand on their own and must be able to be attached to the bill. To do that would be to simply strike certain words. Those words would have nowhere to be attached; therefore, it is not divisible in that manner.

Mr. A. C. FOSTER. I was afraid that was the case, Mr. Speaker, and since I rose out of order, I would like to be recognized later to speak on the amendment.

The SPEAKER. The gentleman will be so recognized.

The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

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

I believe the previous speaker has outlined very much my feelings. So not to delay the vote on this amendment, I would just like to ask that they consider opposing the vote for the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

It was my intention, although I feared that it could not be done, to divide the amendment by striking the words "drug dependency." I would support the inclusion of mental illness, mental disorders, in this bill, but I will not support the matter of drug abuse. I make that statement on the basis that no one of their own volition goes out and willfully becomes mentally ill.

People who become addicted to drugs do this of their own volition, willingly and knowingly, and therefore, I do not think they should be included in any overall insurance policies. I would not mandate such coverage. I have great sympathy for mental illness, but I do not think that drug dependency should be included, and I would therefore join Mr. Wambach in urging a negative vote.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Very briefly, Mr. Speaker, as we do with or expect from any newborn child, we must creep, then crawl, and then walk. As this program develops and as you will listen to the dialogue today, I think you, too, will soon see that we are about to embark on a new direction of health coverage in this Commonwealth by mandating it—we will have more to say on that later—but to include the drug abuse and dependency and the mental illness aspects into this legislation at this time I believe to be ill advised.

As Representative Wambach has pointed out in his testimony to the House today, Dr. Muller did testify in front of the committee on several occasions and indicated to me in private conversation, as well as with the committee, that at no time have they been able in their department to ascertain a cost effectiveness to include these under mandated coverages. I would therefore ask the members to reject the Michlovic amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. McVERRY. Thank you, Mr. Speaker.

Mr. Speaker, HB 1901 is good legislation. It is good legislation that is long overdue from having been presented for our consideration. I find it very interesting that my colleagues should refer to the sentiment of the administration with respect to this issue. This is the sixth year of this administration, and it is the first time that we have had the opportunity to address this issue on the floor of the House, albeit with the blessing for the issue of alcoholism.

I submit to you that a person who suffers from the disease of alcoholism does it no less voluntarily than the person who suffers from drug abuse. And I submit to you that with 10 to 15 percent of our population suffering from the combinations of alcoholism, drug abuse, and mental illness, with approximately 15 to 30 percent of the work force affected thereby, that we are not creeping or crawling but we are galloping into a societal problem that needs our attention and cries out for our attention.

You can pay me now, or you can pay me later. If you want to deal with drug abuse in the criminal justice system and the burgeoning prisons and the problems that are created by drug abuse, then we will deal with it that way, but we are not really dealing with it that way either.

I suggest to you that by mandating appropriate coverage for these various maladies, the cost will be spread among those who receive the benefit, as compared to the cost of the downside of those maladies being spread upon all the taxpayers of Pennsylvania, not only by having to pay for State institutions for the treatment of those problems, but also having to suffer from the criminal mentality that develops from the lack of having been properly treated.

We are not asking something for nothing. We are asking for fair treatment for problems that are demonstrably existent in our society. I suggest to you that if we tell the administration that the citizens of Pennsylvania need this kind of coverage for the benefit of all society, that it will not be rejected by the administration. I suggest to you the administration and the insurance industry has not addressed this problem head on. Now we have the opportunity to do so. Now we have the opportunity to say to the people of Pennsylvania, you are entitled to the treatment. You are entitled; you should remove the social stigma that surrounds being treated for those types of problems. I suggest that that is the reason that it has taken so long for an alcoholism bill to get to the floor of this House.

I urge your favorable support of the Michlovic amendment, because I believe it will take us a giant step into reality and the treatment of problems for persons who will not otherwise receive treatment and will become on the downside of society, causing additional programs that we will have to come back here and fund with all taxpayers' moneys in order to deal with them otherwise. I urge your favorable support.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge that we support the Michlovic-McVerry amendment, and I wish to respond to a couple of the remarks made by opponents of this amendment.

First of all, it has been suggested that we ought not to support this amendment because it includes coverage for drug abusers, and it was suggested that drug abusers get into their difficulty of their own volition. To accept that argument and then to be consistent in our thinking would lead us to conclude that we ought not to cover the alcoholics either because folks decide to drink of their own volition. Nobody forces them to drink. And to be consistent in that thinking would require us to believe that those who suffer from cancer often caused by cigarette smoking ought to be denied medical treatment because no one forced them to smoke cigarettes, and they contracted lung cancer as a result of that habit that they chose to pursue of their own volition.

I think we ought to reject that kind of thinking. I do not think that we ought to make a judgment about whether or not drug abuse ought to be included on that basis, because we have completely, through other examples, through current law, through other insurance practices, rejected that kind of thinking. We do not tell the cancer victim we are not going to provide treatment because you smoke cigarettes. Even proponents of the current amendment have not suggested that we ought to tell the alcohol abuser that we are going to deny you treatment because you chose to drink. So we ought to reject that particular argument.

Secondly, it has been suggested by some proponents of this bill but opponents of this amendment that we ought not to support this amendment—perhaps that lack of support is reluctant—but we ought not to support it because the administration has indicated that the administration does not support the broader coverage that would be provided in the Michlovic-McVerry amendment. I do not think we ought to be about the practice of writing laws on the floor of this House predicated on what we think the administration may or may not accept. We ought to have the courage, if we really believe that the Michlovic-McVerry language is necessary, then if we really believe that it is necessary, we ought to have the courage to stand up and vote in favor of it rather than offering apologies for really believing that it is good but offering apologies about why we are going to oppose it. If we think that the language is good—and I believe that it is, and I believe it is necessary—then we ought to have the courage to vote in favor of it and send a bill to the Senate and send a bill to the Governor with this broader language, this broader coverage included. And if the Governor wishes to veto it, then so be it, but let him make that decision. Let us not let the Governor or the Secretary of Health or anybody in the administration make our decision, make our judgment for us about what is most appropriate.

The language that is being offered is very necessary. It is long overdue. Even some of the people who have said they oppose it have acknowledged the desirability of the amendment. It can be cost effective; it is the human thing to do; it

can have a positive impact in terms of our efforts for cost containment; and very importantly, I would suggest to you that it will help open up the availability for mental health coverage in particular that is now being denied many of our middle-income families as a result of the liability regulations which were adopted by the Department of Public Welfare a little over a year ago.

The impact of those liability regulations was effectively to bump out of the system many middle-income, many middle-class families who are now told by regulation that you have got to begin to pay for some of these community services that once were available without charge. And the real impact of that has been to create a disincentive for those middle-income families to even seek the assistance. The only way we are going to bring them back into the system, realistically, is to assure that some insurance coverage is available.

I would urge, for these reasons and others that have been stated by other proponents of this amendment, that we have the courage to do what I think most of us agree is the right thing to do, and that is to vote in favor of the Michlovic-McVerry amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic, for the second time on the amendment.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I forgot to mention in my earlier testimony that there is a cap of \$2,500 on these mental illness coverages, and that cap of \$2,500 is there to allay any fears of people abusing this kind of system.

A colleague just came to me now and gave me a few words to say, and I think he is right. He pointed out that if we are going to take a risk of doing something that we think is worthwhile, there is admittedly a risk. Maybe this alcoholism treatment will not work out. Maybe the drug and mental illness treatment will be too costly. There is a risk in all of our minds about that, but if we are going to take a risk, we ought to really take one that we feel can address the problem in a comprehensive way.

We already know that our present system is a disaster. As Mr. McVerry pointed out, we as a society suffer from the car accidents and the gun accidents involved with alcoholism and drug abuse and mental illness. We as a society also suffer with the costs of this in production at our workplace, in accidents, in all kinds of ways. We know the present system is a disaster, and if you are going to try to address that disaster and try to correct it, do it in a comprehensive way; do it in a logical way. Include treatment for all three of these maladies so that when that patient goes in to a doctor's office and he has a mental illness, that doctor can treat him. Without this amendment, the doctor can only treat that person who maybe has the same symptoms but is an alcoholic. What does he do? Tell the guy with the mental illness, no, you are not an alcoholic, and you have to pay me; the other guy gets the treatment; but if you go across the street to a bar, take a drink or two, and qualify as an alcoholic, you get the coverage? That is illogical; that does not make any sense, but that is the kind of thing that we are forcing on our system if we do not adopt this amendment.

Go for a comprehensive treatment. If you are going to take a risk, take one that is logical and adopt the Michlovic McVerry amendment. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker.

I have listened very carefully to Mr. Michlovic, Mr. Speaker, and to Mr. McVerry, and truly, I understand what they are aiming at; truly, I understand their goals. I would just like to reiterate, Mr. Speaker, the fact that Mr. Wambach and I share those views, but what we are trying to do is take a step-by-step approach, and we want to try to cover alcoholism first. We want to prove to the insurers that it can be done without an excessive increase in the cost of the premium. We want to demonstrate that it is cost effective, and I share Mr. Wambach's total reluctance that it is in that light and that light only that we must ask for a negative vote on the Michlovic amendment.

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

The following roll call was recorded:

YEAS—98

Afflerbach	Fee	McIntyre	Semmel
Angstadt	Fischer	McMonagle	Serafini
Barber	Flick	McVerry	Seventy
Belardi	Freeman	Manderino	Steighner
Belfanti	Freind	Markosek	Stewart
Book	Gamble	Michlovic	Stuban
Broujos	George	Miscevich	Sweet
Burd	Greenwood	Mrkonic	Taylor, E. Z.
Burns	Gruitza	Murphy	Taylor, F. E.
Caltagirone	Haluska	Nahill	Tigue
Carn	Harper	O'Donnell	Trello
Cawley	Hoefel	Olasz	Truman
Clark	Hutchinson	Oliver	Van Horne
Colafella	Itkin	Perzel	Wachob
Cole	Jarolin	Petrarca	Wargo
Cowell	Kasunic	Petrone	Weston
Deluca	Kennedy	Pistella	Wiggins
DeWeese	Laughlin	Pratt	Williams
Daley	Lescovitz	Preston	Wilson
Dawida	Letterman	Reber	Wozniak
Deal	Levin	Richardson	Wright, R. C.
Donatucci	Linton	Rieger	Zwikel
Duffy	Livengood	Saloom	
Durham	McCall	Salvatore	Irvis,
Fattah	McHale	Saurman	Speaker

NAYS—94

Alderette	Evans	Lashinger	Rappaport
Armstrong	Fargo	Levi	Reinard
Arty	Foster, W. W.	Lloyd	Robbins
Baldwin	Foster, Jr., A.	Lucyk	Rudy
Battisto	Fryer	McClatchy	Ryan
Blaum	Gallagher	Mackowski	Rybak
Bowser	Gallen	Madigan	Scheetz
Boyes	Gannon	Manmiller	Schuler
Brandt	Geist	Mayermik	Showers
Bunt	Gladeck	Merry	Siriantni
Cappabianca	Godshall	Micozzie	Smith, B.
Cimini	Grieco	Miller	Smith, L. E.
Civera	Gruppo	Moehlmann	Snyder, G. M.
Clymer	Hagarty	Morris	Spencer
Cohen	Hasay	Mowery	Stevens
Cornell	Hayes	O'Brien	Swift
Coslett	Herman	Peterson	Telek
Coy	Hershey	Phillips	Vroon

DeVerter	Honaman	Piccola	Wambach
Davies	Jackson	Pievsky	Wass
Dietz	Johnson	Pitts	Wogan
Dininni	Klingaman	Pott	Wright, D. R.
Dombrowski	Kosinski	Punt	Wright, J. L.
Dorr	Kowalshyn		

NOT VOTING—8

Cessar	Kukovich	Noye	Spitz
Cordisco	Maiale	Snyder, D. W.	Stairs

EXCUSED—2

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

On the question,

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

Mr. MOWERY offered the following amendment No. A3047:

Amend Sec. 12, page 8, line 5, by inserting after "TO" group

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

This amendment is even more important now than previously due to the fact that we now have a bill that is covering mental illness, drug abuse, and alcoholism. This amendment very simply says that all policies that are going to be covered under this particular bill would be group policies only and would not include individual policies.

We are approaching a bill that is going to mandate additional coverage in the State of Pennsylvania. To me, mandating coverage is very similar to what we just unwound in no-fault automobile insurance, found it did not work, and it was extremely expensive. To include individual policies, which require individual underwriting, medical underwriting, it is going to make it almost prohibitive for people who are not covered under group insurance to be able to afford an individual policy. For those who retire early and are not yet ready for medicare, for those who are over age 65 and who currently have medicare supplements, the premiums are going to increase, possibly substantially.

It is my recommendation that as we look at this bill as being something that we are doing for the first time, we should give the people who do not have employer-paid health care coverage an opportunity to keep their premiums low. If they want to, they have the option of buying the coverage, but we should not mandate that they have it. I think we will all hear from our constituencies if we ever let this go through by forcing individual policies underwritten by these health companies in Pennsylvania to be forced to put these provisions in the policy.

I would hope that you would accept the amendment. I think it will make it at least more affordable to the entire group here in Pennsylvania. Thank you.



The SPEAKER. On the adoption of the Mowery amendment, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that Mr. Mowery offers, A3047, as he explains, will limit the coverage under HB 1901 to just the group policies. This amendment is intended to exclude individual policies from the coverage under this bill, and it is extremely perplexing to me. Why not cover alcoholism under individual policies? Are only those people who suffer from the disease of alcoholism group policyholders? Is it any less a disease if the policy is held by an individual rather than by a group?

You know, the rest of us will pay repeatedly for the care of the effects of alcoholism and the attendant skills for the uncovered policyholder, be it group or individual. What I am trying to stress here is simply this: If in fact someone wants a policy as an individual, the policy must cover alcoholism, and if it does not, if there are any attendant costs to the coverage, which I hope because of the offsets that occur in the treatment— In other words, when you treat the alcoholic coming in for the disease of alcoholism, you will not see that person come back through the revolving door for health care for respiratory problems, for health problems relating to heart, relating to cirrhosis of the liver, relating to broken legs from falling off curbs, and because of that, there is an offset to the savings, and when that occurs, the offset is such where Kemper Insurance offers alcoholism coverage and it costs subscribers zero. Capital Blue Cross, when they have offered alcoholism coverage, it costs zero to their subscribers. The State of New Jersey—I just talked on the phone last Friday to the counterparts in New Jersey—they have had mandated coverage for alcoholism since 1977, and there has not been an increase in costs solely because of the alcoholism coverage because of it. But if in fact there is a cost to this, I think the more people who participate on an individual basis— In other words, if the product costs \$100, as an example, and there are 100 people involved who want to help in the purchase, it only costs us each \$1 because we have participated in the pool of that cost.

So what you are creating here is a two-tiered system. You are creating a system that mandates it for groups, and it mandates it for groups as a benefit, but you do not even permit the mandate to be covered for the individual policies. But if it occurs, you are saying because you as an individual want it, it is going to cost you more and more and more, and maybe to the point that you will not be able to afford it because you are the only one who wants it. That is if there is a cost attached to it.

Besides that, alcoholism has been recognized as a disease for the last 28 years by the American Medical Association. We do not say in our individual policies, we are not going to mandate, if you will, on your basic coverages that you cannot get heart disease coverage. It is there. Heart disease is a disease. Alcoholism by the AMA has been a disease for 28 years. But we are saying, if you want it as an individual, you

have to go forward and attach yourself to a stigma that this society projects to get the coverage. I think that is wrong. I think we should have participation within a pool for individuals that will occur when we mandate it on individual policies. And we are not talking about a great number here, because we are talking, I think, that 3 to 5 percent of the policies written in Pennsylvania are the individual policies; the rest are group policies.

So I would plead with the members of this House to reject the amendment that Mr. Mowery offers. Let us not just cover alcoholism as a disease for those who have just group policies. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, I agree with Representative Wambach in every respect and ask for a negative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I would like permission to interrogate Mr. Wambach.

The SPEAKER. Mr. Wambach indicates he will stand for interrogation. Mr. Mackowski is in order and may proceed.

Mr. MACKOWSKI. Mr. Speaker, I wonder, have you had any experience at all in the field of writing health and accident insurance?

Mr. WAMBACH. Have I had any experience— I am sorry; I could not hear the rest of it.

Mr. MACKOWSKI. I just wondered if you had any experience at all in the underwriting or selling of health and accident insurance on an individual basis?

Mr. WAMBACH. No, Mr. Speaker.

Mr. MACKOWSKI. Now, the reason I asked that is because I think the members of the House should clearly understand, and the reason I say this, I have had a license for some 35, almost 40 years in the field, and I understand there is a vast difference between group insurance, which immediately says when you say "group" that you are insuring a group, so you have a spread of risk where these things can be taken and the spread of risk is spread out through the entire group. Now, when you deal with an individual contract, one thing you must do is understand a lot about this person and whether or not he has a drinking problem, whether he has this or that, and whether he should be insured for everything else and to be able to exclude alcohol, or perhaps— I have high blood pressure. They would issue me a contract excluding high blood pressure or diabetes or ulcers or many things before they will issue me a contract to cover me for all of the other potential risks involved. Now, if you are going to force this company into insuring me, mandating coverage, they will probably deny any type of coverage I may have. Now, does your amendment provide any way that an insurance company can, by virtue of a rider, a waiver, eliminate those coverages when I apply?

Mr. WAMBACH. You have to speak in a little more layman terms, Mr. Speaker. Does my amendment—

Mr. MACKOWSKI. What I am saying to you is, if you apply to me through an insurance company on an individual basis, you will be individually underwritten. We will want to know what your medical history is, what your habits are, and so forth in order to provide you with the type of coverage you may desire. Now, you may want a pretty broad plan, and we may be willing as an underwriter to offer it to you providing you will accept the contract with certain limitations. For example, if you have an ulcer, we will exclude ulcers. If you have high blood pressure, diabetes, we will exclude those things. What permission will a company have to exclude alcohol or these other abuses that you are talking about?

Mr. WAMBACH. Mr. Speaker, in answer to the gentleman, I think we are getting our terminologies mixed up. Let me explain what I am attempting to do under HB 1901.

The way I understand it, there are two types of insurance policies for what coverages we are talking about here. There are group policies and there are individual policies. Okay? What I am saying is that all policies in the Commonwealth will be mandated to carry alcoholism as a disease to be treated for the disease itself. It does not give the person the option whether or not he or she wants to pick up the mandate. They have it just as they have their heart policy, just as they have their lung policies, their respiratory problems, their broken arms, their broken legs, et cetera. What we are saying here is this: When in fact the coverage is mandated to those individual policies because of the pool that in fact occurs, almost making a group, if you will, out of the individual policies in Pennsylvania that must carry as a mandate alcoholism as a coverage, then in fact if there are charges, those charges would be spread out among the group, if you will, if you follow my picture, of the individual policyholders.

Mr. MACKOWSKI. Well, now, I could agree with you that that would apply in the case of group insurance, because you automatically have that particular group, but right now you would be—

Mr. WAMBACH. Mr. Speaker, let me just maybe clarify this.

If in fact you have individuals belonging to your company, say you are a commercial insurance carrier, and those individual policies were saying to you, Mr. Speaker, you must carry alcoholism coverages in them to those people—okay?—then in fact what you are going to do is rate them to the individual policyholders, and that is all we are saying. You are going to take your individual policies and add the coverage of alcoholism and spread the costs, if any, over all of the individual policies that your company will have.

Mr. MACKOWSKI. All right. Now let us say you are going to rate that and let us say you are going to rate it against me as an individual, and because I might have a problem, may I pay a higher rate in order to get the coverage or may I sign an exclusion or a waiver to eliminate that coverage so I can buy the coverage for all other things?

Mr. WAMBACH. No. What we are saying is that what will happen here is that you will be in fact one of many as an individual being covered by the company that will mandate on

your basic matrix of coverages that you carry for health and accident alcoholism coverage. We are asking that it is included in the basic matrix that is offered on a mandated basis in group and individual policies.

Mr. MACKOWSKI. Do you know of any other type of illness that is mandated in an individual policy?

Mr. WAMBACH. I think any components of a basic matrix on health care policies have basic inclusions that are in fact found in every policy for health or accident coverage.

Mr. MACKOWSKI. Well, I must say that that is not quite true, because in the issuance of a contract, a company has the right to exclude coverages for that individual if they do not wish to take that risk. Now, group is a different matter, and I could agree, and this is why I am asking you, so that there is a complete understanding that the Mowery amendment agrees with the type of coverage and it can be affordable through group contracts, but you are getting into an entirely different area when you are dealing with an individual contract. Individual contracts, for example, let us revert to, like fire insurance. A fire insurance company will not insure a burning building, and an individual health underwriter will not insure a risk that is a known risk. They will simply turn it down or give you all other types of coverage and exclude that particular thing, and I think you are taking that right away from him. So you are taking the right of other coverages away from this individual by making that kind of a mandate.

Mr. WAMBACH. No; I think what I am doing here, Mr. Speaker, is very simple. If in fact coverages that are offered today included alcoholism as a covered illness, then you would have the person going for treatment to cover alcoholism, but if because I am an alcoholic I am going into a setting and being treated for my respiratory problems because I may have TB (tuberculosis) or something from exposure, what is the primary disease here? The primary disease is alcoholism. I am only saying, let us treat it up front; let us treat it for what it is; and let us include it in all the policies, because let me tell you, if I am an individual and I buy an individual policy, I may not drink. It does not say, though, that my family, my son or daughter will come home from school one day and have a problem, and if they are covered under my policy, thank God.

And I can cite examples, of a woman who stood by her preacher husband for years—she was in my office not too long ago—for 50 years stood by him as a stalwart of the community. The preacher retired. They bought a little place upcountry. She finally did not have to have the facade of the proper preacher's wife. Overnight, virtually overnight, she was afflicted by the disease of alcoholism. And if that preacher, due to retirement, had to buy an individual policy to cover his family and it did not have the mandated alcoholism coverage, then he probably would lose his entire retirement to pay for her treatment.

That is all we are saying, as an individual. So if he is covered with the alcohol, then she is covered, if you will, and if I am covered as the head of a family in my individual family policy, then my son or daughter coming home, even if my

wife and I never touched the stuff in our lives—I said even if we did not—then they would be covered. That is all I am trying to do. I am trying to cover everyone to be treated for the disease of alcoholism without running into the stigma that occurs, so they do not have to go in individually and say, could you cover me for alcoholism because I am an alcoholic. I do not think that is right. The AMA does not think that has been right for the last 28 years. They have recognized it as a disease just as they have recognized heart disease, kidney disease, or any other kind of disease.

Mr. MACKOWSKI. I do not want to belabor the point and I do not want to disagree with your intentions because I think your intentions are good, but your knowledge of what an underwriter must face as to issuing this type of thing is lacking. If you are going to mandate this type of coverage, why do you not mandate coverage for high blood pressure, ulcers, diabetes, a number of diseases spelled out? You are trying to mandate something spelled out that is not existing in the contract, and if you mandate it, they could not exclude it from the contract—

The SPEAKER. The gentleman will yield.

The Chair has been probably unduly lenient. In the first place, Mr. Mackowski, you are referring to it as the amendment of Mr. Wambach. It is not Mr. Wambach's amendment you are debating; it is Mr. Mowery's amendment. Mr. Mowery is the one who wishes to change the basic bill by putting in the word "group." Now, if you have finished interrogating Mr. Wambach and wish to make a statement on your position on Mr. Mowery's amendment, please do so.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I just urge the acceptance of the Mowery amendment, because I think it does much more for the benefit of those people who have problems within the State through the group route. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Mowery, for the second time on his amendment.

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

In Representative Wambach's enthusiasm for the alcohol bill, I would just like to remind him that he no longer has that. He now has a bill that is covering mental health, drugs, as well as alcohol treatment.

The concern I have now is that this is really formerly HB 1132. For the benefit of the members, HB 1132 was not voted out of committee. The many different reasons and the hearings and so forth that went into HB 1132 I will not get into but just remind you that it was not in that format voted out of committee.

Now, one of the things that I would like to remind Mr. Wambach of is the fact that even though maybe alcohol treatment alone and by itself is not all that expensive, in the hearings and in testimony for State employees' coverage, assuming that this bill becomes law as it now stands covering all three areas, it would probably cost—and this was given by our insurance carrier, Blue Cross and Blue Shield—between \$4 million and \$5 million more to add this coverage.

Now, I think that we must be realistic here at the moment that we do not have just an alcohol bill anymore, and the costs are exceedingly increasing as we add these other coverages. I would suggest to you that to make it more affordable, and if we are going to have everything in this bill, then it becomes increasingly important that those who own and buy individual policies who must pass medical questions, which is true in the individual area, that many will be turned down and get no coverage if they have to have all of these other additions that we have just voted into this bill.

Now, that is the bottom line. You have to, I guess, believe someone, but I am trying to tell you that this is now a very expensive bill that you have in front of you and that you should certainly consider leaving the individual policies out of it so that they are not forced to pay substantially higher premiums. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

This is an amendment which causes most of us, I am sure, a great deal of concern. There are a couple of ways of looking at it, obviously, the first of which is we kind of hate to say that anyone must have any particular coverage. On the other hand, given the choice, very few of us would have coverage for any of these diseases. We do have now a bill that is more extensive in its coverage than the original bill.

There were some comments made about a comparison of heart disease, for instance, and Representative Mackowski indicated that the insurance company would not want to accept a heart patient knowing that that condition existed, and therefore, perhaps, it is so that they might not want to accept someone who has an alcoholic condition to begin with, but the difference is that if someone came to a heart condition subsequent to being insured, then the insurance coverage would be there. With the alcoholic situation, there is a continuing cost which the insurance company pays under any circumstances, because it has been found that he who is alcoholic is expensive to society, not just in health care but in every other way. This is true of the other ailments. When Representative Mowery speaks of the high cost of this program, how many of us would want to pay a premium for a heart transplant or for a kidney transplant, and yet these are covered under our insurances in this State.

So what I am saying is that these are not illnesses that any of us anticipate. Certainly if we knew for certain that we were going to get them, we would pay almost any premium for them, and because we would not take them voluntarily, we will force the costs up for those who choose to select and take them and have that coverage, but it will probably be cost prohibitive because that cost of covering everyone is not spread. The principle of insurance is that we spread a risk over many people rather than one person having to pay that cost at one time after the fact.

So we have an opportunity to act upon three illnesses which have long plagued us. Perhaps because of the stigma, perhaps

because of the fact that all of us are far above ever being victims of alcoholism or mental illness or drug addiction, we feel that we are not involved. I hope that that is so. But we have now the opportunity to protect those who may not be in that position but rather who may fall prey to any of these illnesses. I would suggest that we reject this amendment and get on with the passage of HB 1901. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I would like to interrogate Representative Mowery, please.

The SPEAKER. Mr. Mowery indicates he will stand for interrogation. Mr. Gallagher is in order and may proceed.

Mr. GALLAGHER. Mr. Speaker, you indicate that your amendment is to make it only for group policies because of the high costs of individual policies. Is that correct?

Mr. MOWERY. That is correct.

Mr. GALLAGHER. All right. What is your experience with the treatment of an alcoholic person? How many days do they have to be covered for detox, for rehabilitation, et cetera? Do you know how many days it takes?

Mr. MOWERY. I believe that that was pretty well covered in the Insurance meetings. I think that Mr. Wambach is our expert in that area, and I would certainly feel that he could probably answer that question better than I.

Mr. GALLAGHER. Mr. Speaker, I am asking you as the person who offered the amendment and as an expert in the insurance field. You are proposing that an individual policy being mandated for an alcoholic—we will use alcoholism as a first attention—that that cost is going to skyrocket the company to charge a higher premium for the treatment of alcoholism. Now, if you are not familiar with how many days it takes for detoxification of an alcoholic person or how many days it takes for rehabilitation of the alcoholic person, then you are not telling us fully what the costs you perceive will be. Now, if you do not know how many days are normally used for rehabilitation and detox, then I think you are giving us the bad impression that it is going to skyrocket. Do you know the days, what is normally used?

Mr. MOWERY. I believe it is 5 to 7 days for detox and probably around 21 days for rehabilitation, totally.

Mr. GALLAGHER. No. I think I have some very good experience in the field myself of being rehabilitated—okay?—myself. Normally it is 6 days for detox; 21 days to 28 days for rehabilitation. That is all. Most of the successful rehab centers we have in this Commonwealth do produce reformed alcoholics in that vein. So you are talking about 30 days of coverage, which will not skyrocket into 120 days of coverage, although if I had a heart attack, even as a single policy, you might cover me for 120 days. Even though the insurance company examined me through their doctor and found that my heart was all right at that time, you would cover my heart. You would check my blood and see that I am not a diabetic, but being in the age 50 bracket, there is a possibility of a risk, but you would write that policy much more for what you would for alcoholism.

I appreciate the interrogation, because I think I got the information I needed from you. I appreciate that.

The SPEAKER. The gentleman is recognized to make a statement on the amendment.

Mr. GALLAGHER. Mr. Speaker, I think that the real cost for treating an alcoholic is not as much as it would be for treating somebody with a heart condition, with a stroke, who is already covered, whether it be a group policy or a single policy. I think that the advantage of treating an alcoholic person in 30 days in a rehabilitation center with detox—that is what is normally covered under our Blue Cross policy that we have here in the Commonwealth; it goes beyond that, but that is all it takes—it is not just skyrocketing the market rate for individual policies, and the end result will be that there will be less health damages if the alcoholism is treated firstly. Then there will not be any cirrhosis problems, and there will not be any heart problems, and there will not be any other diabetic problems, once you take care of the alcoholic problem. You save a lot of money for the insurance companies and for the Commonwealth and for everybody on the highways in particular with less accidents.

So I think the amendment is unwarranted at this time. The insurance companies writing policies for everybody, whether it be single or group policies, would find out in the actual costs under the rating system that it is not that expensive, and it is better for them to encourage their insureds to stay away from alcoholism with temperance, not to completely throw it away, but at least to understand that you are not to overdo it. When you get a group policy for health benefits, they try to teach you how to use the right nutrition, how to not smoke, how to help save yourself, so that they do not have to pay for those additional costs because of the drinking and the overweight, the high cholesterol, the triglyceride rates. They try to teach you all that. Present insurance companies try that so as to keep the rates down because of the exposure, and once you start treating the alcoholic person, whether it is a group policy or a single policy, the end result will be that the insurance company is still going to benefit; they always do; they never went bankrupt that I know of. I never saw Blue Cross or Prudential or New York Life or Travelers or any of them go bankrupt insuring, whether it is single or group. They always make out, and this time the people who need that coverage will make out a lot better and so will the Commonwealth. So, Mr. Speaker, I urge the members to vote "no" on this amendment and stay with the recommendations in the bill itself. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I rise to oppose the Mowery amendment. We ought not to forget that when we are considering State costs in these kinds of coverage, we cannot overlook the fact that all the inpatient coverage is already in all policies. So we cannot take the total bill and say that is going to be the State cost of it. Some of that is already covered in our policies, whether or not we get

this bill. I therefore oppose the Mowery 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—75

Alderette	Geist	McClatchy	Rudy
Angstadt	Gladeck	Mackowski	Ryan
Armstrong	Godshall	Madigan	Saloom
Baldwin	Gruitza	Manmiller	Salvatore
Bowser	Gruppo	Merry	Scheetz
Boyes	Hagarty	Moehlmann	Schuler
Brandt	Hasay	Morris	Semmel
Bunt	Hayes	Mowery	Showers
Burd	Herman	Noye	Sirianni
Clymer	Hershey	O'Brien	Smith, L. E.
Coslett	Honaman	Perzel	Snyder, D. W.
Coy	Jackson	Peterson	Snyder, G. M.
DeVerter	Johnson	Piccola	Spencer
Dietz	Kennedy	Pitts	Stairs
Dininni	Klingaman	Pratt	Swift
Dorr	Laughlin	Punt	Vroon
Fargo	Levi	Reinard	Weston
Foster, W. W.	Lloyd	Rieger	Wogan
Foster, Jr., A.	Lucyk	Robbins	

NAYS—120

Afflerbach	Donatucci	Livengood	Serafini
Arty	Duffy	McCall	Seventy
Barber	Durham	McHale	Smith, B.
Battisto	Evans	McMonagle	Steighner
Belardi	Fattah	McVerry	Stevens
Belfanti	Fee	Maiale	Stewart
Blaum	Fischer	Manderino	Suban
Book	Flick	Markosek	Sweet
Broujos	Freeman	Mayernik	Taylor, E. Z.
Burns	Freind	Michlovic	Taylor, F. E.
Caltagirone	Fryer	Micozzie	Telek
Cappabianca	Gallagher	Miller	Tigue
Carn	Gallen	Miscevich	Trello
Cawley	Gamble	Mrkonic	Truman
Cessar	Gannon	Murphy	Van Horne
Cimini	George	O'Donnell	Wachob
Civera	Greenwood	Olasz	Wambach
Clark	Grieco	Oliver	Wargo
Cohen	Haluska	Petrarca	Wass
Colafella	Harper	Petrone	Wiggins
Cole	Hoeffel	Phillips	Williams
Cordisco	Hutchinson	Pievsky	Wilson
Cornell	Itkin	Pistella	Wozniak
Cowell	Jarolin	Pott	Wright, D. R.
Deluca	Kasunic	Preston	Wright, J. L.
DeWeese	Kosinski	Rappaport	Wright, R. C.
Daley	Kowalshyn	Reber	Zwinkl
Davies	Kukovich	Richardson	
Dawida	Lescovitz	Rybak	Irvis,
Deal	Levin	Saurman	Speaker
Dombrowski	Linton		

NOT VOTING—5

Lashinger	McIntyre	Nahill	Spitz
Letterman			

EXCUSED—2

Lehr	Marmion
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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. WAMBACH offered the following amendments No. A3130:

- Amend Sec. 5, page 5, line 12, by inserting after "Physician" , nurse, certified addictions counselor
- Amend Sec. 6, page 6, line 3, by inserting after "Physician" , nurse, certified addictions counselor
- Amend Sec. 7, page 6, line 24, by inserting after "Physician" , nurse, certified addictions counselor

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

I join with my good friend and colleague, Representative Mowery, in offering amendment A3130. What A3130 does is further clarify—and I do think this is an agreed-to amendment—but it does clarify in fact those people involved in the three different modalities that are expressed in the bill by expressly saying, after a physician, a nurse and a certified addictions counselor, as well as other trained staff. This was an attempt to compromise on this issue after long, hard work on it, and I would ask all of the members to support it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker.

I concur with Mr. Wambach and ask for support for the amendment.

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

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Lloyd	Rudy
Alderette	Fargo	Lucyk	Ryan
Angstadt	Fattah	McCall	Rybak
Armstrong	Fee	McClatchy	Saloom
Arty	Fischer	McHale	Salvatore
Baldwin	Flick	McMonagle	Saurman
Barber	Foster, W. W.	McVerry	Scheetz
Battisto	Foster, Jr., A.	Mackowski	Schuler
Belardi	Freeman	Madigan	Serafini
Belfanti	Freind	Maiale	Seventy
Blaum	Fryer	Manderino	Showers
Book	Gallagher	Manmiller	Sirianni
Bowser	Gallen	Markosek	Smith, B.
Boyes	Gamble	Mayernik	Smith, L. E.
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	Stevens
Cappabianca	Grieco	Morris	Stewart
Carn	Gruitza	Mowery	Suban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue

Cohen	Hershey	Olasz	Trello
Colafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Johnson	Piccola	Wass
Deluca	Kasunic	Pievsky	Weston
DeVerter	Kennedy	Pistella	Wiggins
DeWeese	Klingaman	Pitts	Williams
Daley	Kosinski	Pott	Wilson
Davies	Kowalshyn	Pratt	Wogan
Dawida	Kukovich	Preston	Wozniak
Deal	Lashinger	Punt	Wright, D. R.
Dietz	Laughlin	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwinkl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—4

Gruppo	McIntyre	Semmel	Snyder, D. W.
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EXCUSED—2

Lehr	Marmion
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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. REINARD offered the following amendment No. A3210:

Amend Sec. 4, page 4, line 28, by inserting after "7." This section does not apply to Medicare or Medicaid supplemental contracts or limited coverage accident and sickness policies such as, but not limited to, cancer insurance, polio insurance, dental care and similar policies as may be identified as exempt from this section by the Insurance Commissioner.

On the question,

Will the House agree to the amendment?

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment with the prime sponsor of the bill. The amendment simply clarifies the original intent of the legislation by deleting from the bill itself those special-rated type policies, special policies providing coverage for polio or cancer, medicare supplements that are sold to senior citizens, those policies that are not intended to provide the major medical coverage that this bill is addressing.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, I agree to this amendment, and I think all of the members should, as well. It eliminates those little policies specifically itemized, like cancer policies, flight policies from Harrisburg to San Francisco or whatever.

All of the small policies that are in fact expressed as limited policies will not be covered, just the general policies will be.

The SPEAKER. The Chair recognizes the lady, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker.

I agree with Mr. Reinard and Mr. Wambach and seek approval of the 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—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
Blaum	Fryer	Madigan	Serafini
Book	Gallagher	Maiale	Seventy
Bowser	Gallen	Manderino	Showers
Boyes	Gamble	Manniller	Sirianni
Brandt	Gannon	Markosek	Smith, B.
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stevens
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	Trello
Cordisco	Honaman	Oliver	Truman
Cornell	Hutchinson	Perzel	Van Horne
Coslett	Itkin	Peterson	Vroon
Cowell	Jackson	Petrarca	Wachob
Coy	Jarolin	Petrone	Wambach
Deluca	Johnson	Phillips	Wargo
DeVerter	Kasunic	Piccola	Wass
DeWeese	Kennedy	Pievsky	Weston
Daley	Klingaman	Pistella	Williams
Davies	Kosinski	Pitts	Wilson
Dawida	Kowalshyn	Pott	Wogan
Deal	Kukovich	Pratt	Wozniak
Dietz	Lashinger	Preston	Wright, D. R.
Dininni	Laughlin	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—2

Spitz	Wiggins
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EXCUSED—2

Lehr Marmion

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?

AMENDMENT A3158 RECONSIDERED

The SPEAKER. The Chair has filed before it a motion for reconsideration, signed by Mr. Wambach and Mrs. Arty, that the vote by which the Michlovic amendment A3158 was passed on this day to HB 1901 be reconsidered.

On the question,

Will the House agree to the motion?

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        |
| Blaum       | Fryer           | Madigan    | Serafini      |
| Book        | Gallagher       | Maiale     | Seventy       |
| Bowser      | Gallen          | Manderino  | Showers       |
| Boyes       | Gamble          | Manmiller  | Sirianni      |
| Brandt      | Gannon          | Markosek   | Smith, B.     |
| Broujos     | Geist           | Mayernik   | Smith, L. E.  |
| Bunt        | George          | Merry      | Snyder, D. W. |
| Burd        | Gladeck         | Michlovic  | Snyder, G. M. |
| Burns       | Godshall        | Micozzie   | Spencer       |
| Caltagirone | Greenwood       | Miller     | Spitz         |
| Cappabianca | Grieco          | Miscevich  | Stairs        |
| Carn        | Gruitza         | Moehlmann  | Steighner     |
| Cawley      | Gruppo          | Morris     | Stevens       |
| Cessar      | Hagarty         | Mowery     | Stewart       |
| Cimini      | Haluska         | Mrkonic    | Stuban        |
| Civera      | Harper          | Murphy     | Sweet         |
| Clark       | Hasay           | Nahill     | Swift         |
| Clymer      | Hayes           | Noye       | Taylor, E. Z. |
| Cohen       | Herman          | O'Brien    | Taylor, F. E. |
| Colafella   | Hershey         | O'Donnell  | Telek         |
| Cole        | Hoeffel         | Olasz      | Tigue         |
| Cordisco    | Honaman         | Oliver     | Trello        |
| Cornell     | Hutchinson      | Perzel     | Truman        |
| Coslett     | Itkin           | Peterson   | Van Horne     |
| Cowell      | Jackson         | Petrarca   | Vroon         |
| Coy         | Jarolin         | Petrone    | Wachob        |
| Deluca      | Johnson         | Phillips   | Wambach       |
| DeVerter    | Kasunic         | Piccola    | Wargo         |
| DeWeese     | Kennedy         | Pievscky   | Wass          |
| Daley       | Klingaman       | Pistella   | Weston        |
| Davies      | Kosinski        | Pitts      | Wiggins       |
| Dawida      | Kowalshyn       | Pott       | Wilson        |
| Deal        | Kukovich        | Pratt      | Wogan         |
| Dietz       | Lashinger       | Preston    | Wozniak       |
| Dininni     | Laughlin        | Punt       | Wright, D. R. |
| Dombrowski  | Lescovitz       | Rappaport  | Wright, R. C. |
| Donatucci   | Letterman       | Reber      | Zwikel        |
| Dorr        | Levi            | Reinard    |               |
| Duffy       | Levin           | Richardson | Irvis,        |

Durham Linton Rieger Speaker

NAYS—0

NOT VOTING—2

Williams Wright, J. L.

EXCUSED—2

Lehr Marmion

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A3158:

Amend Title, page 1, line 2, by inserting after "dependency" , drug abuse and mental disorders

Amend Table of Contents, page 1, by inserting between lines 11 and 12

Section 9. Benefits for expenses for treatment of drug abuse and mental disorders.

Amend Table of Contents, page 1, line 12, by striking out "9" and inserting 10

Amend Table of Contents, page 1, line 13, by striking out "10" and inserting 11

Amend Table of Contents, page 1, line 14, by striking out "11" and inserting 12

Amend Table of Contents, page 1, line 16, by striking out "12" and inserting 13

Amend Table of Contents, page 1, line 17, by striking out "13" and inserting 14

Amend Table of Contents, page 2, line 1, by striking out "14" and inserting 15

Amend Bill, page 7, by inserting between lines 3 and 4

Section 9. Benefits for expenses for treatment of drug abuse and mental disorders.

(a) Provision of benefits.—Every group or individual policy, contract or certificate, as described in section 4, must include benefits for the treatment of clinically significant drug abuse and mental disorders as identified in the Diagnostic and Statistical Manual of the American Psychiatric Association, 3rd edition (DSM III) or International Classification of Diseases, 9th Revision, Clinical Modification (ICD 9 CM) and revisions of each which in the professional judgment of a licensed physician or licensed psychologist are subject to significant improvement through appropriate treatment. These benefits must be at least equal to the following minimum requirements:

(1) With respect to confinement as an inpatient in a hospital, the period of confinement for which benefits are payable shall be at least 30 days in any calendar year or benefit period.

(2) With respect to residential treatment for drug abuse in a hospital or nonhospital facility, the period of treatment for which benefits are payable shall be at least 30 days in any calendar year or benefit period.

(3) With respect to major medical expense coverage, benefits, after the applicable deductible, for covered expenses arising from all those services, other than inpatient, which are rendered to treat clinically significant drug abuse and mental disorders, shall be at a rate which is no less than the benefits which the policy, contract or certificate provides for other

types of illnesses, except that annual benefit payments for all services, other than inpatient, may be limited to \$2,500 per year per covered person. The Insurance Commissioner shall, on January 1 of each year, adjust the aforementioned limit to the nearest hundredth to reflect any changes in the medical component of the Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor.

(b) Nonduplication of benefits.—These benefits shall not be in duplication of or in excess of any benefits payable under section 5, 6 or 7.

Amend Sec. 9, page 7, line 17, by striking out "9" and inserting

10

Amend Sec. 10, page 7, line 22, by striking out "10" and inserting

11

Amend Sec. 11, page 7, line 27, by striking out "11" and inserting

12

Amend Sec. 12, page 8, line 4, by striking out "12" and inserting

13

Amend Sec. 13, page 8, line 7, by striking out "13" and inserting

14

Amend Sec. 14, page 8, line 9, by striking out "14" and inserting

15

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

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

Mr. WAMBACH. Mr. Speaker, very quickly, what we are doing here is making a bill, which has been for over a decade the work of many people who have preceded me to the chamber of the House of Representatives and the long, hard work of Representative Arty and a lot of other people in this chamber, come to fruition today. Today is the first time in the history of the House of Representatives of Pennsylvania that a bill dealing with alcoholism has come out of a committee of this House.

I remember, in rebuttal to Representative Cowell, the issue of the Commonwealth university system first being introduced in 1968.

Mr. LETTERMAN. Mr. Speaker, let us stay on the issues, huh?

The SPEAKER. Mr. Letterman, you are not allowed to be impatient; only the Speaker is allowed that privilege on the floor.

Mr. Wambach, you may continue.

Mr. WAMBACH. Thank you, Mr. Speaker.

I remember back as an employee of this House in 1968 when the Commonwealth university system was first introduced, and we just passed that this session, Mr. Speaker. That was a long, hard trial. This is also a long, hard trial. It deals itself with the fact that the disease of alcoholism was first recognized by the American Medical Association 28 years ago, and this House today is getting around to it for the first time for mandated coverage. And what we are talking about here,

Mr. Speaker, is a cost-containment measure, a cost-containment measure that has proven itself out in a number of other different areas by the fact that there have not been increases in coverages.

You know, alcoholism is the third highest, the third highest, killer of people in the United States.

Mr. LETTERMAN. Mr. Speaker?

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

Mr. LETTERMAN. What are we supposed to be talking about?

The SPEAKER. The gentleman should be discussing whether or not the House should approve or reject an amendment offered by the gentleman from Allegheny, Mr. Michlovic.

Mr. LETTERMAN. Thank you, Mr. Speaker.

I do not need a history; I just need to know whether I am supposed to vote "yes" or "no" on that.

Mr. WAMBACH. Mr. Speaker, I appreciate the latitude that you have extended to me, and I guess I got too emotionally involved to hold myself to the topic, and I apologize not only to the Chair but to all the members of this House.

What the Michlovic-McVerry amendment will do, quite simply, Mr. Speaker, is to put on the back burner alcoholism; it will put on the back burner drugs; it will put on the back burner mental health, because precisely what Representative Mowery talked about on individual policies and high costs was absolutely true. But it all boils down to a proven, a proven, cost containment as expressed by the Pennsylvania Chamber of Commerce in a booklet on alcoholism, where they encouraged, encouraged, members to pick up alcoholism coverage for their employees.

The standard that is expressed does not exceed what is already expressed in the matrix set up by Blue Cross and Blue Shield, but what we will have, quite frankly, if the Michlovic-McVerry amendment is accepted is nothing at all, because it has been expressed that we will in fact accept the single-pronged approach, and I do not think that is a bad idea from one standpoint - once this is proven in Pennsylvania as a mandated coverage and if it is successful, then the other prongs of the three-pronged approach, the ADM approach, can come into fruition if a bill is brought forth. And I will cosponsor that bill as well, if I am still here.

I think that is what we are talking about here. We are talking about an acceptance of a bill becoming law, and I accept the political reality that has been expressed, and I plead with my colleagues, reluctantly, as I expressed before, for a "no" vote on the Michlovic-McVerry amendment. Thank you, Mr. Speaker.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

What Mr. Wambach said about alcoholism coverage can apply just as equally to drug abuse coverage and mental illness coverage. I ask you to stay with your vote. Let us vote this thing. 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—93

Angstadt	Fee	Livengood	Saloom
Barber	Fischer	McClatchy	Semmel
Belardi	Freeman	McHale	Seventy
Belfanti	Fryer	McIntyre	Stairs
Book	Gamble	McMonagle	Steighner
Broujos	George	McVerry	Stevens
Burd	Greenwood	Markosek	Stewart
Burns	Gruitza	Michlovic	Sweet
Caltagirone	Hagarty	Miller	Taylor, E. Z.
Cawley	Haluska	Miscevich	Taylor, F. E.
Clark	Harper	Mrkonic	Tigue
Colafella	Hoeffel	Murphy	Trello
Cole	Hutchinson	Nahill	Van Horne
Cornell	Itkin	O'Donnell	Wachob
Cowell	Jarolin	Olasz	Wargo
Deluca	Kasunic	Oliver	Weston
DeWeese	Kennedy	Petrarca	Wiggins
Daley	Klingaman	Petrone	Wilson
Dawida	Kosinski	Piccola	Wright, J. L.
Deal	Kukovich	Pistella	Zwinkl
Donatucci	Lescovitz	Pratt	
Duffy	Letterman	Preston	Irvis,
Durham	Levin	Richardson	Speaker
Fattah	Linton	Rieger	

NAYS—91

Afflerbach	Foster, W. W.	Lucyk	Ryan
Alderette	Foster, Jr., A.	McCall	Rybak
Armstrong	Freind	Mackowski	Salvatore
Arty	Gallagher	Madigan	Saurman
Baldwin	Gallen	Manmiller	Scheetz
Battisto	Gannon	Merry	Schuler
Blaum	Geist	Micozzie	Showers
Bowser	Gladeck	Moehlmann	Smith, B.
Boyes	Godshall	Morris	Smith, L. E.
Bunt	Grieco	Mowery	Snyder, D. W.
Cimini	Gruppo	Noye	Snyder, G. M.
Civera	Hasay	O'Brien	Spencer
Clymer	Hayes	Perzel	Stuban
Cohen	Herman	Peterson	Swift
Cordisco	Hershey	Phillips	Telek
Coslett	Honaman	Pievsy	Vroon
Coy	Jackson	Pitts	Wambach
DeVerter	Johnson	Pott	Wass
Davies	Kowalshyn	Punt	Wogan
Dietz	Lashinger	Reber	Wozniak
Dombrowski	Laughlin	Reinard	Wright, D. R.
Dorr	Levi	Robbins	Wright, R. C.
Fargo	Lloyd	Rudy	

NOT VOTING—16

Brandt	Dininni	Manderino	Sirianni
Cappabianca	Evans	Mayernik	Spitz
Carn	Flick	Rappaport	Truman
Cessar	Maiale	Serafini	Williams

EXCUSED—2

Lehr	Marmion
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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?

MOTION TO RECOMMIT

The SPEAKER. On final passage, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have waited patiently, wishing to speak on final passage, and I am looking at a piece of legislation that, coming from a very poor district, very hard hit with unemployment, people who can hardly afford to pay for Blue Cross and Blue Shield coverage, and I am standing here, expected to vote to add on to that bill.

I have, through the years, watched bills like this be put up, with nobody looking for an avenue to pay for this kind of legislation. We in this State have an avenue to pay for this type of legislation and do a much better job with it than what the proposal of this bill is. It would not have to affect people in this State other than those who want to drink. We are in a State that has in its grasp the only commodity left that is not taxed at retail, and that is your alcohol. How many of you are aware that we do not tax alcohol at retail?

I would suggest then that we take this bill with its amendments and recommit it to the Appropriations Committee to have it worked out in full detail as to what percentage we would have to have the sales tax raised on the alcohol sold across the bar to pay for this kind of treatment. And if the people do not have the guts to do that, then I do not think we should pass this bill either. Thank you very much, Mr. Speaker.

The SPEAKER. It has been moved by the gentleman, Mr. Letterman, that HB 1901, PN 3051, as amended, be recommitted for a special fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—65

Alderette	Gannon	Levi	Ryan
Armstrong	Geist	Lloyd	Scheetz
Baldwin	Godshall	Lucyk	Schuler
Blaum	Grieco	McClatchy	Showers
Bowser	Gruitza	McIntyre	Sirianni
Boyes	Gruppo	Mackowski	Smith, B.
Brandt	Haluska	Madigan	Smith, L. E.
Bunt	Hasay	Merry	Snyder, D. W.
Cimini	Hayes	Micozzie	Snyder, G. M.
Civera	Herman	Moehlmann	Stairs
Clymer	Honaman	Morris	Swift
Coslett	Jarolin	Peterson	Telek
DeVerter	Johnson	Piccola	Vroon
Dietz	Klingaman	Pitts	Wachob
Dorr	Lashinger	Pott	Wargo
Foster, Jr., A.	Letterman	Pratt	Wass
Freind			

NAYS—129

Afflerbach	Evans	McMonagle	Rybak
Angstadt	Fargo	McVerry	Saloom
Arty	Fattah	Manderino	Salvatore
Barber	Fee	Manmiller	Saurman
Belardi	Fischer	Markosek	Semmel
Belfanti	Flick	Mayernik	Serafini
Book	Freeman	Michlovic	Seventy
Broujos	Fryer	Miller	Spencer
Burd	Gallagher	Miscevich	Steighner
Burns	Gallen	Mowery	Stewart
Caltagirone	Gamble	Mrkonic	Stuban
Cappabianca	George	Murphy	Sweet
Carn	Gladeck	Nahill	Taylor, E. Z.
Cawley	Greenwood	Noye	Taylor, F. E.
Clark	Hagarty	O'Brien	Tigue
Cohen	Harper	O'Donnell	Trello
Colafella	Hershey	Olasz	Truman
Cole	Hoeffel	Oliver	Van Horne
Cordisco	Hutchinson	Perzel	Wambach
Cornell	Itkin	Petrarca	Weston
Cowell	Jackson	Petrone	Wiggins
Coy	Kasunic	Phillips	Williams
Deluca	Kennedy	Pievsky	Wilson
DeWeese	Kosinski	Pistella	Wogan
Daley	Kowalshyn	Preston	Wozniak
Davies	Kukovich	Punt	Wright, D. R.
Dawida	Laughlin	Rappaport	Wright, J. L.
Deal	Lescovitz	Reber	Wright, R. C.
Dininni	Levin	Reinard	Zwinkl
Dombrowski	Linton	Richardson	
Donatucci	Livengood	Rieger	Irvis,
Duffy	McCall	Robbins	Speaker
Durham	McHale	Rudy	

NOT VOTING—6

Battisto	Foster, W. W.	Spitz	Stevens
Cessar	Maiale		

EXCUSED—2

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

On the question recurring,  
Shall the bill pass finally?

REMARKS ON VOTE

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

Mr. BRANDT. Thank you, Mr. Speaker.

On the Michlovic amendment I was not recorded. I would like to be recorded in the negative.

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

CONSIDERATION OF HB 1901 CONTINUED

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Very briefly; I do not want to delay the House, but I do want the House to know that if you are inclined today to pass this bill with all three coverages in it, you are not only placing a burden on the Commonwealth and its employees—by the

way, they will not have sufficient percents per hour to pay for this coverage, or they will have to take a reduction in another area—you will place an undue burden on the business community in this Commonwealth. You will in fact place an even larger burden on those persons who have to rely on an individual contract who are not covered under group policies.

To me, if we pass this bill today, we are truly being irresponsible in our actions on behalf of the people we represent. I do not say that in a condescending way; I am only indicating to you that from all the information that we have presently, all the data that has been developed, this will become a very, very expensive piece of legislation. And why do I say that? Do you think for a moment that if, in fact, the insurance companies could make a buck on this kind of coverage that they would not offer it? I think not. Think about that for a moment. The insurance industry is not in business for its health—and that is not intended as a pun. It is there to help protect us, but it is also there to turn a profit, and if there is a profit to be made, they will offer the coverages. There is only one company in this Nation that we know of presently that voluntarily includes just alcohol coverage in their policy as part of their standard coverage, and that is Kemper Insurance. One company out of literally thousands.

Mr. Speaker, I would plead with you not to pass this bill as it is currently constituted. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster, on final passage.

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

I urge a negative vote on HB 1901. I am thinking of the various scenarios that will develop if this bill is signed into law. Some of our constituents will read in the paper one morning of a big drug bust in some portion of the community, and the topic around the block that morning will be, yes, and to think that we are paying part of the premiums for their health insurance coverage against our will.

I can visualize one of the drunken brawls that occur in the various portions of the community, and when somebody looks out upon these drunken ruffians—pardon me, ill ruffians—that someone will say, yes, and we are involuntarily being charged a portion of the premiums for their treatment. I am sure our constituents will be thrilled to hear that, and if we do not get some dandy letters to the editor out of this one, I miss my guess.

I urge a negative vote on the bill.

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

Mr. VROON. Mr. Speaker, I rise, too, to oppose this bill, especially now since it has been enlarged to include mental disease and drug abuse. Mr. Speaker, mandating coverage like this is forcing everybody who is involved in the insurance business - the insured, the insurer, and the groups; all these people involved - to pay for coverage that they may or may not want. There are better ways of handling this than just that. We have set up mechanisms in our society to take care of all of these abuses now. Nobody has demonstrated to my sat-

isfaction, in all the hearings that I have attended over the last 2 to 4 years, anything to the contrary that it is being handled properly now, without spreading the cost over all insured people. Now, if you want to make this a societal cost, then you can think of a better way to assess society for the cost of taking care of these people than to add it to the cost of just those people who are covered by insurance policies.

Now, in respect to those individual people who are now still covered by this bill, let me bring out this very salient fact, and this is very important for the State of Pennsylvania. There are hundreds of thousands of citizens in our State who, by reason of religious convictions or by reason of conservative living habits, are very much opposed to drinking, very much opposed to abuse of drugs, and they will never have occasion to get any benefits whatsoever, I assure you, from this kind of coverage. And yet this bill would say that all of these people who fall into those categories—and there are truly hundreds of thousands of citizens in Pennsylvania, and stop and think of your own district back home, how many of these people do you know yourself—these people are going to have to help pay that cost.

Let us talk about the incidence of the small employer. The small employer is not in the same category as the labor unions and the large employers who put this in their contracts, in their labor contracts. He would have no choice whatsoever but to help pay for these additional coverages. Is that fair to our small employer? Are we truly trying to develop our economy? Are we really trying to encourage small business in Pennsylvania? If we are, then we ought to be very careful not to add additional costs in this insurance coverage in this manner. I think it is a very bad habit and a very bad policy for the State to mandate coverages. Let it be available; let it be an offer, an option, but let us not mandate these coverages and make people pay for this who do not ever have a chance of using these coverages.

Now, Mr. Speaker, there was a statement made that this kind of coverage would be good for all the parties involved; the benefits would be there for all the parties involved - the insured, the insuring companies, the employer companies, and the labor unions. Why then do they so consistently oppose this coverage? It is very apparent. They do not agree that there are any benefits to be had, and I assure you it is especially so now that we have added these two other elements of coverage.

Finally, Mr. Speaker, if we are going to address a better treatment of alcoholics, then why do we not adopt that bill? I think it was Mr. Wambach's bill that imposed an additional 2-percent tax on alcohol and put that into a fund for the treatment of alcoholism. I would really go for that, and I think that is where the cost belongs. For those people who use alcohol, and they are the parties who are susceptible to alcoholism, let that fund be set up for the use indicated. Why do we have to assess people who are covered by insurance policies? Ninety percent or more of these people will never get the benefit of this insurance. It is not fair.

Mr. Speaker, I urge a negative vote on this bill for the reasons indicated.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Snyder, on final passage.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

A very brief note that may be of some interest to the members. Several months ago I sent a questionnaire to all of my constituents, and one of the questions dealt with this very issue that we are debating here today. The results of that questionnaire were that almost 71 percent of those who responded to the questionnaire were not in favor of mandatory substance abuse or mental health insurance coverage.

Take that for what it is worth. I think those kinds of questionnaires are important, and I try to pay close attention to them. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Very briefly, I think it is important for people to understand that when we are talking about higher costs, you are not taking into account the question of the offsets, that that is what we are saving. I think that common sense indicates that if somebody is put into the hospital for liver problems or blood problems or other problems, the cost is much higher than if they are treated for what is the primary disease - alcoholism. The offsets of this - the language in here for alcohol treatment, for drug treatment, and for mental illness - there are substantial savings in those offsets. That has been documented by Blue Cross and Blue Shield, by many insurance companies, that the savings by treating these diseases as the primary cause of the disease rather than treating the symptoms is an enormous savings in the health care cost. Think about it. If somebody drinks or has a serious drug problem or has a mental illness and spends a fortune being treated for the symptoms of the disease, cirrhosis of the liver, for example, with alcoholism, if the alcoholism would have been treated as the primary disease initially, there would have been enormous savings, particularly on an outpatient basis when you look at the per diem costs of an acute care hospital bed where you treat the medical aspects of this disease. Please take that into account, because it is very misleading to talk about this bill costing more money for Pennsylvania health care. It should not cost more money, and it will not cost more money if the offsets are taken into account.

The other thing that is most disturbing to me, and this thread carries through a lot of what we do, is the question of, well, we really have to see what some other State does first; let us not rush into this; let us wait and see what else happens; let us be very conservative in our approach. Well, I just want to relate the story of the turtle. You know, the turtle that got ahead is the one that sticks its neck out, and that is really what we have to do in Pennsylvania in a lot of ways. We have to be a little bit bold, a little bit daring, and in this way I think we can be leaders in providing coverage rather than being follow-

ers, and I think we can establish a reputation in Pennsylvania not as a high-cost health care State but one that uses a variety of treatment methods to gain control over the cost of our health care.

I urge your support of this legislation. Thank you.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Representative Vroon referred to the fact that society does not want to pay these premiums, that small companies do not want to pay these premiums, and yet at the present time they are paying; they are paying in many ways, but they are most assuredly paying.

The untreated alcoholic is absent from work 2 1/2 times the average worker. The untreated alcoholic draws 3 times more sickness payments than the average worker. The untreated alcoholic has an overall accident rate 3 times the average. The untreated alcoholic has twice the incidence of respiratory and cardiovascular disease, twice the incidence of hypertension. All of these reflect in direct cost to the employer.

One study found the utilization rate for inpatient days in the hospital about 42 times higher than the control group and an overall utilization rate 12 times higher. These are reflected in higher costs to all of us for insurance. One company calculated that its alcoholism program resulted in annual savings on sick pay alone of over \$2 million. Another showed the rate of hospital utilization of untreated alcoholics at 12 times greater than the nonalcoholic. New Jersey's Insurance Commissioner, after 4 years' experience with mandated alcoholism coverage, stated that there had been no increase in premiums and the overutilization feared by the insurance companies had not materialized. The Kennecott Copper Company of Salt Lake City, after a 12 1/2-month involvement in a treatment program, found that their costs for insurance claims were reduced by 55 percent. General Motors Corporation studying just 25 typical cases showed that lost hours due to drinking dropped 66 percent; sickness and accident benefits decreased by 41 percent; on-the-job accidents were reduced by 39 percent; visits to the company medical department were reduced by 25 percent, and there are many other studies that just support these same statistics.

Mr. Speaker, we need this. We are not going to be paying more; we are going to recover some of the costs that we are paying now which are hidden. It is wrong for us to think that we are going to be paying more money than we are currently paying; it is just that we do not realize what this cost is to us at the present time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, not to belabor the House, but for all of the reasons that Representative Saurman just spoke in favor of this bill, I would ask my colleagues to support it. Thank you, Mr. Speaker.

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

Mr. KENNEDY. It has been a long day. Thank you, Mr. Speaker.

I stand to oppose the final passage of this measure. I do so because if you talk about alcoholism, you talk about Alcoholics Anonymous.

For those of you who are undecided about your final vote here, I believe that if we place this bill into law someday, it could develop into a leeching bed or a place for people with drinking problems to further perpetuate their problem instead of standing up on their own two feet and dealing with it. The organization of Alcoholics Anonymous was not founded on funding or on programs that will be funded with premiums paid for by many people who cannot afford it; it was founded on the individual strength of the human being. And for that just philosophical reason alone, I oppose final passage of this measure.

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—124

Afflerbach	Durham	McIntyre	Saloom
Angstadt	Evans	McMonagle	Salvatore
Arty	Fattah	McVerry	Saurman
Barber	Fee	Manderino	Serafini
Belfanti	Fischer	Manmiller	Seventy
Blaum	Flick	Markosek	Steighner
Book	Freeman	Mayernik	Stevens
Broujos	Freind	Michlovic	Stewart
Burd	Gallagher	Micozzie	Stuban
Burns	Gallen	Miller	Sweet
Caltagirone	Gamble	Miscevich	Taylor, E. Z.
Cappabianca	Gannon	Mrkonic	Taylor, F. E.
Carn	George	Murphy	Tigue
Cawley	Gladeck	Nahill	Trello
Cessar	Greenwood	O'Donnell	Truman
Civera	Hagarty	Olasz	Van Horne
Clark	Harper	Oliver	Wachob
Cohen	Hoeffel	Petrarca	Wambach
Colafella	Hutchinson	Petrone	Wass
Cole	Itkin	Phillips	Weston
Cordisco	Jarolin	Piccola	Wiggins
Cornell	Kasunic	Pievsky	Williams
Cowell	Kosinski	Pistella	Wilson
Deluca	Kukovich	Preston	Wozniak
DeWeese	Laughlin	Rappaport	Wright, D. R.
Daley	Lescovitz	Reinard	Wright, J. L.
Dawida	Levin	Richardson	Wright, R. C.
Deal	Linton	Rieger	Zwinkl
Dininni	Livengood	Rudy	
Dombrowski	McCall	Ryan	Irvis,
Donatucci	McClatchy	Rybak	Speaker
Duffy	McHale		

NAYS—70

Alderette	Geist	Levi	Reber
Armstrong	Godshall	Lloyd	Robbins
Baidwin	Grieco	Lucyk	Scheetz
Belardi	Gruitza	Mackowski	Schuler
Bowser	Gruppo	Madigan	Semmel
Boyes	Haluska	Merry	Showers
Brandt	Hasay	Moehlmann	Sirianni
Bunt	Hayes	Morris	Smith, B.
Cimini	Herman	Mowery	Smith, L. E.
Clymer	Hershey	Noye	Snyder, D. W.
Coslett	Honaman	O'Brien	Snyder, G. M.
Coy	Jackson	Perzel	Spencer
DeVertter	Johnson	Peterson	Stairs

Davies	Kennedy	Pitts	Swift
Dietz	Klingaman	Pott	Vroon
Dorr	Kowalshyn	Pratt	Wargo
Fargo	Lashinger	Punt	Wogan
Foster, Jr., A.	Letterman		

NOT VOTING—6

Battisto	Fryer	Spitz	Telek
Foster, W. W.	Maiale		

EXCUSED—2

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

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

**REMARKS ON VOTES**

The SPEAKER. For what purpose does the gentleman from Northampton, Mr. Freeman, rise?

Mr. FREEMAN. A change of a vote on a previous bill.

The SPEAKER. The gentleman will state the change.

Mr. FREEMAN. On HB 1946, PN 3052, I was recorded in the negative. I would like to be recorded in the positive.

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

Mr. FREEMAN. Thank you.

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

Mr. RICHARDSON. Mr. Speaker, I would like to be recorded on HB 1946 in the negative. I was out of my seat when the bill was voted. Thank you.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on the Michlovic amendment A3158 to HB 1901, I would like to be recorded in the negative. Thank you.

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

The Chair recognizes the gentleman from Cambria, Mr. Telek.

Mr. TELEK. Thank you, Mr. Speaker.

On final passage of HB 1901 I wish to be recorded in the affirmative.

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

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

The clerk of the Senate, being introduced, returned the following **SB 658, PN 2095**, 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 June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," further providing for municipality powers to make appropriations and impose taxes to fund libraries; and providing for the confidentiality of library circulation records.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

I know the hour is late, and we are in a hurry to get finished. I simply want to recap a little bit of the history that brought us to this bill.

The House passed HB 966 in September of last year by a vote of 203 to 0. I was the prime sponsor of that bill, along with approximately 20 other members of the House of Representatives. The bill provided for confidentiality of library records, a position that was supported by the State Library Association and many libraries across the State. The bill was sent to the Senate, where it has been in the Senate Education Committee since.

In the meantime, the Senate sent us this bill, SB 658, which the House Education Committee amended, providing and lifting the cap whereby local municipalities can tax individuals for library uses. The cap has many times been crucial for local libraries in many parts of the State which have not been able to function because of the cap. Lifting the cap by the amendment placed in this bill in the House Education Committee will make it possible for libraries in many parts of the State to function that previously and even up to this time were having a difficult time meeting the financial needs.

We sent the bill back to the Senate, and they in a very unusual procedure amended House amendments and placed the confidentiality matter back in the bill. I must say that I am, to a degree, flattered that the Senate feels this matter is that important to place it in two or three different bills, but the point is that it is time to put pride of authorship aside. It is time to put other self-centered matters aside and place a vote today for the success of libraries in Pennsylvania, a success not only of them financially but to place in law a matter which has needed to be placed in law, and that is confidentiality of records to protect readers in their reading habits and to protect the citizens of Pennsylvania in a manner that both this House and the Senate have felt necessary.

Mr. Speaker, I ask for a vote in the affirmative on concurrence in these amendments.

The SPEAKER. It has been moved by the gentleman, Mr. Coy, that the House do concur in the Senate amendments inserted into House amendments to SB 658, PN 2095.

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—197

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

NAYS—0

NOT VOTING—3

Battisto	Mayernik	Wargo
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EXCUSED—2

Lehr	Marmion
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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.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 612, PN 2548**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), requiring the preparation of an impact report by the Department of General Services.

On the question,

Will the House agree to the bill on third consideration?

Mr. BALDWIN offered the following amendment No. A3223:

Amend Sec. 1 (Sec. 2418), page 2, line 27, by inserting after "RESIDENTS."

In the preparation of said report and plan, the Department of General Services is directed to consider and study the potential impact on employment of Pennsylvania residents if the Commonwealth, when authorized or required to let contracts for supplies, materials, equipment, construction or other products and services, considers a bid submitted by a bidder organized and existing under the laws of this Commonwealth and regularly doing business in this Commonwealth on the same basis as a lower bidder not doing business in this Commonwealth when the Pennsylvania bidder's proposal does not exceed the out-of-state bidder's proposal by more than five per centum (5%).

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

HB 612 requests the Department of General Services to conduct a study to examine its purchasing plan and determine how it impacts on jobs in Pennsylvania. This amendment would expand that study to explore the possibility of a 5-percent preference bid policy whereby bidders on Commonwealth contracts that are State based, based in the Commonwealth of Pennsylvania and employ people in the State of Pennsylvania, would be considered to be on the same basis as the lowest bidder if their bid was within 5 percent of the lowest bid and the lowest bid was someone from out of the State. There are other States in the country which use this kind of preference - West Virginia being one example which uses 5 percent - and we are asking General Services to study this proposal for Pennsylvania.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Afflerbach	Fee	Lucyk	Rudy
Alderette	Fischer	McCall	Ryan
Angstadt	Flick	McClatchy	Rybak
Armstrong	Foster, W. W.	McHale	Saloom
Arty	Foster, Jr., A.	McIntyre	Salvatore
Baldwin	Freeman	McMonagle	Saurman
Barber	Freind	McVerry	Scheetz
Belardi	Fryer	Mackowski	Schuler
Belfanti	Gallagher	Madigan	Semmel
Blaum	Gallen	Maiale	Serafini
Book	Gamble	Manderino	Seventy
Boyes	Gannon	Manmiller	Showers
Brandt	Geist	Markosek	Sirianni
Broujos	George	Mayernik	Smith, B.
Bunt	Gladeck	Merry	Smith, L. E.
Burd	Godshall	Michlovic	Snyder, D. W.
Caltagirone	Greenwood	Micozzie	Snyder, G. M.

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

NAYS—2

Bowser

Burns

NOT VOTING—3

Battisto

Spencer

Spitz

EXCUSED—2

Lehr

Marmion

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Afflerbach	Fee	Lucyk	Rybak
Alderette	Fischer	McCall	Saloom
Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McHale	Saurman
Arty	Foster, Jr., A.	McIntyre	Scheetz
Baldwin	Freeman	McMonagle	Schuler
Barber	Freind	McVerry	Semmel
Belardi	Fryer	Mackowski	Serafini
Belfanti	Gallagher	Madigan	Seventy
Blaum	Gallen	Maiale	Showers
Book	Gamble	Manderino	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Markosek	Smith, L. E.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.

Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stevens
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	Trello
Cole	Honaman	Oliver	Truman
Cordisco	Hutchinson	Perzel	Van Horne
Cornell	Itkin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Jarolin	Petrone	Wambach
Coy	Johnson	Phillips	Wargo
Deluca	Kasunic	Piccola	Wass
DeWeese	Kennedy	Pievsky	Weston
Daley	Klingaman	Pistella	Wiggins
Davies	Kosinski	Pitts	Williams
Dawida	Kowalyszyn	Pratt	Wilson
Deal	Kukovich	Preston	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Reinard	Wright, R. C.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker
Fattah	Lloyd	Ryan	

NAYS—5

Bowser  
DeVerter

Fargo

Merty

Pott

NOT VOTING—2

Battisto

Spitz

EXCUSED—2

Lehr

Marmion

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

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

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Montgomery, Mr. Reber, rise?

Mr. REBER. To correct a vote, Mr. Speaker. On HB 1901 I was recorded in the negative. I would like to be recorded in the positive. Thank you.

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

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

Mr. MAYERNIK. Mr. Speaker, on SB 658 on concurrence in Senate amendments to House amendments, my button malfunctioned. I would like to be recorded in the affirmative.

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

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

Mr. VROON. Mr. Speaker, last night on HB 1236 I thought I had been voted in the affirmative. I had not been voted at all. If I had been voted, I would have voted in the negative. Will you please show that on the record?

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has been advised by the majority leader to advise the members that next week is quite likely to be at least 5 days of session. You have been so advised.

### REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Bradford, Mr. Madigan, rise?

Mr. MADIGAN. To correct a vote, Mr. Speaker.

The SPEAKER. What is the correction, sir?

Mr. MADIGAN. On final passage of HB 1236 on June 19, 1984, I voted negatively because of my deep concern for the unfair burden placed on our farmers and small businessmen. However, I do support strongly the concept of full information on hazardous substances and their impact on our workers, community, and emergency and fire personnel. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

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

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

On the Baldwin amendment to HB 612, I was incorrectly 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 Luzerne, Mr. Tigue.

Mr. TIGUE. Mr. Speaker, I was out of my seat when the final vote was taken on HB 1946. I would like the record to show that I would have voted in the affirmative.

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

My switch also malfunctioned on HB 1946, and I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. On HB 1901 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 Franklin, Mr. Punt.

Mr. PUNT. Mr. Speaker, on amendment A1139 to SB 750, I inadvertently voted in the negative. I wish the record to reflect I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I notice by the printout on HB 1901 on the Michlovic amendment that I was not recorded. If I had voted, I would have voted in the negative.

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

There will be no further votes taken on the floor today. When we adjourn, we will adjourn until 1 p.m. on Monday. You are again advised that next week will be a long and probably very trying session.

### BILL SIGNED BY SPEAKER

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

#### HB 1939, PN 2973

An Act amending "The Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), further defining alternative sources of share insurance.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

#### HB 1646, PN 3279 (Amended)

By Rep. FRYER

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing a limited preference for certain bidders.

#### LOCAL GOVERNMENT.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

#### SB 1034, PN 2146 (Amended)

By Rep. FRYER

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for special occasion permits.

#### LIQUOR CONTROL.

### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.



**ADJOURNMENT**

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, I move that this House do now adjourn until Monday, June 25, 1984, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:50 p.m., e.d.t., the House adjourned.