

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 25, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 48

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:

Almighty and Merciful God, we know that it is not Thy will that any should perish but that all should come to repentance and receive the gift of salvation. Grant that each one of us may again and again be pardoned of our sins through the power of Thy blessed forgiveness. Help us to fervently grasp anew the comfort of faith through Thy spirit, in order that we may be justified through Thy grace and saved evermore. These petitions we ask through the might of Thy heavenly presence, through the assurance of Thy merciful spirit, and through the confidence of Thy blessed peace. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. The Chair is informed that the Journal for Tuesday, May 28, 1985, is in print, and unless the Chair hears objection, the Journal will stand as printed. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Because the Journal for Monday, June 24, 1985, is not yet in print, we shall postpone the approval of that Journal until it is in print, unless the Chair hears objection, and the Chair hears no objection thereto.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1486 By Representatives DURHAM, MRKONIC, ARTY, BELARDI, BOOK, CIVERA, COLAFELLA, FLICK, FOX, GANNON, HERMAN, HOWLETT, KASUNIC,

KOSINSKI, LUCYK, LANGTRY, OLASZ, RAYMOND, RUDY, SEMMEL, STEVENS, SIRIANNI, STABACK, E. Z. TAYLOR, TRELLO and BLAUM

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," requiring the use of reflective paint when lines are painted on a highway.

Referred to Committee on TRANSPORTATION, June 25, 1985.

No. 1487 By Representatives PISTELLA, HALUSKA, NOYE, PRESTON, PERZEL, JOHNSON, COHEN, GREENWOOD, WAMBACH, MAIALE, MICHLOVIC, KUKOVICH, TIGUE, NAHILL, B. SMITH, HOWLETT, DALEY, ITKIN, AFFLERBACH, TRELLO, CHADWICK, JOSEPHS, BLAUM, WOZNIAK, BURD, DISTLER and FOX

An Act providing a procedure whereby a person may provide in advance for the withholding or withdrawal of medical care in the event the person should suffer a terminal illness or mortal injury; and providing penalties.

Referred to Committee on HEALTH AND WELFARE, June 25, 1985.

No. 1488 By Representatives RYBAK, FREEMAN, YANDRISEVITS, GRUPPO, AFFLERBACH, PRESSMANN, McHALE, D. W. SNYDER, SEMMEL, LUCYK, BATTISTO, COLE, KOSINSKI, ACOSTA, JOSEPHS, TELEK, O'BRIEN, FATTAH, LINTON, DEAL, RICHARDSON, ROEBUCK and WIGGINS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding a common pleas judge in Northampton County.

Referred to Committee on JUDICIARY, June 25, 1985.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 140 (Concurrent) By Representatives IRVIS and MANDERINO

Approving and affirming support for and faith in the principles on which the United Nations was founded.

Referred to Committee on RULES, June 25, 1985.

SENATE BILLS FOR CONCURRENCE

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

SB 704, PN 1067

Referred to Committee on APPROPRIATIONS, June 25, 1985.

SB 812, PN 1130

Referred to Committee on EDUCATION, June 25, 1985.

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 803, PN 1053**.

SENATE MESSAGE

**AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 150, PN 1781; HB 1009, PN 1758; and HB 1010, PN 1759**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVES OF ABSENCE

The SPEAKER. Are there any requests for leaves of absence on the Democratic side?

The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky. No indication of requests, Mr. Pievsky?

The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Berks, Mr. DAVIES, for the day; and the lady from Delaware, Mrs. DURHAM, for just the morning session.

The SPEAKER. Without objection, and the Chair hears no objection, the leaves are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

| | | | |
|------------|------------|-----------|---------|
| Acosta | Dininni | Lescovitz | Robbins |
| Afflerbach | Distler | Letterman | Roebuck |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |

| | | | |
|-------------|-----------------|------------|---------------|
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Evans | Lloyd | Saurman |
| Barley | Fargo | Lucyk | Scheetz |
| Battisto | Fattah | McCall | Schuler |
| Belardi | Fee | McClatchy | Semmel |
| Belfanti | Fischer | McHale | Serafini |
| Birmelin | Flick | McVerry | Seventy |
| Black | Foster, Jr., A. | Mackowski | Showers |
| Blaum | Fox | Maiale | Sirianni |
| Book | Freeman | Manderino | Smith, B. |
| Bortner | Freind | Manmiller | Smith, L. E. |
| Bowley | Fryer | Markosek | Snyder, D. W. |
| Bowser | Gallagher | Mayernik | Snyder, G. M. |
| Boyes | Gallen | Merry | Staback |
| Brandt | Gamble | Michlovic | Stairs |
| Broujos | Gannon | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonic | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Olasz | Trello |
| Cimini | Hayes | Oliver | Truman |
| Civera | Herman | Perzel | Van Horne |
| Clark | Hershey | Petrarca | Veon |
| Clymer | Honaman | Petrone | Vroon |
| Cohen | Howlett | Phillips | Wambach |
| Colafella | Hutchinson | Piccola | Wass |
| Cole | Itkin | Pievsky | Weston |
| Cordisco | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. L. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kosinski | Raymond | Yandrisevits |
| Daley | Kukovich | Reber | |
| Dawida | Langtry | Reinard | Irvis, |
| Deal | Lashinger | Richardson | Speaker |
| Dietz | Laughlin | Rieger | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Davies

Durham

LEAVES CANCELED—1

Durham

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

SB 81, PN 1241 (Amended)

By Rep. LLOYD

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," requiring the reporting of incidents of professional misconduct.

PROFESSIONAL LICENSURE.

WELCOMES

The SPEAKER. We are pleased to welcome to the floor of the House, as guests of Representative Greenwood, Mr. Bud Smith, Mrs. Fran Smith, Mrs. Mary Jane Crumlish, and Ms. Lois Saurman. Welcome to the hall of the House.

We have several guest pages today. Alyssa Vandersloot and Patrick Ball are here for Michael Bortner. Alyssa and Patrick, welcome to the hall of the House.

Gregory Arnold is a guest page for Representative Josephs. His father, George Arnold, is also here.

Ray Feros and his son, Christopher, are in the balcony. They are the guests of Representative Ron Black. Welcome to the hall of the House.

Matt Denlinger and Guy Hilton are guest pages, and their adviser, Mr. Dale Denlinger, and his son, Mark, are here as guests of Representative Brandt.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

SB 655, PN 1237; SB 825, PN 1144; SB 282, PN 1236; and SB 864, PN 1068.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 183, PN 1205, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for facilities for appellate judges; and extending the limitation periods in criminal cases where the victim is a child.

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

Table listing names of members who voted 'YEAS' for SB 183, PN 1205. Includes names like Acosta, Distler, Lescovitz, Rieger, etc.

Table listing names of members who voted 'NAYS' for SB 183, PN 1205. Includes names like Bowley, Gallagher, Markosek, Smith, L. E., etc.

NAYS—1

Clymer

NOT VOTING—2

Cappabianca Wambach

EXCUSED—2

Davies Durham

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

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

* * *

The House proceeded to third consideration of SB 237, PN 1106, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for powers and duties as to dependents; and providing for the authority to sell certain real property and personal property as a single unit.

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

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

NAYS—1

Lloyd

NOT VOTING—3

Bush Carn Josephs

EXCUSED—2

Davies Durham

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 179, PN 195**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing a pension for certain paralyzed veterans.

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—193

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Laughlin | Roebuck |
| Afflerbach | Dininni | Lescovitz | Rudy |
| Angstadt | Distler | Letterman | Ryan |
| Argall | Dombrowski | Levdansky | Rybak |
| Arty | Donatucci | Linton | Saloom |
| Baldwin | Dorr | Livengood | Saurman |
| Barber | Duffy | Lloyd | Scheetz |
| Barley | Evans | Lucyk | Schuler |
| Battisto | Fattah | McCall | Semmel |
| Belardi | Fee | McClatchy | Serafini |
| Belfanti | Fischer | McHale | Seventy |
| Birmelin | Flick | McVerry | Showers |
| Black | Foster, Jr., A. | Mackowski | Sirianni |
| Blaum | Fox | Maiale | Smith, B. |
| Book | Freeman | Manderino | Smith, L. E. |
| Bortner | Freind | Manmiller | Snyder, D. W. |
| Bowley | Fryer | Markosek | Snyder, G. M. |
| Bowser | Gallagher | Mayernik | Stairs |
| Boyes | Gallen | Michlovic | Steighner |
| Brandt | Gamble | Micozzie | Stevens |
| Broujos | Gannon | Miller | Stewart |
| Bunt | Geist | Moehlmann | Stuban |
| Burd | George | Morris | Sweet |
| Burns | Gladeck | Mowery | Swift |
| Bush | Godshall | Mrkonic | Taylor, E. Z. |
| Caltagirone | Greenwood | Murphy | Taylor, F. E. |
| Cappabianca | Gruitza | Nahill | Taylor, J. |
| Carlson | Gruppo | Noye | Telek |
| Cawley | Hagarty | O'Brien | Tigue |
| Cessar | Haluska | O'Donnell | Trello |
| Chadwick | Harper | Olasz | Truman |
| Cimini | Hasay | Oliver | Van Horne |
| Civera | Hayes | Perzel | Veon |
| Clark | Herman | Petrarca | Vroon |
| Clymer | Hershey | Petrone | Wambach |
| Cohen | Honaman | Phillips | Wass |
| Colafella | Howlett | Piccola | Weston |
| Colafella | Hutchinson | Pievsky | Wiggins |
| Cordisco | Jackson | Pistella | Wilson |
| Cornell | Jarolin | Pitts | Wogan |
| Coslett | Johnson | Pott | Wozniak |
| Cowell | Josephs | Pratt | Wright, D. R. |
| Coy | Kasunic | Pressmann | Wright, J. L. |
| Deluca | Kennedy | Preston | Wright, R. C. |
| DeVerter | Kenney | Punt | Yandrisevits |
| DeWeese | Kosinski | Raymond | |
| Daley | Kukovich | Reinard | Irvis, |
| Dawida | Langtry | Richardson | Speaker |
| Deal | Lashinger | Rieger | |

NAYS—0

NOT VOTING—8

| | | | |
|-------|-------|-------|---------|
| Cole | Itkin | Merry | Robbins |
| Fargo | Levin | Reber | Staback |

EXCUSED—2

Davies Durham

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.

SB 543 PASSED OVER

The SPEAKER. On SB 543, PN 933, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I rise to call this bill up.

The SPEAKER. SB 543, PN 933, has been called up by the gentleman, Mr. Morris.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this bill has been marked over on the majority leader's calendar, and I move that we pass the bill over for today.

The SPEAKER. The floor is advised that the gentleman, Mr. Morris, has called up SB 543. The majority leader moves that SB 543, PN 933, be passed over for today's session.

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

(Members proceeded to vote.)

Mr. GREENWOOD. Mr. Speaker? Is this vote debatable, Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the vote.

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

The following roll call was recorded:

YEAS—163

| | | | |
|-------------|-----------------|-----------|---------------|
| Afflerbach | Dininni | Levdansky | Rudy |
| Angstadt | Distler | Levin | Ryan |
| Argall | Dombrowski | Linton | Saloom |
| Arty | Donatucci | Lucyk | Saurman |
| Baldwin | Dorr | McCall | Scheetz |
| Barber | Duffy | McClatchy | Schuler |
| Barley | Evans | McVerry | Semmel |
| Battisto | Fargo | Mackowski | Serafini |
| Belardi | Fee | Manderino | Seventy |
| Black | Fischer | Manmiller | Showers |
| Blaum | Flick | Markosek | Sirianni |
| Book | Foster, Jr., A. | Mayernik | Smith, L. E. |
| Bortner | Fox | Merry | Snyder, D. W. |
| Bowley | Freind | Michlovic | Snyder, G. M. |
| Bowser | Gallen | Micozzie | Staback |
| Boyes | Gamble | Miller | Stairs |
| Brandt | Gannon | Moehlmann | Steighner |
| Broujos | Geist | Mowery | Stevens |
| Burd | Gladeck | Mrkonic | Stuban |
| Bush | Godshall | Murphy | Sweet |
| Caltagirone | Gruitza | Nahill | Swift |
| Carlson | Gruppo | Noye | Taylor, E. Z. |

| | | | |
|-----------|------------|------------|---------------|
| Carn | Hagarty | O'Brien | Taylor, F. E. |
| Cawley | Haluska | Olasz | Taylor, J. |
| Cessar | Harper | Oliver | Telek |
| Civera | Hasay | Perzel | Tigue |
| Clymer | Hayes | Petrone | Trello |
| Cohen | Herman | Phillips | Truman |
| Colafella | Hershey | Piccola | Van Horne |
| Cole | Honaman | Pievsky | Veon |
| Cordisco | Jackson | Pistella | Vroon |
| Cornell | Jarolin | Pitts | Weston |
| Coslett | Kasunic | Pott | Wiggins |
| Cowell | Kennedy | Pressmann | Wilson |
| Coy | Kenney | Preston | Wogan |
| Deluca | Kosinski | Punt | Wright, D. R. |
| DeVerter | Langtry | Raymond | Wright, R. C. |
| DeWeese | Lashingier | Richardson | Yandrisevits |
| Daley | Laughlin | Rieger | |
| Dawida | Lescovitz | Robbins | Irvis, |
| Deal | Letterman | Roebuck | Speaker |
| Dietz | | | |

NAYS—34

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Freeman | Kukovich | Reinard |
| Belfanti | Fryer | Livengood | Rybak |
| Birmelin | Gallagher | Lloyd | Smith, B. |
| Bunt | George | McHale | Stewart |
| Burns | Greenwood | Maiale | Wambach |
| Cappabianca | Howlett | Morris | Wass |
| Chadwick | Hutchinson | O'Donnell | Wozniak |
| Cimini | Johnson | Reber | Wright, J. L. |
| Fattah | Josephs | | |

NOT VOTING—4

| | | | |
|-------|-------|----------|-------|
| Clark | Itkin | Petrarca | Pratt |
|-------|-------|----------|-------|

EXCUSED—2

Davies Durham

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

The SPEAKER. Mr. Greenwood, what is your question?

Mr. GREENWOOD. Mr. Speaker, I simply wanted to know if that motion was debatable, and you indicated that it was not.

The SPEAKER. No, no, no. The motion was debatable, but not at that point in time. We were already taking the vote. You would have to rise before the calling of the vote, not during it.

Mr. GREENWOOD. I had, Mr. Speaker. I had risen before the calling of the vote, Mr. Speaker.

The SPEAKER. You were on your feet?

Mr. GREENWOOD. I was on my feet at the microphone with my hand raised.

The SPEAKER. The Chair apologizes. The Chair did not see you. It did not deliberately overlook you; it did not see you. The Chair is sorry for that, but when the Chair saw you, the vote was rolling, and therefore we could not interrupt it.

Does the gentleman wish to speak to the matter?

Mr. GREENWOOD. If there is an opportunity to take that vote again following debate, certainly.

The SPEAKER. The Chair would not advise doing that, but if you wish to speak under unanimous consent, the Chair will recognize you.

Mr. GREENWOOD. I do not think there would be anything gained by that, Mr. Speaker.

The SPEAKER. The Chair agrees with you.

Mr. MORRIS. Mr. Speaker, I would like the record to reflect that I, too, was on my feet ready to speak on the motion, and I was passed over.

The SPEAKER. Very well. We will allow either gentleman to speak under unanimous consent if either one wishes. Neither one requests it; therefore, the vote is taken and it is recorded.

**RESOLUTION ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HR 6, PN 1708**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

Directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to conduct an investigation of the land application of liquid and composted sewage sludge.

On the question,

Will the House concur in Senate amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, this is the resolution which would direct the Joint Conservation Committee to do an environmental impact study of the land application of sewage sludge.

There were three amendments in the Senate. First, the Senate struck out all of the "whereas" clauses on the theory that those "whereas" clauses prejudged the result of the study. Secondly, the Senate inserted an amendment to make sure that the investigation by the committee would take place entirely within the boundaries of the Commonwealth of Pennsylvania. And thirdly, the Senate struck out the specific language in the resolution which would have empowered the committee to hire or contract for the study. While I would have preferred not to have had these amendments put in, I do not think they will severely restrict the investigation in any way. I think it is the best we are going to get from the Senate, and I would move that we concur in the Senate amendments.

The SPEAKER. The question is, will the House adopt the Senate amendments to HR 6? Those in favor of adopting the resolution will vote "aye"; those opposed, "no." The single vote will be for the adoption of the resolution and the contained amendments.

On the question recurring,

Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS—201

| | | | |
|------------|------------|-----------|---------|
| Acosta | Dininni | Lescovitz | Robbins |
| Afflerbach | Distler | Letterman | Roebuck |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Evans | Lloyd | Saurman |

| | | | |
|-------------|-----------------|------------|---------------|
| Barley | Fargo | Lucyk | Scheetz |
| Battisto | Fattah | McCall | Schuler |
| Belardi | Fee | McClatchy | Semmel |
| Belifanti | Fischer | McHale | Serafini |
| Birmelin | Flick | McVerry | Seventy |
| Black | Foster, Jr., A. | Mackowski | Showers |
| Blaum | Fox | Maiale | Sirianni |
| Book | Freeman | Manderino | Smith, B. |
| Bortner | Freind | Manmiller | Smith, L. E. |
| Bowley | Fryer | Markosek | Snyder, D. W. |
| Bowser | Gallagher | Mayernik | Snyder, G. M. |
| Boyes | Gallen | Merry | Staback |
| Brandt | Gamble | Michlovic | Stairs |
| Broujos | Gannon | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonic | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Olasz | Trello |
| Cimini | Hayes | Oliver | Truman |
| Civera | Herman | Perzel | Van Horne |
| Clark | Hershey | Petrarca | Veon |
| Clymer | Honaman | Petrone | Vroon |
| Cohen | Howlett | Phillips | Wambach |
| Colafella | Hutchinson | Piccola | Wass |
| Cole | Itkin | Pievsky | Weston |
| Cordisco | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. L. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kosinski | Raymond | Yandrisevits |
| Daley | Kukovich | Reber | |
| Dawida | Langtry | Reinard | Irvis, |
| Deal | Lashinger | Richardson | Speaker |
| Dietz | Laughlin | Rieger | |

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies Durham

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS

Mr. **MAYERNIK** called up **HR 134, PN 1761**, entitled:

Marking the tenth anniversary of the Deputy Sheriffs' Association of Pennsylvania and recognizing the first week of October 1985 as "Deputy Sheriffs' Week."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

| | | | |
|------------|------------|-----------|---------|
| Acosta | Dininni | Lescovitz | Robbins |
| Afflerbach | Distler | Letterman | Roebuck |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |

| | | | |
|-------------|-----------------|------------|---------------|
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Evans | Lloyd | Saurman |
| Barley | Fargo | Lucyk | Scheetz |
| Battisto | Fattah | McCall | Schuler |
| Belardi | Fee | McClatchy | Semmel |
| Belfanti | Fischer | McHale | Serafini |
| Birmelin | Flick | McVerry | Seventy |
| Black | Foster, Jr., A. | Mackowski | Showers |
| Blaum | Fox | Maiale | Sirianni |
| Book | Freeman | Manderino | Smith, B. |
| Bortner | Freind | Manmiller | Smith, L. E. |
| Bowley | Fryer | Markosek | Snyder, D. W. |
| Bowser | Gallagher | Mayernik | Snyder, G. M. |
| Boyes | Gallen | Merry | Staback |
| Brandt | Gamble | Michlovic | Stairs |
| Broujos | Gannon | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonc | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Olasz | Trello |
| Cimini | Hayes | Oliver | Truman |
| Civera | Herman | Perzel | Van Horne |
| Clark | Hershey | Petrarca | Veon |
| Clymer | Honaman | Petrone | Vroon |
| Cohen | Howlett | Phillips | Wambach |
| Colafella | Hutchinson | Piccola | Wass |
| Cole | Itkin | Pievsky | Weston |
| Cordisco | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. L. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kosinski | Raymond | Yandrisevits |
| Daley | Kukovich | Reber | |
| Dawida | Langtry | Reinard | Irvis, |
| Deal | Lashinger | Richardson | Speaker |
| Dietz | Laughlin | Rieger | |

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies Durham

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

* * *

Mr. KOSINSKI called up **HR 135, PN 1782**, entitled:

Designating August as "Polish Heritage Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

| | | | |
|------------|------------|-----------|------------|
| Acosta | Dietz | Lashinger | Richardson |
| Afflerbach | Dininni | Laughlin | Rieger |
| Angstadt | Distler | Lescovitz | Robbins |
| Argall | Dombrowski | Letterman | Roebuck |
| Arty | Donatucci | Levdansky | Rudy |
| Baldwin | Dorr | Levin | Ryan |

| | | | |
|-------------|-----------------|-----------|---------------|
| Barber | Duffy | Linton | Rybak |
| Barley | Evans | Livengood | Saloom |
| Battisto | Fargo | Lloyd | Saurman |
| Belardi | Fattah | Lucyk | Scheetz |
| Belfanti | Fee | McCall | Schuler |
| Birmelin | Fischer | McClatchy | Semmel |
| Black | Flick | McHale | Serafini |
| Blaum | Foster, Jr., A. | McVerry | Seventy |
| Book | Fox | Mackowski | Showers |
| Bortner | Freeman | Maiale | Sirianni |
| Bowley | Freind | Manderino | Smith, B. |
| Bowser | Fryer | Manmiller | Smith, L. E. |
| Boyes | Gallagher | Markosek | Snyder, D. W. |
| Brandt | Gallen | Mayernik | Snyder, G. M. |
| Broujos | Gamble | Merry | Staback |
| Bunt | Gannon | Michlovic | Stairs |
| Burd | Geist | Micozzie | Steighner |
| Burns | George | Miller | Stevens |
| Bush | Gladeck | Morris | Stewart |
| Caltagirone | Godshall | Mowery | Stuban |
| Cappabianca | Greenwood | Mrkonc | Sweet |
| Carlson | Gruitza | Murphy | Swift |
| Carn | Gruppo | Nahill | Taylor, E. Z. |
| Cawley | Hagarty | Noye | Taylor, F. E. |
| Cessar | Haluska | O'Brien | Taylor, J. |
| Chadwick | Harper | O'Donnell | Telek |
| Cimini | Hasay | Olasz | Tigue |
| Civera | Hayes | Oliver | Trello |
| Clark | Herman | Perzel | Truman |
| Clymer | Hershey | Petrarca | Veon |
| Cohen | Honaman | Petrone | Vroon |
| Colafella | Howlett | Phillips | Wambach |
| Cole | Hutchinson | Piccola | Wass |
| Cordisco | Irkin | Pievsky | Wiggins |
| Cornell | Jackson | Pistella | Wilson |
| Coslett | Jarolin | Pitts | Wogan |
| Cowell | Johnson | Pott | Wozniak |
| Coy | Josephs | Pratt | Wright, D. R. |
| Deluca | Kasunic | Pressmann | Wright, J. L. |
| DeVerter | Kennedy | Preston | Wright, R. C. |
| DeWeese | Kenney | Punt | Yandrisevits |
| Daley | Kosinski | Raymond | |
| Dawida | Kukovich | Reber | Irvis, |
| Deal | Langtry | Reinard | Speaker |

NAYS—0

NOT VOTING—3

EXCUSED—2

Moehlmann Van Horne Weston

Davies Durham

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

* * *

Mr. BARBER called up **HR 136, PN 1820**, entitled:

Directing the House Committee on Health and Welfare to investigate immunization requirements for children to enroll in school.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

| | | | |
|------------|------------|-----------|---------|
| Acosta | Distler | Levdansky | Roebuck |
| Afflerbach | Dombrowski | Levin | Rudy |
| Angstadt | Dorr | Linton | Ryan |
| Argall | Duffy | Livengood | Rybak |
| Arty | Evans | Lloyd | Saloom |
| Baldwin | Fargo | Lucyk | Saurman |

| | | | |
|-------------|-----------------|------------|---------------|
| Barber | Fattah | McCall | Scheetz |
| Barley | Fee | McClatchy | Schuler |
| Battisto | Fischer | McHale | Semmel |
| Belardi | Flick | McVerry | Serafini |
| Belfanti | Foster, Jr., A. | Mackowski | Seventy |
| Birmelin | Fox | Maiale | Showers |
| Black | Freind | Manderino | Sirianni |
| Blaum | Fryer | Manmiller | Smith, B. |
| Bortner | Gallagher | Markosek | Smith, L. E. |
| Bowley | Gallen | Mayernik | Snyder, D. W. |
| Bowser | Gamble | Merry | Snyder, G. M. |
| Boyes | Gannon | Michlovic | Staback |
| Brandt | Geist | Micozzie | Stairs |
| Broujos | George | Miller | Steighner |
| Bunt | Gladeck | Moehlmann | Stevens |
| Burns | Godshall | Morris | Stewart |
| Bush | Greenwood | Mowery | Stuban |
| Caltagirone | Gruitza | Mrkonic | Sweet |
| Cappabianca | Gruppo | Murphy | Swift |
| Carlson | Haluska | Nahill | Taylor, E. Z. |
| Carn | Harper | Noye | Taylor, F. E. |
| Cawley | Hasay | O'Brien | Taylor, J. |
| Cessar | Hayes | O'Donnell | Telek |
| Chadwick | Herman | Olasz | Tigue |
| Cimini | Hershey | Oliver | Trello |
| Civera | Honaman | Perzel | Truman |
| Clark | Howlett | Petrarca | Van Horne |
| Clymer | Hutchinson | Petrone | Veon |
| Cohen | Itkin | Phillips | Vroon |
| Colafella | Jackson | Piccola | Wambach |
| Cole | Jarolin | Pievsky | Wass |
| Cordisco | Johnson | Pistella | Weston |
| Cornell | Josephs | Pitts | Wiggins |
| Coslett | Kasunic | Pott | Wilson |
| Cowell | Kennedy | Pratt | Wogan |
| Coy | Kenney | Pressmann | Wozniak |
| Deluca | Kosinski | Preston | Wright, D. R. |
| DeVerter | Kukovich | Punt | Wright, J. L. |
| DeWeese | Langtry | Raymond | Wright, R. C. |
| Daley | Lashinger | Reber | Yandrissevit |
| Dawida | Laughlin | Reinard | |
| Deal | Lescovitz | Richardson | Irvis, |
| Dietz | Letterman | Robbins | Speaker |
| Dininni | | | |

NAYS—0

NOT VOTING—6

| | | | |
|------|-----------|---------|--------|
| Book | Donatucci | Hagarty | Rieger |
| Burd | Freeman | | |

EXCUSED—2

| | |
|--------|--------|
| Davies | Durham |
|--------|--------|

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1353, PN 1718**, entitled:

An Act providing for the establishment, operation and administration of an intervention program for the homeless; and making appropriations.

On the question,
Will the House agree to the bill on third consideration?
Mr. DORR offered the following amendments No. A2429:

Amend Sec. 3, page 3, lines 11 and 12, by striking out "A range of housing which is sufficiently broad to accommodate" and inserting

Alternative housing to accommodate
Amend Sec. 3, page 3, lines 13 and 14, by striking out "persons who, with training, can eventually live independently;"
Amend Sec. 3, page 3, line 15, by striking out "will"

Amend Sec. 3, page 3, lines 15 and 16, by striking out "for an indefinite period" and inserting
on an ongoing basis

Amend Sec. 3, page 4, line 5, by striking out "a" and inserting
as

Amend Sec. 4, page 4, lines 27 and 28, by striking out "at risk of imminent homelessness or are"

Amend Sec. 4, page 5, line 13, by striking out "donated" and inserting
non-State

Amend Sec. 6, page 6, lines 26 through 29, by striking out all of said lines and inserting

(1) For provision of community-based housing for homeless individuals who are chronically mentally ill. These funds shall be categorical community mental health funds for innovative housing alternatives. The department shall insure that community mental health services are available and offered to the chronically mentally ill residents.

State appropriation..... 1,164,000

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

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

Mr. DORR. Mr. Speaker, the amendments are largely technical in nature, providing clarification of some of the language in the bill. The only real substantive amendment to the bill attempts to connect the new services that are provided in the bill for mentally ill persons with the existing community mental health system. I would request an affirmative vote, Mr. Speaker.

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

Mr. CAWLEY. Thank you, Mr. Speaker.
This is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—198

| | | | |
|------------|-----------------|-----------|-----------|
| Acosta | Dininni | Laughlin | Robbins |
| Afflerbach | Distler | Lescovitz | Roebuck |
| Angstadt | Dombrowski | Letterman | Rudy |
| Argall | Donatucci | Levdansky | Ryan |
| Arty | Dorr | Levin | Rybak |
| Baldwin | Duffy | Linton | Saloom |
| Barber | Evans | Livengood | Saurman |
| Barley | Fargo | Lloyd | Scheetz |
| Battisto | Fattah | Lucyk | Schuler |
| Belardi | Fee | McCall | Semmel |
| Belfanti | Fischer | McClatchy | Serafini |
| Birmelin | Flick | McHale | Seventy |
| Black | Foster, Jr., A. | McVerry | Showers |
| Blaum | Fox | Mackowski | Sirianni |
| Book | Freeman | Maiale | Smith, B. |

| | | | |
|-------------|------------|------------|---------------|
| Bortner | Freind | Manderino | Smith, L. E. |
| Bowley | Fryer | Manmiller | Snyder, D. W. |
| Bowser | Gallagher | Markosek | Snyder, G. M. |
| Boyes | Gallen | Mayernik | Staback |
| Brandt | Gamble | Merry | Stairs |
| Broujos | Gannon | Michlovic | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Suban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonic | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Oliver | Trello |
| Cimini | Hayes | Perzel | Truman |
| Clark | Herman | Petrarca | Van Horne |
| Clymer | Hershey | Petrone | Veon |
| Cohen | Honaman | Phillips | Vroon |
| Colafella | Howlett | Piccola | Wambach |
| Cole | Hutchinson | Pievsky | Wass |
| Cordisco | Itkin | Pistella | Weston |
| Cornell | Jackson | Pitts | Wiggins |
| Coslett | Jarolin | Pott | Wilson |
| Cowell | Johnson | Pratt | Wogan |
| Coy | Josephs | Pressmann | Wozniak |
| Deluca | Kasunic | Preston | Wright, D. R. |
| DeVerter | Kennedy | Punt | Wright, J. L. |
| DeWeese | Kenney | Raymond | Wright, R. C. |
| Daley | Kosinski | Reber | Yandrisevits |
| Dawida | Kukovich | Reinard | |
| Deal | Langtry | Richardson | Irvis, |
| Dietz | Lashinger | Rieger | Speaker |

NAYS—0

NOT VOTING—3

| | | |
|--------|----------|-------|
| Civera | Micozzie | Olasz |
|--------|----------|-------|

EXCUSED—2

| | |
|--------|--------|
| Davies | Durham |
|--------|--------|

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

| | | | |
|------------|-----------------|-----------|-----------|
| Acosta | Dietz | Lashinger | Robbins |
| Afflerbach | Dininni | Laughlin | Roebuck |
| Angstadt | Distler | Lescovitz | Rudy |
| Argall | Dombrowski | Letterman | Ryan |
| Arty | Donatucci | Levdansky | Rybak |
| Baldwin | Dorr | Levin | Saloom |
| Barber | Duffy | Linton | Saurman |
| Barley | Evans | Livengood | Scheetz |
| Battisto | Fargo | Lucyk | Schuler |
| Belardi | Fattah | McCall | Semmel |
| Belfanti | Fee | McClatchy | Scrafini |
| Birmelin | Fischer | McHale | Seventy |
| Black | Flick | McVerry | Showers |
| Blaum | Foster, Jr., A. | Mackowski | Sirianni |
| Book | Fox | Maiale | Smith, B. |

| | | | |
|-------------|------------|------------|---------------|
| Bortner | Freeman | Manderino | Smith, L. E. |
| Bowley | Freind | Manmiller | Snyder, D. W. |
| Bowser | Fryer | Markosek | Snyder, G. M. |
| Boyes | Gallagher | Mayernik | Staback |
| Brandt | Gallen | Merry | Stairs |
| Broujos | Gamble | Michlovic | Steighner |
| Bunt | Gannon | Micozzie | Stevens |
| Burd | Geist | Miller | Stewart |
| Burns | George | Morris | Suban |
| Bush | Gladeck | Mowery | Sweet |
| Caltagirone | Godshall | Mrkonic | Swift |
| Cappabianca | Greenwood | Murphy | Taylor, E. Z. |
| Carlson | Gruitza | Nahill | Taylor, F. E. |
| Carn | Gruppo | Noye | Taylor, J. |
| Cawley | Hagarty | O'Brien | Telek |
| Cessar | Haluska | O'Donnell | Tigue |
| Chadwick | Harper | Olasz | Trello |
| Cimini | Hasay | Oliver | Truman |
| Civera | Hayes | Perzel | Van Horne |
| Clark | Herman | Petrarca | Veon |
| Clymer | Hershey | Petrone | Vroon |
| Cohen | Honaman | Piccola | Wambach |
| Colafella | Howlett | Pievsky | Wass |
| Cole | Hutchinson | Pistella | Weston |
| Cordisco | Itkin | Pitts | Wiggins |
| Cornell | Jackson | Pott | Wilson |
| Coslett | Jarolin | Pratt | Wogan |
| Cowell | Johnson | Pressmann | Wozniak |
| Coy | Josephs | Preston | Wright, D. R. |
| Deluca | Kasunic | Punt | Wright, J. L. |
| DeVerter | Kennedy | Raymond | Wright, R. C. |
| DeWeese | Kenney | Reber | Yandrisevits |
| Daley | Kosinski | Reinard | |
| Dawida | Kukovich | Richardson | Irvis, |
| Deal | Langtry | Rieger | Speaker |

NAYS—2

| | |
|-------|-----------|
| Lloyd | Moehlmann |
|-------|-----------|

NOT VOTING—1

| |
|----------|
| Phillips |
|----------|

EXCUSED—2

| | |
|--------|--------|
| Davies | Durham |
|--------|--------|

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.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House the wife of Glenn Gettys, who is a Sergeant at Arms on the floor of the House. Welcome to the hall of the House, Mrs. Gettys.

BILLS ON THIRD CONSIDERATION CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER. Page 8, HB 1362, PN 1677.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, Representative Phillips has amendments to this particular bill, which I am told are agreed-to amendments; however, when they came down from

the Reference Bureau, they evidently did not reflect the agreement. We would appreciate it if this matter would be held over until the Reference Bureau properly draws the amendment up.

The SPEAKER. Did you say Mr. Phillips?

Mr. RYAN. Yes, Merle Phillips.

The SPEAKER. All right.

We will mark the bill over temporarily then until we are ready on it.

The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach. Why do you rise?

Mr. AFFLERBACH. Only one correction, Mr. Speaker. Those are not agreed-to amendments.

The SPEAKER. All right.

* * *

The House proceeded to third consideration of **HB 1363, PN 1678**, entitled:

An Act amending the act of October 10, 1975 (P. L. 383, No. 110), known as the "Physical Therapy Practice Act," further providing for the board, qualifications for licenses and renewal thereof, registration of physical therapy assistants and certification of athletic trainers; providing penalties; and making an editorial change.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, who offers the following amendment, which the clerk will read.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Blair, Mr. Geist, rise?

Mr. GEIST. Mr. Speaker, I have a question for the Chair.

The SPEAKER. What is your question, sir?

Mr. GEIST. If we take the Afflerbach amendment first with its language and it would go in, then the language that would be adopted if the Linton-Book amendment passed would supersede that language. Correct?

The SPEAKER. Once an amendment has been accepted by the House, it becomes part of the body of the bill. A subsequent amendment may either add to that or detract. We cannot say what the Linton amendment would do, but if there is a question of precedence, the Linton amendment coming second would indicate that the House may have changed its mind and would take precedence over the first amendment.

Mr. GEIST. Thank you, Mr. Speaker.

There are some reasons when you look at these two that you and I have an interest in, being members of the orthopedic society of this House. It would seem to me that the Linton-Book amendment should go before the Afflerbach amendment. That is just my suggestion.

The SPEAKER. Let us take a look at them and see what they are.

Mr. Afflerbach, Mr. Linton, come to the podium, the two of you, please. The House will stand at ease. Mr. Geist, come to the podium.

(Conference held at Speaker's rostrum.)

The SPEAKER. The gentlemen have agreed that Mr. Linton's amendment will be taken first. There will be debate and a division of the amendment, but because of the wording which is in conflict between the two amendments and because of philosophical differences between the two gentlemen, they have agreed that we should take the Linton amendment first.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LINTON offered the following amendments No. A2037:

Amend Sec. 3 (Sec. 6), page 6, line 30, by inserting after "state"

, territory or the District of Columbia

Amend Sec. 3 (Sec. 6), page 7, line 2, by inserting after "state"

, territory or the District of Columbia

Amend Sec. 3 (Sec. 6), page 7, line 7, by inserting after "state"

, territory or the District of Columbia

Amend Sec. 3 (Sec. 6), page 7, line 27, by inserting a bracket before "(g)"

Amend Sec. 3 (Sec. 6), page 7, line 30, by striking out the brackets before and after "in the judgment of the board,"

Amend Sec. 3 (Sec. 6), page 8, line 3, by striking out the bracket before the comma

Amend Sec. 3 (Sec. 6), page 8, lines 4 through 7, by striking out "[. THE]" in line 4, all of lines 5 through 7 and inserting under the direct

Amend Sec. 3 (Sec. 6), page 8, line 11, by striking out the bracket before "in"

Amend Sec. 3 (Sec. 6), page 8, line 12, by striking out "ONCE"

Amend Sec. 3 (Sec. 6), page 8, line 14, by striking out the bracket before "The"

Amend Sec. 3 (Sec. 6), page 8, line 18, by inserting a bracket after "board."

Amend Sec. 3 (Sec. 6), page 8, line 19, by striking out the bracket after "(i)"

Amend Sec. 3 (Sec. 6), page 8, by inserting between lines 18 and 19

(g.1) Upon the submission of a written application on forms provided by it, the board shall issue a temporary license to a person who has applied for a license under the provisions of subsection (a) and who is eligible to take the next examination as provided for in subsection (b) and has applied to take that examination. The issuance of the temporary license to the graduate of the physical therapist program shall allow that person to work, limited to performing services defined as those of a physical therapist assistant within this act. However, such person shall not be required to register or meet the qualifications of a physical therapist assistant under this act. Such services must be rendered under the direct on-premises supervision of a licensed physical therapist. Such license shall expire upon the failure of the first examination and upon expiration, the license must be surrendered to the board.

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

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

Mr. AFFLERBACH. Mr. Speaker, I would move that we divide the Linton amendment in the following manner: Where the statement “, territory or the District of Columbia” appears for the third time, we should divide at that point. Everything preceding that point would be the first amendment, and everything thereafter the second amendment.

The SPEAKER. The Chair agrees with the gentleman, Mr. Afflerbach. The amendment may be so divided.

The amendment, A2037, by Mr. Linton, has been divided as follows: The amendment now before the House begins, “Amend Sec. 3 (Sec. 6), page 6, line 30,” and ends with the words “territory or the District of Columbia.” You should draw a line between that line and the following line. We will now have two separate amendments. Is that clear?

The question therefore is on the first amendment offered by Mr. Linton.

On the question,
Will the House agree to part I of the amendments?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the division of the amendment. The first part of the amendment, which we are addressing now, is a technical amendment, which has in fact been agreed to by the members of the Professional Licensure Committee, both the Republican and Democratic sides. I would just ask for an affirmative vote on the first part of the amendment.

The SPEAKER. Those in favor of the amendment as divided—let me explain again, we are dealing with the first part now, not the second—will vote “aye”; those opposed, “no.” We are informed, and apparently it has been agreed upon, that this amendment is acceptable to both philosophical camps.

On the question recurring,
Will the House agree to part I of the amendments?

The following roll call was recorded:

YEAS—201

| | | | |
|------------|-----------------|-----------|---------------|
| Acosta | Dininni | Lescovitz | Robbins |
| Afflerbach | Distler | Letterman | Roebuck |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Evans | Lloyd | Saurman |
| Barley | Fargo | Lucyk | Scheetz |
| Battisto | Fattah | McCall | Schuler |
| Belardi | Fee | McClatchy | Semmel |
| Belfanti | Fischer | McHale | Serafini |
| Birmelin | Flick | McVerry | Seventy |
| Black | Foster, Jr., A. | Mackowski | Showers |
| Blaum | Fox | Majale | Sirianni |
| Book | Freeman | Manderino | Smith, B. |
| Bortner | Freind | Manmiller | Smith, I. E. |
| Bowley | Fryer | Markosek | Snyder, D. W. |
| Bowser | Gallagher | Mayernik | Snyder, G. M. |
| Boyes | Gallen | Merry | Staback |
| Brandt | Gamble | Michlovic | Stairs |

| | | | |
|-------------|------------|------------|---------------|
| Broujos | Gannon | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonic | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Olasz | Treilo |
| Cimini | Hayes | Oliver | Truman |
| Civera | Herman | Perzel | Van Horne |
| Clark | Hershey | Petrarca | Veon |
| Clymer | Honaman | Petrone | Vroon |
| Cohen | Howlett | Phillips | Wambach |
| Colafella | Hutchinson | Piccola | Wass |
| Cole | Irkin | Pievsky | Weston |
| Cordisco | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. I. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kosinski | Raymond | Yandrisevits |
| Daley | Kukovich | Reber | |
| Dawida | Langtry | Reinard | Irvis, |
| Deal | Lashingier | Richardson | Speaker |
| Dietz | Laughlin | Rieger | |

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies Durham

The question was determined in the affirmative, and part I of the amendments was agreed to.

The SPEAKER. Now the Chair places before the House the following: Beginning with the words “Amend Sec. 3 (Sec. 6), page 7, line 27, by inserting a bracket before ‘(g)’” and ending with the words on the next page, “Such license shall expire upon the failure of the first examination and upon expiration, the license must be surrendered to the board.” That is now the amendment before the House.

On the question,
Will the House agree to part II of the amendments?

The SPEAKER. On that amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, this phase of the amendment is probably one on which there will be some debate. I would like to note, however, that this is in fact agreed to also by both the Democratic and Republican sides of the Professional Licensure Committee and is in fact an amendment that we worked on after numerous hours of debate and also consultation with the board, the members of the Professional Licensure Committee, and also those who are in the profession.

What we are attempting to do in this amendment, Mr. Speaker, is provide some guidelines for the issuance of temporary licenses. What we found out through many of our hearings, Mr. Speaker, is the fact that in the past the board has

provided temporary licenses to individuals who may have passed their programs at their schools of education but have not yet taken the board's examination, and these individuals were in fact given temporary licenses where they could perform all the services of a physical therapist. I would like to note to the members of the House that in our review of the Physical Therapist Board, the Legislative Budget and Finance Committee looked at the physical therapist assistants and found out that the board in the past has given and only required the physical therapist assistants to be listed, and the Legislative Budget and Finance Committee felt that because of the potential harm to the safety of the constituency in this Commonwealth, that physical therapist assistants should be licensed, should in fact be tested to prove their competency, because many of the modalities that they deal with can cause harm and injury to the constituency in the Commonwealth, and the Legislative Budget and Finance Committee recommended that we in fact have some sort of testing to prove the competency of physical therapist assistants.

Now, Mr. Speaker, what we are looking at are physical therapists who now, some are saying, should be allowed to practice without having any form of competency testing in the form of a temporary license, which means that they will graduate from a school that prepares them to be a physical therapist and be able to function as a physical therapist without in fact being tested to prove that they are in fact competent, meaning that they will be allowed to use many of these potentially harmful modalities on the constituency in the Commonwealth without having to be proven competent to do such. You will note in the past that with many licensing boards we have no such thing as a temporary license, because the purpose of licensing is, one, to protect the health, safety, and welfare of the people in the Commonwealth, and we ask that these professions be licensed to make sure that they are competent and do not harm the constituency in the Commonwealth.

So what has been offered by many is that we should not have a temporary license that would inhibit the scope of operation of physical therapists between the time that they graduate and the time at which they take the examination. So the first attempt of the Professional Licensure Committee was to do away with temporary licenses, that there would be no temporary licenses at all, so that the only persons who could function would be those who passed the examination. However, after some discussions with the professionals in the field, we were told that it would be harmful to those who graduate from colleges after the period of time in which the examination has been taken. And some of those students—and I will note that there are only a few—would not be able to function and go out in the world of work and be employed.

So we came up with a compromise. That compromise provision was to allow those few individuals who complete their program upon graduation from school and will not be able to perform until they take the test, those few individuals would be able to receive a temporary license, but that temporary license would only allow them to perform as a physical thera-

pist assistant, and their function as a physical therapist assistant would be more limited in scope than that of a full physical therapist, which will mean that they can assist a physical therapist, they can perform many of the duties of a physical therapist, but they will not have the broad scope of diagnostic abilities and other kinds of abilities that a physical therapist would have. It would also be a better protection to the constituency of the Commonwealth that we are not allowing those who have not been tested in their competency to operate as a full-blown physical therapist.

I would ask, Mr. Speaker, for an affirmative vote on this agreed-to amendment, and I would like to add once again, this amendment has been drawn after considerable discussion and debate in the Professional Licensure Committee and has been agreed to by Representative Book, who represented the Republican side on the ad hoc committee and on the full committee, and myself. We would ask for an affirmative vote on this amendment.

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

Mr. BOOK. Mr. Speaker, I rise to ask for an affirmative vote on this amendment. This has been agreed upon. A lot of time and effort went into this and a lot of investigation, and I think it comes up that we had a reasonable agreement.

I would ask our members on this side of the aisle for an affirmative vote.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

First of all, let me address the issue of whether or not this is an agreed-to amendment. A number of us in the committee agreed to it to the extent only of moving the bill to the floor and only to the extent that it was better than what had originally been proposed, with the understanding that this would be debated on the floor and the opportunity for the members to decide would be given to them.

First of all, we are not asking for anything new. The Physical Therapy Act was enacted in 1975. Since its inception there has been a provision for temporary licensure. Indeed, during the past year, 1984, the legislature again took up this very section of the act, adjusted it to provide some safeguards, but nevertheless recognized and maintained the provision for temporary licensure.

At the present time there are five schools in Pennsylvania which provide training for physical therapists as accredited schools. They are Temple, Hahnemann, Pitt, the University of Scranton, and Beaver College. This year these five schools will be graduating between 227 and 237 physical therapists. These students will not be able to take their licensure examination until November. Licensure examinations are given only twice a year in Pennsylvania; that is in June and in November. Because of their graduation dates, they were unable to qualify for the June test. Consequently, they will not be able to test until November, and I submit to you that is precisely the reason that temporary licensure has been in the act since its beginning.

A cursory survey over the weekend of 19 major hospitals in the Philadelphia area and 17 in the Allegheny and southwestern Pennsylvania area indicated that there are a number of vacancies; there are shortages; these hospitals cannot fill their staff with presently licensed P.T.'s (physical therapists). They absolutely need the temporary licensure provision. There are 35 existing vacancies in southeastern Pennsylvania. There are 56 existing vacancies in southwestern Pennsylvania. These include vacancies at such major hospitals as St. Agnes Burn Center, Graduate Hospital, Magee Rehab, Hahnemann, Pennsylvania Hospital, and the University of Pennsylvania Hospital in the east; Jefferson Center, Mercy, St. Francis, Harmarville Rehab, and a small hospital in Blair County, Nason Hospital, which has been unable to fill any of its P.T. positions.

Now, the question has been brought up about having people who are not qualified practicing on patients. I suggest to you that these people are qualified. Under their educational requirements, they are required to do a clinical practicum during their junior and senior years. They average 880 hours or 22 weeks or 5 1/2 months of clinical, practical work as a physical therapist. By the end of their senior year, many of them are carrying a full caseload just as a licensed physical therapist would carry. During this period of their education, the accredited schools require in the junior year that the students have a one-on-one ratio in the clinical practicum with a licensed P.T. As they move into the senior year, that ratio is two students to one licensed P.T. in most cases. The instructor, the licensed P.T. to whom they are assigned, must be a graduate of an accredited physical therapy school; they must hold current licensure in the Commonwealth of Pennsylvania; and they must have at least 1 year of active physical therapist patient care as a licensed P.T. There is no reason to believe that these same students who are completing that practicum cannot continue on a full temporary license.

I agree with the concern that has been raised that the provision for temporary licensure needed some tightening up and needed some restricting. I prepared an amendment that will do that, but first we need to defeat this amendment.

There is a significant difference not only in the salary schedule but also in the duties that may be performed by a P.T. or a P.T. assistant. To propose that we can grant a temporary license and restrict this person only to the duties of a P.T. assistant negates their training, negates their education, negates their clinical practicum. In addition, the surrounding States of Pennsylvania all provide a full temporary license, and indeed we see many Pennsylvania students flocking to those States. We need the full temporary licensure if we are going to keep the students in Pennsylvania and fill the vacancies at our major hospitals, and we are not talking about a large number of people. During the past 12 months, the board has granted only 108 temporary licenses; that is all, 108. We are not talking about thousands of people.

The amendment I will offer will place greater restrictions upon supervision, and I think this is the essential difference between the Linton-Book amendment and the Afflerbach

amendment. Messrs. Linton and Book prefer to attack the idea of consumer protection by restricting duties, and from a philosophical standpoint that is hard to argue against, but from a practical standpoint of providing the trained people we need in our hospitals, I prefer to protect the consumers by virtue of restricting supervision.

I would ask for defeat of the Linton amendment so that I may offer another amendment which will resolve the problem to the benefit as best we can of all concerned.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

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

I have not been privy to this debate before; I only came upon this perhaps by reading amendments at my desk. That is why I asked for the ruling from the Chair.

As one who has been taking physical therapy for the last 4 years, and I represent Altoona in a rural part of the State, there is one thing that this word "assistant" does that it will do all over rural and central Pennsylvania, and that is simply to take a commodity that is very much needed in our local hospitals and have that commodity recruited to go into other States to work where they can make \$30,000 right off the bat versus \$13,000 in our local hospitals. I think it is ludicrous to take a person with this kind of training, with these abilities, in a law that has worked well for the last 20 years, and literally open up the gates to other States for our physical therapists who have been trained within Pennsylvania. I know of the need; I know of the constant need within our Altoona hospitals for competent, trained physical therapists. And as we get better with our emergency medical procedures, as we save more and more accident victims, the role of physical therapists becomes more and more important in our society.

I do not believe the intent of this amendment was ever written to be restrictive or to be noncompetitive for local hospitals in Pennsylvania, but as a person who has witnessed this, I can tell you that it is. I would therefore urge a "no" vote on the Linton amendment so that we can then vote the Afflerbach amendment. Thank you.

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

Mrs. ARTY. Thank you, Mr. Speaker.

I would only echo the remarks made by Mr. Afflerbach and Mr. Geist and ask that there be a "no" vote on this amendment.

Mr. Speaker, these people graduate and from only five schools in the Commonwealth once a year, and this exam is only given twice a year. These people have graduated, and by virtue of the fact that these degree-granting institutions present them with a degree and they are then kept from doing their practice by virtue of being called an assistant until the time that they can take and pass and be notified that they have passed the examination, I think it is a step in the wrong direction.

I understand Mr. Linton and Mr. Book having heard from their committee and from the Legislative Budget and Finance, but perhaps they did not hear from the entire process that needs to take place before this can happen.

I would ask, please, sir, and from my friends who are physiotherapists, that this not be passed and that there be a "no" vote on this amendment.

The SPEAKER. The Chair thanks the lady.

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

Mr. MILLER. Thank you, Mr. Speaker.

You have heard a great many statistics advanced with respect to this supposed interim dilemma that physical therapists are faced with. They have graduated from school and have not yet taken their exam, and the argument before you is, that is okay; let us give them full privileges and hope they pass later. The one statistic you have not been given is what in fact are the exam scores in the tests required by physical therapists to be licensed under our laws.

It is not a gray area as you would be led to believe. The gray area that does exist is the assumption that every physical therapist you give privileges to simply because he has graduated from a program because there may be some interim dilemma is competent to pass that exam. In every profession that we license in the Commonwealth, there is the opportunity to go through a normal progression from graduation to preparatory work for that exam, completion of the exam, and subsequent State licensing. It is not a wise policy move for this General Assembly to abrogate that process and suggest everyone is simply capable of passing the exam for the simple reason they have graduated. Think on it a minute. District attorneys' offices do not assign attorneys right out of law school to court cases because they have not passed the bar and they are not admitted to the bar; hospitals do not grant full privileges to M.D.'s (doctors of medicine) until they have passed their certification boards; osteopathic physicians, even our surveyors and engineers must pass their exam before they have full practicing privileges.

Finally, quiz those who would stop the Linton amendment and ask them what the exam scores are of these individuals that demonstrate their competence to practice.

I would encourage the General Assembly to error on the side of safety and prudence and support the second half of the Linton amendment. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I know that there are a number of members who have come to me and said they are confused by the debate and they do not understand what this issue is all about. I would like to try in about two sentences to describe as briefly as I can what I think the two sides are saying.

If you believe that a physical therapist who has graduated from school but who has not yet taken the exam for a license in Pennsylvania should be permitted to practice and to exercise virtually all of the duties of a licensed physical therapist, then you are with Mr. Afflerbach. If on the contrary you believe that a physical therapist who is waiting to take his licensing exam should not be permitted to exercise all of that full range of duties and should be required to operate as a

physical therapist assistant until he passes the exam, then you are with Mr. Linton.

Now, maybe some people on the other side of this issue who say that something has to be done to relieve the problems of the hospitals have a point, but I suggest that their point could be resolved by a compromise over in the Senate and not by rejecting the position of the gentleman, Mr. Linton. Mr. Linton's amendment attempts to recognize what we do with other professions. We do not allow people to hold themselves out to clients as though they were full-fledged practitioners. Now, I know this amendment says that if you are under a temporary license, there has to be somebody around on the premises who has a license, but you and I both know that all that means is that if there are five people in the office and one of them is licensed and four of them are not, that is not really any practical restraint or constraint on the activities of the person waiting to take the licensing exam.

I think we ought to vote with Mr. Linton today, and we ought to get on with it. I would ask for a "yes" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The lady from Delaware, Mrs. Durham, is back on the floor. We have removed her from the leave roll and she is placed on the master roll.

CONSIDERATION OF HB 1363 CONTINUED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it may be that the noise in the chamber prevented me from hearing the answer, but I heard Mr. Miller say that no one has asked that key question, how many people who take the exam pass the exam? I am wondering if he gave that answer, and if not, if someone could give us that answer.

The SPEAKER. The answer was not given. Perhaps Mr. Miller can give us the answer.

The Chair recognizes the gentleman, Mr. Miller.

Mr. MILLER. Would the gentleman repeat the question? Thank you, Mr. Speaker.

Mr. RYAN. My question, Mr. Speaker, is, you said that one of the key questions to be asked of ourselves and of others is, of those who take the examination to be a physical therapist, what percentage of them pass the examination?

Mr. MILLER. Mr. Speaker, in answer to the gentleman's question, I was phrasing the moot question suggesting that if we fail to pass the Linton amendment and adopt the Afflerbach suggestion that they be permitted to practice without passing the exam, the answer is none, we do not know the exam scores until they have taken them; and that this legislature ought to sit tight, require these professionals as all others to take the exam, and then we will know what the pass/failure rate is.

The failure rate is very small, Mr. Speaker; less than 7 percent on the audit review of those who take the exam. The

failure rate is very small, Mr. Speaker; less than 7 percent. Yes, sir.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you.

Mr. Speaker, may I interrogate Mr. Afflerbach?

The SPEAKER. Mr. Afflerbach indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. WASS. Mr. Speaker, much of your testimony centered around testing. Can you share with me who gives the test, when are the tests given, and why can they not be given at the time that is needed to accommodate these folks who take this particular study?

Mr. AFFLERBACH. Yes, Mr. Speaker. The tests are keyed in to a national testing scheme so that the tests are given in every State on exactly the same day. Consequently, the tests are offered under the national scheme three times a year - in February, in June, and in November. The Commonwealth of Pennsylvania has decided, in order to save money among other reasons, that they would offer the test only twice a year - in June and November. The difficulty is that the May graduates cannot get their transcripts from their schools in to the board and in to the national testing in time to qualify for the June examination. It is not up to our board to be able to change that examination until July, because, as I said, it is tied in to a national scheme to make sure that the tests are given in every State on the same day in order to provide security for the questions.

Mr. WASS. Thank you very much.

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

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

I would like to ask that we vote against the Linton amendment. The reasons, I think, are relatively simple. For the last 20 years in Pennsylvania we have been issuing a temporary permit. To my knowledge, there really have not been any complaints from anyone regarding this system that has been used. In addition to that, I think that there is a certain amount of physical skills that are necessary by the profession of a physical therapist that can be lost in a period of 6 months to a year of waiting until these different exams are given.

The fact that it is only good for a period of 6 months I think is kind of control enough, because the only way that they can practice at all is under the guidance of a full-fledged physical therapist who has been approved and passed the exam. I would recommend for those reasons that we vote down the Linton amendment. Thank you.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman, Mr. Linton.

Mr. LINTON. Mr. Speaker, I am not here to prolong this debate, and I think for the most part the members are going to decide to vote this up or down. I am once again asking for an affirmative vote.

But I want to correct a couple things. One, there will only be two out of seven schools which in fact would not allow a student to be in position to take the June examination from

the information that we have before us. In addition, I want to once again let the members know that we do not allow other professions, as has been said before, to in fact have temporary licenses where they can function as a licensed profession in the Commonwealth prior to taking that examination.

Number three, there have been discussions about what we have done over the past 20 years. Well, you will find through many of the bills that will come through sunset that there have been a number of issues that we have done or a number of things that we have allowed to happen over 20 years, but the sunset process allows us to clean up some of those things that we have allowed to happen over 20 years. Once again, as Representative Miller has said, once you do this, you make it understood that there may be other professions who will now, too, want to know if they in fact can have a temporary license so that people can function prior to being proven competent by examination.

I once again ask for an affirmative vote.

The SPEAKER. For the second time, the Chair recognizes the gentleman, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

The gentleman, Mr. Mowery, hit it right on the head: we have been issuing full-privilege temporary licenses for quite some time; there have been no problems of any significant nature brought to the attention of the board.

Secondly, we are not talking about granting full privileges at all. When the Afflerbach amendment is offered, the members will note that there are more severe restrictions in that amendment than presently exist for the students, but to get to that amendment we need to defeat the Linton amendment. I would ask for a "no" vote.

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

Mr. McVERRY. Thank you, Mr. Speaker.

I rise in opposition to the Linton amendment. I find it curiously interesting that it was represented as an agreed-to amendment. Interestingly enough, it is agreed to by some Republicans and some Democrats, but what about the profession? The only input that I have had with regard to this matter from licensed physical therapists in my district has been, "If it ain't broke, don't fix it."

We have a system that has been in existence for 20 years, and there has been no demonstrable evidence presented here today to establish that that system is not working well. On the contrary, if the rate of failure is less than 7 percent on an annual basis, that is reasonably demonstrable that the people who come out with an accredited degree are competent to perform the services that they have been performing up to this time. To require that they perform only the work of a physical therapy assistant sort of defies the purpose for which they have done their training and await their testing.

I urge the defeat of the Linton amendment.

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

Mr. GEIST. Thank you, Mr. Speaker.

I think the key argument that I have against the Linton amendment is the word "assistant" and what that word limits that person as a physical therapist from doing in the practice of physical therapy, not only in the shop where they work but also in the job procurement market. These people are desperately needed.

It has worked in the past; it is going to work in the future so that we in our part of the State and the rest of the part of the State are guaranteed competent physical therapy help.

I would therefore urge a "no" vote on the Linton amendment.

On the question recurring,

Will the House agree to part II of the amendments?

The following roll call was recorded:

YEAS—54

| | | | |
|-------------|------------|------------|---------------|
| Acosta | Cohen | Hershey | Roebuck |
| Baldwin | DeWeese | Kosinski | Schuler |
| Battisto | Dawida | Kukovich | Seventy |
| Belardi | Deal | Langtry | Smith, B. |
| Birmelin | Dombrowski | Linton | Tigue |
| Blaum | Donatucci | Livengood | Trello |
| Book | Fattah | Lloyd | Truman |
| Bortner | Fee | Manderino | Wilson |
| Bowley | Fischer | Miller | Wright, D. R. |
| Bowser | Fox | Olasz | Wright, R. C. |
| Cappabianca | Fryer | Oliver | Yandrisevits |
| Carn | Gallagher | Preston | |
| Cawley | Harper | Richardson | Irvis, |
| Cimini | Hasay | Rieger | Speaker |

NAYS—145

| | | | |
|-------------|-----------------|-----------|---------------|
| Afflerbach | Fargo | McCall | Robbins |
| Angstadt | Flick | McClatchy | Rudy |
| Arty | Foster, Jr., A. | McHale | Ryan |
| Barber | Freeman | McVerry | Rybak |
| Barley | Freind | Mackowski | Saloom |
| Belfanti | Gallen | Maiale | Saurman |
| Black | Gamble | Manmiller | Scheetz |
| Boyes | Gannon | Markosek | Semmel |
| Brandt | Geist | Mayernik | Serafini |
| Broujos | George | Merry | Showers |
| Bunt | Gladeck | Michlovic | Sirianni |
| Burd | Godshall | Micozzie | Smith, L. E. |
| Burns | Greenwood | Moehlmann | Snyder, D. W. |
| Bush | Gruitza | Morris | Snyder, G. M. |
| Caltagirone | Gruppo | Mowery | Staback |
| Carlson | Hagarty | Mrkonic | Stairs |
| Cessar | Haluska | Murphy | Steighner |
| Chadwick | Hayes | Nahill | Stevens |
| Civera | Herman | Noye | Stewart |
| Clark | Honaman | O'Brien | Stuban |
| Clymer | Howlett | O'Donnell | Sweet |
| Colafrella | Hutchinson | Perzel | Swift |
| Cole | Itkin | Petrarca | Taylor, E. Z. |
| Cordisico | Jackson | Petrone | Taylor, F. E. |
| Cornell | Jarolin | Phillips | Taylor, J. |
| Coslett | Johnson | Piccola | Telek |
| Cowell | Josephs | Pievsky | Van Horne |
| Coy | Kasunic | Pistella | Veon |
| Deluca | Kennedy | Pitts | Vroon |
| DeVertter | Kenney | Pott | Wambach |
| Daley | Lashinger | Pratt | Wass |
| Dietz | Laughlin | Pressmann | Weston |
| Dininni | Lescovitz | Punt | Wiggins |
| Distler | Letterman | Raymond | Wogan |
| Dorr | Levdansky | Reber | Wozniak |
| Duffy | Lucyk | Reinard | Wright, J. L. |
| Durham | | | |

NOT VOTING—3

Argall Evans Levin
EXCUSED—1

Davies

The question was determined in the negative, and part II of the amendments was not agreed to.

On the question,

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

Mr. AFFLERBACH offered the following amendments No. A2368:

Amend Sec. 3 (Sec. 6), page 7, line 27, by inserting a bracket before "(g)"

Amend Sec. 3 (Sec. 6), page 7, line 30, by striking out the bracket before "in"

Amend Sec. 3 (Sec. 6), page 7, line 30, by striking out the bracket after "board,"

Amend Sec. 3 (Sec. 6), page 8, line 3, by striking out the bracket before the comma

Amend Sec. 3 (Sec. 6), page 8, lines 4 through 7, by striking out "[. THE]" in line 4, all of lines 5 through 7 and inserting under the direct

Amend Sec. 3 (Sec. 6), page 8, line 11, by striking out the bracket before "in"

Amend Sec. 3 (Sec. 6), page 8, line 12, by striking out "ONCE"

Amend Sec. 3 (Sec. 6), page 8, line 13, by inserting a bracket after "established." and inserting immediately thereafter

(g) Upon the submission of a written application, on forms provided by it, the board shall issue a temporary license to an applicant for licensure who has met all of the requirements of subsection (a) and who is eligible to take the examination provided for in subsection (b). The board shall issue only one temporary license to an applicant and such temporary license shall expire upon failure of the first examination or six months after the date of issue, whichever first occurs. Issuance by the board of a temporary license shall permit the applicant to practice physical therapy only while under the direct-on-premises supervision of a licensed physical therapist with at least two years of experience. Upon expiration, the temporary license shall be promptly returned by the applicant to the board.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

To briefly summarize the amendment, what it does is allows the temporary license to be issued one time and one time only to an applicant. It also requires that that applicant who performs under the auspices of a temporary license may do so only under the direct on-premises supervision of a licensed physical therapist who has at least 2 years of practical experience. Finally, it provides that upon failure of the examination or upon the expiration of 6 months, whichever first occurs, the temporary license expires and the applicant must promptly return it to the board.

I would ask support for this amendment.

WELCOMES

The SPEAKER. The Chair is delighted to welcome Girl Scout Troop No. 580 from Lehighton, Carbon County. They are the guests of Representative McCall. Welcome to the hall of the House, girls.

Mr. Flick has in the gallery several students - Greg Edwards, Larry Robinson, Theresa Marley, and Brenda Tumolo. Brenda was chosen by the Department of Education as one of the 10 outstanding basic education students in Pennsylvania. Welcome to the hall of the House.

CONSIDERATION OF HB 1363 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Linton, on the Afflerbach amendment.

Mr. LINTON. Thank you, Mr. Speaker.

I was wondering if the gentleman, Mr. Afflerbach, would stand for a brief period of interrogation.

The SPEAKER. Mr. Afflerbach indicates he will stand for interrogation. You may proceed, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, on lines 12 and 13 of your amendment it makes reference to "or six months after the date of issue." Could you clarify a question that I have, Mr. Speaker, and explain why there is in fact a need for the language "or six months after the date of issue"?

Mr. AFFLERBACH. Yes. The need is this, and I think we are trying to get at the same protection that you were trying to get at earlier. Under the present law the provision simply is that the temporary license shall expire upon failure of the examination. Consequently, a student with a temporary license could put off taking that examination for perhaps a year or 2 years and there is no provision to recall that temporary license. I believe there should be a provision. I believe that to provide adequate protection we should require that student to take the first available examination. The easiest way of doing that is restricting the temporary license to a period of no more than 6 months.

Mr. LINTON. Thank you, Mr. Speaker.

The SPEAKER. Do you wish to speak on the amendment, Mr. Linton?

Mr. LINTON. Yes, Mr. Speaker.

I think we have heard the arguments before on the Linton-Book amendment. I understand that Mr. Afflerbach is making an attempt to modify the operations that are currently in operation in the Commonwealth that I am concerned about, and that is allowing those who pretend to be competent professionals in the area of physical therapy to operate as physical therapists without taking the examination. What Mr. Afflerbach has in fact done through his amendment is allow them to operate as physical therapists, he purports, under the supervision of a professional physical therapist who has been licensed and in operation for over 2 years.

I suggest, Mr. Speaker, that, once again, you may be a patient who may come before a physical therapist, one of those who may be of the 7 percent who have failed the exami-

nation, one who may be among the 7 percent who will be allowed to use modalities of heat, electricity, and some of the other things that the Legislative Budget and Finance Committee felt could be potentially harmful by being used by just physical therapists' assistants. But what we are now doing is allowing physical therapists to have full-blown use of those same modalities without being fully competent by passing the examination. I guess from the previous vote that the members of this House will vote in support of the Afflerbach amendment, but I just want to say for the record at this point that I have some serious concerns about that, and I am asking for a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

| | | | |
|-------------|-----------------|-----------|---------------|
| Afflerbach | Dawida | Lashinger | Reinard |
| Angstadt | Dietz | Laughlin | Robbins |
| Argall | Dininni | Lescovitz | Roebuck |
| Arty | Distler | Letterman | Rudy |
| Baldwin | Dombrowski | Levdansky | Ryan |
| Barber | Donatucci | Levin | Rybak |
| Barley | Dorr | Lucyk | Saloom |
| Battisto | Duffy | McCall | Saurman |
| Belardi | Durham | McClatchy | Scheetz |
| Belfanti | Evans | McHale | Schuler |
| Birmelin | Fargo | McVerry | Semmel |
| Black | Fischer | Mackowski | Seventy |
| Blaum | Flick | Maiale | Showers |
| Book | Foster, Jr., A. | Manderino | Sirianni |
| Bortner | Fox | Manmiller | Smith, B. |
| Bowley | Freeman | Markosek | Smith, L. E. |
| Bowser | Frcind | Mayernik | Snyder, D. W. |
| Boyes | Gallagher | Merry | Snyder, G. M. |
| Brandt | Gallen | Michlovic | Staback |
| Broujos | Gamble | Micozzie | Stairs |
| Bunt | Gannon | Moehlmann | Steighner |
| Burd | Geist | Morris | Stevens |
| Burns | George | Mowery | Stewart |
| Bush | Gladeck | Mrkonic | Stuban |
| Caltagirone | Godshall | Murphy | Sweet |
| Cappabianca | Greenwood | Nahill | Swift |
| Carlson | Gruitza | Noye | Taylor, E. Z. |
| Carr | Gruppo | O'Brien | Taylor, F. E. |
| Cawley | Hagarty | O'Donnell | Taylor, J. |
| Cessar | Haluska | Olasz | Telek |
| Chadwick | Hasay | Perzel | Tiguc |
| Cimini | Hayes | Petrarca | Trello |
| Civera | Herman | Petrone | Van Horne |
| Clark | Hershey | Phillips | Veon |
| Clymer | Honaman | Piccola | Vroon |
| Colafella | Howlett | Pievsky | Wambach |
| Cole | Itkin | Pistella | Wass |
| Cordisco | Jackson | Pitts | Weston |
| Cornell | Jarolin | Pott | Wiggins |
| Coslett | Johnson | Pratt | Wilson |
| Cowell | Josephs | Pressmann | Wogan |
| Coy | Kasunic | Preston | Wozniak |
| Deluca | Kennedy | Punt | Wright, D. R. |
| DeVerter | Kenney | Raymond | Wright, J. I. |
| DeWeese | Kukovich | Reber | Wright, R. C. |
| Daley | Langtry | | |

NAYS—18

| | | | |
|--------|------------|-----------|--------------|
| Acosta | Fryer | Livengood | Serafini |
| Cohen | Harper | Lloyd | Yandrisevits |
| Deal | Hutchinson | Miller | |
| Fattah | Kosinski | Oliver | Irvis, |
| Fee | Linton | Rieger | Speaker |

NOT VOTING—2

Richardson Truman

EXCUSED—1

Davies

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dininni | Laughlin | Robbins |
| Afflerbach | Distler | Lescovitz | Roebuck |
| Angstadt | Dombrowski | Letterman | Rudy |
| Argall | Donatucci | Levdanský | Ryan |
| Arty | Dorr | Levin | Rybak |
| Baldwin | Duffy | Linton | Saloom |
| Barber | Durham | Livengood | Saurman |
| Barley | Evans | Lloyd | Scheetz |
| Battisto | Fargo | Lucyk | Schuler |
| Belardi | Fattah | McCall | Semmel |
| Belfanti | Fee | McClatchy | Serafini |
| Birmelin | Fischer | McHale | Seventy |
| Black | Flick | McVerry | Showers |
| Blaum | Foster, Jr., A. | Mackowski | Sirianni |
| Book | Fox | Maiale | Smith, B. |
| Bortner | Freeman | Manderino | Smith, L. E. |
| Bowley | Freind | Manmiller | Snyder, D. W. |
| Bowser | Fryer | Markosek | Snyder, G. M. |
| Boyes | Gallagher | Mayernik | Staback |
| Brandt | Gallen | Merry | Stairs |
| Broujos | Gamble | Michlovic | Steighner |
| Bunt | Gannon | Micozzie | Stevens |
| Burd | Geist | Miller | Stewart |
| Burns | George | Moehlmann | Stuban |
| Bush | Gladeck | Morris | Sweet |
| Caltagirone | Godshall | Mowery | Swift |
| Cappabianca | Greenwood | Mrkonic | Taylor, E. Z. |
| Carlson | Gruitza | Murphy | Taylor, F. E. |
| Carn | Gruppo | Nahill | Taylor, J. |
| Cawley | Hagarty | Noye | Telek |
| Cessar | Haluska | O'Brien | Tigue |
| Chadwick | Harper | O'Donnell | Trello |
| Cimini | Hasay | Olasz | Truman |
| Civera | Hayes | Oliver | Van Horne |
| Clark | Herman | Perzel | Veon |
| Clymer | Hershey | Petrarca | Vron |
| Cohen | Honaman | Phillips | Wambach |
| Colafrilla | Howlett | Piccola | Wass |
| Cole | Hutchinson | Pievsky | Weston |
| Cordisco | Itkin | Pistella | Wiggins |
| Cornell | Jackson | Pitts | Wilson |
| Coslett | Jarolin | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Coy | Josephs | Pressmann | Wright, D. R. |
| Deluca | Kasunic | Preston | Wright, J. L. |
| DeVerter | Kennedy | Punt | Wright, R. C. |
| DeWeese | Kenney | Raymond | Yandrisevits |
| Daley | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Langtry | Richardson | Speaker |
| Dietz | Lashingier | Rieger | |

NAYS—0

NOT VOTING—1

Petrone

EXCUSED—1

Davies

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.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House former Representative Ron Goebel with his wife, Cheryl, and invites them to come up here and sit next to the Speaker. Have a seat over here.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, did you bring Mr. Goebel in for a tax vote because it is going down this year?

The SPEAKER. The Chair would advise the former Representative that he had better stay out of Sioux Indian country. The last man who went in there 100 years ago did not come out alive. His name was Custer.

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, may I correct a vote at this time?

The SPEAKER. The Chair will recognize all of you at a certain time to correct votes. The Chair is trying to stabilize this business of everybody jumping up at different times. Before we adjourn, the Chair will give you an opportunity to correct all the votes you wish.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1362, PN 1677**, entitled:

An Act providing for the licensing of chiropractors and the regulation of the practice of chiropractic; establishing the State Board of Chiropractic Examiners in the Department of State and providing for its powers and duties; providing for the supervision of schools of chiropractic, for the examination of applicants, for enforcement and for disciplinary actions; providing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. MILLER offered the following amendments No. A2329:

Amend Sec. 102, page 4, line 11, by striking out "AND IF EITHER" and inserting

: Provided That,

Amend Sec. 102, page 4, line 15, by inserting a comma after "Commonwealth"

Amend Sec. 102, page 4, lines 17 and 18, by striking out “, EXCEPT THAT NO” and inserting

. No

Amend Sec. 506, page 16, line 1, by striking out “chiropractic records”

Amend Sec. 506, page 16, by inserting between lines 7 and 8 (17) Unconditionally guaranteeing that a cure will result from the performance of chiropractic treatment.

Amend Sec. 701, page 23, line 24, by inserting after “spinal” adjustment or

Amend Sec. 702, page 25, by inserting between lines 9 and 10 (11) Knowingly permits radiologic procedures to be performed in violation of section 522 or in violation of the regulations promulgated in orders issued in accordance with section 522.

(12) Unconditionally guarantees that a cure will result from the performance of chiropractic treatment.

On the question,

Will the House agree to the amendments?

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

Mr. MILLER. Thank you, Mr. Speaker.

Amendment A2329 is an omnibus technical amendment to the Chiropractic Act that has agreement across the aisle. It includes a number of unlawful acts in the bill’s unlawful acts section and also in the suspension and revocation section. The language is clear at the bottom. I would be pleased to stand for any questions. I would urge its adoption.

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

Mr. LLOYD. Yes; this is a technical amendment. It corrects some oversights in the bill. I would ask for a “yes” vote.

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

Mr. AFFLERBACH. I also ask for a “yes” vote on this amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—202

| | | | |
|------------|-----------------|-----------|---------------|
| Acosta | Dininni | Laughlin | Rieger |
| Afflerbach | Distler | Lescovitz | Robbins |
| Angstadt | Dombrowski | Letterman | Roebuck |
| Argall | Donatucci | Levdansky | Rudy |
| Arty | Dorr | Levin | Ryan |
| Baldwin | Duffy | Linton | Rybak |
| Barber | Durham | Livengood | Saloom |
| Barley | Evans | Lloyd | Saurman |
| Battisto | Fargo | Lucyk | Scheetz |
| Belardi | Fattah | McCall | Schuler |
| Belfanti | Fee | McClatchy | Semmel |
| Birmelin | Fischer | McHale | Serafini |
| Black | Flick | McVerry | Seventy |
| Blaum | Foster, Jr., A. | Mackowski | Showers |
| Book | Fox | Maiale | Sirianni |
| Bortner | Freeman | Manderino | Smith, B. |
| Bowley | Freind | Manmiller | Smith, L. E. |
| Bowser | Fryer | Markosek | Snyder, D. W. |
| Boyes | Gallagher | Mayernik | Snyder, G. M. |
| Brandt | Gallen | Merry | Staback |
| Broujos | Gamble | Michlovic | Stairs |
| Bunt | Gannon | Micozzie | Steighner |
| Burd | Geist | Miller | Stevens |
| Burns | George | Moehlmann | Stewart |

| | | | |
|-------------|------------|------------|---------------|
| Bush | Gladeck | Morris | Stuban |
| Caltagirone | Godshall | Mowery | Sweet |
| Cappabianca | Greenwood | Mrkonjc | Swift |
| Carlson | Gruitza | Murphy | Taylor, E. Z. |
| Carn | Gruppo | Nahill | Taylor, F. E. |
| Cawley | Hagarty | Noye | Taylor, J. |
| Cessar | Haluska | O’Brien | Telek |
| Chadwick | Harper | O’Donnell | Tigue |
| Cimini | Hasay | Olasz | Trello |
| Civera | Hayes | Oliver | Truman |
| Clark | Herman | Perzel | Van Horne |
| Clymer | Hershey | Petrarca | Veon |
| Cohen | Honaman | Petrone | Vroon |
| Colafella | Howlett | Phillips | Wambach |
| Cole | Hutchinson | Piccola | Wass |
| Cordisco | Itkin | Pievsky | Weston |
| Cornell | Jackson | Pistella | Wiggins |
| Coslett | Jarolin | Pitts | Wilson |
| Cowell | Johnson | Pott | Wogan |
| Coy | Josephs | Pratt | Wozniak |
| Deluca | Kasunic | Pressmann | Wright, D. R. |
| DeVerter | Kennedy | Preston | Wright, J. L. |
| DeWeese | Kenney | Punt | Wright, R. C. |
| Daley | Kosinski | Raymond | Yandrisevits |
| Dawida | Kukovich | Reber | |
| Deal | Langtry | Reinard | Irvis, |
| Dietz | Lashinger | Richardson | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—1

Davies

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. MILLER offered the following amendments No. A2328:

Amend Table of Contents, page 2, by inserting between lines 6 and 7

Section 508. Professional liability insurance.

Amend Sec. 102, page 3, lines 22 and 23, by striking out “the furnishing of necessary patient care for the restoration and maintenance of health and”

Amend Sec. 102, page 3, line 26, by striking out “, without the use of either drugs or surgery”

Amend Sec. 102, page 4, line 22, by inserting after “REGULATION.”

The term shall not include the treatment of minors, except in accordance with guidelines approved by the board, for the first 18 months following the effective date of this act, and in accordance with regulations promulgated by the board subsequent to those first 18 months.

Amend Sec. 102, page 4, line 23, by striking out “, gynecology or” and inserting or gynecology,

Amend Sec. 102, page 4, line 24, by striking out “. The term shall not include” and inserting a comma

Amend Sec. 102, page 4, line 25, by inserting after “acupuncture”

, the treatment of cancer, the treatment of infectious or communicable disease, or the use of drugs or surgery

Amend Sec. 303, page 9, line 17, by striking out “AN” and inserting

a chiropractic

Amend Sec. 303, page 9, line 25, by removing the period after "institution" and inserting
, nor shall it immediately apply to a chiropractic school or college which currently holds status as a recognized candidate for accreditation with an appropriate accrediting agency, as required by subsection (a).

Amend Sec. 506, page 16, by inserting between lines 7 and 8
(17) Holding oneself out as a specialist in the development, treatment or health of children.

Amend Bill, page 21, by inserting between lines 4 and 5
Section 508. Professional liability insurance.

As a condition for the biennial renewal of a license to practice chiropractic in this Commonwealth, a licensee shall submit to the board satisfactory evidence that he has obtained professional liability insurance, or that he has established self-insurance for professional liability, in the minimum amount of \$100,000 per occurrence and \$300,000 per annual aggregate.

Amend Sec. 702, page 25, by inserting between lines 9 and 10
(11) Holds oneself out as a specialist in the development, treatment or health of children.

On the question,

Will the House agree to the amendments?

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

Mr. MILLER. Thank you, Mr. Speaker.

A2328 is the omnibus substantive amendment. It has a number of changes that we propose to the bill across the aisle. It contains professional liability insurance requirements on chiropractors, certain restrictions on scope of practice, including the treatment of cancer and the treatment of infectious or communicable diseases, and the use of drugs or surgery. It also includes a suggestion that the Chiropractic Board for the first time promulgate rules and regulations with respect to family health practice claims of chiropractors in the treatment of minors. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does clarify the scope of practice. It also addresses the accreditation of schools issue which I think a lot of members have gotten letters and phone calls about over the last several months. That issue, as you have been contacted by your local chiropractors, basically breaks down in this way: Under this amendment chiropractic schools and colleges would have to be accredited by a chiropractic accrediting agency recognized by the Federal Government. The purpose of that is to try to assure that there are minimum standards met for all the schools from which people can become licensed to practice chiropractic in Pennsylvania. In addition, under this legislation there is one chiropractic college in Pennsylvania - the Adio school, down in Bucks County I think it is, down in that area of the State - and that particular school does not yet have accreditation from a chiropractic accrediting agency. However, under the legislation and under the amendment, that school would have 5 years in which to obtain that accreditation.

This position on accreditation is the position which is in conformity with the position of the State Board of Chiropractic Examiners. It also is supported by the Pennsylvania Chiro-

practic Society. I would ask, with Mr. Miller, for a "yes" vote on the amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips, on the amendment.

Mr. PHILLIPS. A parliamentary inquiry.

I would like to know if this amendment could be divided at the bottom of page 1 starting with "Amend Sec. 303, page 9, line 17, by striking out 'AN' and inserting a chiropractic" and ending at that.

The SPEAKER. On a cursory examination of the amendment, it appears to the Chair that the amendment could be so divided inasmuch as where the gentleman starts would amend separate sections entirely from the earlier part of the amendment.

AMENDMENTS DIVIDED

The SPEAKER. The Chair rules, subject of course to being corrected by the floor if anyone finds a flaw in that, that the amendment is divided as follows: The first part of the amendment would then be "...the treatment of cancer, the treatment of infectious or communicable disease, or the use of drugs or surgery". All the language from the beginning to that language would be one amendment. The second amendment will begin, "Amend Sec. 303, page 9, line 17, by striking out 'AN',..." and that amendment would end with the words "Holds oneself out as a specialist in the development, treatment or health of children."

POINT OF ORDER

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

Mr. LLOYD. A point of order, Mr. Speaker.

I do not think that is where the gentleman suggested it be divided, and I do not think it is divisible at that point.

The SPEAKER. Where did the gentleman suggest the division be?

The Chair was in error. The gentleman, Mr. Phillips, indicates he wishes to lift out of the general amendment the following words: On page 1, "Amend Sec. 303, page 9, line 17, by striking out 'AN' and inserting a chiropractic". Is that correct? That is the language you wish to lift out as a separate amendment?

Mr. PHILLIPS. That is correct, Mr. Speaker.

The SPEAKER. Very well.

If that is done, and the Chair rules that it may be done, then that language will be a separate amendment from all the remaining language on both pages. Is that clear?

Now the question arises, which language shall be considered first? The Chair rules that we shall consider first the following language—

PARLIAMENTARY INQUIRY

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

Mr. AFFLERBACH. A point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. AFFLERBACH. Is there a method by which we can debate whether or not the amendment should be divided?

The SPEAKER. The Chair would advise the gentleman that the Chair makes the decision as to whether or not an amendment is divisible. The gentleman could challenge the ruling of the Chair, but that is a formal bit which really is not required at this level. The Chair would suggest that if the gentleman wishes to debate, he should debate the amendment as projected by the Chair and in that debate say why he believes it should not have been so divided, why the amendment has been weakened, et cetera.

Mr. AFFLERBACH. Mr. Speaker, I have no desire whatsoever to challenge the ruling of the Chair. I would request, however, that in considering the divided amendment we consider first the very small section which the gentleman, Mr. Phillips, wishes to divide out.

The SPEAKER. Does the gentleman, Mr. Phillips, ask that we take this small section, lift it from the center of the amendment, and vote on that first?

Mr. PHILLIPS. That is correct, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Miller, have any objection? Very well.

Just in case you have not been following attentively, which would be unusual, we are going to take for our first amendment these words: "Amend Sec. 303, page 9, line 17, by striking out 'AN' and inserting a chiropractic". Those words and those words only.

On the question,

Will the House agree to part I of the amendments?

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

Mr. LLOYD. Mr. Speaker, as I indicated before to the members, they have received a lot of letters and a lot of phone calls from chiropractors back home. Some received a letter from the chairman of the State Board of Chiropractic Examiners insisting that if we are going to adequately protect the consumers in Pennsylvania, there must be accreditation of schools and colleges by a chiropractic accrediting agency recognized by the United States Department of Education or by the Council on Post-Secondary Accreditation. This amendment would put into the bill what those people have called you and urged you to vote to do.

Now, let me explain to you why I think they are right. At the present time there is no requirement in State law that institutions, in order to have their graduates be licensed in Pennsylvania, must attend an accredited school. As a result of that, this board spent \$40,000 or \$50,000 in a recent fiscal year fighting about whether a particular school was or was not acceptable. That, it seems to me, is a waste of money. It is one of the reasons why this board is in a deficit situation; one of

the reasons why it is going to have to raise fees for chiropractic licenses.

Now, one of the objections which will be made to having a specialized or a chiropractic accrediting agency recognized by the Federal Government be the official accrediting agency for purposes of licensure in Pennsylvania, one of the objections will be that there are some schools which philosophically do not agree with the only nationally recognized chiropractic accrediting agency. And that is true; they philosophically do not. However, there is a 5-year grace period in this bill during which time those particular people, that particular philosophy within the chiropractic profession, has the legal opportunity to file a request with the Department of Education in Washington and to obtain approval if, in fact, they can prove that their accrediting agency, which they have set up on behalf of the straight chiropractic philosophy, is in fact capable of determining whether or not an institution meets necessary qualifications as far as instruction materials are concerned.

So this amendment would say that there should be accreditation and that there should be accreditation by chiropractors, not accreditation by Middle States or somebody else who does not know anything about chiropractic education, but accreditation by somebody who is an expert in the practice of chiropractic, and it protects those people who are at those other schools because it gives them 5 years to get recognition for their own accrediting agency or to meet the accrediting standards of the agency already recognized by the Department of Education.

I would ask that you protect the consumers and that you vote "yes" on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I think the thing that we have to understand when it comes to chiropractors is that there are two groups, and they are the ones that are known as the mixers—they give themselves these names—and the straight chiropractors. They have differences, but if they have differences, let them, between themselves, work out their differences outside of the floor of this House. I do not think that we should legislate and put into legislation anything that would make it difficult for those who are straight chiropractors to get accreditation, and not only are we talking of Adio; we are talking of Sherman.

The bill in its present form is acceptable to Sherman College since Sherman is currently approved by the Southern States Association, which is an accrediting agency recognized by the U.S. Department of Education. Southern States is also recognized by the Council on Post-Secondary Accreditation. Southern States, however, is not a chiropractic accrediting agency. It would not satisfy the requirements established by the proposed amendment.

At present, there is only one chiropractic accrediting agency recognized by the U.S. Department of Education, and that is the Council on Chiropractic Education, CCE. As you know, Sherman College is not interested in applying for accreditation by CCE since it would be required to change its entire

program and philosophy, and this is what I am speaking about, the two different groups of chiropractors who differ in their profession.

There is only one chiropractic agency in existence for that accreditation of straight chiropractic schools, and that is the Commission on Accreditation of Straight Chiropractic Academic Standards Association, which is known as SCASA. However, it is not recognized by the U.S. Department of Education. In order to gain such recognition, SCASA must first receive widespread recognition among the States. At this time, only the District of Columbia and the State of South Carolina officially recognize SCASA, and indeed the action of South Carolina was only taken 4 days ago.

Therefore, I would ask you to oppose his amendment, and let us not legislate and get into the feud between the professions of the two different groups of chiropractors. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

As the gentleman, Mr. Phillips, has indicated, and I think most of the members are aware of this, there is a significant philosophical difference within the chiropractic profession. I suggest, however, that it is not limited to strictly two groups, but indeed a number of splinter groups also exist.

For the past several weeks the gentlemen, Mr. Miller and Mr. Lloyd, and I have met with a number of representatives of these various philosophical factions and have attempted to put together a bill and an omnibus amendment which we feel meet the needs of the Commonwealth and with which all of these groups can live. The entire Miller amendment is a negotiated compromise. Each part depends on the other part. If we extract one part and take that out, we have lost the negotiated compromise.

This is the section that was referred to as the Afflerbach amendment when chiropractors around the State began to speak with many of you. We need an affirmative vote on this section. Mr. Lloyd elucidated very well the necessity for it. I do not think any of us want an accrediting agency going out and accrediting a professional school unless that agency is capable of doing so.

At the present time under present law, you and I and two or three others can combine ourselves into a consortium and claim that we are an accrediting agency and issue accreditation, and it is meaningless. It is nothing more than incestuous accreditation. What we are attempting to do with this amendment is to assure that when a consumer goes down the street and that consumer sees a sign that says "chiropractor," that consumer can be assured that that individual billing himself as a chiropractor has had some uniformity of education, some uniformity of training, and is recognized on a uniform basis by an accrediting agency capable of doing so.

I would ask for an affirmative vote on this amendment. It is absolutely critical to the bill.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, we usually rely upon our accrediting agencies to provide some measure of judgment about the quality of educational programs in our colleges and universities, and in providing that judgment and in providing accreditation, there is some measure of consumer protection then in that declaration on the part of the accrediting agencies. However, in the case of chiropractic schools or chiropractic programs, our usual accrediting agencies, like Middle States, for instance, are especially ill equipped to make any informed judgment about the quality of those programs. They are ill equipped, therefore, to provide any measure of consumer protection. When we are talking about chiropractic schools, in my judgment, we ought to adopt the amendment that is before us, because it is the only way to guarantee that measure of consumer protection. Accreditation judgments ought to be made by a chiropractic accrediting agency, not by all of the others that may be in the business usually of making judgments about our usual colleges and universities. I support this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips, for the second time.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I think the thing we have to keep in mind, the accrediting agency that is being used now is made up basically of the one group of chiropractors, and it is not made up of the group of straight chiropractors. If we vote to put this into the bill, there is no question you will close down the schools of straight chiropractic. There are thousands of chiropractors out there who are straight who believe in their profession and believe it should be handled as such. If this goes into a House bill, these schools will be closed down. Thank you, Mr. Speaker.

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

Mr. MORRIS. Would Representative Lloyd stand for a period of interrogation, please?

The SPEAKER. The gentleman, Mr. Lloyd, indicates he will so stand. You may proceed, sir.

Mr. MORRIS. Mr. Speaker, the questions I am going to ask are not debate questions; they are for information purely, perhaps only for myself. I do not know whether the other members are in the same state of confusion about the difference between these two groups of chiropractors as I am. Could you explain this philosophical difference between the two kinds of educational institutions which produce chiropractors? In a few short words.

Mr. LLOYD. Basically, this breaks down into a philosophical dispute between what are called the straights and the mixers. The straights are represented by the Pennsylvania Chiropractic Fellowship; the mixers are spread between two different organizations, the Pennsylvania Chiropractic Society and the Pennsylvania Association of Chiropractic Physicians. Basically, the philosophical dispute goes to the scope of what a chiropractor ought to be allowed to do. The

straights take the position that a chiropractor should adjust and, basically, not much else. The mixers take the view that there are new tools that with proper controls can be safely used to diagnose before you adjust and also to help in the treatment.

So basically those are the two camps. The straights represent roughly, I think, maybe 10 percent of the total number of chiropractors who belong to a society in the State and support Mr. Phillips' position and oppose the amendment. The mixers represent most of the other people who belong to associations and support the amendment, support Mr. Miller, Mr. Afflerbach, and me in offering the amendment.

Mr. MORRIS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, for the second time on the amendment.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Just to make one correction. The gentleman, Mr. Phillips, indicated that if this amendment is approved, Adio, Sherman, and other such schools will not be able to operate and will close down. That is not at all correct. A special provision in this bill provides each of these schools a period of 5 years to come into compliance. In addition, the accrediting agency which these schools now utilize, as Mr. Lloyd stated, may apply to the Federal Government to become a chiropractic accrediting agency, and it is my understanding that that is going to happen. So there should be no fear whatsoever that this bill and this amendment will force those schools to close. We have bent over backwards to make sure that that does not happen.

On the question recurring,

Will the House agree to part I of the amendments?

The following roll call was recorded:

YEAS—177

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Langtry | Rieger |
| Afflerbach | Dininni | Lashing | Robbins |
| Angstadt | Distler | Laughlin | Roebuck |
| Argall | Dombrowski | Letterman | Rudy |
| Arty | Donatucci | Levdansky | Ryan |
| Baldwin | Dorr | Levin | Saloom |
| Barber | Duffy | Linton | Scheetz |
| Barley | Durham | Livengood | Schuler |
| Battisto | Evans | Lloyd | Semmel |
| Belardi | Fargo | Lucyk | Serafini |
| Belfanti | Fattah | McClatchy | Seventy |
| Black | Fec | McHale | Showers |
| Blaum | Fischer | McVerry | Sirianni |
| Book | Flick | Mackowski | Smith, B. |
| Bortner | Foster, Jr., A. | Maiale | Smith, L. E. |
| Bowley | Fox | Manderino | Snyder, D. W. |
| Bowser | Freeman | Manmiller | Snyder, G. M. |
| Boyes | Freind | Markosek | Staback |
| Brandt | Gallen | Mayernik | Stairs |
| Broujos | Gamble | Merry | Steighner |
| Bunt | George | Michlovic | Stevens |
| Burd | Gladeck | Micozzie | Stewart |
| Burns | Godshall | Moehlmann | Stuban |
| Bush | Greenwood | Morris | Sweet |
| Cappabianca | Gruitza | Mowery | Taylor, E. Z. |
| Carlson | Gruppo | Mrkonic | Taylor, F. E. |
| Carn | Hagarty | Murphy | Telek |
| Cawley | Haluska | Nahill | Tiguc |
| Cessar | Harper | O'Brien | Trello |

| | | | |
|-----------|------------|------------|---------------|
| Chadwick | Hayes | O'Donnell | Truman |
| Civera | Herman | Olasz | Van Horne |
| Clymer | Hershey | Oliver | Veon |
| Cohen | Honaman | Petrone | Vroon |
| Colafella | Howlett | Piccola | Wambach |
| Cordisco | Hutchinson | Pievsky | Wass |
| Cornell | Itkin | Pistella | Weston |
| Coslett | Jackson | Pitts | Wiggins |
| Cowell | Jarolin | Pott | Wilson |
| Coy | Johnson | Pratt | Wright, D. R. |
| Deluca | Josephs | Pressmann | Wright, R. C. |
| DeVerter | Kasunic | Preston | Yandriscvits |
| DeWeese | Kennedy | Punt | |
| Daley | Kenney | Raymond | Irvis, |
| Dawida | Kosinski | Reinard | Speaker |
| Deal | Kukovich | Richardson | |

NAYS—19

| | | | |
|-------------|-----------|----------|------------|
| Birmelin | Fryer | McCall | Phillips |
| Caltagirone | Gallagher | Miller | Swift |
| Cimini | Gannon | Noye | Taylor, J. |
| Clark | Geist | Perzel | Wogan |
| Cole | Lescovitz | Petrarca | |

NOT VOTING—6

| | | | |
|-------|---------|---------|---------------|
| Hasay | Rybak | Wozniak | Wright, J. L. |
| Reber | Saurman | | |

EXCUSED—1

Davies

The question was determined in the affirmative, and part I of the amendments was agreed to.

The SPEAKER. The Chair places before the members the following language: All the remaining language of amendment A2328 is now before the House as a separate amendment.

On that language, those in favor will vote "aye"; those opposed will vote "no."

On the question,

Will the House agree to part II of the amendments?

The following roll call was recorded:

YEAS—201

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dininni | Lescovitz | Robbins |
| Afflerbach | Distler | Letterman | Roebuck |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Durham | Lloyd | Saurman |
| Barley | Evans | Lucyk | Scheetz |
| Battisto | Fargo | McCall | Schuler |
| Belardi | Fattah | McClatchy | Semmel |
| Belfanti | Fec | McHale | Serafini |
| Birmelin | Fischer | McVerry | Seventy |
| Black | Flick | Mackowski | Showers |
| Blaum | Foster, Jr., A. | Maiale | Sirianni |
| Book | Fox | Manderino | Smith, B. |
| Bortner | Freeman | Manmiller | Smith, L. E. |
| Bowley | Freind | Markosek | Snyder, D. W. |
| Bowser | Fryer | Mayernik | Snyder, G. M. |
| Boyes | Gallagher | Merry | Staback |
| Brandt | Gallen | Michlovic | Stairs |
| Broujos | Gamble | Micozzie | Steighner |
| Bunt | Gannon | Miller | Stevens |
| Burd | Geist | Moehlmann | Stewart |
| Burns | George | Morris | Stuban |
| Bush | Gladeck | Mowery | Sweet |
| Caltagirone | Godshall | Mrkonic | Swift |
| Cappabianca | Greenwood | Murphy | Taylor, E. Z. |

| | | | |
|-----------|------------|------------|---------------|
| Carlson | Gruitza | Nahill | Taylor, F. E. |
| Carn | Gruppo | Noye | Taylor, J. |
| Cawley | Hagarty | O'Brien | Telek |
| Cessar | Haiuska | O'Donnell | Tigue |
| Chadwick | Harper | Olasz | Trello |
| Cimini | Hasay | Oliver | Truman |
| Civera | Hayes | Perzel | Van Horne |
| Clark | Herman | Petrarca | Veon |
| Clymer | Hershey | Petrone | Vroon |
| Cohen | Honaman | Phillips | Wambach |
| Colafella | Howlett | Piccola | Wass |
| Cole | Itkin | Pievsky | Weston |
| Cordisico | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. L. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kosinski | Raymond | Yandrisevits |
| Daley | Kukovich | Reber | |
| Dawida | Langtry | Reinard | Irvis, |
| Deal | Lashingier | Richardson | Speaker |
| Dietz | Laughlin | Rieger | |

NAYS—0

NOT VOTING—1

Hutchinson

EXCUSED—1

Davies

The question was determined in the affirmative, and part II of the amendments was agreed to.

On the question recurring,

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

Mr. MILLER offered the following amendments No. A2327:

Amend Sec. 301, page 5, line 5, by striking out "nine" and inserting

11

Amend Sec. 301, page 5, by inserting between lines 6 and 7

(1) The Secretary of Health or his designee.

Amend Sec. 301, page 5, line 7, by striking out "(1)" and inserting

(2)

Amend Sec. 301, page 5, line 8, by striking out "(2)" and inserting

(3)

Amend Sec. 301, page 5, line 10, by striking out "(3)" and inserting

(4)

Amend Sec. 301, page 5, line 13, by striking out "(4) Five" and inserting

(5) Six

Amend Sec. 301, page 6, line 10, by striking out "Five" and inserting

Seven

Amend Sec. 301, page 6, line 14, by inserting after "commissioner"

, the Secretary of Health

Amend Sec. 703, page 25, line 15, by striking out "four" and inserting

five

On the question,

Will the House agree to the amendments?

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

Mr. MILLER. Thank you, Mr. Speaker.

Part of the controversy that each of you just experienced is part of the problem that we have had in the sunset review, and that problem is this: Within the field of chiropractic, there is wide divergence of opinion on the issues of scope of practice - just what may the new breed of mixer chiropractors do? What are they trained for? Is there validity to the argument of the old, straight chiropractors that we ought to stick to what we know best? Well, because that remains a question in many of our minds for technical reasons, I am offering a fairly straightforward amendment. What it proposes to do is put a traffic cop on the board. This amendment recommends that the Secretary of Health of this Commonwealth or his designee be appointed as a full voting member of the Chiropractic Board, and because we need to keep an odd number of board representatives for the purpose of appropriate procedural votes, the amendment also adds one chiropractor to the board.

I would encourage an affirmative vote as an effort to help us sort out fact from fiction in this whole arena of just what chiropractors are qualified to do in the future. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment. What this amendment would do, Mr. Speaker, is, in my opinion, cause severe problems with this bill.

In the first place, Mr. Miller is right that there have been some serious questions raised with regard to what chiropractors should or should not be allowed to do, what they are or are not doing now. But the bill, the way it is currently drafted with the amendments that we have already put into the bill, in my opinion, adequately addresses those particular problems, clarifies the scope of practice, tries to stop the things about which the most serious questions have been asked, tries to provide regulatory review of adjunctive procedures and the practice of chiropractic on children, and some of those other things. So, therefore, I think this amendment is no longer necessary.

Secondly, this bill is the first of the health care bills which would give membership on the board to the director of the Bureau of Consumer Protection in the Attorney General's Office. You may recall that in the last session we put that bureau director on a number of licensing boards that were reviewed during sunset, but this is the first one in the health care area. It is my suggestion that a lot of the problems in this particular profession have come from false and misleading advertising. The director of the Bureau of Consumer Protection has assured me that that is one of the reasons why he would be willing to serve on this board, because he is involved in enforcing those kinds of statutes and regulations at both the State and Federal level.

In addition to that, Mr. Speaker, this particular amendment would, by adding the Secretary of Health, set a precedent which I do not think most people would like to see repeated with regard to all of the health care licensing boards in this State, and that is, it is very difficult to explain or distinguish why you would put the Secretary of Health on the Chiropractic Board and not also put the Secretary of Health on every other health care board, especially since we have clarified the scope of practice of chiropractic and we have the protection of putting the director of the Bureau of Consumer Protection on this board.

Finally, Mr. Speaker, I do not think it is any secret to anybody that medical doctors and chiropractors have had serious differences of opinion over the years. If you put the Secretary of Health on the Chiropractic Board, you are institutionalizing that conflict, and in my opinion, you are going to end up with chaos on the board. For all of those reasons, Mr. Speaker, I urge a "no" vote on this amendment.

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

Mr. MILLER. Thank you, Mr. Speaker.

The suggestion that utter chaos would reign if we added the Secretary of Health to this board is a bit frivolous for this reason: We have agreed that the Bureau of Consumer Protection representative be on the board because of false and misleading advertising, but what we are missing is the technical expertise right on the board to determine the medical nature of that misrepresented claim. Any of you only need to pick up your local yellow pages and read the ads that are offered by chiropractors that I suggest to this chamber can be grossly misleading, and that is the fear that prompts the suggestion that the Secretary of Health ought to sit as a traffic cop. And there is precedence in the law. The Secretary now sits on our very Medical Board, and if the Medical Board and standards of practice are the standard by which we measure all other health care practitioners, why not do it up front? Put him on the board, balance it with an additional chiropractor, and then we will have a little bit more reasonable opportunity to judge this whole new scope of practice known as adjunctive procedures. And please pay attention to those in the bill. I think that might be the cutting edge which makes your decision difference to vote "yes" on this Miller amendment. Include the Secretary of Health. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, on the amendment.

Mr. AFFLERBACH. Mr. Speaker, I join my colleague, Mr. Lloyd, in opposing this amendment. I think Mr. Lloyd has enunciated all of the reasons quite well; I would add just a couple.

As Mr. Miller mentioned, the Secretary does presently serve on the Medical Education and Licensure Board. I would point out that the Secretary is also a medical doctor. There is no conflict of philosophy in that. He does not serve on the Osteopathic Board, and I would point out that one of the reasons why historically he has not served on the Osteopathic Board is because there was at one time a very strong division of philos-

ophy between the M.D.'s and the osteopaths. We have an equally strong division of philosophy between the M.D.'s and the chiropractors, as Mr. Lloyd pointed out.

In addition to that, we presently have nine members on the board. Mr. Miller would propose to add, in addition to the Secretary, a sixth chiropractor, taking the total board membership to 11. Every time we expand the total membership of the board, we dilute the consumer representation on that board. It does not take a genius in mathematics to recognize that 2 out of 11 have less clout than 2 out of 9. We labored for a number of years to put consumer representation there; we have bolstered that with the addition of the Bureau of Consumer Protection. I think that is sufficient. Let us proceed with caution in this direction, and let us defeat this amendment.

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

The following roll call was recorded:

YEAS—66

| | | | |
|----------|---------|-----------|---------------|
| Argall | Distler | Kosinski | Raymond |
| Birmelin | Dorr | Langtry | Reber |
| Black | Fargo | Lescovitz | Roebuck |
| Blaum | Fischer | Letterman | Ryan |
| Book | Flick | Levin | Saurman |
| Bowser | Fox | Livengood | Serafini |
| Brandt | Freind | McCall | Sirianni |
| Bunt | Gallen | Mayernik | Smith, L. E. |
| Burd | Gannon | Micozzie | Snyder, G. M. |
| Cessar | Geist | Miller | Stairs |
| Cimini | Gladeck | Mochlmann | Taylor, E. Z. |
| Civera | Hayes | Mowery | Telek |
| Clark | Herman | Noye | Vroon |
| Coslett | Hershey | Petrarca | Wass |
| DeVerter | Honaman | Phillips | Weston |
| Dawida | Johnson | Pitts | Wogan |
| Dietz | Kennedy | | |

NAYS—135

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Donatucci | Lucyk | Rybak |
| Afflerbach | Duffy | McClatchy | Saloom |
| Angstadt | Durham | McHale | Scheetz |
| Arty | Evans | McVerry | Schuler |
| Baldwin | Fattah | Mackowski | Semmel |
| Barber | Fee | Maiale | Seventy |
| Barley | Foster, Jr., A. | Manderino | Showers |
| Battisto | Freeman | Manmiller | Smith, B. |
| Belardi | Fryer | Markosek | Snyder, D. W. |
| Bellanti | Gallagher | Merry | Staback |
| Bortner | Gamble | Michlovic | Steighner |
| Bowley | George | Morris | Stevens |
| Boyes | Godshall | Mrkonic | Stewart |
| Broujos | Greenwood | Murphy | Stuban |
| Burns | Gruitza | Nahill | Sweet |
| Bush | Gruppo | O'Brien | Swift |
| Caltagirone | Hagarty | O'Donnell | Taylor, F. E. |
| Cappabianca | Haluska | Olasz | Taylor, J. |
| Carlson | Harper | Oliver | Tigue |
| Carn | Hasay | Perzel | Trello |
| Cawley | Howlett | Petrone | Truman |
| Chadwick | Hutchinson | Piccola | Van Horne |
| Clymer | Itkin | Pievsky | Veon |
| Cohen | Jackson | Pistella | Wambach |
| Colafella | Jarolin | Pott | Wiggins |
| Cole | Josephs | Pratt | Wilson |
| Cordisco | Kasunic | Pressmann | Wozniak |
| Cornell | Kenny | Preston | Wright, D. R. |
| Cowell | Kukovich | Punt | Wright, J. L. |
| Coy | Lashinger | Reinard | Wright, R. C. |

| | | | |
|------------|-----------|------------|--------------|
| Deluca | Laughlin | Richardson | Yandrisevits |
| DeWeese | Levdansky | Rieger | |
| Daley | Linton | Robbins | Irvis, |
| Deal | Lloyd | Rudy | Speaker |
| Dombrowski | | | |

NOT VOTING—1

Dininni

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. PHILLIPS offered the following amendments No. A2219:

Amend Table of Contents, page 2, by inserting between lines 6 and 7

Subchapter B. Freedom of Choice

Section 515. Right of selection.

Amend Table of Contents, page 2, line 7, by striking out "B" and inserting

C

Amend Bill, page 21, by inserting between lines 5 and 6

FREEDOM OF CHOICE

Section 515. Right of selection.

Notwithstanding any provision of law to the contrary, any State or municipal board, commission, department, institution, agency or bureau, including public schools, expending public money under any existing policy, plan, program or contract involving health care services, procedures and benefits, which are within the scope of the practice of chiropractic, shall not deny the recipients or beneficiaries the exclusive right to choose or select a chiropractor or any other health care providers and shall make the same reimbursement whether the service, procedure or benefit is provided by a chiropractor or any other health care provider, provided that, whenever programs, policies, plans or contracts which pay on the basis of usual, customary and reasonable charges or on some similar basis are used, only the method of determining the amount of reimbursement shall be the same.

SUBCHAPTER C

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

This amendment is known as freedom of choice or right of selection. It reads, "Notwithstanding any provision of law to the contrary, any State or municipal board, commission, department, institution, agency or bureau, including public schools, expending public money under any existing policy, plan, program or contract involving health care services, procedures and benefits, which are within the scope of the practice of chiropractic, shall not deny the recipients or beneficiaries the exclusive right to choose or select a chiropractor or any other health care providers and shall make the same reimbursement whether the service, procedure or benefit is provided by a chiropractor or any other health care provider...."

Basically, what we are asking is, on third-party payments, that they be treated as any other health care service and have parity and give the constituent a choice of whether he or she would like to go to a chiropractor or any other health care service and be paid accordingly. Thank you, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, I would ask for a "no" vote on this amendment, a "no" vote for the following reasons.

Mr. Speaker, there are a lot of pros and cons on the question of what particular chiropractic care ought to be covered by insurance, but those pros and cons ought to be addressed in a bill which deals with insurance and not a bill which deals with continuing the State board. Many of you may recall that the House has voted on this issue a number of times over the years and has attempted to give the chiropractors something similar to what Mr. Phillips is proposing today. If you have been reading your newspapers, you know that the State Insurance Commissioner has ruled that many of these things which are being proposed are already covered and governed by Pennsylvania law, but Blue Shield has gone to court, and a Commonwealth Court judge has put a hold on the decision of the State Insurance Department.

Now, there are many reforms of the board; there are many clarifications of what this profession can do that we have worked very hard to try to get into a place that we can send this bill over to the Senate with a reasonable prospect that it will be considered. If the House insists on going along with Mr. Phillips and sticking this insurance issue onto this bill, the result will be that you will then have the insurance lobby opposing this legislation in the Senate. You may end up voting on December 31 or before we go home for Christmas on a simple resolution to continue the Chiropractic Board exactly as it is today, without any of the reforms that are in this bill. I think that would be a serious step back. The Pennsylvania Chiropractic Society agrees that that would be a serious step back. It is my understanding that the State board also agrees that that would be a serious step back, and while they may philosophically agree with the amendment, they also recognize political reality, and political reality is if you want to continue this board and you want to do it with some reforms, you have to vote "no" on the Phillips amendment. So I would ask for a "no" vote on the amendment.

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

Mr. AFFLERBACH. Once again, Mr. Speaker, I join my colleague, Mr. Lloyd, in asking for defeat of this amendment. Once again he has enunciated the reasons better than I can. Simply to summarize, while many of us may feel favorably about this issue as a separate issue, there is absolutely no question that it does not belong in this bill. It would be a detriment to getting the bill passed with the reforms. I ask for a "no" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—38

| | | | |
|-------------|---------|-----------|---------------|
| Birmelin | Fischer | Laughlin | Rieger |
| Black | Fox | Lescovitz | Serafini |
| Boyes | Freind | McCall | Stairs |
| Brandt | Gannon | Mayernik | Swift |
| Caltagirone | Geist | Merry | Taylor, J. |
| Cimini | Gruitza | Miller | Van Horne |
| Clark | Hasay | Perzel | Wass |
| Cole | Hayes | Petrarca | Wilson |
| Dawida | Honaman | Phillips | Wright, J. L. |
| Duffy | Johnson | | |

NAYS—161

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dininni | Levin | Roebuck |
| Afflerbach | Distler | Linton | Rudy |
| Angstadt | Dombrowski | Livengood | Ryan |
| Argall | Donatucci | Lloyd | Rybak |
| Arty | Dorr | Lucyk | Saloom |
| Baldwin | Durham | McClatchy | Saurman |
| Barber | Evans | McHale | Scheetz |
| Barley | Fargo | McVerry | Schuler |
| Battisto | Fattah | Mackowski | Semmel |
| Belardi | Fee | Maiale | Seventy |
| Belfanti | Flick | Manderino | Showers |
| Blaum | Foster, Jr., A. | Manmiller | Sirianni |
| Book | Freeman | Markosck | Smith, B. |
| Bortner | Fryer | Michlovic | Snyder, D. W. |
| Bowley | Gallagher | Micozzie | Snyder, G. M. |
| Bowser | Gallen | Mochlmann | Staback |
| Broujos | Gamble | Morris | Steighner |
| Bunt | George | Mowery | Stevens |
| Burd | Godshall | Mrkonic | Stewart |
| Burns | Greenwood | Murphy | Stuban |
| Bush | Gruppo | Nahill | Sweet |
| Cappabianca | Hagarty | Noye | Taylor, E. Z. |
| Carlson | Haluska | O'Brien | Taylor, F. E. |
| Carn | Harper | O'Donnell | Telek |
| Cawley | Herman | Olasz | Tigue |
| Cessar | Hershey | Oliver | Trello |
| Chadwick | Howlett | Petrone | Truman |
| Civera | Hutchinson | Piccola | Veon |
| Clymer | Itkin | Pievsky | Vroon |
| Cohen | Jackson | Pistella | Wambach |
| Colafella | Jarolin | Pitts | Weston |
| Cordisco | Josephs | Pott | Wiggins |
| Cornell | Kasunic | Pratt | Wogan |
| Coslett | Kennedy | Pressmann | Wozniak |
| Cowell | Kenney | Preston | Wright, D. R. |
| Coy | Kosinski | Punt | Wright, R. C. |
| Deluca | Kukovich | Raymond | Yandrisevits |
| DeVerter | Langtry | Reber | |
| DeWeese | Lashinger | Reinard | Irvis, |
| Daley | Letterman | Richardson | Speaker |
| Deal | Levdansky | Robbins | |

NOT VOTING—3

| | | |
|-------|---------|--------------|
| Dietz | Gladeck | Smith, L. E. |
|-------|---------|--------------|

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. PERZEL offered the following amendments No. A2171:

Amend Sec. 301, page 5, line 5, by striking out "nine" and inserting

11

Amend Sec. 301, page 5, line 10, by striking out "Two" and inserting

Three

Amend Sec. 301, page 5, line 13, by striking out "Five" and inserting

Six

Amend Sec. 301, page 5, line 13, by inserting after "members,"

three from colleges accredited by the Commission on Accreditation of the Council on Chiropractic Education and three from other colleges approved by the board,

Amend Sec. 301, page 5, line 18, by striking out "five" and inserting

three

Amend Sec. 301, page 6, line 10, by striking out "Five" and inserting

Six

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perzel, on his amendment.

Mr. PERZEL. Mr. Speaker, my amendment would basically expand the Chiropractic Board from five to six members, and as you have heard earlier today, there is a big controversy between the mixers and the straights. What it would actually do is put three mixers and three straights on the Chiropractic Board, with the tie-breaking vote being cast by the head of Professional and Occupational Affairs. I would ask for an affirmative vote.

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

Mr. LLOYD. Thank you, Mr. Speaker.

I once again ask for a "no" vote. If you voted against putting the Secretary of Health on, you certainly ought to vote against having the mixers and straights balanced on this board. We should not be in the business of trying to tell the Governor, well, you pick this philosophy or you pick that philosophy; you figure out who is a mixer and who is a straight. Mr. Perzel says, well, we are going to do that just by looking at what schools they went to. I do not think we ought to step backwards by saying that we want to guarantee three spots on the State board to people who graduated from schools which are not accredited by a national accrediting agency specializing in chiropractic.

If you voted "no" when Mr. Phillips tried to take care of the straights earlier today—and almost everybody did—and if you voted against Mr. Miller's attempt to put the Secretary of Health on, this is exactly in that same category. The proper vote is a "no" vote. Do not balance the board philosophically because you are going to take a step backwards in terms of consumer protection; you are going to be guaranteeing representation on the board to people who did not graduate from an accredited school; and you are going to be undoing a lot of the work that has been put together in working this compromise on the floor this morning. So I would ask once again for a "no" vote.

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

Mr. AFFLERBACH. Once again I join my colleague, Mr. Lloyd, in asking for defeat of this amendment. Presently the Governor may nominate a chiropractor from any philosophical camp; presently the Senate has the opportunity to accept or reject that nomination. I believe the safeguards are there. What we see in this amendment is an attempt by one philosophical group to attain by statute that which they have been unable to attain by professional competition.

I do not believe the legislature should inject itself into a philosophical dispute except to the point that that dispute serves to render a genuine consumer protection. As Mr. Lloyd has indicated, this kind of an amendment, this kind of an injection into that dispute, serves no purpose for the consumer. Indeed, it may be a step back for the consumer. Furthermore, if we are to consider setting aside specific seats on a licensing board for specific philosophies, we are essentially adopting the French form of government, and I do not think anyone here can say that that has worked in a very great degree to adequately do what it was intended to do.

Finally, we had better be prepared, should we adopt an amendment of this nature, to do exactly the same thing on the Medical Board and reserve a seat for a homeopath and reserve a seat for an allopath and so on down the line. I do not think any of us want to get into that. I ask for a "no" vote on the amendment.

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

Mr. GANNON. Mr. Speaker, I urge a "yes" vote on this amendment.

First of all, I have listened to some of the reasons that have been given to the members to oppose this amendment, and some of those reasons given were reasons why they should vote for the amendment. For example, if a member here opposed appointing the Secretary of Health to the board, that is only further justification that he should support this amendment.

But I think we have to take a look at what the amendment does, Mr. Speaker, and where it is going to place the General Assembly in this controversy between these two philosophies. The amendment simply says that the Chiropractic Board is going to be balanced, and it is going to take a fairer approach than it has in the past to addressing these two different philosophies or approaches to chiropractic care. And the board is not going to be lopsided, Mr. Speaker, because the Commissioner of Professional and Occupational Affairs will be able to break any ties that may occur on any important matters that come before the board.

It has been suggested that members of the board would come from schools that are not accredited, Mr. Speaker. I do not think anybody here really believes that the Governor is going to appoint somebody to that board who has not graduated from an accredited school or is not competent in his particular profession, and I think that that suggestion that was made here, Mr. Speaker, may mislead the members.

Mr. Speaker, I think the board should be balanced between these two philosophies. I think they have to work their problems out between themselves. We find ourselves embroiled in this controversy session after session after session. I think the proper forum for them to work out their differences is before the Chiropractic Board. I think the board should be balanced, Mr. Speaker, and I think this amendment does exactly that. I urge a "yes" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, for the second time on the amendment.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, what we are asking for here basically is fairness. Myself, Representative Phillips, and Representative Gannon watched as the board for almost 4 years denied students from the Adio school, who were doing consistently better in the examinations than anyone else, their licenses. They were not granted licenses, even though they had passed the test, and we watched as that board kept those young men and women from practicing their profession. All we are asking for is fairness - three members from each group, and the head of Professional and Occupational Affairs would have the deciding vote. I again ask for a "yes" vote. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Gannon, suggested that somehow there had been a misleading of the members of the House with regard to the three straights who would be appointed to this board. What I said, and I want to emphasize again, if you look at the amendment, what it says is not that you went to a college which was not accredited but that you went to a college which was not accredited by the only nationally recognized chiropractic accrediting agency. That is what the amendment says, and that is what the amendment is intended to do.

Now, the suggestion has been made that somehow this is tied to the Adio problem. The fact of the matter is that the Adio problem was resolved. Adio, under this bill, is given 5 years to get accreditation, and whether this board is balanced in the future or not is not going to change that and it is not going to change what happened before.

Finally, the suggestion was made that we have to do this for fairness, but in fact, all of the statistics which we have seen indicate that only about 10 percent of the chiropractors in this State are aligned with the philosophy of the straights, and so consequently, what Mr. Perzel's amendment would do is give them 50 percent of the seats allocated to chiropractors on the board. Mr. Speaker, that is a mistake. We are going to tie up this board; we are going to have nothing but chaos; we will have nothing but lawsuits. Remember how you voted before. Vote "no" on this amendment.

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

The following roll call was recorded:

YEAS—42

| | | | |
|-------------|-----------|----------|---------------|
| Angstadt | Dawida | McCall | Raymond |
| Black | Dorr | Micozzie | Ryan |
| Book | Durham | Noye | Smith, L. E. |
| Boyes | Flick | O'Brien | Stairs |
| Brandt | Fox | Perzel | Swift |
| Burd | Gallagher | Petrarca | Taylor, J. |
| Caltagirone | Gannon | Phillips | Vroon |
| Cawley | Geist | Piccola | Weston |
| Cessar | Kenney | Pitts | Wogan |
| Clark | Laughlin | Preston | Wright, R. C. |
| Cole | Lescovitz | | |

NAYS—159

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Donatucci | Letterman | Roebuck |
| Afflerbach | Duffy | Levdansky | Rudy |
| Argall | Evans | Levin | Rybak |
| Arty | Fargo | Linton | Saloom |
| Baldwin | Fattah | Livengood | Saurman |
| Barber | Fee | Lloyd | Scheetz |
| Barley | Fischer | Lucy | Schuler |
| Battisto | Foster, Jr., A. | McClatchy | Semmel |
| Belardi | Freeman | McHale | Serafini |
| Belfanti | Freind | McVerry | Seventy |
| Birmelin | Fryer | Mackowski | Showers |
| Blaum | Gallen | Maiale | Sirianni |
| Bortner | Gamble | Manderino | Smith, B. |
| Bowley | George | Manmiller | Snyder, D. W. |
| Bowser | Gladeck | Markosek | Snyder, G. M. |
| Broujos | Godshall | Mayernik | Staback |
| Bunt | Greenwood | Merry | Steighner |
| Burns | Gruitza | Michlovic | Stevens |
| Bush | Gruppo | Miller | Stewart |
| Cappabianca | Hagarty | Moehlmann | Stuban |
| Carlson | Haluska | Morris | Sweet |
| Carn | Harper | Mowery | Taylor, E. Z. |
| Chadwick | Hasay | Mrkonic | Taylor, F. E. |
| Cimini | Hayes | Murphy | Telek |
| Civera | Herman | Nahill | Tigue |
| Clymer | Hershey | O'Donnell | Trello |
| Cohen | Honaman | Olasz | Truman |
| Colafella | Howlett | Oliver | Van Horne |
| Cornell | Hutchinson | Petrone | Veon |
| Coslett | Itkin | Pievsky | Wambach |
| Cowell | Jackson | Pistella | Wass |
| Coy | Jarolin | Pott | Wiggins |
| DeLuca | Johnson | Pratt | Wilson |
| DeVerter | Josephs | Pressmann | Wozniak |
| DeWeese | Kasunic | Punt | Wright, D. R. |
| Daley | Kennedy | Reber | Wright, J. L. |
| Deal | Kosinski | Reinard | Yandrisevits |
| Dietz | Kukovich | Richardson | |
| Dininni | Langtry | Rieger | Irvis, |
| Distler | Lashinger | Robbins | Speaker |
| Dombrowski | | | |

NOT VOTING—1

Cordisco

EXCUSED—1

Davies

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dininni | Laughlin | Rieger |
| Afflerbach | Distler | Lescovitz | Robbins |
| Angstadt | Dombrowski | Letterman | Roebuck |
| Argall | Donatucci | Levdansky | Rudy |
| Arty | Dorr | Levin | Ryan |
| Baldwin | Duffy | Linton | Rybak |
| Barber | Durham | Livengood | Saloom |
| Barley | Evans | Lloyd | Saurman |
| Battisto | Fargo | Lucy | Scheetz |
| Belardi | Fattah | McCall | Schuler |
| Belfanti | Fee | McClatchy | Semmel |
| Birmelin | Fischer | McHale | Serafini |
| Black | Flick | McVerry | Seventy |
| Blaum | Foster, Jr., A. | Mackowski | Showers |
| Book | Fox | Maiale | Sirianni |
| Bortner | Freeman | Manderino | Smith, B. |
| Bowley | Freind | Manmiller | Snyder, D. W. |
| Bowser | Fryer | Markosek | Snyder, G. M. |
| Boyes | Gallagher | Mayernik | Staback |
| Brandt | Gallen | Merry | Stairs |
| Broujos | Gamble | Michlovic | Steighner |
| Bunt | Gannon | Micozzie | Stevens |
| Burd | Geist | Miller | Stewart |
| Burns | George | Moehlmann | Stuban |
| Bush | Gladeck | Morris | Sweet |
| Caltagirone | Godshall | Mowery | Swift |
| Cappabianca | Greenwood | Mrkonic | Taylor, E. Z. |
| Carlson | Gruitza | Murphy | Taylor, F. E. |
| Carn | Gruppo | Nahill | Taylor, J. |
| Cawley | Hagarty | Noye | Telek |
| Cessar | Haluska | O'Brien | Tigue |
| Chadwick | Harper | O'Donnell | Trello |
| Cimini | Hasay | Olasz | Truman |
| Civera | Hayes | Oliver | Van Horne |
| Clark | Herman | Perzel | Veon |
| Clymer | Hershey | Petrarca | Vroon |
| Cohen | Honaman | Petrone | Wambach |
| Colafella | Howlett | Piccola | Wass |
| Cole | Hutchinson | Pievsky | Weston |
| Cordisco | Itkin | Pistella | Wiggins |
| Cornell | Jackson | Pitts | Wilson |
| Coslett | Jarolin | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Coy | Josephs | Pressmann | Wright, D. R. |
| DeLuca | Kasunic | Preston | Wright, J. L. |
| DeVerter | Kennedy | Punt | Wright, R. C. |
| DeWeese | Kenney | Raymond | Yandrisevits |
| Daley | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Langtry | Richardson | Speaker |
| Dietz | Lashinger | | |

NAYS—1

Phillips

NOT VOTING—1

Smith, L. E.

EXCUSED—1

Davies

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 324, PN 448**, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), known as the "Real Estate Licensing and Registration Act," further providing for civil penalties, escrow accounts, for the regulation of promotional land sales and for certain disclosures.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendments No. A2259:

Amend Sec. 2, page 2, line 18, by removing the comma after "305" and inserting

and

Amend Sec. 2, page 2, line 18, by striking out " , 604(a)(25) and 605"

Amend Bill, page 3, by inserting between lines 15 and 16

Section 3. Section 604(a)(25) of the act, amended March 29, 1984 (P.L.162, No.32), is amended and the section is amended by adding a paragraph to read:

Amend Bill, page 4, line 2, by striking out all of said line and inserting

(26) In the case of a cemetery company registrant, assessment of a fee, whether one-time, periodic or otherwise, for the purpose of maintenance, care or upkeep of a cemetery lot without informing the purchaser of the lot, in writing, prior to purchase that such a fee would be assessed. A violation of this paragraph constitutes "unfair methods of competition" and "unfair or deceptive acts or practices" within the meaning of section 2(4) of the act of December 17, 1968 (P.L.1224, No.387), known as the "Unfair Trade Practices and Consumer Protection Law."

* * *

Section 4. Section 605 of the act, amended March 29, 1984 (P.L.162, No.32), is amended to read:

Amend Sec. 3, page 9, line 23, by striking out "3" and inserting

5

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

6

Amend Sec. 5, page 13, line 3, by striking out "5" and inserting

7

Amend Sec. 6, page 13, line 11, by striking out "6" and inserting

8

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment relates to cemetery companies and requires that when a cemetery company is going to charge the purchaser of a lot a fee, whether it is one time or periodic, for the maintenance of that lot, that fee must be included in writing in the original agreement under which the lot is purchased. This is to mitigate against circumstances under which cemetery lots are sold and a fee is charged afterwards, a fee that was not agreed to by the purchaser of the property.

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

The following roll call was recorded:

YEAS—198

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Lescovitz | Rieger |
| Afflerbach | Diminni | Letterman | Robbins |
| Angstadt | Distler | Levdanski | Roebuck |
| Argall | Dombrowski | Levin | Rudy |
| Arty | Donatucci | Linton | Ryan |
| Baldwin | Dorr | Livengood | Rybak |
| Barber | Durham | Lloyd | Saloom |
| Barley | Evans | Lucyk | Saurman |
| Battisto | Fargo | McCall | Scheetz |
| Belardi | Fattah | McClatchy | Schuler |
| Belfanti | Fee | McHale | Semmel |
| Birmelin | Fischer | McVerry | Seventy |
| Black | Flick | Mackowski | Showers |
| Blaum | Foster, Jr., A. | Maiale | Sirianni |
| Book | Fox | Manderino | Smith, B. |
| Bortner | Freeman | Manmiller | Smith, L. E. |
| Bowley | Fryer | Markosck | Snyder, D. W. |
| Bowser | Gallagher | Mayernik | Snyder, G. M. |
| Boyes | Gallen | Merry | Staback |
| Brandt | Gamble | Michlovic | Stairs |
| Broujos | Gannon | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonic | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Olasz | Trello |
| Cimini | Hayes | Oliver | Truman |
| Civera | Herman | Perzel | Van Horne |
| Clark | Hershey | Petrarca | Veon |
| Clymer | Honaman | Petrone | Vroon |
| Cohen | Howlett | Phillips | Wambach |
| Colafella | Hutchinson | Piccola | Wass |
| Cole | Itkin | Pievsky | Weston |
| Cordisco | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. L. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kukovich | Raymond | Yandrisevits |
| Daley | Langtry | Reber | |
| Dawida | Lashinger | Reinard | Irvis, |
| Deal | Laughlin | Richardson | Speaker |

NAYS—2

Duffy Serafini

NOT VOTING—2

Freind Kosinski

EXCUSED—1

Davies

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. GREENWOOD offered the following amendments No. A2445:

Amend Sec. 2, page 2, line 18, by inserting after "(a)" (18) and

Amend Sec. 2 (Sec. 604), page 3, by inserting after line 30

(18) Soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests or offering prizes for the purpose of influencing by deceptive conduct any purchaser or prospective purchaser of real property. The commission shall promulgate necessary rules and regulations to provide standards for nondeception conduct under this paragraph. [Any offering by mail or by telephone of any prize in relation to the offering of sale of real property, including time sharing, shall be accompanied by a statement of the fair market value, not suggested retail price, of all prizes offered, plus a statement of the odds of receiving any such prize. If the offering is by mail the statement of value and odds shall be printed in the same size type as the prize description and shall appear immediately adjacent to said description.]

Amend Sec. 2 (Sec. 605), page 9, by inserting between lines 17 and 18

(j) No registrant, licensee or any other person shall engage in any transaction involving promotional real estate in this Commonwealth for a property within or outside this Commonwealth or make any solicitation, sale or offer in connection therewith by offering free lots or conducting lotteries or contests or offering prizes for the purpose of influencing by deceptive conduct any purchaser or prospective purchaser of promotional real estate. Any offering by mail or by telephone of any prize in relation to any solicitation, offering or sale involving promotional real estate made by any registrant, licensee or other person shall be accompanied by a statement of the fair market value, not suggested retail price, of all prizes offered, plus a statement of the odds of receiving any such prize. If the offering is by mail, the statement of value shall be printed in the same size type as the prize description and shall appear immediately adjacent to the actual prize description.

Amend Sec. 2 (Sec. 605), page 9, line 18, by striking out "(j)" and inserting

(k)

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment relates to the issue of promotional land sales. Last session under Act 32 we placed into law some language that related to the awards notifications that are frequently sent out by these promoters that offer certain kinds of prizes in return for visiting a land sale site. This language makes it more clear that not only does that provision apply to licensed brokers and salesmen in Pennsylvania but to out-of-State promoters as well. I would ask for support.

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

Mr. SERAFINI. Would the gentleman please answer a few questions?

The SPEAKER. The gentleman, Mr. Greenwood, indicates he will stand for interrogation.

Mr. SERAFINI. Mr. Speaker, what do you refer to in this amendment as market value, not suggested retail price? What would you consider fair market value to be?

Mr. GREENWOOD. First off, let me indicate that this language is already in the existing statute.

Mr. SERAFINI. Right; it is.

Mr. GREENWOOD. But to clarify that, what we are trying to guard against is this: I think if any of you have ever received awards notifications which tell you to rush out to so-and-so land in the Poconos and in return for visiting you are guaranteed to win one of the following prizes, always one of those prizes is something that is basically worthless and probably could not be sold in the open market for more than a few dollars. The promoter puts a suggested retail price of \$150 or \$250 or anything else that they want, leading the recipient of that notice to believe that there is actually something of great value if they make this trip. What I am suggesting is that they indicate the fair market value, and what I mean by that is a price that reasonably describes the price that that product could be sold for on the open market.

Mr. SERAFINI. Mr. Speaker, who would determine the fair market value? For instance, if there was a dispute as to what that product was actually worth, who would determine as to whether the person soliciting with that product and the value they gave that product would be correct? Who would determine that? The court?

Mr. GREENWOOD. If a case of this nature came to court, if the promoter wanted to defend the fact that the price that he included on the awards notification as being a fair market value was indeed accurate, he could point to instances out in the marketplace where that particular item was fetching that particular price or something close to it. On the other hand, if the Commonwealth was arguing that the registrant was not in compliance with the law, they would demonstrate that in various instances that particular item is selling for a fraction of the price in the marketplace that it is being described as being worth in the notification.

Mr. SERAFINI. My other question, Mr. Speaker: Do you know whether any restrictions on sales other than real estate, say insurance or, for instance, magazines, are covered by restrictions of this type, although those sales are made by telephone and television?

Mr. GREENWOOD. I cannot point to other instances where this kind of restriction is placed, but what I can tell you is that it has been my experience that the promotions of this kind are almost unique in their approach, and anyone who knows anything about the business knows that the promoters continuously on a daily basis try to attract people to visit their sites for a hard-sell approach, luring them with prizes that have essentially no value or very limited value, and it has been clear to myself and to others who have supported this approach that there is a lot of cleaning up that needs to be done in this business.

Mr. SERAFINI. Well, then, Mr. Speaker, what you are saying is the only difference between the language which you are currently offering and that which is already in the law is

the fact that you are including out-of-State promotions. Is that correct?

Mr. GREENWOOD. That is right. The legal staff has told me that the language that is now in Act 32 probably only applies to licensed real estate brokers in the State of Pennsylvania, and the loophole is that promoters from out-of-State are able to mail these awards notifications and these brochures into Pennsylvania and not have to comply with the existing law.

Mr. SERAFINI. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dininni | Laughlin | Robbins |
| Afflerbach | Distler | Lescovitz | Roebuck |
| Angstadt | Dombrowski | Letterman | Rudy |
| Argall | Donatucci | Levdansky | Ryan |
| Arty | Dorr | Levin | Rybak |
| Baldwin | Duffy | Linton | Saloom |
| Barber | Durham | Livengood | Saurman |
| Barley | Evans | Lloyd | Scheetz |
| Battisto | Fargo | Lucyk | Schuler |
| Belardi | Fattah | McCall | Semmel |
| Belfanti | Fee | McClatchy | Serafini |
| Birmelin | Fischer | McHale | Seventy |
| Black | Flick | McVerry | Showers |
| Blaum | Foster, Jr., A. | Mackowski | Sirianni |
| Book | Fox | Maiale | Smith, B. |
| Bortner | Freeman | Manderino | Smith, L. E. |
| Bowley | Freind | Manmiller | Snyder, D. W. |
| Bowser | Fryer | Markosek | Snyder, G. M. |
| Boyes | Gallagher | Mayernik | Staback |
| Brandt | Gallen | Merry | Stairs |
| Broujos | Gamble | Michlovic | Steighner |
| Bunt | Gannon | Micozzie | Stevens |
| Burd | Geist | Moehlmann | Stewart |
| Burns | George | Morris | Stuban |
| Bush | Gladeck | Mowery | Sweet |
| Caltagirone | Godshall | Mrkonic | Swift |
| Cappabianca | Greenwood | Murphy | Taylor, E. Z. |
| Carlson | Gruitza | Nahill | Taylor, F. E. |
| Carn | Gruppo | Noye | Taylor, J. |
| Cawley | Hagarty | O'Brien | Telek |
| Cessar | Haluska | O'Donnell | Tigue |
| Chadwick | Harper | Olasz | Trello |
| Cimini | Hasay | Oliver | Truman |
| Civera | Hayes | Perzel | Van Horne |
| Clark | Herman | Petrarca | Veon |
| Clymer | Hershey | Petrone | Vroon |
| Cohen | Honaman | Phillips | Wambach |
| Colafrilla | Howlett | Piccola | Wass |
| Cole | Hutchinson | Pievsky | Weston |
| Cordisco | Itkin | Pistella | Wiggins |
| Cornell | Jackson | Pitts | Wilson |
| Coslett | Jarolin | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Coy | Josephs | Pressmann | Wright, D. R. |
| Deluca | Kasunic | Preston | Wright, J. L. |
| DeVerter | Kennedy | Punt | Wright, R. C. |
| DeWeese | Kenny | Raymond | Yandrisevits |
| Daley | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Langtry | Richardson | Speaker |
| Dietz | Lashingier | Rieger | |

NAYS—0

NOT VOTING—1

Miller

EXCUSED—1

Davies

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

WELCOME

The SPEAKER. We welcome to the floor of the House Father Dan Hitchko, Andy Hvozdovic, and Mike Demko. They are the guests of Representative Stevens and Representative Blaum. Welcome to the hall of the House.

CONSIDERATION OF HB 324 CONTINUED

On the question recurring,

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

Mr. MURPHY offered the following amendments No. A1046:

Amend Sec. 2 (Sec. 404), page 3, line 13, by inserting after "builder-owners"

employing builder-owner salespersons

Amend Sec. 2 (Sec. 605), page 5, lines 10 through 12, by striking out "that the commission has determined to be of the same" in line 10, all of line 11 and "the commission" in line 12

Amend Sec. 2 (Sec. 605), page 6, line 10, by inserting brackets before and after "statement of record" and inserting immediately thereafter

registration

Amend Sec. 4, page 12, line 8, by striking out "Section 607" and inserting

Sections 606, 607 and 608

Amend Sec. 4, page 12, line 9, by striking out "is" and inserting

are

Amend Sec. 4, page 12, by inserting between lines 9 and 10 Section 606. Broker's disclosure to seller.

In any listing agreement or contract of agency, the broker shall make the following disclosures to any seller of real property:

(1) A statement that the broker's commission and the time period of the listing [are negotiable] have been determined as a result of negotiations between the broker and the seller.

(2) A statement describing the purpose of the Real Estate Recovery Fund established under section 801 and the telephone number of the commission at which the seller can receive further information about the fund.

Amend Sec. 4 (Sec. 607), page 12, lines 24 through 30, by striking out "'] An" in line 24, all of lines 25 through 29 and "the agreement of sale by the buyer," in line 30

Amend Sec. 4 (Sec. 607), page 13, line 2, by inserting a bracket after "action."

Amend Sec. 4, page 13, by inserting between lines 2 and 3 Section 608. Information to be given at initial interview.

The commission shall establish rules or regulations which shall set forth the manner and method of disclosure of information to the prospective buyer or seller during the initial interview. Such disclosure shall include, but shall not be limited to:

(1) A statement [that the broker is the agent of the seller] as to whom the broker represents.

(2) The purpose of the Real Estate Recovery Fund and the telephone number of the commission at which further information about the fund may be obtained.

(3) A statement that the duration of the listing agreement or contract and the broker's commission are negotiable.

(4) A statement that any sales agreement except for a single-family dwelling must contain the zoning classification of a property.

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

This amendment clears up some language that was in HB 1448 that we passed last year. It makes it more clear who the broker represents in a sale, and it also deals with the question of builders and owners having salespersons working for them, that they would be regulated by the Real Estate Commission. Thank you, Mr. Speaker.

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

Mr. MILLER. Mr. Speaker, the minority concurs with the language in the Murphy amendment and urges its adoption.

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

The following roll call was recorded:

YEAS—199

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Dininni | Letterman | Robbins |
| Afflerbach | Distler | Levdansky | Roebuck |
| Angstadt | Dombrowski | Levin | Rudy |
| Argall | Donatucci | Linton | Ryan |
| Arty | Dorr | Livengood | Rybak |
| Baldwin | Duffy | Lloyd | Saloom |
| Barber | Durham | Lucyk | Saurman |
| Barley | Evans | McCall | Scheetz |
| Battisto | Fargo | McClatchy | Schuler |
| Belardi | Fattah | McHale | Semmel |
| Belfanti | Fee | McVerry | Serafini |
| Birmelin | Fischer | Mackowski | Seventy |
| Black | Flick | Maiiale | Showers |
| Blaum | Fox | Manderino | Sirianni |
| Book | Freeman | Manmiller | Smith, B. |
| Bortner | Freind | Markosek | Smith, L. E. |
| Bowley | Fryer | Mayernik | Snyder, D. W. |
| Bowser | Gallagher | Merry | Snyder, G. M. |
| Boyes | Gallen | Michlovic | Staback |
| Brandt | Gamble | Micozzie | Stairs |
| Broujos | Geist | Miller | Steighner |
| Bunt | George | Moehlmann | Stevens |
| Burd | Gladeck | Morris | Stewart |
| Burns | Godshall | Mowery | Stuban |
| Bush | Greenwood | Mrkonic | Sweet |
| Caltagirone | Gruitza | Murphy | Swift |
| Cappabianca | Gruppo | Nahill | Taylor, E. Z. |
| Carlson | Hagarty | Noye | Taylor, F. E. |
| Carn | Haluska | O'Brien | Taylor, J. |
| Cawley | Harper | O'Donnell | Telek |
| Cessar | Hasay | Olasz | Tigue |
| Chadwick | Hayes | Oliver | Trello |
| Cimini | Herman | Perzel | Truman |
| Civera | Hershey | Petrarca | Van Horne |
| Clark | Honaman | Petrone | Veon |
| Clymer | Howlett | Phillips | Vroon |
| Cohen | Hutchinson | Piccola | Wambach |

| | | | |
|-----------|-----------|------------|---------------|
| Colafella | Itkin | Pievsky | Wass |
| Cole | Jackson | Pistella | Weston |
| Cordisco | Jarolin | Pitts | Wiggins |
| Cornell | Johnson | Pott | Wilson |
| Coslett | Josephs | Pratt | Wogan |
| Cowell | Kasunic | Pressmann | Wozniak |
| Coy | Kennedy | Preston | Wright, D. R. |
| Deluca | Kosinski | Punt | Wright, J. L. |
| DeVerter | Kukovich | Raymond | Wright, R. C. |
| DeWeese | Langtry | Reber | Yandrisevits |
| Daley | Lashinger | Reinard | |
| Dawida | Laughlin | Richardson | Irvis, |
| Deal | Lescovitz | Rieger | Speaker |
| Dietz | | | |

NAYS—0

NOT VOTING—3

Foster, Jr., A. Gannon Kenney

EXCUSED—1

Davies

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dininni | Lescovitz | Robbins |
| Afflerbach | Distler | Letterman | Roebuck |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Durham | Lloyd | Saurman |
| Barley | Evans | Lucyk | Scheetz |
| Battisto | Fargo | McCall | Schuler |
| Belardi | Fattah | McClatchy | Semmel |
| Belfanti | Fee | McHale | Serafini |
| Birmelin | Fischer | McVerry | Seventy |
| Black | Flick | Mackowski | Showers |
| Blaum | Foster, Jr., A. | Maiiale | Sirianni |
| Book | Fox | Manderino | Smith, B. |
| Bortner | Freeman | Manmiller | Smith, L. E. |
| Bowley | Freind | Markosek | Snyder, D. W. |
| Bowser | Fryer | Mayernik | Snyder, G. M. |
| Boyes | Gallagher | Merry | Staback |
| Brandt | Gallen | Michlovic | Stairs |
| Broujos | Gamble | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Mochlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Sweet |
| Caltagirone | Greenwood | Mrkonic | Swift |
| Cappabianca | Gruitza | Murphy | Taylor, E. Z. |
| Carlson | Gruppo | Nahill | Taylor, F. E. |
| Carn | Hagarty | Noye | Taylor, J. |
| Cawley | Haluska | O'Brien | Telek |
| Cessar | Harper | O'Donnell | Tigue |
| Chadwick | Hasay | Oliver | Trello |
| Cimini | Herman | Perzel | Truman |
| Civera | Hershey | Petrarca | Van Horne |
| Clark | Honaman | Petrone | Veon |
| Clymer | | | Vroon |

| | | | |
|-----------|------------|------------|---------------|
| Cohen | Howlett | Phillips | Wambach |
| Colafella | Hutchinson | Piccola | Wass |
| Cole | Itkin | Pievsky | Weston |
| Cordisco | Jackson | Pistella | Wiggins |
| Cornell | Jarolin | Pitts | Wilson |
| Coslett | Johnson | Pott | Wogan |
| Cowell | Josephs | Pratt | Wozniak |
| Coy | Kasunic | Pressmann | Wright, D. R. |
| Deluca | Kennedy | Preston | Wright, J. L. |
| DeVerter | Kenney | Punt | Wright, R. C. |
| DeWeese | Kosinski | Raymond | Yandrisevits |
| Daley | Kukovich | Reber | |
| Dawida | Langtry | Reinard | Irvis, |
| Deal | Lashinger | Richardson | Speaker |
| Dietz | Laughlin | Rieger | |

NAYS—0

NOT VOTING—1

Gannon

EXCUSED—1

Davies

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.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye, to make an announcement.

Mr. NOYE. Thank you, Mr. Speaker.

For the Republican members' information, we will caucus tomorrow morning at 10 o'clock; tomorrow morning at 10 o'clock.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, a number of members have approached me, as I am sure they have approached you and Mr. O'Donnell, with respect to what the week might hold. I, of course, do not know. The only thing I do know is that, by reason of the state of the calendar in the Senate of the non-preferred bills, it would be impossible for us to vote them prior to Friday or a midnight session Thursday night. So I suggest, absent some other parliamentary miracle, that you should plan on staying here Thursday and Friday, and maybe we can get Mr. O'Donnell to tell us whether we are going to be here Saturday and Sunday and Monday and Tuesday.

The SPEAKER. The Chair recognizes the majority whip, who will now make an announcement.

Mr. O'DONNELL. Mr. Speaker, my intended announcement was on an entirely different subject, and I have to say that I know just about the same amount as Mr. Ryan. I would not prepare for a Monday and a Tuesday, because our commitment is very clearly to have this thing done before July 1. Any other commitment I think would probably be unrealistic.

As far as the Senate and their behavior is concerned, that is unfortunately one of the imponderables in this process. I had

predicted to some of the members that we would be out of here midnight on Wednesday night. I would like to revise that. We will be out of here at midnight; which night I honestly do not know. So I would prepare for a serious debate tomorrow and budget action probably on Thursday or Friday, God forbid Saturday and Sunday, but we will definitely have a budget on time.

ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. Now the majority whip is in order to make the important announcement.

Mr. O'DONNELL. On more important topics. Sinclair Lewis, in his really great book "Babbitt," observed when speaking about Babbitt that a sensational event for Mr. Babbitt was changing the contents of his pockets from his brown suit to his gray. He was earnest about these things. They were of eternal importance, like baseball or the Republican Party. In the tradition of Babbitt, last night the House Republican Caucus fielded the best nine that they could possibly come up with and, of course, excluded from participation just about anybody else in the Republican Caucus. Those best nine met the Democratic House team, which consisted of, in the democratic spirit, anybody who was able and willing to get themselves there. So using that platoon system, the Republicans were soundly defeated by the Democrats in a double-header which saw remarkable performances.

In the words of one observer of American culture, whoever wants to know the heart and mind of America had better learn baseball, the rules and realities of the game. It is clear from the outcome last night that the hearts and minds of America are with the Democratic Party.

RULES SUSPENDED

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

Mr. PITTS. Mr. Speaker, I move that the rules of the House be temporarily suspended so that we may immediately consider the adoption of a resolution. This motion has been agreed to by the majority leader and by the minority leader.

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

The following roll call was recorded:

YEAS—196

| | | | |
|------------|-----------------|-----------|-----------|
| Acosta | Distler | Lescovitz | Robbins |
| Afflerbach | Dombrowski | Letterman | Roebuck |
| Angstadt | Donatucci | Levdansky | Rudy |
| Argall | Dorr | Levin | Ryan |
| Baldwin | Duffy | Linton | Rybak |
| Barber | Durham | Livengood | Saloom |
| Barley | Evans | Lloyd | Saurman |
| Battisto | Fargo | Lucyk | Scheetz |
| Belardi | Fattah | McCall | Schuler |
| Belfanti | Fec | McClatchy | Semmel |
| Birmelin | Fischer | McHale | Serafini |
| Black | Flick | McVerry | Seventy |
| Blaum | Foster, Jr., A. | Maiale | Showers |
| Book | Fox | Manderino | Sirianni |
| Bortner | Freeman | Manmiller | Smith, B. |

| | | | |
|-------------|------------|------------|---------------|
| Bowley | Frcind | Markosek | Smith, L. E. |
| Bowser | Fryer | Mayernik | Snyder, D. W. |
| Boyes | Gallagher | Merry | Snyder, G. M. |
| Brandt | Gallen | Michlovic | Staback |
| Broujos | Gamble | Micozzie | Stairs |
| Bunt | Gannon | Miller | Steighner |
| Burd | Geist | Moehlmann | Stevens |
| Burns | George | Morris | Stewart |
| Bush | Gladeck | Mowery | Struban |
| Caltagirone | Godshall | Mrkonic | Sweet |
| Cappabianca | Greenwood | Murphy | Swift |
| Carlson | Gruitza | Noye | Taylor, E. Z. |
| Carn | Gruppo | O'Brien | Taylor, F. E. |
| Cawley | Haluska | O'Donnell | Taylor, J. |
| Cessar | Harper | Olasz | Telek |
| Chadwick | Hasay | Oliver | Tigue |
| Cimini | Hayes | Perzel | Trello |
| Civera | Herman | Petrarca | Truman |
| Clark | Hershey | Petrone | Van Horne |
| Clymer | Honaman | Phillips | Veon |
| Cohen | Howlett | Piccola | Wambach |
| Colafella | Hutchinson | Pievsky | Wass |
| Cole | Itkin | Pistella | Weston |
| Cordisco | Jackson | Pitts | Wiggins |
| Coslett | Jarolin | Pott | Wilson |
| Cowell | Johnson | Pratt | Wogan |
| Coy | Josephs | Pressmann | Wozniak |
| Deluca | Kasunic | Preston | Wright, D. R. |
| DeVerter | Kennedy | Punt | Wright, J. L. |
| DeWeese | Kenney | Raymond | Wright, R. C. |
| Daley | Kosinski | Reber | Yandrisevits |
| Dawida | Kukovich | Reinard | |
| Deal | Langtry | Richardson | Irvis, |
| Dietz | Lashinger | Rieger | Speaker |
| Dininni | Laughlin | | |

NAYS—0

NOT VOTING—6

| | | | |
|---------|-----------|--------|-------|
| Arty | Hagarty | Nahill | Vroon |
| Cornell | Mackowski | | |

EXCUSED—1

Davies

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.

RESOLUTION ADOPTED

The SPEAKER. The Chair places immediately before the House for its consideration the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 143

A CONCURRENT RESOLUTION

Proclaiming July 27, 1985, as "Lukens' 175th Anniversary Day" in this Commonwealth.

WHEREAS, Lukens, Inc., was founded in 1810 on the banks of the Brandywine Creek in the County of Chester, the Commonwealth of Pennsylvania; and

WHEREAS, Lukens rolled the first boiler plates in the Nation, thereby contributing significantly to the industrialization of this Commonwealth and the United States; and

WHEREAS, Lukens continues to be an important Pennsylvania manufacturer and employer of citizens of this Commonwealth; and

WHEREAS, Lukens is celebrating its 175th Anniversary on Saturday, July 27, with open house tours of its facilities and historical exhibits; therefore be it

RESOLVED (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania recognize July 27, 1985, as "Lukens' 175th Anniversary Day" in this Commonwealth.

Joseph R. Pitts
Samuel W. Morris
Peter R. Vroon
Elinor Z. Taylor
Arthur D. Hershey
Robert J. Flick

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Distler | Lescovitz | Roebuck |
| Afflerbach | Dombrowski | Letterman | Rudy |
| Angstadt | Donatucci | Levdansky | Ryan |
| Argall | Dorr | Levin | Rybak |
| Arty | Duffy | Livengood | Saloom |
| Baldwin | Durham | Lloyd | Saurman |
| Barber | Evans | Lucyk | Scheetz |
| Barley | Fargo | McCall | Schuler |
| Battisto | Fattah | McClatchy | Semmel |
| Belardi | Fee | McHale | Serafini |
| Belfanti | Fischer | McVerry | Seventy |
| Birmelin | Flick | Mackowski | Showers |
| Black | Foster, Jr., A. | Maiale | Sirianni |
| Blaum | Fox | Manderino | Smith, B. |
| Book | Freeman | Manmiller | Smith, L. E. |
| Bortner | Freind | Markosek | Snyder, D. W. |
| Bowley | Fryer | Mayernik | Snyder, G. M. |
| Bowser | Gallagher | Merry | Staback |
| Boyes | Gallen | Michlovic | Stairs |
| Brandt | Gamble | Micozzie | Steighner |
| Broujos | Gannon | Miller | Stevens |
| Burd | Geist | Moehlmann | Stewart |
| Burns | George | Morris | Stuban |
| Bush | Gladeck | Mowery | Sweet |
| Caltagirone | Godshall | Mrkonic | Swift |
| Cappabianca | Greenwood | Murphy | Taylor, E. Z. |
| Carlson | Gruitza | Noye | Taylor, F. E. |
| Carn | Gruppo | O'Brien | Taylor, J. |
| Cawley | Haluska | O'Donnell | Telek |
| Cessar | Harper | Olasz | Tigue |
| Chadwick | Hasay | Oliver | Trello |
| Cimini | Hayes | Perzel | Truman |
| Civera | Herman | Petrarca | Van Horne |
| Clark | Hershey | Petrone | Veon |
| Clymer | Honaman | Phillips | Vroon |
| Cohen | Howlett | Piccola | Wambach |
| Colafella | Hutchinson | Pievsky | Wass |
| Cole | Itkin | Pistella | Weston |
| Cordisco | Jackson | Pitts | Wiggins |
| Cornell | Jarolin | Pott | Wilson |
| Coslett | Johnson | Pratt | Wogan |
| Cowell | Josephs | Pressmann | Wozniak |
| Coy | Kasunic | Preston | Wright, D. R. |
| Deluca | Kennedy | Punt | Wright, J. L. |
| DeVerter | Kenney | Raymond | Wright, R. C. |
| Daley | Kosinski | Reber | Yandrisevits |
| Dawida | Kukovich | Reinard | |
| Deal | Langtry | Richardson | Irvis, |
| Dietz | Lashinger | Robbins | Speaker |
| Dininni | Laughlin | | |

NAYS—0

NOT VOTING—6

| | | | |
|---------|---------|--------|--------|
| Bunt | Hagarty | Nahill | Rieger |
| DeWeese | Linton | | |

EXCUSED—1

Davies

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

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

CONSERVATION COMMITTEE MEETING

The SPEAKER. To announce a committee meeting, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I would like to call a meeting of the Committee on Conservation for 10 a.m. in the morning in room 123 in the South Office Building. It is important that we be there.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson, to announce a committee meeting.

Mr. HUTCHINSON. I would like to call a recessed committee meeting for the Transportation Committee tomorrow morning at 9:30 in room 22 in the Annex.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, although the Republicans will be caucusing tomorrow morning, the Democrats will caucus this afternoon at 2:30 in the majority caucus room.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. COHEN. The recessed meeting of the Labor Relations Committee will continue immediately in the majority caucus room. Everybody is invited.

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

HB 27, PN 1855 (Amended)

By Rep. F. TAYLOR

An Act providing a right of first refusal for metropolitan areas before a professional sports team is relocated.

BUSINESS AND COMMERCE.

REMARKS ON VOTES

The SPEAKER. Now for the corrections of the record.

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

Mr. ROBBINS. Mr. Speaker, I would like to be reported in the affirmative on HB 179.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, on HB 179 I was in my seat but my vote failed to record. I would like to be voted in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I would also like to be recorded in the affirmative on HB 179.

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

Mr. RYBAK. Mr. Speaker, I would like to be recorded in the affirmative on amendment A2328, Miller I, to HB 1362.

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

Mr. FREEMAN. Mr. Speaker, on HR 136 my switch failed to register my vote. I would like to be recorded in the affirmative.

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

Mr. KENNEY. Mr. Speaker, on amendment 1046 to HB 324, I would like to be recorded in the affirmative.

SUBCOMMITTEE MEETING CANCELED

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

Mrs. HARPER. Thank you, Mr. Speaker.

I would like to announce a cancellation of a meeting tomorrow morning at 10 o'clock. The Subcommittee on Basic Education will not be meeting because of the Republican caucus. Thank you.

REMARKS ON VOTES

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

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on SB 183.

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

Mr. GANNON. Mr. Speaker, my vote did not record on HB 324. I would like to be recorded in the affirmative.

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

Mr. FARGO. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on HB 179.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Mr. Speaker, on HB 1353 I was not recorded. I would like to be recorded in the affirmative.

On HB 1362 I was recorded in the negative. I would like the record to show I voted in the affirmative.

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

Mr. FOSTER. Mr. Speaker, on the Murphy amendment 1046 to HB 324, I failed to cover my face. Charge me with an error and record me in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Bush.

Mr. BUSH. Mr. Speaker, I would like to be recorded in the affirmative on SB 237.

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

Mr. CLYMER. Mr. Speaker, I would like to be recorded in the affirmative on SB 183.

The SPEAKER. There will be no further votes taken on the floor of the House today. The Chair will remain open to receive reports of committees or any Senate bills which are sent across to the Chair, but the members are free to leave for the day.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges the receipt of additions and deletions to the sponsorships of bills filed by the majority leader.

The following list was submitted:

ADDITIONS:

HB 159, Fox, Fargo, Stairs; HB 289, Fox, Broujos; HB 901, Boyes; HB 1052, Broujos; HB 1053, Broujos; HB 1151, Greenwood; HB 1152, Greenwood; HB 1180, Freeman; HB 1214, Telek; HB 1343, Telek; HB 1353, Harper; HB 1355, Geist, Rudy, McCall, Raymond, Kenney, Petrarca; HB 1398, Telek; HB 1415, Cordisco; HB 1416, Dawida; HB 1421, Trello; HB 1423, Telek; HB 1424, Telek; HB 1430, Battisto; HB 1431, Battisto; HB 1432, Battisto; HB 1455, Semmel; HB 1456, Semmel; HB 1457, Semmel; HB 1468, Semmel; HR 87, Broujos; HR 113, Telek; HR 124, Langtry; HR 125, Fox, Carn, Bunt, DeWeese, Josephs, Serafini, Bortner, Cornell, Nahill, DeLuca, Flick, Punt, Hershey, Hayes, Durham, Gladeck, Langtry, Kenney, O'Donnell, Laughlin; HR 132, Fee, George, Fryer; HR 135, Langtry, Levin, Deal, Sweet, Johnson, O'Brien.

DELETIONS:

HB 129, Kosinski; HB 1035, Fox; HR 133, Micozzie, Civera, Arty.

HOUSE BILL INTRODUCED AND REFERRED

No. 1505 By Representatives GAMBLE, DUFFY, MICHLOVIC, VAN HORNE, DAWIDA, MURPHY, LANGTRY, LEVDANSKY and BOOK

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), known as the "Second Class County Port Authority Act," further providing for collective bargaining of the authority with

its public employees and their representative employee organizations.

Referred to Committee on LOCAL GOVERNMENT, June 25, 1985.

RECESS

The SPEAKER. The House now stands in recess subject to the call of the Speaker. Staff is advised that the Speaker will give you at least a 15-minute lead time. You will not be called back during the lunch period. The Speaker will not be back here until at least 2:30, but after that stand prepared to come within 15 minutes' notice.

Subject to the call of the Chair, the House stands in recess.

AFTER RECESS

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

WELCOME

The SPEAKER. For the record, the Chair recognizes the arrival of Michael and Lindsey Hoffman, together with their mother, Diane. They are the guests of Representative Manmiller from Dauphin County. We are delighted to have them in the hall of the House.

SENATE MESSAGE

AMENDED HOUSE RESOLUTION RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 87, PN 1777**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

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

SB 803, PN 1053

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," adding the substance buprenorphine to Schedule V; and further defining amphetamine manufacture and mandatory penalties.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 81 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.

RECESS

The SPEAKER. For the information of the staff, we shall be recessing subject to the call of the Chair awaiting any arrival of messages from the Senate.

The House now stands in recess subject to the call of the Speaker.

AFTER RECESS

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended so that a bill to be reported out on this day's session, the 25th day of June, may be immediately placed on the active calendar.

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

BILL REPORTED FROM COMMITTEE AND CONSIDERED FIRST TIME

HB 1375, PN 1861 (Amended)

By Rep. D. R. WRIGHT

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), known as the "Oil and Gas Act," further providing for bonding requirements.

CONSERVATION.

The SPEAKER. The bill will immediately be placed on the active calendar.

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session, June 25, 1985, the Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 26, 1985, at 11 a.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 10:59 p.m., e.d.t., the House adjourned.