

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 19, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 70

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Almighty and Everlasting God, Thou who dost grant to us the assurance of the forgiveness of sins and the deliverance from eternal death and damnation, we give Thee thanks that Thou hast called us to share in the inheritance of the saints in light. We beseech Thee to strengthen us by the power of Thy spirit, that we may daily increase in the faith committed to the saints and by Thy grace hold fast in the hope that we may live to all eternity and be raised to share in Thy joy forever and ever. To Thee who liveth and reigneth, one God, world without end. 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, October 8, 1985, is now in print. Unless there be objection, the Journal will stand as printed. The Chair hears no such objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Monday, November 18, 1985, is not yet in print, so approval of that Journal will be postponed, without objection. The Chair hears no objection to the same.

ACTUARIAL NOTES

The SPEAKER. The Chair acknowledges receipt of the actuarial notes on HB 802, HB 803, and HB 1621 from the Public Employee Retirement Study Commission, which the clerk will file.

(Copies of actuarial notes are on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

No leaves from the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

We will await the arrival of the Republican leaders on leaves.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—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
Blaum	Flick	McVerry	Seventy
Book	Foster, Jr., A.	Mackowski	Showers
Bortner	Fox	Maiale	Sirianni
Bowley	Freeman	Manderino	Smith, B.
Bowser	Freind	Manmiller	Smith, L. E.
Boyes	Fryer	Markosek	Snyder, D. W.
Brandt	Gallagher	Mayernik	Snyder, G. M.
Broujos	Gallen	Merry	Staback
Bunt	Gamble	Michlovic	Stairs
Burd	Gannon	Micozzie	Steighner
Burns	Geist	Miller	Stevens
Bush	George	Moehlmann	Stewart
Caltagirone	Gladeck	Morris	Stuban
Cappabianca	Godshall	Mowery	Sweet
Carlson	Greenwood	Mrkonic	Swift
Carn	Gruitza	Murphy	Taylor, E. Z.
Cawley	Gruppo	Nahill	Taylor, F. E.
Cessar	Hagarty	Noye	Taylor, J.
Chadwick	Haluska	O'Brien	Telek
Cimini	Harper	O'Donnell	Tigue
Civera	Hasay	Olasz	Trello
Clark	Hayes	Oliver	Truman
Clymer	Herman	Perzel	Van Horne

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

ADDITIONS—0

NOT VOTING—1

Black

EXCUSED—0

LEAVES ADDED—5

Acosta
Black

Cimini DeVerter Dininni

LEAVES CANCELED—1

Black

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt from Mark Corrigan and John Zubeck of the required list of lobbyists registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania
November 19, 1985

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 29, 1985 through November 18, 1985 inclusive, for the 169th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary of the Senate
John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1296, PN 2357**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 1296, PN 2357

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," providing for contracts for life, health, hospitalization, medical services and accident insurance for township commissioners.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 1832, PN 2375.

* * *

The House proceeded to second consideration of **HB 740, PN 840**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," establishing high school graduation requirements; and providing for certain exemptions.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that **HB 740** be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1036, PN 2421**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for what services may be contracted out.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1036 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1106, PN 2422**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," mandating that all school districts provide instruction for the safe driving of motor vehicles; further providing for payments to school districts for driver education; and making editorial changes.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1106, PN 2422, be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 1321, PN 2423; and HB 1645, PN 2424.

* * *

The House proceeded to second consideration of **HB 1810, PN 2329**, entitled:

An Act amending the act of July 9, 1985 (P. L. 184, No. 46), known as the "Institutional Equipment Grants Act," further defining "eligible institution"; and making an appropriation.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1810, PN 2329, be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 1831, PN 2374.

* * *

The House proceeded to second consideration of **SB 724, PN 829**, entitled:

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," providing for grants for full-time students.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 724 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 361, PN 2420**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," authorizing governing bodies to establish periods during which interest and penalties on earned income taxes will be waived if the taxes are paid in full.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 361 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1661, PN 2426**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an exclusion from the tax of sales by charitable, volunteer firemen's,

ambulance, rescue and religious organizations, and nonprofit educational institutions in certain isolated transactions.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1661 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 691, PN 2451**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for certain expenses.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 691 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1505, PN 2344**, entitled:

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 by the authority with its employees and their representatives; and making a repeal.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1505 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1660, PN 2425**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for the imposition of taxes on earned income by school districts which eliminate certain other taxes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1660 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1732, PN 2427**, entitled:

An Act imposing limitations on the use of eminent domain by municipalities to obtain certain real estate or facilities; providing for certain additional court proceedings; and making certain repeals.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1732 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 784, PN 2457**, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), known as the "Regulatory Review Act," further providing for agency submissions of rulemaking and for time periods for review of rulemaking; and making editorial changes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 784 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1308, PN 1557**, entitled:

An Act providing for the preservation of certain historical structures; authorizing the establishment of municipal historic preservation commissions; and imposing powers and duties on the Pennsylvania Historical and Museum Commission.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1308 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1378, PN 2452**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing limited Pennsylvania Fair Campaign funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1378 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1379, PN 2453**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing limited Pennsylvania Fair Campaign funding of certain Statewide judicial elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1379 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 1714, PN 2184**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," increasing the death benefits.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1714 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 787, PN 887; HB 1181, PN 1393; HB 1244, PN 1483; HB 1618, PN 2053; and SB 942, PN 1118.

LEAVES OF ABSENCE

The SPEAKER. Without objection, the Chair returns to leaves of absence.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I request leave for the gentleman from Venango, Mr. BLACK, for the day; the gentleman from Lycoming, Mr. CIMINI, for the week; and the gentleman from Mifflin, Mr. DeVERTER, for the day.

The SPEAKER. The Chair hears no objection to the granting of the leaves, and the leaves are therefore granted.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is delighted to welcome to the world J. Ryan Steinhauer, born the 16th day of this month. His grandparents are Mr. and Mrs. Paul Wass. Congratulations to the grandparents and to the baby. Welcome.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House a visitor from Albany, New York, the Chair's native home. The lady is an established author. She is here to interview the Speaker. The Speaker's hope is that she does not write the truth about him and that she does not ask any of you people at all what you think. She is Mrs. Billie Signer. Welcome to the hall of the House, Billie.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. Why do you rise in place?

Mr. DAVIES. Mr. Speaker, parliamentary inquiry.

Mr. Speaker, over the weekend I was informed by public television that the Senate enjoys enlightened leadership; however, I do not know what the inference was about the House leadership. My question is, has public television been granted their usual approval for filming during this session?

The SPEAKER. Public television has been granted the usual approval; yes.

Mr. DAVIES. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER. The Bucks County delegation welcomes the members of the Lower Bucks County Chamber of Commerce. Welcome to the hall of the House.

Representative Langtry has as her guest Mr. Lynn Freeman from Upper St. Clair.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 615, PN 744**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the metering of electricity supplied to volunteer fire companies and senior citizen centers; and prohibiting the use of coal mined in foreign countries by certain utilities.

On the question recurring,

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

AMENDMENT A3786 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye, who files with the Chair the following motion for reconsideration of a vote. He moves that the vote by which the Noye amendment A3786 was entered to SB 615 on the 18th day of November be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—2

Cohen Wiggins

EXCUSED—3

Black Cimini DeVerter

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

On the question recurring,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Mr. NOYE. Mr. Speaker, I withdraw amendment A3786.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair was about to recognize Mr. Noye on his amendment, but we are informed that that amendment is not yet ready. Mark SB 615 over temporarily until the Noye amendment is ready.

* * *

The House proceeded to third consideration of **HB 322, PN 1333**, entitled:

An Act amending the "Public School Code of 1949," (P. L. 30, No. 14), further prohibiting the use of standardized entrance aptitude tests as factors for the admission of individuals having dyslexia.

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

Acosta	Distler	Laughlin	Rieger
Afflerbach	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Letterman	Roebuck
Argall	Dorr	Levdansky	Rudy
Arty	Duffy	Levin	Ryan
Baldwin	Durham	Linton	Rybak
Barber	Evans	Livengood	Saloom
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	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	Moehlmann	Stewart
Caltagirone	Godshall	Morris	Stuban
Cappabianca	Greenwood	Mowery	Sweet
Carlson	Gruitza	Mrkonic	Swift
Carn	Gruppo	Murphy	Taylor, E. Z.
Cawley	Hagarty	Nahill	Taylor, F. E.
Cessar	Haluska	Noye	Taylor, J.
Chadwick	Harper	O'Brien	Tigue
Civera	Hasay	O'Donnell	Trello
Clark	Hayes	Olasz	Truman
Clymer	Herman	Oliver	Van Horne
Cohen	Hershey	Perzel	Veon
Colafella	Honaman	Petrarca	Vroon
Cole	Howlett	Petrone	Wambach
Cordisco	Hutchinson	Phillips	Wass
Cornell	Itkin	Piccola	Weston
Coslett	Jackson	Pievsyky	Wiggins
Cowell	Jarolin	Pistella	Wilson

Coy	Johnson	Pitts	Wogan
Deluca	Josephs	Pott	Wozniak
DeWeese	Kasunic	Pratt	Wright, D. R.
Daley	Kennedy	Pressmann	Wright, J. L.
Davies	Kenney	Preston	Wright, R. C.
Dawida	Kosinski	Punt	Yandrisevits
Deal	Kukovich	Raymond	
Dietz	Langtry	Reber	Irvis,
Dininni	Lashingner	Reinard	Speaker

NAYS—0

NOT VOTING—2

Richardson	Telek
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EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **SB 826, PN 1564**, entitled:

An Act amending the act of June 11, 1941 (P. L. 113, No. 54), entitled "An act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor," further providing for refunding bonds upon or prior to maturity, for the sale of bonds at private or public sale at less than par and in an amount necessary to refund the bonds and for tax exempt treatment of the bonds; further providing that under certain conditions the bonds not be deemed outstanding debts of such cities and providing that such a city may sell bonds or other securities at private sale; providing that the provisions hereof shall apply to all borrowings and the issuance of bonds or other securities therefor, whenever authorized; and making a repeal.

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

Acosta	Distler	Laughlin	Rieger
Afflerbach	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Letterman	Roebuck
Argall	Dorr	Levdansky	Rudy
Arty	Duffy	Levin	Ryan
Baldwin	Durham	Linton	Rybak
Barber	Evans	Livengood	Saloom
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	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	Moehlmann	Stewart
Caltagirone	Godshall	Morris	Stuban
Cappabianca	Greenwood	Mowery	Sweet
Carlson	Gruitza	Mrkonic	Swift
Carn	Gruppo	Murphy	Taylor, E. Z.
Cawley	Hagarty	Nahill	Taylor, F. E.
Cessar	Haluska	Noye	Taylor, J.
Chadwick	Harper	O'Brien	Tigue
Civera	Hasay	Olasz	Trello
Clark	Hayes	Oliver	Truman
Clymer	Herman	Perzel	Van Horne
Cohen	Hershey	Petrarca	Veon
Colafella	Honaman	Petrone	Vroon
Cole	Howlett	Phillips	Wambach
Cordisco	Hutchinson	Piccola	Wass
Cornell	Itkin	Pievsky	Weston
Coslett	Jackson	Pistella	Wiggins
Cowell	Jarolin	Pitts	Wilson
Coy	Johnson	Pott	Wogan
Deluca	Josephs	Pratt	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kennedy	Preston	Wright, J. L.
Davies	Kenney	Punt	Wright, R. C.
Dawida	Kosinski	Raymond	Yandrisevits
Deal	Kukovich	Reber	
Dietz	Langtry	Reinard	Irvis,
Dininni	Lashingner	Richardson	Speaker

NAYS—0

NOT VOTING—2

O'Donnell Telek

EXCUSED—3

Black Cimini DeVerter

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 64, PN 2363**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense resulting from an attack by a wild animal.

On the question,

Will the House agree to the bill on third consideration?

Mr. REINARD offered the following amendments No. A3932:

Amend Title, page 1, line 3, by removing the period after "animal" and inserting

 ; and further providing for the ownership and possession of certain weapons.

Amend Bill, page 2, by inserting between lines 10 and 11

Section 2. Section 6105 of Title 18 is amended to read: § 6105. Former convict not to own a firearm, etc.

(a) General rule.—No person who has been convicted in this Commonwealth or elsewhere of a crime of violence or of a felony

for a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, shall own a firearm, rifle or shotgun or have [one] any such weapons in his possession or under his control.

(b) Exemption.—A court of common pleas having jurisdiction where the principal residence of a petitioner is situated may grant an exemption from the provisions of subsection (a) to the petitioner upon finding that the petitioner meets all of the following provisions:

(1) A period of ten years has elapsed since the most recent conviction of a crime of violence or a violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(2) A period of five years has elapsed since the completion of the most recent term of imprisonment, if any, for any crime, other than a summary offense.

(c) Proceedings.—Whenever any person petitions the court of common pleas pursuant to this section, a hearing shall be held in open court to determine whether the requirements of subsection (b) have been met. The Commissioner of the Pennsylvania State Police and the district attorney of the county of venue shall be parties to any such proceeding.

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

3

On the question,

Will the House agree to the amendments?

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment offered to the House today will attempt to do three things in regard to Pennsylvania's current gun law. It is making an amendment to title 18, the Crimes and Offenses Code of Pennsylvania, and specifically will make three changes in this way: Number one, it will include in Pennsylvania's definition of a firearm the term "rifle." Currently Pennsylvania's definition of a firearm is any handgun and any sawed-off shotgun and any sawed-off rifle to a degree in length of barreling. My amendment will include all rifles in that definition as well.

The second thing the amendment attempts to do is place into Pennsylvania's definition of a crime of violence the felony offense of drug dealing, which is currently excluded.

And the third thing the amendment attempts to do is to provide some provisions for the court, along with the district attorney who has venue where the individual may live who is going to apply for a special provision, and also the State Police Commissioner to review at some period of time in the future if this individual would like to reapply for an exemption under this provision for basically hunting purposes.

I think to understand the amendment you have to have a little history as to why it is being offered. A situation arose in Bucks County back in June of 1984, where a township police chief confiscated from a convicted felon serving a prison term six rifles. After a review of Pennsylvania State law and after consultation with the assistant district attorney of Bucks County at that time, the police chief determined that State law clearly provided that those rifles had to be returned back to the possession of that felon, that clearly there was nothing in Pennsylvania State law that allowed him to hold those rifles and keep them confiscated, even though this individual was a convicted felon. Under Federal law, that does not hold true.

The Federal definition of "firearm" is any firearm. Pennsylvania—again I will draw to my amendment—states that a firearm is any handgun plus any sawed-off shotgun and any sawed-off rifle.

The SPEAKER. Will the gentleman yield for a moment?

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Chair is asking its friend, the Speaker pro tem, to take over temporarily. The Chair must go down to the rotunda to make an announcement. The Speaker will be back in the Chair within 15 or 20 minutes.

The Speaker turns the gavel over to the gentleman, Mr. Fryer.

**THE SPEAKER PRO TEMPORE
(LESTER K. FRYER) IN THE CHAIR**

CONSIDERATION OF HB 64 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reinard. You are in order, and you may proceed. Mr. REINARD. Thank you, Mr. Speaker.

As I mentioned, Federal law currently excludes any convicted felon from possessing any firearm. This amendment will simply make Pennsylvania's definition of "firearm" concurrent with the Federal definition of "firearm," so there will be no gray area, no hazy area for any police chief in this Commonwealth to return to a convicted felon any firearm.

The second thing it does is also makes Pennsylvania's definition of a felon concurrent with Federal law in adding to the definition a felon convicted of drug dealing.

Pennsylvania's crime-of-violence definition, which is the only definition used in precluding firearms to a convicted individual, is one that is convicted of a violent crime, of murder, rape, aggravated assault, robbery, burglary, and kidnapping. Clearly, drug dealing, again, is missing; under Federal law, drug dealing is included. Again, this will make it concurrent.

The third and final situation in my amendment is the exemption portion in part (b). This new language will provide a situation where after a satisfaction period of 10 years has elapsed since the most recent conviction of a crime of violence and a provision of 5 years has elapsed since the completion of the most recent term of imprisonment, at that point the individual may petition the court to possess a firearm.

Now, the reason for this is because I am, with this amendment, taking away rifles which now every individual, felon or not, can possess. The reason for this language is that if the court wishes—and this is a "may" provision—if the court wishes to review this individual's case and determine if he violated a statute for drug dealing—and that is specifically what I am addressing here—at a younger age and now wishes to possess a rifle—which he currently is allowed to and which I will be taking away under this amendment—wants to possess a rifle for hunting purposes, if the court, along with the Commissioner's recommendation of the State Police and the dis-

trict attorney where he lives, feels that this is fine and he is not a threat to society, he may do so. Again there is a provision under Federal law where someone can petition the court for an exemption.

This is basically the three parts to the amendment. I will be glad to answer any questions, and I would appreciate your support. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I have no objection to this amendment. We have checked with the State Federation of Sportsmen's Clubs and also with the National Rifle Association, and they have no problem with this amendment. So based on that, I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I really have no problem with the main section of this bill, but when I go down through it, and other people have talked to me, I guess some other people are going to talk about the drug section. But as far as the part that deals with the rifle or shotgun, in my opinion, "shall own a firearm" includes that anyhow, and so I see nothing done that would change my vote that far. The part that we do not like is what we feel could be done in planting drugs or anything on your property.

Mr. REINARD. Mr. Speaker, if I could bring a point to your attention. The bill requires that you have to be convicted as a felon of a crime of violence, which then would be drug dealing. That is the provision dealing with drugs that would be added to this provision, not the matter that you could have them on your possession. That would not be a conviction of a felony offense.

Mr. LETTERMAN. After a period of 10 years, right?

Mr. REINARD. We are talking about that provision. That provisionary language is actually the language that was put into the bill in support from the Pennsylvania National Rifle Association because they wanted to make sure a future hunter could have the attempt to go to the court after a period of time has elapsed and prove to them that he is not a threat to society by wanting to use a rifle to hunt.

Mr. LETTERMAN. I have no objections to the amendment then. Thank you.

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

The following roll call was recorded:

YEAS—196

Acosta	Dorr	Levdansky	Roebuck
Afflerbach	Duffy	Levin	Rudy
Angstadt	Durham	Linton	Ryan
Argall	Evans	Livengood	Rybak
Arty	Fargo	Lloyd	Saloom
Baldwin	Fattah	Lucyk	Saurman
Barber	Fee	McCall	Scheetz
Barley	Fischer	McClatchy	Schuler
Battisto	Flick	McHale	Semmel
Belardi	Foster, Jr., A.	McVerry	Serafini
Belfanti	Fox	Mackowski	Seventy
Blaum	Freeman	Maiale	Showers

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

NAYS—1

Birmelin

NOT VOTING—3

Book	Burd	Oliver
EXCUSED—3		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta	Dombrowski	Lescovitz	Robbins
Afflerbach	Donatucci	Letterman	Roebuck
Angstadt	Dorr	Levdansky	Rudy
Argall	Duffy	Levin	Ryan
Arty	Durham	Linton	Rybak
Baldwin	Evans	Livengood	Saloom
Barber	Fargo	Lloyd	Saurman
Barley	Fattah	Lucyk	Scheetz
Battisto	Fee	McCall	Schuler

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

NAYS—0

NOT VOTING—1

Pott

EXCUSED—3

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

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

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome Harvey Stein of the Lavelle Aircraft Company, who is the guest of Representative Greenwood.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 603, PN 2456, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," authorizing a crime prevention program; providing for technical and financial assistance to law enforcement agencies; and making an appropriation.

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

The SPEAKER pro tempore. 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	Distler	Lescovitz	Robbins
Afflerbach	Dombrowski	Letterman	Roebuck
Angstadt	Donatucci	Levdansky	Rudy
Argall	Dorr	Levin	Ryan
Arty	Duffy	Linton	Rybak
Baldwin	Durham	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
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	Gannon	Michlovic	Stairs
Bunt	Geist	Micozzie	Steighner
Burd	George	Miller	Stevens
Burns	Gladeck	Moehlmann	Stewart
Bush	Godshall	Morris	Stuban
Caltagirone	Greenwood	Mowery	Sweet
Cappabianca	Gruitza	Mrkonic	Swift
Carlson	Gruppo	Murphy	Taylor, E. Z.
Carn	Hagarty	Nahill	Taylor, F. E.
Cawley	Haluska	Noye	Taylor, J.
Cessar	Harper	O'Brien	Telek
Chadwick	Hasay	O'Donnell	Tigue
Civera	Hayes	Olasz	Trello
Clark	Herman	Oliver	Truman
Clymer	Hershey	Perzel	Van Horne
Cohen	Honaman	Petrarca	Veon
Colafella	Howlett	Petrone	Vroon
Cole	Hutchinson	Phillips	Wambach
Cordisco	Itkin	Piccola	Wass
Cornell	Jackson	Pievsky	Weston
Coslett	Jarolin	Pistella	Wiggins
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Pott	Wogan
Deluca	Kasunic	Pratt	Wozniak
DeWeese	Kennedy	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kosinski	Punt	Wright, R. C.
Dawida	Kukovich	Raymond	Yandrisevits
Deal	Langtry	Reber	
Dietz	Lashinger	Reinard	Irvis,
Dininni	Laughlin	Richardson	Speaker

NAYS—0

NOT VOTING—2

Gamble Rieger

EXCUSED—3

Black Cimini DeVerter

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.

CONSIDERATION OF SB 615 RESUMED

On the question recurring,

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

Mr. NOYE offered the following amendments No. A3944:

Amend Title, page 1, line 3, by removing the period after "companies" and inserting
and nonprofit senior citizen centers.

Amend Sec. 1 (Sec. 1511), page 1, line 9, by striking out all of said line and inserting
certain organizations.

Amend Sec. 1 (Sec. 1511), page 1, line 15, by inserting after "COMPANY"
or a nonprofit senior citizen center

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Perry, Mr. Noye, for purposes of explaining the amendment to the members of the House.

Mr. NOYE. Thank you, Mr. Speaker.

This is the same amendment that we offered yesterday to take care of senior citizen centers.

Representative Stewart pointed out to me after we had voted the amendment yesterday, and I think correctly so, that we do have in this Commonwealth some senior citizen centers that are profit motivated; they are profit-making centers. What we are trying to do is help those senior citizen centers that are in tune with the area agencies on aging, and they are nonprofit. I think these are the ones we are trying to help. His suggestion, I think, is a worthwhile improvement on the amendment. We have drafted it to limit the amendment to only nonprofit senior citizen centers.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Dombrowski	Letterman	Robbins
Afflerbach	Donatucci	Levdansky	Roebuck
Angstadt	Dorr	Levin	Rudy
Argall	Duffy	Linton	Ryan
Arty	Durham	Livengood	Rybak
Baldwin	Evans	Lloyd	Saloom
Barber	Fargo	Lucyk	Saurman
Barley	Fattah	McCall	Scheetz
Battisto	Fee	McClatchy	Schuler

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

NAYS—0

NOT VOTING—1

Harper

EXCUSED—3

Black Cimini DeVerter

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 pro tempore. 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	Dombrowski	Letterman	Robbins
Afferbach	Donatucci	Levdansky	Roebuck
Angstadt	Dorr	Levin	Rudy
Argall	Duffy	Linton	Ryan
Arty	Durham	Livengood	Rybak
Baldwin	Evans	Lloyd	Saloom

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Black Cimini DeVerter

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.

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome students in the gallery from the government studies class at Schuylkill Haven High School, accompanied by their teacher, Mr. Richard Rada, and the high school principal, Mr. Frank Radzевич. They are the guests of Representative David Argall of Schuylkill County.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 401, PN 431**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for recipients of the Purple Heart.

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

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

The question is, shall the bill pass finally?

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

Mr. GREENWOOD. Mr. Speaker, I have an amendment to this bill which I have fairly recently given to the amendment clerk.

The SPEAKER pro tempore. The gentleman, Mr. Greenwood, has an amendment which has not been distributed.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time. The Chair hears no objection.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, the Chair will pass over the bill temporarily. The Chair hears no objection.

BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 294, PN 318**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for grants and contracts made by area agencies on aging.

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. Are there any amendments to be offered to this bill?

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

Mr. TRELLO. Mr. Speaker, the objections to the bill were removed, and I think we can run the bill without the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman for the green light.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor stand for a one-question interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Trello, indicates he will stand for a period of interrogation. The gentleman, Mr. Clymer, is in order and may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, part of the confusion that I have with the bill is whether or not it is in violation of the Older Citizens Act, which is Federal law, which so states that there must be competitive bidding at the county level for any services that are contracted out by the county area agency on aging. That is my question, and if the prime sponsor could clarify that, I think we could get a better understanding of this particular bill.

Mr. TRELLO. There is no conflict on the Federal level. The Federal Government gives that money in the block grants to each individual county to do with what they want. This amends the County Code, which would allow them to spend the money without competitive bidding. There is no conflict with Federal law. As a matter of fact, the House passed the companion bill to HB 294 back in March with no negative votes, and the same question was asked and answered.

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. CLYMER. Thank you, Mr. Speaker. That is the end of my interrogation from the prime sponsor.

The SPEAKER pro tempore. Does the gentleman have further comments?

Mr. CLYMER. Yes, Mr. Speaker.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I can understand the importance of this bill to the prime sponsor, but I still have some questions on whether or not we are in violation of the law. I understand from the prime sponsor we are not.

I just ask the members to look at this bill very carefully before they make a final decision on this legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, Mr. Trello and I had a slight misunderstanding. I believe the gentleman, Mr. Trello, does have amendments to offer, which I agree to.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time. The Chair hears no objection.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, the amendment has not yet been distributed, but I will have it distributed immediately. Maybe you could just pass the bill over until the amendment is passed out.

The SPEAKER pro tempore. The Chair will pass over the bill temporarily.

The Chair returns the gavel to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Speaker thanks his friend, the gentleman from Berks, for presiding in his absence.

WELCOME

The SPEAKER. Guest pages for today are James Foy and Kelly Allen from St. Bartholomew's Grade School; Kerri Ann Adamchak and Gregory Trinsey are here from St. Josaphat's Grade School. They are all the guests of Representative Fran Weston. Welcome to the hall of the House.

CONSIDERATION OF HB 401 RESUMED

The SPEAKER. The Chair had been informed that there would be an amendment offered, but the amendment will not be offered at this time, so the bill is available for the morning session.

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

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

The question is, shall the bill pass finally?

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

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor of the bill, if I may.

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

Mr. MACKOWSKI. Thank you, Mr. Speaker.

Mr. Speaker, can you tell me what this bill would do as far as the cost to the taxpayers of Pennsylvania, if it were to pass?

Mr. HASAY. There is a fee attached to this bill, Mr. Speaker, just like the other special license plates.

Mr. MACKOWSKI. But what would the total cost be to the State of Pennsylvania?

Mr. HASAY. There is a fee that takes place of their cost.

Mr. MACKOWSKI. Well, I did not see anything in the bill that shows a fee.

Mr. HASAY. You have to read further into the Vehicle Code to get that, Mr. Speaker. It is not in the legislation; it is under the section that states that in the bill.

Mr. MACKOWSKI. Well, Mr. Speaker, that being the case, even if there is a fee, is there any additional cost to the State of Pennsylvania?

Mr. HASAY. No, Mr. Speaker, not to my knowledge.

Mr. MACKOWSKI. In other words, you are satisfied that the fee would cover the cost of this?

Mr. HASAY. Yes, Mr. Speaker.

There is a group of veterans from Representative Ted Stuban's district and my district and also the Purple Heart Association of the Commonwealth of Pennsylvania who have been interested in this legislation for quite some time now. They feel very strongly about this special registration plate for victims of the Purple Heart and have strongly supported and lobbied for this legislation.

This is requesting what constituents and veterans have been looking for, Mr. Speaker. There is no cost to the Commonwealth or burden to the Commonwealth on this. There is a fee for the plate.

Mr. MACKOWSKI. Mr. Speaker, if this passes, does this take into account those recipients of the Purple Heart back through World War I, World War II, Korea, and other conflicts?

Mr. HASAY. Purple Heart recipients, Mr. Speaker. There would not be that many from World War I or the Spanish-American War, Mr. Speaker.

Mr. MACKOWSKI. Will you also be offering a bill that would make a special license for those who have received the Bronze Star? Will there be a special thing for recipients of the Bronze Star?

Mr. HASAY. This is for strictly Purple Heart recipients, Mr. Speaker.

Mr. MACKOWSKI. Well, if I may speak on the bill.

The SPEAKER. The gentleman is in order to speak on final passage, and he may proceed.

Mr. MACKOWSKI. I hate to have anyone think that I am opposed to this bill for any other reason than I think we are becoming a little bit ridiculous in the flag waving in this type of thing. I happen to be a recipient of the Purple Heart. I am very proud of that. I also have received a Bronze Star. I have combat ribbons. I have a lot of things, but I do not think that this particular type of legislation is going to really do a great deal for anyone except it will cost the State of Pennsylvania some unknown figure.

Before we get into all other types of decorations and special plates and so forth, I might suggest that you might design just a single plate with the American flag on it and then you put a cluster on there for a Purple Heart, a cluster there for a Bronze Star, a cluster there for a Silver Star, Congressional Medal of Honor to make it all encompassing and let you buy a plate that is really deserving. Disabled veterans, certainly, that is a different matter entirely; most of them are handicapped. But if you have a Purple Heart, you can wear a decorated lapel button that they give you, if you want to advertise the fact that you were wounded; whether you were a hero or not, you got hit. But these other things, you can identify those without putting it on the car.

I just think we are stretching this thing a bit too far, and I will oppose the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Indiana, Mr. Wass, on final passage.

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

Mr. Speaker, I rise in support of the legislation. I appreciate the comments of our former speaker. The gentleman is trying to make his point, but truly it is a "may" bill. If he, as a recipient of the Purple Heart, does not want to participate, he does not have to. The precedent is already set out there where we have many, many people identified through license plates. It is no additional cost to the State Government.

So I add my endorsement, and I believe the colleagues in the House will pass this meaningful legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this piece of legislation. The Purple Heart organization throughout the State of Pennsylvania is becoming a real active organization. As far as the cost to the State of Pennsylvania, this will not be a cost; it will be no different than any other vanity plate that is being issued by the State of Pennsylvania. It will cost the person \$20 to buy the plate, plus the \$24 fee per year, so that will be no cost. Actually, it will be making money for the State of Pennsylvania.

I feel that this is a deserving reason for us to honor the Purple Heart veterans of the State, so I ask for support.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, on final passage.

Mr. TRELLO. Mr. Speaker, I rise to support the bill. It matters not what we do with this piece of legislation today, whether we vote on it or not. The Secretary of Transportation, whom I have been corresponding with on this piece of legislation for the past 4 or 5 months, has indicated to me just yesterday—and the gentleman that I spoke to was a Mr. Dunn—who indicated to me that they are already working on the logo for this plate, and it is going to be authorized by the department anyway.

And as far as the cost is concerned, there will not be any cost. The \$20 fee will take care of that, so I urge everybody to vote for the bill.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay, on final passage.

Mr. HASAY. Thank you, Mr. Speaker.

Just one final comment. I would just like to remark about the comments from the gentleman from McKean. I would like to say, however he does not agree with this Purple Heart license plate, he does render on the back of his car a special legislative plate. Thank you, Mr. Speaker.

The SPEAKER. Mr. Hasay, there are those of us who believe that those who carry the special license plate of legislator have already deserved the Purple Heart.

On the question recurring,
Shall the bill pass finally?

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

YEAS—199

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

NAYS—0

NOT VOTING—1

Cohen

EXCUSED—3

Black Cimini DeVerter

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

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

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

HB 841, PN 960

By Rep. PRATT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the priority of advances made under certain mortgages; and providing for the rights of mortgagees, mortgagors and other parties with respect to certain mortgages.

JUDICIARY.

SB 176, PN 1594 (Amended)

By Rep. PRATT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the rights of child victims and witnesses of criminal acts; providing for the videotaping of testimony in certain cases; authorizing certain services; providing for the testimony of children, for the admissibility of certain statements, for the use of dolls as testimonial aids; and providing a penalty.

JUDICIARY.

CONSIDERATION OF HB 294 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. TRELLO offered the following amendment No. A3958:

Amend Sec. 1 (Sec. 2207-A), page 2, lines 3 and 4, by striking out "The area agency shall give preference to nonprofit agencies in the awarding of grants and contracts." and inserting "The area agency shall give preference in the awarding of grants and contracts to nonprofit agencies which provide tangible client services. For the purposes of this subsection "tangible client services" shall mean congregate meals, home-delivered meals, transportation and chore services provided through area agencies on aging."

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, on the question.

Mr. TRELLO. Mr. Speaker, what the amendment does is just clarify the language in the bill that it specifically pertains to the Meals On Wheels program in regards to delivering the meals to the recipient and in some cases where they have to transport the recipient from their home to the church or the hall where the meals are being served.

The SPEAKER. The Chair thanks the gentleman.

On the Trello amendment, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

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

Mr. WASS. Mr. Speaker, I just have one quick question. According to this amendment, regardless of the cost, regardless of the bid, they would have to give it to the nonprofit?

Mr. TRELLO. The language is \$4,000 or under. It removes that \$4,000 cap. We just passed HB 293 6 months ago with the exact same language in it. It passed the Senate and was signed by the Governor.

Mr. WASS. Mr. Speaker, again, regardless of where that bid should come in, and there were lower bids by profit organizations, they would have to award it to the nonprofit?

Mr. TRELLO. They are not even involved in the bidding process when it comes to Meals On Wheels, because of the volunteer factor. It just says it gives preference to Meals On Wheels - the volunteer program.

Mr. WASS. Mr. Speaker, my only concern— I am going to vote for the bill and the amendment. I think that this is in the best interest of the agency, and I agree with your comments yesterday, but I have a concern with the words. It seems as though you are mandating that they have no control over the situation. If an agency has a bid that comes in high and they do not even want to accept it, they must accept it.

Mr. TRELLO. The amendment just speaks to who qualifies for this—that is all—what program. It does not mandate anything else. It just spells out the program as provided by the Department of Aging. That is all it does.

Mr. WASS. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, my understanding of what Mr. Trello is trying to accomplish perhaps differs a little bit from what I have just heard. First off, I think the words "shall give preference" means nothing. It is nothing definable. I do not really know what the words "give preference" means. Ordinarily, in its usual sense, "give preference" would mean that if A and B have bid on a contract and their price is the same, then all things being equal, you would give preference to the nonprofit. That is the way I am reading this particular amendment.

Absent some other definition, I do not know that the words "give preference" accomplishes what the gentleman, Mr. Trello, is trying to do.

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

Mr. LINTON. Thank you, Mr. Speaker.

Would the offerer of the amendment stand for brief interrogation?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, as I am reading your amendment, it makes reference to "shall mean congregate meals, home-delivered meals, transportation, and chore services provided through area agencies on aging." Am I to understand that transportation should also include the contracts for the shared-ride transportation programs?

Mr. TRELLO. I cannot hear the gentleman, Mr. Speaker.

The SPEAKER. Neither can the Chair.

Repeat the question, please, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, the question that I have is, I was looking under the amendment, and the amendment reads, "shall mean congregate meals, home-delivered meals, transportation...." My question is, does transportation include contracts for the shared-ride transportation program?

Mr. TRELLO. No; not at all. It is my opinion that it does not mean that.

Mr. LINTON. Mr. Speaker, it is my understanding that many of the area agencies on aging, in providing third-party reimbursement, do contract with various transportation services for in fact shared-ride transportation.

As I read your amendment, it includes the word "transportation," and I would assume that that would also apply to the shared-ride transportation program that many of the area agencies on aging contract for.

Mr. TRELLO. Well, the language does not say "shared-ride program," and I understand what you are trying to say. The word "transportation" in this amendment simply means that there are a number of occasions when a recipient of the Meals On Wheels program can in fact get out and eat their meal and they request transportation to the church hall or whatever to eat that meal in that particular place and nothing more. In my opinion, that is all it means.

Mr. LINTON. Mr. Speaker, I also heard you say earlier that this bill only takes effect when there are contracts for \$4,000. Where is that in the bill, Mr. Speaker?

Mr. TRELLO. Mr. Speaker, we have passed two bills in this chamber - HB 690 and HB 293. They are a package of three bills that dealt with the 83-12 directive that was issued by the Department of Aging. The language in all three bills is the same. There were no negative votes on the last two bills. I mean, I do not know if this amendment does anything, but I drafted it for the sole purpose of clarifying, you know, that it particularly specified Meals On Wheels.

Now, we already passed the two bills that have the same language in it. I really do not know what the problem is, but I think there is in county government, as it applies to second-class counties - Allegheny County - there is a provision there that anything over \$4,000 must be bid on. This just removes that bidding process for the Meals On Wheels program and the Meals On Wheels program only.

Mr. LINTON. Thank you, Mr. Speaker.

May I be in order to make a statement?

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

Mr. LINTON. Mr. Speaker, as I read the bill—and I have no problems with the intent of my colleague, Representative Trello—however, I have some serious concerns about the language that speaks to transportation. Even though he indicated that transportation in his interpretation does not mean shared ride, from my understanding of the shared-ride program in many of the area agencies on aging, that is in fact the only transportation service that they provide, and the language within the bill does not speak directly to Meals On Wheels. If

it did that, I would have no problem with the amendment. However, because of the broad language related to transportation, I would have a problem with the amendment the way it is currently drafted. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna, Mr. Serafini, on the amendment.

Mr. SERAFINI. Mr. Speaker, would the maker of the amendment please stand for a few questions?

The SPEAKER. Mr. Trello indicates he will stand for further interrogation. You may proceed, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, my reservations relative to the nonprofit agencies have occurred since those two bills that you have previously mentioned have passed. I was wondering what has prompted your sponsoring of this type of legislation for those services which you enumerate in your amendment?

Mr. TRELLO. Well, the amendment was offered at the request of a member of the House to spell out the programs that are provided by Meals On Wheels and that only, to clarify who is the benefactor of the bill.

Mr. SERAFINI. Mr. Speaker, are you aware of the fact that many of these nonprofit agencies are in ancillary businesses that are not directly related to perhaps what you are dictating here? For instance, recently a nonprofit agency has been under investigation by the Auditor General's Office because the administrator had received a salary of over half a million dollars a year.

Mr. TRELLO. I am only aware of what goes on in Allegheny County, and I can assure you that the Attorney General is not there. We have good programs there.

Mr. SERAFINI. Well, in my district, Mr. Speaker, a nonprofit agency is under investigation because of exorbitant salaries being paid to the administrators, and these nonprofit agencies benefit from legislation very similar to what we are sponsoring here today.

I was just wondering as to whether we can be more specific with regard to the details of the services which you are trying to provide protection for. If Meals On Wheels were included in this particular amendment and that nonprofit agency were only administering those types of services, I would be more than happy to agree to the amendment, but under the circumstances, the broad description of this amendment seems to pinpoint an agency that could be created as a Meals On Wheels and be in other service areas such as senior-citizen-related service areas, which could put them in competition against private industry and give them a very unnecessary edge.

Secondly, I would wonder why a nonprofit agency would need legislation in order to compete with profit agencies, especially since they receive most of the benefits that a nonprofit agency currently has available - for instance, some of the tax benefits and some of the nontaxed areas that they are allowed to not participate in in competition against nonprofit.

Mr. TRELLO. Well, to answer your question, number one, the Meals On Wheels program has been in business for 10 years before the Governor got into the act, and prior to the

Government getting into the act, it was all strictly volunteer. The concern of the Meals On Wheels program is the recipient who receives that meal. The volunteers make sure that the recipient is alive and well when the meal is delivered. Their fear is that a caterer that is in there for profit will not be concerned about the health and welfare of the recipient but merely knocking on the door and leaving the meal there. So I mean, what price do you pay, you know, to guarantee the safety and the health and welfare of the recipient? That is their concern.

AMENDMENT WITHDRAWN

BILL PASSED OVER

Mr. TRELLO. But you know what I am concerned about now? There are an awful lot of questions about the amendment, Mr. Speaker. I wonder if we could just pass over the bill, and I will get the amendment redrafted and that will satisfy everybody.

Mr. SERAFINI. Mr. Speaker, I appreciate that very much, and I will support the amendment with a basic change in it. Thank you.

The SPEAKER. The Chair thanks both gentlemen.

The amendment has been withdrawn, and the bill will be passed over, without objection, for today. The Chair hears no objection to that.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Stevens, rise in place?

Mr. STEVENS. Thank you, Mr. Speaker.

On November 18 my switch did not function properly. I wanted to be recorded in the affirmative on HB 902 and on amendment A3779 to HB 902. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. OLIVER. Thank you, Mr. Speaker.

At the call of the recess there will be a brief meeting in the rear of the House of the State Government Committee.

BUSINESS AND COMMERCE COMMITTEE MEETING

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

Mr. F. TAYLOR. Thank you, Mr. Speaker.

At the call of the recess there will also be a brief meeting at the rear of the House of the Business and Commerce Committee. It will be very brief.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. SALOOM. Mr. Speaker, there will be a meeting of the Liquor Control Committee on Wednesday, November 20, in room 418A at 10 a.m. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. Do you wish to announce your special caucus? We are about to recess for an hour and a half.

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock—1 o'clock—in the minority caucus room to take up the PUC (Public Utility Commission) sunset bill, at 1 p.m.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, could you advise us what time we are coming back this afternoon?

The SPEAKER. Two o'clock.

Mr. ITKIN. Two o'clock. The Democrats will go into caucus at 1:30.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini. Do you want to correct the record?

Mr. SERAFINI. On November 18, I would like the record corrected to show that if I had voted on HB 902, final passage, I would have voted in the affirmative, and if I had voted on HB 902, amendment A3779, I would have voted in the affirmative. Thank you, Mr. Speaker.

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

RECESS

The SPEAKER. The House will stand in recess until 2 p.m.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1891 By Representative LLOYD

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding a bridge in Somerset County.

Referred to Committee on APPROPRIATIONS, November 19, 1985.

No. 1893 By Representatives DALEY, MORRIS, FATTAH and TRELLO

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," providing for the payment of administrative expenses.

Referred to Committee on FINANCE, November 19, 1985.

No. 1894 By Representatives DALEY, TIGUE, KUKOVICH, LUCYK, YANDRISEVITS, J. L. WRIGHT, GODSHALL, GRUPPO, HERMAN and BELARDI

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for the powers and duties of municipalities.

Referred to Committee on CONSERVATION, November 19, 1985.

No. 1895 By Representatives DALEY, KUKOVICH, FATTAH, MILLER, E. Z. TAYLOR and JOHNSON

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," authorizing an additional tax on earned income.

Referred to Committee on FINANCE, November 19, 1985.

No. 1896 By Representatives FLICK, POTT, DISTLER, E. Z. TAYLOR and HERSHEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the limited use of radar by local police officers.

Referred to Committee on TRANSPORTATION, November 19, 1985.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 191 By Representatives DAWIDA, DUFFY, CESSAR, MARKOSEK, McCALL, CLARK, BALDWIN, ITKIN, LANGTRY, VROON, YANDRISEVITS, FARGO, HALUSKA, COY, CALTAGIRONE, VAN HORNE, FOX, KUKOVICH, RUDY, J. L. WRIGHT, LEVDANSKY, KOSINSKI, BLAUM, GAMBLE, WOGAN, DEAL, PISTELLA, LIVENGOOD,

MICOZZIE, PRATT, FREEMAN, COHEN, COWELL, NOYE, E. Z. TAYLOR, DeLUCA, J. TAYLOR, MAYERNIK, FISCHER, LAUGHLIN and CIVERA

Memorializing Congress to adopt legislation to correct the disparity and inequity of Social Security payments created by the notch year formula.

Referred to Committee on RULES, November 19, 1985.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, if you would, please, could we return to leaves of absence?

The SPEAKER. Without objection, the Chair returns to leaves of absence.

The minority whip is recognized.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the rest of this day for the gentleman from Dauphin, Mr. DININNI.

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

Mr. HAYES. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, this morning I requested a leave for the gentleman from Venango, Mr. Black. He has now returned.

The SPEAKER. The gentleman's name will be placed on the master roll.

LEAVE OF ABSENCE

The SPEAKER. The majority leader requests a leave of absence for the rest of the day for the gentleman from Philadelphia, Mr. ACOSTA.

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

ADJOURNMENT RESOLUTION

Mr. MANDERINO offered the following resolution, which was read as follows:

In the House of Representatives, November 19, 1985

RESOLVED, (the Senate concurring), That when the House of Representatives adjourns this week it reconvene on Monday, November 25, 1985, at a time to be fixed by the House of Representatives, unless sooner recalled by the Speaker of the House of Representatives, and when the Senate adjourns this week it reconvene on Tuesday, December 3, 1985, at a time to be fixed by the Senate, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the House of Representatives adjourns the week of November 25, 1985, it reconvene on Tuesday, December 3, 1985, at a time to be fixed by the House of

Representatives, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the House adopt the resolution?

Resolution was adopted.

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

CALENDAR CONTINUED BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1082, PN 1563**, entitled:

An Act amending the act of December 7, 1982 (P. L. 808, No. 226), entitled "An act authorizing cities of the first class to impose an excise tax on hotel room rentals and providing for the collection and disposition of revenues," extending the expiration date of this act.

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?

We will keep the board open until the Chair instructs the clerk to close the board. We want the members to come on the floor.

The members are advised that the House is in voting session. We are on final passage of SB 1082. The members are advised to get to the floor.

On the question recurring,

Shall the bill pass finally?

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

(A roll-call vote was taken but later was stricken and was retaken.)

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1892, PN 2490

By Rep. OLIVER

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the "Legal Holiday Law," further providing that the third Monday in January shall be known as Dr. Martin Luther King, Jr. Day and observed as a holiday.

STATE GOVERNMENT.

RESOLUTION REPORTED FROM COMMITTEE

HR 186, PN 2433

By Rep. MANDERINO

Memorializing the Governor to proclaim November 24, 1985, as "Bible Sunday."

RULES.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1892 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.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Lehigh, Mr. McHale, rise?

Mr. McHALE. Mr. Speaker, on SB 1082 I was momentarily out of my seat. I would like to be recorded in the affirmative.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Fox. Why do you rise in place, sir?

Mr. FOX. Mr. Speaker, I would like to place some remarks in the record.

The SPEAKER. The gentleman will send his remarks for the record. The clerk will file them.

Mr. FOX. Thank you, Mr. Speaker.

Mr. FOX submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the Members of the Pennsylvania House of Representatives the name of Todd Scheuren, who has recently been awarded Scouting's highest honor—Eagle Scout.

Mr. Speaker, on November 23, 1985, Todd Scheuren will be officially recognized in an induction ceremony as an Eagle Scout.

Mr. Speaker, I would like to read to the Members of the House of Representatives the following Citation of Merit honoring Todd Scheuren:

WHEREAS, Todd Scheuren has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 437, St. John of the Cross Roman Catholic Church of Roslyn.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Todd Scheuren on the occasion of his being honored with the Eagle Scout Award, commends him on the outstanding work he has done to earn this coveted honor, and wishes him continued success in the future.

Mr. Speaker, it is my pleasure that I place in the Legislative Journal the name of Todd Scheuren.

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. Thank you, Mr. Speaker.

As a matter for the record, for a short period of about 30 minutes in this morning's session of this House, rule 9(a) was seriously compromised by a lack of rigid enforcement. This rule is usually diligently enforced. It should be noted that order was difficult to come by after this brief period that rule 9(a) was compromised.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, neither Mr. Manderino nor I noticed any violation of rule 9(a) this morning.

The SPEAKER. The Chair was in the custody of the Speaker pro tem, and I am sure the Speaker pro tem would not knowingly allow either the majority or minority leader to violate the rule.

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

Mr. DAVIES. I would yield to the Speaker pro tem, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, as per your instructions, all of the rules of the House were strictly enforced without exception.

The SPEAKER. The Speaker was sure that would be true.

VOTE RETAKEN ON SB 1082

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd. Why do you rise, sir?

Mr. LLOYD. Mr. Speaker, the vote on SB 1082 was conducted when the Democratic Party, or at least the majority leader, the majority whip, the majority caucus chairman, and a considerable number of members of the party were in the caucus room, under the assumption that no votes were to be run.

Mr. Speaker, as a matter of personal privilege and consistent with what you have done in previous instances at Mr. Ryan's request, I would request that that vote be stricken rather than reconsidered and that we have an opportunity to vote that bill again so that no one's record shows absences which apparently were caused by a failure of communication between various members of the leadership.

The SPEAKER. The Chair was unaware that the rules had been changed for the extension. The Chair was here at 2:30, urged all the members to be present, even announced that the vote was to be taken and said it several times over.

How many people were missing from that vote? Put your hands up. All right. That is sufficient for us to reconsider.

The Chair would take this opportunity, however, to remind the members that the Chair tries to adhere to the rules of the House and to time schedules that are set. All too frequently members wander in 15 or 20 minutes after the time period that has been set, and the Chair thinks that is inadvisable and

politically dangerous. For that reason, because it may be politically dangerous, the Chair will place the question again before the House.

The clerk will strike the previous vote.

The Chair rescinds its statement that SB 1082 has passed on final passage on page 8, and the Chair places again before the House SB 1082, PN 1563.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

NAYS—2

Fryer Letterman

NOT VOTING—2

Barber O'Donnell

EXCUSED—4

Acosta Cimini DeVerter Dininni

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 1678, PN 2226**, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," reestablishing the State Dental Council and Examining Board; providing for its composition, powers and duties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. AFFLERBACH offered the following amendments No. A3857:

Amend Sec. 12 (Sec. 11.4), page 22, line 28, by inserting after "no"

unlicensed

Amend Sec. 12 (Sec. 11.4), page 23, line 6, by inserting after "OF"

unlicensed

Amend Sec. 12 (Sec. 11.4), page 23, line 8, by striking out "THE" where it appears the first time and inserting

said

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach. You may proceed, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I was delaying only until the clerk had the amendment number on the board so that the members may reference the appropriate amendment.

The SPEAKER. Is the correct number on the board now?

Mr. AFFLERBACH. Yes; it is.

The SPEAKER. All right. You may proceed.

Mr. AFFLERBACH. Mr. Speaker, let me preface this amendment with certain other remarks that will be applicable to all of the amendments that I intend to offer today.

You have received communication from the Pennsylvania Dental Association urging you to vote against all amendments. I suggest to you that this position has been communicated because, frankly, it is the only position upon which the members of the association can agree.

On October 14 of this year, I met with the president of the association and one of his key people in my district office in Allentown and went over all of the amendments, including the one presently before us. At the end of that meeting, I was told that the association would not oppose certain amendments. Much to my surprise, within a week a letter was sent out to all members opposing all amendments. Later, I and others who were interested in this bill met with the president-elect of the association. I was not in that meeting, but other members of this House who were interested communicated with that gentleman. We were again told that there were certain amendments which the PDA would not oppose and there were certain amendments which they could accept. Within a few days after that meeting, a second memorandum went out urging the membership to oppose all amendments. That is precisely the reason why we are facing these amendments on the floor today.

As a Pennsylvania Dutchman, I thought I knew what stubborn was, and then I met the officers of the PDA. We have been unable to negotiate anything because they simply have been refusing to negotiate. Therefore, we bring these amendments to you on the floor and unfortunately have to place all of the members of the House into the position of deciding issues which frankly could have and should have been decided prior to this.

The amendment before you deals with radiology. Presently the bill states that a dental hygienist who is already skilled, examined, and certified to do radiological testing - i.e., X rays - would have to take another examination by the board. Originally, this was one of the amendments which we all thought could be offered very easily and very noncontroversially. The Dental Association indicated that in fact the present exam and the present training and the present licensing scheme is satisfactory. In a memorandum from the American Dental Association dated July 28, 1983, dealing with the credentialing of radiologic personnel, the ADA states as follows: "Dental Hygienists, Certified Dental Assistants and assistants who are graduates of accredited programs are considered to have satisfied requirements of the Consumer-Patient Radiation Health and Safety Act," of the Federal Government. And all dental hygienists practicing in Pennsylvania are graduates of those accredited programs.

The Federal Register recognizes Pennsylvania's practicing dental hygienists as being adequately tested, adequately educated, adequately certified for radiological procedures. This amendment simply changes the bill to retain that Federal recognition and that ADA recognition that has existed these past several years and remove the requirement that these licensed and credited people should have to once more go through the rigors of an additional examination.

I would ask your support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Afflerbach, with regard to this particular amendment, has raised a point which I think his amendment does not really fix. What he is saying is that dental hygienists are already tested and trained in the use of X rays and, therefore, they should be exempted from this section of law. Now, that is fine insofar as in fact they have been tested. However, we have been unable to find out exactly how long the exam given to people in Pennsylvania has included tests for X rays for dental hygienists. So therefore, the way he has the amendment drafted, what is likely to happen is that there are going to be some people who are grandfathered in without any requirement that they ever submit to a test. That really flies in the face of what the various associations promised the General Assembly last session when DER (Department of Environmental Resources) wanted to regulate all X ray giving in the Commonwealth, and the licensing boards and the licensed professionals said, no, exempt us from that because we will take care of that next year during sunset.

I think that clarifying language ought to be put into the bill so that there is absolutely no question that someone who is a dental hygienist who has been trained in X ray, who has taken the exam, is exempt. In my opinion, if you look in the bill now, I am not convinced and I was not convinced at the time that we put the language in that we created a problem. In the bill there is an exemption for the person if he has passed an examination approved by the board and administered in accordance with the third-party testing law. At least arguably subject to somebody doing some additional research, dental hygienists are certified and licensed under an exam approved by the board. If that board exam or board-approved exam already includes X rays, then there is nothing for anybody to worry about.

The way Mr. Afflerbach wants to fix the problem by inserting the word "unlicensed" is going to create a loophole. I think we ought to allow this issue to be addressed with proper language which will exempt clearly what the committee intended, which was all of those people who have in fact been trained and tested. But we should not do that by creating a loophole now. Therefore, we ought to vote against this amendment. We have been in contact with Senate staff, and they are aware of the problem. They are agreeable to talking to Mr. Afflerbach and to working out a solution to the problem, but his amendment, in my opinion, does not solve the problem and in fact could make it worse.

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

Mr. MILLER. Thank you, Mr. Speaker.

I rise to support the remarks of my colleague, Representative Lloyd, and ask that the Afflerbach amendment be turned down.

It is a pretty straightforward issue, Mr. Speaker. Currently, those who have been practicing dental hygiene about 3 years have the certification and testing. We are in a position to make adjustments in the bill for them in that regard, but if we accept the Afflerbach amendment, we throw everyone out the

window who was practicing prior to that 3-year cutoff line. I do not think this General Assembly wants to throw caution to the wind on a professional standards issue which deals with X-radiation. That is a hard consumer question, a hard consumer awareness question, and we ought, at the very least, guarantee that the issue is resolved with respect to testing.

The basic question is, in opposing this amendment, how do we know that all licensed dental hygienists in fact have had the proper training in X-radiation and have been tested in it? In fact, we do not. Those licensed longer than 3 years ago probably do not, and the Afflerbach amendment would grandfather them in erroneously and to the detriment of your dental care consumers.

We would oppose the amendment and request a "no" vote. Thank you, Mr. Speaker.

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

Mr. LINTON. Thank you, Mr. Speaker.

It is not my effort, Mr. Speaker, to prolong the debate on this amendment; however, I would like to rise in support of my previous colleagues in terms of not fixing something that is not broken. In fact, we have tried to work out an agreement with the Senate to in fact correct the problem Mr. Afflerbach is attempting to address. It is clear to us that there needs to be a method to make sure that those who conduct X rays in the Commonwealth are in fact prepared to do that and are capable of doing that, but the way that Mr. Afflerbach is suggesting that we do that will only create more of a problem.

I rise in opposition to the Afflerbach amendment. I would ask my colleagues to vote against the amendment and maintain the provisions that we have tried to put within the bill and make those corrective changes in the Senate when the bill leaves the House. So I rise in opposition to the Afflerbach amendment.

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

Mr. AFFLERBACH. Yes. Thank you, Mr. Speaker.

Two issues which deserve comment.

The first is that we would have no way of knowing if the dental hygienist is properly trained and properly certified. Again I refer to the Federal Register, volume 48, number 134, dated July 12, 1983 - more than 2 years ago - which contains the following statement:

Educational programs accredited by the Commission on Dental Accreditation of the American Dental Association are considered to have met these standards. Under existing licensure provisions in all States—

I repeat, all States—

becoming a Dental Hygienist requires graduation from a dental hygiene education program accredited by the Commission on Dental Accreditation.

Now, in addition to that, the present language in the bill also would require the dental hygienist to perform the X-ray technique under direct supervision. The present practice in

Pennsylvania is that these dental hygienists who are utilizing X-ray techniques are doing so under general supervision, and in some cases under direct supervision, because that is left to the dentist's option. The way the bill now reads, that option would no longer be available.

There is a significant difference between general supervision and direct supervision. Although the Dental Board has changed its definition of "general supervision" approximately four times in the past 18 months, there is, nevertheless, a distinct difference. "General supervision" means that the dental auxiliary, in this case the dental hygienist, would be carrying out the dental plan prescribed by the dentist in accordance with his particular recommendations. "Direct supervision" means that the dentist will be involved in every step of the way, determining what shall be done at a given time, checking the procedure, checking to make sure the hygienist did it appropriately, and checking the patient afterward to make sure that everything is in order.

That is a significant change from the present method of operation with respect to the taking of X rays. I suggest to you that it is overregulation to include that, and too many times we have left to the discretion of the Senate the ability to clean up something that we admit needs cleaning up. I suggest we can take a step toward cleaning it up now by adopting this amendment, and again I would ask for your support.

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

The following roll call was recorded:

YEAS—11

Afflerbach	Josephs	Pitts	Stewart
Cornell	Levin	Roebuck	Van Horne
DeWeese	Nahill	Steighner	

NAYS—185

Angstadt	Dombrowski	Laughlin	Rieger
Argall	Donatucci	Lescovitz	Robbins
Arty	Dorr	Letterman	Rudy
Baldwin	Duffy	Levdansky	Ryan
Barber	Durham	Linton	Rybak
Barley	Evans	Livengood	Saloom
Battisto	Fargo	Lloyd	Scheetz
Belardi	Fattah	Lucyk	Schuler
Belfanti	Fee	McCall	Semmel
Birmelin	Fischer	McClatchy	Serafini
Black	Flick	McHale	Seventy
Blaum	Foster, Jr., A.	McVerry	Showers
Book	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, B.
Bowley	Freind	Manderino	Smith, L. E.
Bowser	Fryer	Manmiller	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Brandt	Gallen	Mayernik	Staback
Broujos	Gamble	Merry	Stairs
Bunt	Gannon	Michlovic	Stevens
Burd	Geist	Micozzie	Stuban
Burns	George	Miller	Sweet
Bush	Gladeck	Moehlmann	Swift
Caltagirone	Godshall	Morris	Taylor, E. Z.
Cappabianca	Greenwood	Mowery	Taylor, F. E.
Carlson	Gruitza	Mrkonic	Taylor, J.
Carn	Gruppo	Murphy	Telek
Cawley	Hagarty	Noye	Tigue
Cessar	Haluska	O'Brien	Trello
Chadwick	Harper	O'Donnell	Truman
Civera	Hasay	Olasz	Veon

Clark	Hayes	Oliver	Vroon
Clymer	Herman	Perzel	Wambach
Cohen	Hershey	Petrarca	Wass
Colafella	Honaman	Petrone	Weston
Cole	Howlett	Phillips	Wiggins
Cordisco	Itkin	Piccola	Wilson
Coslett	Jackson	Pievsky	Wogan
Cowell	Jarolin	Pistella	Wozniak
Coy	Johnson	Pott	Wright, D. R.
Deluca	Kasunic	Pratt	Wright, J. L.
Daley	Kennedy	Pressmann	Wright, R. C.
Davies	Kenney	Preston	Yandrisevits
Dawida	Kosinski	Punt	
Deal	Kukovich	Raymond	Irvis,
Dietz	Langtry	Reber	Speaker
Distler	Lashingier	Reinard	

NOT VOTING—3

Hutchinson	Richardson	Saurman
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EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The question was determined in the negative, and the amendments were not agreed to.

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

Mr. AFFLERBACH offered the following amendment No. A3854:

Amend Sec. 3 (Sec. 3), page 8, line 2, by inserting after "biennium.]"

Any person, licensed under this act, shall submit, as part of the biennial license renewal, proof that the person has successfully completed a course in cardiopulmonary resuscitation, given or approved by the American Heart Association or American Red Cross, not earlier than one year prior to the date on which the biennial license renewal is due or, in the event that the person is not physically capable of successfully completing such training, a written statement executed by either a licensed physician or an instructor in cardiopulmonary resuscitation approved by the American Heart Association or the American Red Cross that describes such physical incapacity.

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

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

As the result of the last amendment indicated, this is going to be an interesting afternoon.

This particular amendment is a safeguard amendment. If this House is indeed interested in patient safety, as the vote on the previous amendment seemed to indicate, then certainly you should be in support of this particular amendment now before us.

This amendment would require all dentists and all dental hygienists, upon biennial renewal of their license, to demonstrate that they have in fact been trained to adequately perform the CPR (cardiopulmonary resuscitation) technique or, if they are physically incapable of performing such technique, to provide to the board a written statement from a licensed physician or instructor in CPR setting forth the reasons why they cannot perform that technique.

Again, if you are interested in patient safety, this is an amendment we should all support. You will have heard the argument that dentists are trained during their period of dental school in techniques at least similar to CPR, and in some cases CPR techniques themselves. That is correct. The difficulty is that many of them fortunately have not had to utilize those techniques. Consequently, several years later they may have forgotten something. They may be a bit rusty. This amendment merely assures that at least every 2 years they will have a refresher course in CPR training for both dentists and dental hygienists. I think that is the least we owe the consumer who goes into the dentist's office - the knowledge that whoever is going to perform whatever procedure on that consumer will be able to provide CPR should the person have a heart attack in the chair or suffer a negative reaction to anesthesia or analgesia.

I would ask support for this amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment. It is important for the members to realize a couple things about this amendment.

First, it establishes a continuing education requirement not only for dental hygienists but also for dentists.

Second, for dentists by and large it duplicates things which they have already been trained to do.

Third, it is my understanding that the Red Cross and the Heart Association require you to continually or at least periodically be recertified. So this is not a one-shot deal.

Finally, Mr. Speaker, I think it is in all likelihood unconstitutional for us to put into a statute the particular private associations that are supposed to decide what the test is and whether somebody has or has not passed. At the very least, it is a very, very poor precedent. We have tried through all of the sunset bills to follow a State Supreme Court decision which says that various associations ought not control the licensing process and that the General Assembly and the licensing boards ought not delegate to them the right to decide who gets to be relicensed in this Commonwealth. I do not see any reason in the world why the American Heart Association or the American Red Cross ought to be the ones making a decision as to whether or not a dentist or a dental hygienist should get his license renewed. It seems to me that if this issue has to be addressed, the board can address that through regulations or through legislation which gives the board the responsibility for setting up the program and deciding, passing upon who has adequate skills and who does not. We should not, and I think cannot, delegate that responsibility to private associations.

For all those reasons, Mr. Speaker, I would ask for a "no" vote.

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

Mr. MILLER. Thank you, Mr. Speaker.

I rise to again echo the gentleman, Mr. Lloyd's comments. We now have the ability within the State Dental Licensing

Board to require any range of mandatory continuing education programs, one of which may be CPR, if deemed necessary.

I would also like to point out that most dentists—in fact, all dentists, according to curriculums we have reviewed—are receiving CPR training as part of their medical lifesaving training in their dental medical courses in dental school today. So we do have the major group of licensees now covered.

Finally, the issue of whether or not it is necessary. The board is free to require any changes in their anesthesia regs, and in fact, for those of you who are reviewing the bill, you will notice in the anesthesia section there have been major changes in the anesthesia regulations, in fact requiring a dentist to go an additional year of college to administer certain types of anesthesia. All of that type of training is far more advanced than CPR, as training dentists are now receiving, and is available in the office. And it is another reason why Mr. Afflerbach washes around on this direct supervision question. The very reason we need dental hygienists under direct supervision is because they are now not trained and dentists are. They are the responsible lifesaving entity in that dental operatory when there is a procedure going on, being performed on one of your constituents. It is that simple.

We would urge a "no" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. We have as the guests of the Allegheny County delegation, in the balcony, members of the Pittsburgh Neighborhood Alliance. Welcome to the hall of the House.

CONSIDERATION OF HB 1678 CONTINUED PARLIAMENTARY INQUIRY

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

Mr. MURPHY. Mr. Speaker, a point of parliamentary inquiry. Since the issue that has come up here concerns requiring specific organizations to give approval, can we draw a line right before the word "approved" on the third line of this amendment to strike the bottom three lines?

The SPEAKER. On a quick appraisal of this request, the Chair does not believe the amendment is divisible at any place. In order to divide an amendment, each section of the amendment must be able to stand on its own.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak in support of the amendment in any case.

The SPEAKER. The gentleman is in order and may speak on the amendment.

Mr. MURPHY. Mr. Speaker, in developing this legislation we debated long and hard about the question of anesthesia in the bill and the concern that presently the use of anesthesia is basically unregulated and the concern that in dentists' offices anesthesia was being given unlike in hospitals where there is

significant protection in case something goes wrong. In dentists' offices those protections do not exist. There was discussion about the concern for providing some training in CPR. I believe this amendment does address some of the concerns we raised in permitting dentists to use anesthesia. In fact, we require training on their behalf but we also permit them in their offices to use anesthesia without the safeguards that exist in a hospital where you would have an anesthesiologist in backup in case there was a problem with the anesthesia. In a dentist's office you do not have that backup. The least we can do is assure that somebody in that dentist's office has CPR training. For that reason, I would encourage you to support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HALUSKA. Mr. Speaker, I oppose this amendment. I oppose it because of the fact that dentists do prepare themselves to deal with emergencies. When we are talking about CPR, there are more emergencies in a dental office than just CPR. We have allergic reactions, we have respiratory reactions, and we have many physical reactions. But any dentist who has any sense of responsibility must prepare himself to deal with these situations on a day-to-day basis. So I think it is utterly ridiculous that we should stipulate here that he must take this particular course, because through continuing education courses they are constantly being exposed to this particular question, and I think in 99 percent of the cases they are very capable of handling any emergency situation.

I thank you, Mr. Speaker, and I ask for a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PRESSMANN. Mr. Speaker, I rise in support of the Afflerbach amendment. In fact, I stand here a bit disappointed in my colleagues who oppose this amendment. We are talking about a lifesaving motion. We have heard that dentists have this training when they are in dental school. What about the dentist who has been 20 years out? Believe me, CPR training is not something that automatically comes back to you; it takes continuous training. I know. The American Red Cross likes everyone to be recertified every 2 years at least.

I cannot see why, why you want to exclude dentists from having to be certified. We are talking about something that could save your constituents' lives. The arguments that I have heard just cannot hold water, in my opinion. I just wish everybody would just look at it as this: you are going to mandate that they be trained to save one of your people's lives. All the other issues, I believe - Mr. Lloyd's issues about the Red Cross and whatever - I believe they are just a smokescreen for opposition—and Mr. Miller's arguments. I ask the members, please pass this amendment. Thank you.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I would not stand in this House and vote for anything that would not insure that in fact the constituency of the Commonwealth were not protected. But I think if the members read very closely this bill, they will understand that the bill currently allows for the board to in fact promulgate rules and regulations to insure that in fact anesthesia, CPR, and all the other lifesaving measures that are in fact necessary to be conducted in a dentist's office are in fact promulgated by that board. If you look very closely at HB 1678 as it has currently been written, as it has currently been drafted, and as it has been worked on by the members of the Professional Licensure Committee, those protections are already there. We are just allowing the board to in fact promulgate the rules, set the standards, and provide the training to in fact do that. So I ask the members to vote against the Afflerbach amendment. Thank you.

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

Mr. BOYES. Thank you, Mr. Speaker.

It is not the question of the lifesaving or the CPR training; it is a question of public policy that we are trying to determine with this amendment. I have reservations, Mr. Speaker, about delegating this to a private association. I feel that it is already covered. We have discussed it previously, and I feel that I would like to urge the members to vote against the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the amendment, the Chair recognizes the gentleman, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

One last short comment. The gentleman, Mr. Miller, indicated that we are concerned about this because dental hygienists are not appropriately trained. I would suggest to you that many of the dental hygienists are appropriately trained in CPR already, and I am sure that many of the dentists have made it their own personal business to be so appropriately trained. The fact of the matter is that we never pass legislation of this nature for the majority who are doing the right thing. We pass it for the minority who are not doing the right thing. That is the group of people we are trying to get at, the people who have not made it their business to keep up with these modern lifesaving techniques.

Further on that, while it is correct that the board could set by regulation this requirement at any time, the board has failed to do so, and that is why we bring it to the floor of this House for a decision here.

Again, I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—29

Afflerbach	Freeman	Murphy	Seventy
Bortner	Freind	Nahill	Steighner
Bunt	Greenwood	Pitts	Van Horne
Cornell	McHale	Pott	Veon
Cowell	Michlovic	Pressmann	Vroon

DeWeese	Moehlmann	Punt	Wilson
Dawida	Morris	Saloom	Wright, J. L.
Fox			

NAYS—167

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

NOT VOTING—3

Hutchinson	Swift	Telek
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EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. AFFLERBACH offered the following amendment No. A3858:

Amend Sec. 3 (Sec. 3), page 8, line 2, by inserting after "biennium.]"

Any dental hygienist licensed under this act shall submit, as part of the biennial license renewal, proof that he or she has successfully completed a course in cardiopulmonary resuscitation, given or approved by the American Heart Association or American Red Cross, not earlier than one year prior to the date on which the biennial license renewal is due or, in the event that the dental hygienist is not physically capable of successfully completing such training, a written statement, executed by either a licensed physi-

cian or an instructor in cardiopulmonary resuscitation approved by the American Heart Association or the American Red Cross, that describes such physical incapacity.

On the question,

Will the House agree to the amendment?

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

This amendment is identical to the previous amendment with one exception. It eliminates the dentists and would require only that the dental hygienists demonstrate proficiency in CPR at their biennial renewals. If you do not want to make that requirement of the dentists, then for goodness' sake at least require someone in that office to have a biennial renewal of CPR techniques.

I ask for your support on this amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, for one of the reasons which I indicated in opposing the last amendment, I would ask for a "no" vote.

We simply cannot and should not delegate to a private association - the American Red Cross or the Heart Association - the sole authority to decide whether somebody has or has not met the requirements necessary to be relicensed as a dental hygienist in this State. I think that borders on being unconstitutional; it certainly is bad public policy; it flies in the face of everything we have tried to do over the last couple years with regard to third-party testing, and it, in my opinion, is a very bad abdication of our responsibility. If we are going to do that with these associations, what is next?

I would ask for a "no" vote.

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

Mr. MILLER. Thank you, Mr. Speaker.

You know, there is a good technical issue here. I have had a few members come up to me and say, "Marv, what does it matter if the dental hygienists have CPR? Would it not be a little bit of a help?" But let me phrase the circumstance.

The situation that evolves where you need CPR in that dental operatory is the situation where there is general anesthesia being admitted to the patient, and believe me, you need more than a dental hygienist with CPR at that point. You need at least a trained nurse; you need a trained dentist who has been experienced in much more than CPR, as the good doctor points out.

The bottom line is, it might be nice fluff in this bill, but you are again running the danger that Bill Lloyd points out about allowing a secondary entity outside this State Government to determine licensing for professional dentists under this act, including hygienists. I think it is one of those fluff things that is in here to dress up the bill. It is not necessarily unlaudable but is unnecessary in this statute.

I would encourage a "no" vote.

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

Mr. MARKOSEK. Mr. Speaker, I rise in favor of this particular amendment. I offered this particular amendment as a bill last session which never ran. However, I think we all in this House of Representatives, as citizens, really should know CPR training. I think everyone should know it. I do not think this is putting any kind of undue problems on anybody by having CPR training.

I urge support of this particular amendment.

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

Mr. AFFLERBACH. Mr. Speaker, let us be honest. If someone comes at your mouth with a needle this long, do you not think that you would like to have somebody there who can bring you back from a heart attack?

I ask for an affirmative vote on the amendment.

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

Mr. MURPHY. Mr. Speaker, I think this debate on this particular issue is symptomatic of the problem in the Dental Board. You have the dentists now attempting to tell the hygienists that they should not get any education here. The hygienists are asking to be trained, that we have that requirement in this law that will affect only them, if by this amendment I am assuming Mr. Afflerbach is representing the hygienists in this debate. And yet you have the dentists, who are a minority of the people represented by this board, attempting to dictate to the hygienists what they should and should not learn, and this amendment clearly benefits, clearly benefits, our consumers. Okay?

Mr. Speaker, a previous speaker mentioned that if you had somebody going into respiratory failure or heart failure in a dentist's office because of the use of anesthesia, you would need medical personnel, and you would need nurses. But I am going to tell you, while you are waiting for those nurses and those medical personnel to get there, would you not want somebody trained in CPR to keep you going? And to suggest that that is unnecessary stretches the point of credibility. It truly does. It seems to me if the dental hygienists want to have a requirement to learn CPR, we ought to let them have that requirement. We ought to give that to them because it benefits people. We ought to get away from this fight of them and us, and we should not be buying into that on this particular issue. It is a silly fight; it is obviously information that is helpful to everybody for them to have. It does not harm anybody for the dental hygienists to have that CPR system, and to suggest that it does, I think, stretches the point of credibility.

I urge your support for this amendment. Thank you.

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

Mr. LINTON. Thank you, Mr. Speaker.

I am in support of Mr. Murphy's concern. I think that the dental hygienists should in fact have an opportunity to learn CPR, but I think that under the current provisions of our bill, the board has an opportunity to do that. I think that we should allow the bill to stay as it is. The board can in fact promulgate regulations that will deal with this issue without creating a problem with the constitutionality.

I think Representative Lloyd raised a good issue. One of our concerns has been not to allow associations to in fact determine how we in fact license professionals in this Commonwealth, and what we are saying here is, yes, the dental hygienist should be allowed to have CPR, but in fact the board, that particular board that licenses those professionals, should be allowed to set the guidelines, promulgate the rules and the regulations to allow that to happen.

So I would like my members to vote in opposition to the Afflerbach amendment. Thank you, Mr. Speaker.

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

Mr. BOYES. Thank you, Mr. Speaker.

It is not a question of receiving CPR training. They can do that right now. The real question before us is whether or not we should be considering this amendment as part of the criteria of the sunset legislation.

We have considered it previously and worked on this legislation, and we feel that this amendment should call for a "no" vote. This issue should not be delegated to another association. That is not the kind of public policy that we should be encouraging with this legislation. Thank you, Mr. Speaker.

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

Mr. HALUSKA. Mr. Speaker, one of the previous speakers indicated that we should not deny the dental hygienists the opportunity to take this training. We are not denying the dental hygienists from taking this training. They have that opportunity. If they are conscientious in their work, I am sure they would do this voluntarily. I see no need for regulations in this entity.

I ask for a "no" vote.

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

Mr. PRESSMANN. Mr. Speaker, I am glad that one of the gentlemen has mentioned about the Dental Board could require this for the hygienist, and the Dental Board would be willing to help the hygienist, or whatever their contention has been. Right now, under the current system, there is one dental hygienist who sits on the board and, I believe, seven dentists. Now, if you think the dental hygienists in that kind of atmosphere are getting an even break, well, I have a bridge in Brooklyn I want to sell you, because they are not, and they will not get an even break.

Today in my caucus we were talking about proconsumer issues. This is a proconsumer issue. We are talking about providing the consumers of this State, the dental consumers of this State, with more protection. I cannot see the arguments here. I am sorry, Mr. Speaker.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

I would like to question the maker of the amendment.

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

Mr. LETTERMAN. Mr. Speaker, I wonder if the maker of the amendment has ever taken into consideration who would have to carry medical malpractice insurance?

Mr. AFFLERBACH. Yes; I have taken that into consideration.

Mr. LETTERMAN. Well, who would?

Mr. AFFLERBACH. Under the present operation, most of the malpractice insurance policies are written on the office, which means that they cover the dentist as well as the hygienist and any other assistants and auxiliaries that may be in the office.

Mr. LETTERMAN. According to your legislation, would they not be made a prime mover of giving CPR? So would they not be one of the prime coverage people?

Mr. AFFLERBACH. They could be. Much of it depends upon how the individual dentist who employs the hygienist operates his office. One thing to keep in mind is that neither this amendment nor any other amendment allows the hygienist to open up a practice separate from the dental office or the institutional setting that is currently being utilized.

Mr. LETTERMAN. Mr. Speaker, have you ever added a new driver to your insurance policy?

Mr. AFFLERBACH. Not to my policy, no, but I know what you are getting at.

Mr. LETTERMAN. Did it go up? The same thing would happen, would it not? The same identical thing?

So what you are really saying then is that you are asking someone to buy them the insurance coverage. Right?

Do you think the hygienists would cover themselves?

Mr. AFFLERBACH. I do not think that really is relevant to the—

Mr. LETTERMAN. It is a real issue, Mr. Speaker. It is a real issue that you have to deal with in your legislation, and you did not. Someone said to me this would come under the Good Samaritan Act, and I am sorry, it would not come under that either.

I would ask for a “no” vote. Thank you very much, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, some people have said that a “no” vote is not a proconsumer issue, and I want to try to explain why I feel so strongly about the references to private associations.

Already in this bill, with the concurrence of the Dental Association and the Dental Board, we have removed a provision which said that the Governor is supposed to consider the people the Dental Society nominates to be on the State Licensing Board. We have taken that same language out of every licensing bill that went through in sunset in the last session. We are proposing to do that in this session, because, A, I think it is unconstitutional, and, B, I think one of the most significant reforms we can make is to break the gridlock on the licensing boards which various private associations have. If we pass this amendment and set this precedent, the next amendment is going to be that the Dental Hygienists Associa-

tion tells the Governor who gets appointed to the Dental Board and the Dental Society tells the Governor who gets appointed to the Dental Board, and I think that is a step in the wrong direction.

For that reason we ought to vote “no” on this amendment.

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

The following roll call was recorded:

YEAS—37

Afflerbach	Freeman	Murphy	Saloom
Bortner	Greenwood	Nahill	Steighner
Bunt	Levdansky	Petrone	Sweet
Cornell	McCall	Pitts	Tigue
Cowell	McHale	Pott	Van Horne
DeWeese	Markosek	Pratt	Veon
Daley	Michlovic	Pressmann	Vroon
Dawida	Moehlmann	Punt	Wilson
Fargo	Morris	Reinard	Wright, J. L.
Fox			

NAYS—161

Angstadt	Distler	Kosinski	Roebuck
Argall	Dombrowski	Kukovich	Rudy
Arty	Donatucci	Langtry	Ryan
Baldwin	Dorr	Lashingier	Rybak
Barber	Duffy	Laughlin	Saurman
Barley	Durham	Lescovitz	Scheetz
Battisto	Evans	Letterman	Schuler
Belardi	Fattah	Levin	Semmel
Belfanti	Fee	Linton	Serafini
Birmelin	Fischer	Livengood	Seventy
Black	Flick	Lloyd	Showers
Blaum	Foster, Jr., A.	Lucyk	Sirianni
Book	Freind	McClatchy	Smith, B.
Bowley	Fryer	McVerry	Smith, L. E.
Bowser	Gallagher	Mackowski	Snyder, D. W.
Boyes	Gallen	Maiale	Snyder, G. M.
Brandt	Gamble	Manderino	Staback
Broujos	Gannon	Manmiller	Stairs
Burd	Geist	Mayernik	Stevens
Burns	George	Merry	Stewart
Bush	Gladeck	Micozzie	Stuban
Caltagirone	Godshall	Miller	Swift
Cappabianca	Gruitza	Mowery	Taylor, E. Z.
Carlson	Gruppo	Mrkonic	Taylor, F. E.
Carn	Hagarty	Noye	Taylor, J.
Cawley	Haluska	O'Brien	Telek
Cessar	Harper	O'Donnell	Trello
Chadwick	Hasay	Olasz	Truman
Civera	Hayes	Oliver	Wambach
Clark	Herman	Perzel	Wass
Clymer	Hershey	Petrarca	Weston
Cohen	Honaman	Phillips	Wiggins
Colafella	Howlett	Piccola	Wogan
Cole	Itkin	Pievsky	Wozniak
Cordisco	Jackson	Pistella	Wright, D. R.
Coslett	Jarolin	Preston	Wright, R. C.
Coy	Johnson	Raymond	Yandrisevits
Deluca	Josephs	Reber	
Davies	Kasunic	Richardson	Irvis,
Deal	Kennedy	Rieger	Speaker
Dietz	Kenney	Robbins	

NOT VOTING—1

Hutchinson

EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. AFFLERBACH offered the following amendments No. A3856:

Amend Sec. 2 (Sec. 2.1), page 2, line 22, by striking out "ten" and inserting

twelve

Amend Sec. 2 (Sec. 2.1), page 2, line 25, by striking out "Seven" and inserting

Eight

Amend Sec. 2 (Sec. 2.1), page 2, line 28, by striking out "One member shall be a" in line 28 and inserting

Two members shall be

Amend Sec. 2 (Sec. 2.1), page 2, line 29, by striking out "hygienist" and inserting

hygienists

Amend Sec. 2 (Sec. 2.1), page 3, line 12, by striking out "Seven" and inserting

Eight

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.

On the previous amendments I have been assured that with respect to radiological procedures, the Senate can clean that up and straighten it out, and I guess we have left it in their hands to do so. I have been assured that no one is opposed to CPR, but there are various problems because we were designating specific associations, and should the Senate make that change, I would suspect we would receive support when the bill comes back.

But now we are down to the weightier issues, and, truthfully, perhaps the reason that we have to discuss these issues on the floor of the House is because the Dental Board has taken a very firm position against addressing them at that level. We have had a situation with one hygienist on the board where a motion has been made and no second was offered, and it is quite obvious that the dentists control the board; therefore, the issue could not even be discussed or brought to a vote.

This amendment attempts to address that situation. It would simply add one additional hygienist and one additional dentist to the board of licensure. That would mean that the board would be expanded to 15 members from what is presently now in the bill, and the dentists would have 8 members to maintain control of the board. As a matter of practice, the Secretary of Health has also sent a dentist as his designee, so essentially there would be nine dentists sitting at a board meeting, if they all attended. But instead of one hygienist making a motion and unable to receive a second to bring the issue to discussion, we would have two hygienists, which would at least insure that these issues would receive a proper hearing and a proper decision at the board level.

This kind of an amendment does not have the flaws that were alleged in the previous amendments. It does not deal directly with any kind of testing that may or may not be hazardous. It does not deal directly with any kind of third-party association or organization making decisions. What it does is it allows the dental hygienists to put forth their particular agenda to the board and to have the board consider that agenda.

At the present time there are dentists serving on the board who do not employ hygienists, who have never employed hygienists, and probably never will employ hygienists, and yet they sit in the majority of the board to make decisions affecting hygienists, affecting the education of hygienists, without knowing what the state of the art is or even what a hygienist does. I think we ought to even those odds just a bit. There are 12,000 licensed dentists in the State, 6,000 licensed dental hygienists, and yet the board is stacked 7 to 1, 8 to 1, 9 to 1 if the Secretary of Health shows up. I do not think it is too much to ask to even those odds up to make it 8 to 2. I would certainly ask for your support for this amendment so that we can have these issues aired in the forum in which they should be aired - before they come to this floor.

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

Mr. MILLER. Thank you, Mr. Speaker.

We see this as a key amendment, and when I use the word "we," I use the term for those of us who have worked diligently on the bill across the aisle in this committee.

What the gentleman, Mr. Afflerbach, suggests to you is that the dental hygienists need another hygienist on the board so they can get a second to any motion that is placed. But is that not interesting. What he is proposing is the largest board in terms of membership. There will be 15 members on this board, and the lone dental hygienist simply cannot get a second to any issue.

Let us see who else we have on this board. We have added the Attorney General's consumer representative. Certainly, if it is a consumer issue, that dental hygienist could get a second. We have a number of consumers on the board, and yet the man who offers this amendment has suggested to us just a few weeks ago on this floor that adding more members to the board on the chiropractic bill, for those of you who remember, was diluting the consumer representation on the board, and now he comes back to dilute the consumer representation once again. Interesting turnabout.

There are some good reasons this ought to be defeated as well, and the best reason is that any issue of merit can be brought to the board by any member, whether it be a dental hygienist or government consumer representative or public consumer representative or a dentist. We do not need a board that is so large as to be unwieldy. We have a functioning board now where issues for dental hygiene are aired fairly; that issue can continue. Bear in mind dental hygiene remains an adjunct profession to the practice of professionally licensed dentistry, and that is the role this General Assembly should continue to relegate it to.

Thank you for your support. I would encourage a negative vote on the amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I join with Mr. Miller in asking for a negative vote on the amendment.

Mr. Miller made a very valid point when he said that the addition of two new practitioners - one dentist and one dental hygienist - will dilute the consumer representation on this board. This bill, the way it came out of committee, would for the first time put the director of the Bureau of Consumer Protection in the Office of Attorney General on this board as an additional protection for the consumer. I submit that in those instances in which the dentists on the board are acting in violation of antitrust, that the Bureau of Consumer Protection director will second the motion and will help to push that issue so that it will be decided in a fair and reasonable way.

In addition to the dilution of the consumer representation on this board, it is also important for members to know that this is the only auxiliary personnel, the only auxiliary group in all the licensing boards which presently have anybody on the board. We tried to give the physical therapy assistants representation. The Senate says no. We might give some animal health technicians one person; we do not even know that yet, but the dental hygienists want two. It seems to me that then next year it will be three and next year it will be four until we get to proportional representation, and it seems to me, Mr. Speaker, that that is really putting the cart before the horse.

The purpose of the Dental Board is to regulate the practice of dentistry, and dental hygiene is part of, but only part of, the practice of dentistry, and we do not want to be setting a precedent which we cannot in the future depart by buying into this continual increasing of representation of auxiliary personnel. If you do this on this board, then you are going to have to do this in perpetuity on all other boards, and you are going to face the situation in which you will, A, dilute consumer representation, and, B, you will be giving auxiliary personnel the greater say in licensing and in regulating the people for whom they work.

I think that is a bad idea. I do not think that results in protection for the public, and I think we ought to vote "no" on this amendment.

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

Mr. PITTS. Thank you, Mr. Speaker.

With all due respect to my good friend, I think some of those arguments are just facetious, smokescreen, if you will.

What is happening here is a power game. All of us have been contacted by our dentists, and when you sit down and talk to your dentist personally about this and explain that on the present board there are six dentists and only one hygienist and all that this amendment would do is add one more hygienist and one more dentist so that it is 7 to 2, I have not found one dentist who opposes it.

The propaganda that is being put out by the association is that the dental hygienists want to take over and become completely independent in their practices. Actually, what they are asking for here is someone else on the board to second their motion, to support their arguments when they try to bring up some of these issues that Mr. Linton and company have said should be brought before the board which the board could address.

Mr. Speaker, I think in a time when we do have hygienists trained and licensed in all of these areas and when other States are moving to give more recognition to those who are licensed and trained in areas, we certainly should not hesitate to add one of their profession to the board to help set standards of education, as we have discussed, or licensure or practice, which they are in favor of as a profession. I think if we deny them an extra member on the board, all we are doing is reacting to those who want to maintain complete control and unreasonably oppose any kind of increased voice for the hygienist profession. This is the Dental Board. They should have more representation on the board. Seven to two is not out of line, and I urge adoption of the amendment.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, perhaps I should first ask to interrogate the maker of the amendment.

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

Mr. SAURMAN. Thank you.

Mr. Speaker, it is my understanding that the new count for dentists would be eight rather than seven. Is that correct or is that incorrect?

Mr. AFFLERBACH. That is correct. The bill as presently drawn increases the number of dentists from the present six to seven. My amendment would increase it further to eight.

Mr. SAURMAN. Thank you, Mr. Speaker.

May I make a comment?

The SPEAKER. The gentleman is in order and may comment on the amendment.

Mr. SAURMAN. Mr. Speaker, as most of us, I am sure, have been contacted by our dentists, the comments of those professional gentlemen, at least to me, indicated that they did not want to lose control of this board, and by adding a member of the dental hygienists to the board, that is what would happen. I would point out that in the past, out of a 13-member board, the dentists had 7 members. Under Mr. Afflerbach's amendment, they will now have 8 out of a 15-member board. They still will control, and, therefore, their concerns in that area, I think, are unfounded.

Now, let us look at the dental hygienists, whose profession is being controlled by this board. They have at present one member. The general public has two members. Those two members then, if one cannot make the meeting, the other can, and they can make those kinds of arrangements. However, if the dental hygienist cannot get there, the one who is on the board, there is no representation. There is no opportunity

when there is only one to sit down and discuss with a colleague what in fact is happening. The second hygienist on the board would not upset the balance of power, but it would give an opportunity for conversation, for deliberation, and for an opportunity to make sure that they in fact are going to be represented. There ought not be any fear here of any threat to the dentists, and we ought to be considering that the dental hygienists in this entire situation have not gained one thing.

I appreciate the fact that those who are working to get this sunset bill passed have a time constraint; they do not want a lot of amendments that are going to confuse the issue, but this ought not to confuse it. As a matter of fact, the other issues that have been discussed, which I have joined in the majority in voting against, should be addressed, in my opinion, in separate legislation, but where else but at this time can the membership of the board be addressed.

I would ask that you would support the Afflerbach amendment. Thank you.

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

Mr. HALUSKA. Mr. Speaker, I think it is very difficult for any professional person to sit on a board and not have a companion there to discuss in a very constructive manner some of the proposals that might come forth in the board meetings. I do not think this is out of line or out of order to ask that they have an additional representative on the Dental Board. Therefore, I ask for an affirmative vote on this amendment. Thank you.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I think if the members were to begin to count, they would see the number of nondentists that are currently represented on the Dental Board under the current bill. If you look very clearly you will see that we currently have a representative of the department, of the Bureau of Professional and Occupational Affairs, a consumer; you have the Secretary of Health; you have a representative from the Bureau of Consumer Protection; you have two public members; and you have one hygienist. You are talking about six nondentists on the board, and you only have seven dentists. So we are talking about a board that is already representative of not only positions of consumers in the Commonwealth but a board that has enough nondentists on the board to make sure that issues that relate to health care, that relate to a sound practice, and opportunities for the dental hygienists can in fact be listened to and addressed.

So it seems to me that the representation of nondentists on that board has already been taken care of by our current bill. So it seems to me that there is no need for the Afflerbach amendment. I would ask that the members vote against the Afflerbach amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd. Do you wish to address the question?

Mr. LLOYD. Mr. Speaker, I just hope that all those folks who are saying that you have to have companions on these

boards for dental hygienists are going to remember that when we deal with the other boards, many of which do not have any auxiliary personnel represented, others of which are going to be proposed to be one, and that the Senate will not even go along with that.

I hope in a couple of weeks, when we get that bill back from the Senate, that all of these same people are going to be joining with us in voting against the Physical Therapy Association and for P.T. assistants, because you cannot be intellectually honest and take any other position today.

I would ask for a "no" vote.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

First of all, I would like to, for the record, publicly commend my colleague, Dr. Haluska. As the only dentist in this body, I think it takes a great deal of courage for him to support this amendment, and I appreciate that very much.

With respect to the comments of the gentleman, Mr. Lloyd, I think there is a significant difference, and that difference must be understood, with respect to dental hygienists or physical therapists' assistants or veterinary technicians or any of the other assistants whom we have discussed in other boards, and the difference is this: This Commonwealth has recognized and licensed as a professional the dental hygienist since the inception of the Dental Act. For more than 50 years we have recognized the dental hygienist as a licensed professional, and yet during that entire 50 years we have seen fit to provide them with the representation of only one member on the board of licensure. I think it is time we bring that sorry record to an end and at least provide them a fair voice on that board for the future.

Again, I ask support for the amendment.

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

The following roll call was recorded:

YEAS—52

Afflerbach	Gladeck	Michlovic	Rudy
Argall	Godshall	Moehlmann	Saloom
Black	Greenwood	Morris	Saurman
Bortner	Hagarty	Mowery	Sirianni
Bunt	Haluska	Murphy	Snyder, D. W.
Bush	Jarolin	Nahill	Steighner
Clymer	Josephs	Pitts	Telek
Cohen	Levdansky	Pott	Van Horne
Cornell	Levin	Pressmann	Veon
DeWeese	McCall	Punt	Vroon
Dawida	McHale	Raymond	Wambach
Duffy	McVerry	Reinard	Wilson
Freeman	Manmiller	Roebuck	Wright, J. L.

NAYS—144

Angstadt	Distler	Kukovich	Rieger
Arty	Dombrowski	Langtry	Robbins
Baldwin	Donatucci	Lashinger	Ryan
Barber	Dorr	Laughlin	Rybak
Barley	Durham	Lescovitz	Scheetz
Battisto	Evans	Letterman	Schuler
Belardi	Fargo	Linton	Semmel
Belfanti	Fattah	Livengood	Serafini
Birmelin	Fee	Lloyd	Seventy
Blaum	Fischer	Lucyk	Showers

Book	Flick	McClatchy	Smith, B.
Bowley	Foster, Jr., A.	Mackowski	Smith, L. E.
Bowser	Fox	Maiale	Snyder, G. M.
Boyes	Freind	Manderino	Staback
Brandt	Fryer	Markosek	Stairs
Broujos	Gallagher	Mayernik	Stevens
Burd	Gallen	Merry	Stewart
Burns	Gamble	Micozzie	Stuban
Caltagirone	Gannon	Miller	Sweet
Cappabianca	Geist	Mrkoncic	Swift
Carlson	George	Noye	Taylor, E. Z.
Carn	Gruitza	O'Brien	Taylor, F. E.
Cawley	Gruppo	O'Donnell	Taylor, J.
Cessar	Harper	Olasz	Tigue
Chadwick	Hasay	Oliver	Trello
Civera	Hayes	Perzel	Wass
Clark	Herman	Petrarca	Weston
Colafella	Hershey	Petrone	Wiggins
Cole	Honaman	Phillips	Wogan
Coslett	Howlett	Piccola	Wozniak
Cowell	Itkin	Pievsky	Wright, D. R.
Coy	Jackson	Pistella	Wright, R. C.
Deluca	Johnson	Pratt	Yandrisevits
Daley	Kasunic	Preston	
Davies	Kennedy	Reber	Irvis,
Deal	Kenney	Richardson	Speaker
Dietz	Kosinski		

NOT VOTING—3

Cordisco Hutchinson Truman

EXCUSED—4

Acosta Cimini DeVerter Dininni

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. AFFLERBACH offered the following amendments No. A3859:

Amend Sec. 12 (Sec. 11.2), page 21, by inserting after line 30
(6) Establish requirements to enable specially educated dental hygienists to administer local anesthesia, the dosage and type of which shall be determined by a licensed dentist, under the direct supervision of a dentist in the practice of periodontal dentistry on the premises, after having successfully passed a board-approved course and examination.

(7) Establish further requirements relating to the administration of local anesthesia by dental hygienists, including, but not limited to, the collection of biennial license and license renewal fees.

Amend Sec. 12 (Sec. 11.2), page 22, line 1, by striking out “(6)” and inserting

(8)

Amend Sec. 12 (Sec. 11.2), page 22, line 5, by striking out “(7)” and inserting

(9)

Amend Sec. 12 (Sec. 11.3), page 22, line 19, by inserting after “dentistry”
or dental hygiene

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.

We are getting closer and closer on each amendment. One of these days we may have one that the membership will agree to. But I promise not to take that many days.

The amendment presently before you, amendment A3859, is an amendment that would deal with permitting certain dental hygienists to administer local anesthesia. Now, the Dental Association has told you that dental hygienists are not sufficiently trained and not sufficiently educated to administer local anesthesia, and my response to that is no fooling. We know that most dental hygienists are not so trained, although the State of Oregon considers that any dental hygienist who has graduated from an accredited dental school—an accredited dental hygienist school, that is—is so trained, and Oregon has permitted dental hygienists to administer local anesthesia. But nevertheless, we are willing to certainly concede that the majority of dental hygienists may not be significantly well trained to administer local anesthesia, and that is why this amendment contains certain very restrictive provisions.

The first is that the only hygienist who would be authorized to administer local anesthesia would first of all have to pass a board-designated, a board-approved course of instruction and a board-designated, board-approved examination, a board which, I might remind you, is controlled by dentists themselves. I do not think any of us can imagine such a board setting up a course of instruction or an examination which would not be adequate for the dental hygienist to prove his or her expertise in the administration of local anesthesia.

In addition, we have included another safeguard to make it perfectly clear that the dentist and only the dentist will determine the type of anesthesia to be used and will determine the dosage, so that that power which presently resides in the dentist’s hands will not be diminished in the least.

We have provided a third safety feature, and that safety feature is to state that the dental hygienist who has now been sufficiently educated by a board-approved, dentist-dominated board, who has passed the examination, the dentist-dominated, board-approved examination, and who has acquired the type of anesthesia and the dosage directly from the dentist will have to administer that anesthesia under the direct supervision of that dentist. There is absolutely no way under this language that that dental hygienist could go out and open his own office or open his own clinic and administer anesthesia. We have provided all of the safeguards necessary to make sure that it is done with direct dental supervision after proper education, after proper examination.

This particular amendment goes a bit further. It applies only to those hygienists who are involved in periodontics, who are involved in periodontal dentistry, and therefore working for a periodontist. We could have supplied the amendment to include all dental hygienists, and in fact I have that amendment drawn, but I recognize that there is a difference of opinion in the dental community. There is not, however, a difference of opinion among periodontists of any significance. We inquired of the Periodontal Society in Pennsylvania through its president as to whether or not its members would support and would wish to have such an amendment.

The response is 5 1/2 to 1, yes, from the periodontal dentists in the Commonwealth—5 1/2 to 1, yes.

In addition to that, we have checked with a number of institutions. The Medical College of Pennsylvania, Dr. Louis Rose, division chief of the Division of Dental Medicine and Surgery, has endorsed the use of local anesthetics, the administration of local anesthetics by dental hygienists after they have been appropriately educated and trained.

We have looked at other States and we have found that 15 States presently authorize this particular procedure. We have requested of those States to provide us with any information that has come to their attention indicating that the procedure has been a problem, that there has been any kind of a complaint filed. What we have from State after State is there have not been any validated complaints. The State of Idaho has authorized the procedure since 1977; the State of Missouri - our board has no information concerning complaints; the State of Nevada - there have not been any complaints filed against hygienists who administer local anesthesia; the State of New Mexico - to date there have been no complaints; the State of Oklahoma - there have been no complaints; and so on down the line of every State which presently authorizes dental hygienists to administer local anesthesia, and these are not liberal States, as I am sure you have noticed by this time.

The education is there. It is up to the board to provide it. The States that have it have had no problems. The periodontal dentists support it 5 1/2 to 1, and the amendment restricts the procedure to only those hygienists who are working with periodontal dentists.

You may ask, why is it necessary for them to administer at all under the restrictions that we have placed on them, and the answer to that is very easy. Whenever a patient's care is interrupted for 10 minutes, 15 minutes, 20 minutes, whatever it may be, that care is compromised. That patient is left to sit wondering what is going to happen next. The hygienist's time is wasted. The dentist's time is wasted. In short, it is not a very good situation, and it is a situation that can be easily corrected. I would ask your support for this amendment.

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

Mr. MILLER. Thank you, Mr. Speaker.
I rise to oppose this amendment.

Two issues on the question of the dental hygienists administering local anesthesia. The first issue is economic. How many of you have been to the periodontist in the last 5 years? Most periodontal dental practices are running cubicles; your treatment takes a little bit of time, and what happens is that periodontist is running a little bit of a dental factory there. He is skating from office to office. What he would like to do is to be able to continue charging that \$60-a-half-hour rate but not have to be there to administer your local anesthesia. You go in; you sit down; in comes the dental hygienist and says, hi Marv, we are going to fix you, gives you a shot of novocaine. There are some who think that is a good idea; that will get us to shut up a little sooner. But the point is it is an economic issue.

On the technical training issue, we are talking in this legislation, I must repeat, about expanded new requirements on the dentists themselves with respect to conscious sedation and the administration of anesthesia, both local and general. I would encourage you to read those new regulations. We believe they are in the best long-range interests of the dental consumers in this State, and the State dental society agrees. The very people who will have to go for continued training and continued upgrading agree that those new standards are warranted by modern-day dental practice care standards.

I am not sure each of you want to walk in that dental office at that high-dollar-an-hour rate and have your treatment administered by a class of practitioners who to date do not have any training, any practice standard, or any experience standard anywhere in this Commonwealth on the administration of local anesthesia.

This is not a time to throw the baby out with the bath water, and this ought to be a hard "no" vote for those members seriously concerned about the consumer standards in this bill. I would encourage a negative vote.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I also would ask for a "no" vote on this amendment. I do not think that any of us want to go to the dentist and have any shots given to us when we do not have the dentist right there available to react if something goes wrong. Now, to the best of my knowledge, I have never been to a periodontist, but I really cannot see how a distinction can be drawn. Either a dental hygienist can be properly trained to give local anesthesia or he cannot. Once we start down that road, the next thing is going to be to remove the requirement that it only be under a periodontist. We are going to have it across the board, that all dental hygienists in all dental offices will be able to give local anesthetics. I, for one, am somebody who has a lot of problems when you get shots like that, and I am sure that I am not alone. Some people do not get numb easily, and I do not think we ought to expose them to potential harm. If that dentist is going to be giving a shot or a shot is going to be given in his office, he belongs there watching so that he can react.

In addition to that, Mr. Speaker, I had a number of dental hygienists from my district contact me, and while they agreed with some of the things that Mr. Afflerbach talked about, my recollection is that one of the things they said to me they were not interested in doing is giving local anesthetics.

For all of those reasons, Mr. Speaker, I would join with Mr. Miller and ask you to cast a "no" vote.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

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

Mr. PRESTON. Thank you.

In the first line of your amendment you come with language "specially educated dental hygienists." I am kind of in a quandary of what a "specially educated dental hygienist" is. It does not clearly define that. Could you elaborate on that to clarify exactly what it is that you mean?

Mr. AFFLERBACH. Yes. That terminology "specially educated dental hygienists" is referenced later in that paragraph by the language "...after having successfully passed a board-approved course and examination." It would be the passage of that course and the passage of that examination which would make these particular hygienists specially educated.

Mr. PRESTON. Does this exist right now, this special test?

Mr. AFFLERBACH. No; the test does not exist at the present time. Recommendations have been made to the board by the American Dental Hygienists Association and the Pennsylvania Dental Hygienists Association so that the board does have available to it recommendations and in fact the kinds of examinations and courses that have been utilized in other States.

Mr. PRESTON. Would this at all change the form of license that they would receive?

Mr. AFFLERBACH. It could with respect to subparagraph (7), because the board is authorized in subparagraph (7) to establish further requirements relating to the administration of local anesthesia by dental hygienists, including the collection of biennial license and license renewal fees, so that the board could under that language, at least in my opinion could under that language, establish a special-criteria type of license to indicate that this hygienist is specifically trained in this area.

Mr. PRESTON. The approved course - are we talking about actual application as far as learning to administer local anesthesia?

Mr. AFFLERBACH. Again, the recommendations that have been submitted to the board in the past and the courses that are in existence in other States include both the academic classroom instruction and the clinical practicum so that there would be the twofold instruction - the actual academic instruction and the actual physical, clinical practicum.

Mr. PRESTON. Let me ask you, since there are so many different forms of schools that we have right now including correspondence schools, is it possible for someone to have taken and to get approval of a course for this examination through the mail?

Mr. AFFLERBACH. That would only be possible if the board, which is dominated by seven dentists, would approve it. I can hardly imagine a board of that nature approving that kind of a course. In fact, I can hardly imagine any licensure board approving a mail-order course for something of this seriousness.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address the amendment?

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

Mr. PRESTON. I am going to ask the members also to vote "no" on the amendment. It appears to me that there is an awful lot of vagueness, and to determine as far as the Board of Examiners to be able to put together a course and an examination, whether or not the people may be present within actually performing anesthesia under proper supervision before they get their license or whether or not they maybe will take a correspondence course, that would be left up to the board.

I think right now that while we in the House have a chance to be able to establish the criteria, I feel myself a lot more comfortable in having the dentist who is trained to do it actually do it. I have also known that several people have had certain accidents whereby certain people who are not really trained to do this, whether or not they felt they were qualified, are being sued right now and the dentist is going to be held responsible.

I do not think that we should be able to delegate so easily such a very important situation. We have gone through as far as nurses being able to give shots and other different forms of medication, and I think that we should look at this and hold the dentist accountable and make him responsible for it. Vote against this amendment. Thank you.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to caution the members to look very closely at the Afflerbach amendment. I think if you look across the Commonwealth, at least I have observed in my district, administering local anesthesia is a very serious medical procedure. In fact, in my own district in a hospital, there has in fact been a fatality that has happened in relationship to the administering of anesthesia, and it seems to me with that seriousness in the health care profession, it seems to me with those who are concerned about the consumers, that we need to be very careful about who is able to administer anesthesia in the Commonwealth. I think this committee has taken that into consideration when we have attempted to make procedures for dentists more careful and more difficult and also tried to be more cautious as to how dentists are administering anesthesia in this Commonwealth. I think the last thing we want to do is to now enlarge the number of health care professionals who can now administer anesthesia. So because of that, Mr. Speaker, I encourage my colleagues to vote against the Afflerbach amendment. Thank you, Mr. Speaker.

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

Mr. HALUSKA. Mr. Speaker, I would like to ask for a negative vote on this amendment. It is very important for a dentist to be very proficient when he administers anesthesia. When you administer any drug to a person, many things can happen. In fact, just this past week in my own district we had a patient who had Lou Gehrig's disease, and in that particular disease you lose control of all muscle involvement. This particular patient had lost everything but she could still hold her head up and talk, and her jaw was displaced because of muscle deterioration. Normally you can set these jaws by

pressure placing it in, but they found they could not do this, so they brought in an oral surgeon. He in turn injected a local anesthetic into both sides of the mandible, and he asked the patient if it was getting numb. Just as she said yes, she went out like a light and she died.

Now, this can happen to even the most proficient person who is administering anesthesia, and at a time when we are trying to upgrade all operating procedures in medical services, we find that we do not permit general practitioners to do major surgery and general surgeons do not do heart surgery. Why should we try to lessen the responsibilities of the dentist and let dental hygienists take this most important operation in their own hands to administer anesthesia? I do not think it is fair to the patient, and I think we should have a negative vote on this amendment. I thank you.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

There are just a couple of points that were mentioned in debate that I would like to respond to. The first is, we are talking exclusively about local anesthesia, not general anesthesia. The point was mentioned that in the bill we have incorporated very strenuous provisions with respect to general anesthesia. That is correct, and I agree with that completely. We are not asking that hygienists be involved in general anesthesia; we are asking only that they be involved in local anesthesia.

In addition, the gentleman, Mr. Lloyd, mentioned that he would feel uncomfortable without having the dentist right there. I reiterate that the amendment requires the dentist to be right there. The amendment requires direct supervision, which under any definition requires the dentist to be on the premises and in the facility.

We have heard that the dentists are opposed. I agree. The PDA is opposed. That is why this amendment is structured only to that class of hygienists who work for periodontists, because the Periodontal Society is 5 1/2 to 1 in favor of this amendment.

We have heard that this is a serious procedure. We agree. That is precisely why we have included the safeguards of a board-approved course, a board-approved exam, direct supervision of the dentist, and dosage and type to remain with the dentist.

I would also like to mention that the American Dental Association recommended as far back as 1972 through their Council on Academic Procedures that one of the things that dental hygienists could be trained to perform and should be trained to perform is the administration of local anesthesia. This is not a new issue. Furthermore, at one time dental hygienists in this Commonwealth were authorized to administer local anesthesia. In 1974 the board approved guidelines which authorized dental hygienists to administer local anesthesia. Shortly thereafter, however, because of pressure from the Pennsylvania Dental Association—and at that time the only people who could serve on the board as dentists had to be recommended by that association; that was a matter of statute

law—shortly thereafter, the board placed a moratorium because of that pressure and, shortly thereafter that, discontinued the guidelines.

During the time the guidelines were in effect, however, there was not one complaint, not one untoward incident, not one investigation that had to be launched with the dental hygienists administering local anesthesia. That is the record in Pennsylvania.

I think I can read the handwriting on the wall, but I would ask again for support for this amendment, this very limited amendment.

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

The following roll call was recorded:

YEAS—8

Afflerbach Cornell	Morris Murphy	Nahill Pitts	Vroon Wilson
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NAYS—183

Angstadt	Dombrowski	Laughlin	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Levin	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.	Maiale	Sirianni
Book	Fox	Manderino	Smith, B.
Bortner	Freeman	Manmiller	Smith, L. E.
Bowley	Fryer	Markosek	Snyder, D. W.
Bowser	Gallagher	Mayernik	Snyder, G. M.
Boyes	Gamble	Merry	Staback
Brandt	Gannon	Michlovic	Stairs
Broujos	Geist	Miller	Steighner
Bunt	George	Mochlmann	Stevens
Burd	Gladeck	Mowery	Stewart
Burns	Godshall	Mrkonic	Stuban
Bush	Greenwood	Noye	Sweet
Caltagirone	Gruitza	O'Brien	Swift
Cappabianca	Gruppo	O'Donnell	Taylor, E. Z.
Carlson	Hagarty	Olasz	Taylor, F. E.
Carn	Haluska	Oliver	Taylor, J.
Cawley	Harper	Perzel	Telek
Cessar	Hasay	Petrarca	Tigue
Chadwick	Hayes	Petrone	Trello
Clark	Herman	Phillips	Truman
Clymer	Hershey	Piccola	Van Horne
Cohen	Honaman	Pievsky	Veon
Colafella	Howlett	Pistella	Wambach
Cole	Itkin	Pott	Wass
Cordisico	Jackson	Pratt	Weston
Coslett	Jarolin	Pressmann	Wiggins
Cowell	Johnson	Preston	Wogan
Coy	Josephs	Punt	Wozniak
Deluca	Kasunic	Raymond	Wright, D. R.
DeWeese	Kennedy	Reber	Wright, J. L.
Daley	Kenney	Reinard	Wright, R. C.
Davies	Kosinski	Richardson	Yandrisevits
Dawida	Kukovich	Rieger	
Deal	Langtry	Robbins	Irvis,
Dietz	Lashingier	Roebuck	Speaker
Distler			

NOT VOTING—8

Civera	Gallen	Lescovitz	Mackowski
Freind	Hutchinson	Linton	Micozzie

EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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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?

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

Mr. AFFLERBACH. Mr. Speaker, I am going to withdraw my other amendments. I would ask the indulgence of the House for only one more moment to make a statement under unanimous consent.

The SPEAKER. Under unanimous consent, the gentleman from Lehigh, Mr. Afflerbach, is recognized.

Mr. AFFLERBACH. Thank you.

Mr. Speaker, I appreciate your indulgence in at least considering these amendments. You now know the issues that are raging within the dental community. They will not go away until they are adequately addressed, and there will be another time for that.

Personally I feel that if we are going to try to contain health care costs, one of the most effective ways is to prevent any given profession from entirely dominating that profession. In my opinion, the PDA presently dominates the profession to the extent of also dominating the hygienists. Only when we allow health care professionals to practice to the extent of their education and training will we truly make a dent in health care costs.

Again, thank you for your indulgence.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The SPEAKER. As the members certainly know, we have a debate before us on page 7, HB 1639, the PUC (Public Utility Commission) bill. But the Chair would advise those members who have ordered amendments and in fact may have them in their possession, do not delay the functioning of the House by holding on to those amendments. Send them down to the amendment clerk so that they may be duplicated so when you are called upon your amendments are ready. We would urge you to do that. There are a number of amendments to be taken on this bill. We will move more rapidly if those of you who have your amendments ready send them down to the duplicating room through the amendment clerk.

* * *

The House proceeded to third consideration of **HB 1639, PN 2466**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms and qualifications of commissioners; providing for the Office of Trial Staff, the Office of Special Assistant and the Director of Operations and their powers and duties; further pro-

viding for procedures, reports, budget requests and audits; providing for management efficiency investigators; and reestablishing the Pennsylvania Public Utility Commission.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A4022:

Amend Title, page 1, line 2, by inserting after "the" compensation,

Amend Sec. 1, page 1, line 12, by striking out "and (C)" and inserting

, (c) and (e)

Amend Sec. 1 (Sec. 301), page 3, by inserting between lines 11 and 12

(e) Compensation.—Each of the commissioners and the chairman shall receive an annual salary [of \$35,000, as of January 1, 1977, and \$40,000, as of January 1, 1978, except the chairman, who shall receive an annual salary of \$37,500, as of January 1, 1977, and \$42,500, as of January 1, 1978.] in an amount fixed by the Executive Board. In no event shall the annual salary paid to any commissioner be less than the amount the commissioner was entitled to receive as of January 1, 1978.

Amend Bill, page 21, by inserting between lines 2 and 3

Section 6. The Executive Board of the Commonwealth shall fix the compensation of the members and chairman of the Pennsylvania Public Utility Commission within 30 days after the effective date of this act. The current salary of the members and chairman shall remain in effect until action is taken by the Executive Board.

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

7

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

8

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, since we are restructuring and revamping the Public Utility Commission, this is an amendment that speaks to the compensation of PUC commissioners. It does not make any change in the salary of the PUC commissioners. It makes no change. It does, however, allow the Executive Board of the Commonwealth to set the salaries properly for the PUC commissioners.

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. I have a later amendment that does set the salary of the PUC commensurate with their proposed 4-year terms and commensurate with how much we make on the floor of the House. Therefore, I oppose this amendment, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, we should not grant a fee increase until they learn how to treat the people of the Commonwealth. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—48

Battisto	Dombrowski	Levin	Roebuck
Bortner	Donatucci	Livengood	Saloom
Bush	Evans	McCall	Staback
Caltagirone	Fattah	Maiale	Sweet
Cappabianca	Fischer	Manderino	Taylor, F. E.
Carn	Gallagher	O'Donnell	Truman
Cessar	Harper	Oliver	Wass
Clark	Howlett	Petrarca	Wiggins
Cohen	Itkin	Pievsky	Wright, D. R.
Colafella	Kasunic	Pratt	
DeWeese	Kosinski	Richardson	Irvis,
Daley	Laughlin	Rieger	Speaker
Deal	Lescovitz		

NAYS—147

Afflerbach	Duffy	Lloyd	Ryan
Angstadt	Durham	Lucyk	Rybak
Argall	Fargo	McClatchy	Saurman
Arty	Fee	McHale	Scheetz
Baldwin	Flick	McVerry	Schuler
Barley	Fox	Mackowski	Semmel
Belardi	Freeman	Manmiller	Serafini
Belfanti	Freind	Markosek	Seventy
Birmelin	Fryer	Mayernik	Showers
Black	Gallen	Merry	Sirianni
Blaum	Gamble	Michlovic	Smith, B.
Book	Gannon	Micozzie	Smith, L. E.
Bowley	Geist	Miller	Snyder, D. W.
Bowser	George	Moehlmann	Snyder, G. M.
Boyes	Gladeck	Morris	Stairs
Brandt	Godshall	Mowery	Steighner
Broujos	Greenwood	Mrkonic	Stevens
Bunt	Gruitza	Murphy	Stewart
Burd	Gruppo	Nahill	Struban
Burns	Hagarty	Noye	Swift
Carlson	Haluska	O'Brien	Taylor, E. Z.
Cawley	Hasay	Olasz	Taylor, J.
Chadwick	Hayes	Perzel	Telek
Civera	Herman	Petrone	Tigue
Clymer	Hershey	Phillips	Trello
Cole	Honaman	Piccola	Van Horne
Cordisco	Jackson	Pistella	Veon
Cornell	Jarolin	Pitts	Vroon
Coslett	Johnson	Pott	Wambach
Cowell	Josephs	Pressmann	Weston
Coy	Kennedy	Preston	Wilson
Deluca	Kenney	Punt	Wogan
Davies	Kukovich	Raymond	Wozniak
Dawida	Langtry	Reber	Wright, J. L.
Dietz	Lashinger	Reinard	Wright, R. C.
Distler	Letterman	Robbins	Yandrisevits
Dorr	Levdansky	Rudy	

NOT VOTING—4

Barber	Foster, Jr., A.	Hutchinson	Linton
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EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The question was determined in the negative, and the amendments were not agreed to.

WELCOME

The SPEAKER. The Chair is delighted to place into the record that Heather Wambach is here on the podium with the Speaker as a special page for the day. Heather would have been here before but she advised the Speaker that she had to do her homework, and the Speaker, as an ex-teacher, thinks that that is the first obligation. When she finished her homework for the day, she came here with us. We are glad you are with us, Heather.

CONSIDERATION OF HB 1639 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. EVANS offered the following amendments No. A3980:

Amend Sec. 1 (Sec. 301), page 2, line 27, by inserting a period after "office"

Amend Sec. 1 (Sec. 301), page 2, lines 27 through 30; page 3, line 1, by striking out the underscored comma after "Governor" in line 27, all of lines 28 through 30, page 2, and "commission unless otherwise removed in accordance with law." in line 1, page 3 and inserting

. Within 30 days of the effective date of this amendment to this subsection, the Governor shall designate a chairman. Within 30 days following the third Tuesday in January 1987, and every four years thereafter, the Governor shall designate a chairman.

Amend Sec. 5, page 21, line 2, by removing the period after "expired" and inserting

, provided that the Governor shall designate the chairman of the Public Utility Commission within 30 days from the effective date of this act.

On the question,

Will the House agree to the amendments?

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

Mr. EVANS. Mr. Speaker, basically my amendment would attempt to allow the Governor to select the next chairperson of the PUC. Presently as the bill is written, whoever is the next Governor would not be able to pick the next chairperson. I think that the Governor should have that ability. Thank you, Mr. Speaker.

The SPEAKER. On the Evans amendment, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. I think that the members should realize that the selection of a chairman by the Governor is really not that all important to the commission itself. The fact that you are chairman does not make you any more powerful than any other member. It is an honorary position. Certainly I think—I am not positive—it might gain a little bit more salary right now, but that chairman does not have any more power than any other commissioner.

I think what is being attempted here is again something political, a slap in the face of our present Governor to say that his chairman that they selected is certainly not good and to give the new Governor, whoever that might be, a chance.

Mr. Speaker, I think it is inappropriate; it is not important to this reform; and therefore, I oppose the legislation.

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

Mr. LAUGHLIN. Mr. Speaker, with regard to the statement of the previous speaker on the importance of a chairman of a commission. Mr. Speaker, I do not believe that the gentleman is correct when he says that they are equal as we are equal in the House of Representatives, Mr. Speaker. I would say that the Speaker of the House is certainly a respected position as is the majority leader or any other position here and that there are certain powers and authorities that accrue to that position. To state that the chairman of the PUC is just another member is to say that the Speaker of the House or that the majority leader is just another member, Mr. Speaker. So I heartily disagree with him and would support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, for the second time on his amendment.

Mr. EVANS. Mr. Speaker, I again rise to ask the members to support me on this particular amendment. I disagree with my colleague on the other side on the basis that whoever is the new Governor certainly should have the option of selecting who their chairperson is. Particularly if this bill is passed as it is written, fundamentally that Governor will not have any way to decide who should be that particular chairperson. I think the Governor should have some say in directing exactly who is going to be the chairperson of the PUC. Presently, if this particular bill passes, this particular chairperson can continue serving out their particular time. If we are talking about Governor accountability, clearly this particular amendment would provide the opportunity for the Governor to have some say in terms of who the chairperson is.

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

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, the trouble with this amendment is that it does not insulate the PUC commissioners from some of the pressures that they face every day. Whether those pressures are good or bad, they face them and they have to make decisions. The problem with this amendment is—and it looks like a sexy amendment at this particular point in time because we are going to elect a new Governor next November, and it looks good for that reason—but the problem with it, though, is I think every Governor or every person who runs for Governor in the State of Pennsylvania runs with the thought in mind that he or she is going to be elected for two terms. If that particular Governor then is reelected, the first thing that comes into the mind of a PUC chairman who would have been named by that Governor would be to continue in that role and in so doing to shape his judgments based on being reapp-

pointed, whether those judgments be right or wrong. I think that is wrong. I think that in our court system we insulate our judges from this kind of pressure, and I do not think that we should do any less for the chairman of this regulatory body. Thank you, Mr. Speaker.

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

Mr. Kukovich, are you sure this is not a conflict of interest?

Mr. KUKOVICH. I appreciate the endorsement, Mr. Speaker.

The SPEAKER. The Chair rules there is no present conflict, and the next Governor of the Commonwealth may now speak.

Mr. KUKOVICH. Thank you, Mr. Speaker. I am very pleased to have that endorsement on the record, and I will use it accordingly.

The SPEAKER. With that endorsement and a plurality of the votes, you will have it made.

Mr. KUKOVICH. I would just like to say that Representative Evans' amendment works to do what this bill, HB 1639, is intended to do. Those of us who have been on the committee, my subcommittee has had a number of hearings over the last 2 years on this issue. We have decided that the best way to have accountability on the part of the Public Utility Commission is to politicize them. That is the only way we are going to deal with the difficult issues of rate structure, the elements of the rate base, and decisions and determinations on rate cases. That being a given, whether you agree with it or not, that is the philosophy behind this legislation. To follow that logically, we would need to adopt Representative Evans' amendment and send a message to the Public Utility Commission and to whoever the next Governor might be that we are going to demand more accountability and better decisions by the Public Utility Commission that will not be overturned by the Commonwealth Court. That is a crucial message. This amendment will improve the bill and make it a much stronger piece of legislation, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—106

Afflerbach	Donatucci	Livengood	Rybak
Baldwin	Duffy	Lloyd	Saloom
Barber	Evans	Lucyk	Serafini
Battisto	Fattah	McCall	Seventy
Belardi	Fee	McHale	Showers
Belfanti	Freeman	Maiale	Smith, B.
Blaum	Fryer	Manderino	Snyder, D. W.
Bortner	Gallagher	Markosek	Staback
Bowley	Gamble	Mayernik	Steighner
Broujos	George	Michlovic	Stevens
Caltagirone	Gruitza	Morris	Stewart
Cappabianca	Haluska	Mrkonic	Stuban
Carn	Harper	Murphy	Sweet
Cawley	Hasay	O'Donnell	Taylor, F. E.
Clark	Howlett	Olasz	Telek
Cohen	Itkin	Oliver	Tigue
Colafella	Jarolin	Petrarca	Trello
Cole	Josephs	Petrone	Truman
Cordisco	Kasunic	Phillips	Van Horne

Cowell	Kosinski	Pievsky	Veon
Coy	Kukovich	Pistella	Wambach
Deluca	Laughlin	Pratt	Wozniak
DeWeese	Lescovitz	Pressmann	Wright, D. R.
Daley	Letterman	Preston	Yandrisevits
Dawida	Levdansky	Richardson	
Deal	Levin	Rieger	Irvis,
Dombrowski	Linton	Rudy	Speaker

NAYS—87

Angstadt	Dietz	Jackson	Reber
Argall	Distler	Johnson	Reinard
Arty	Dorr	Kennedy	Robbins
Barley	Durham	Kenney	Ryan
Birmelin	Fargo	Langtry	Saurman
Black	Fischer	Lashinger	Scheetz
Book	Flick	McVerry	Schuler
Bowser	Foster, Jr., A.	Mackowski	Semmel
Boyes	Fox	Manmiller	Sirianni
Brandt	Freind	Merry	Smith, L. E.
Bunt	Gallen	Micozzie	Snyder, G. M.
Burd	Gannon	Miller	Stairs
Burns	Geist	Moehlmann	Swift
Bush	Gladeck	Mowery	Taylor, E. Z.
Carlson	Godshall	Nahill	Taylor, J.
Cessar	Greenwood	Noye	Vroon
Chadwick	Gruppo	O'Brien	Wass
Civera	Hagarty	Perzel	Wilson
Clymer	Hayes	Piccola	Wogan
Cornell	Herman	Pott	Wright, J. L.
Coslett	Hershey	Punt	Wright, R. C.
Davies	Honaman	Raymond	

NOT VOTING—6

Hutchinson	Pitts	Weston	Wiggins
McClatchy	Roebuck		

EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. DeLUCA offered the following amendments No. A3997:

Amend Title, page 1, line 3, by inserting after "commissioners;"

providing for retention election of appointed commissioners;

Amend Sec. 1, page 1, line 12, by striking out "Sections 301(a) and (c), 306 and 308" and inserting

Section 301(a) and (c)

Amend Bill, page 3, by inserting between lines 11 and 12

Section 2. Title 66 is amended by adding sections to read:

§ 301.1. Retention.

(a) Commissioners to elect.—In the course of a Statewide election, including any judicial election in the year preceding the expiration of a term of public utility commissioner, each such commissioner must elect, or not, to stand for retention to a succeeding term of office. If retained, the commissioner will continue in office for the subsequent term. If rejected, the commissioner will vacate the term of public utility commissioner effective March 31 in the year scheduled.

(b) Nonretention.—In the event a commissioner is not retained, either by election not to stand for retention or by rejection, the Governor shall nominate a successor to the position no later than February 1 of the year in which the vacancy is scheduled to occur.

(c) Election Code to control.—The retention election shall be governed by the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

§ 301.2. Utility commissioner retention committee.

(a) Committee to be established.—The General Assembly shall establish a utility commissioner retention committee composed of the majority leaders of the Senate and House of Representatives and the minority leaders of the Senate and House of Representatives. Members of the committee shall be reimbursed for personal expenses incurred conducting the committee's duties. Those duties shall be to verify the commissioners' eligibility for public funds and expenditure of those funds.

(b) Funding.— Each candidate shall receive all of his funding to conduct the retention campaign pursuant to this section from the special fund created in this subsection. A special fund shall be created within the operating budget of the commission from which all payments to retention candidates are made. This special fund shall be comprised of funds permitted to be used by the commission pursuant to section 510 (relating to assessment for regulatory expenses upon public utilities) and shall be considered regulatory expenses.

(c) Information to be supplied.—Any commissioner seeking money from the special fund shall submit such information concerning his campaign and election expenditures as the committee shall require. The amount disbursed from the special fund to any one commissioner shall not exceed \$100,000.

(d) Contributions limited.—No candidate for retention as a public utility commissioner shall accept contributions, gifts, loans or in kind services from any individual, employee or representative of a utility, public political action committee of a public utility, or any other political action committee. No candidate for retention as a public utility commissioner shall accept any donations. No candidate for retention as a public utility commissioner shall spend more than \$100,000 for the retention election campaign. The proven violation of these prohibitions shall be an impeachable offense.

(e) Remaining funds.—Moneys remaining in the special fund at the close of election shall be reserved for subsequent retention elections and shall be placed in an interest-bearing account.

Section 3. Sections 306 and 308 of Title 66 are amended to read:

Amend Sec. 2, page 11, line 8, by striking out "2" and inserting

4

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

5

Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

6

Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

7

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

8

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

9

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

10

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

11

On the question,

Will the House agree to the amendments?

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A3997 will provide for retention elections of appointed members on the PUC. The concept behind my plan is to provide a check and balance to the current system by assuring that PUC members are acting in the best interests of the Commonwealth's consumers. There is really only one way of doing this, and that is to let the voters of this State decide if the individual members should be retained for his or her seat. By asking members to stand before the voting public for a retention term of 4 years, we can prevent public utilities and other special interest groups from controlling the regulatory body.

Taking that consideration one step further, I have added a provision to my amendment which would establish a Utility Commissioner Retention Committee composed of the majority and minority leaders of both the House and the Senate to oversee the campaigns of each PUC member. No candidate for retention shall be permitted to receive money from any source but will be allowed to receive \$100,000 each from the three-tenths of 1 percent that the PUC is allotted to fund their budget. Presently, Mr. Speaker, they have not exceeded that amount. Their budget this year is \$24,290,000. They are permitted, under current law, to expend \$39 million, which leaves a balance of \$14,710,000, of which I intend to use \$500,000 to fund the retention election. By providing each candidate with funds to operate their retention campaign, we eliminate the possibility of any outside interest, organization, or corporation from contributing to the retention of a member.

Mr. Speaker, I am not asking that the appointment of the PUC members by the Governor with the approval of the Senate be eliminated. I believe that our past Governors and Governor Thornburgh have exercised what they believed to be sound judgment in nominating potential PUC members. I am not suggesting that the PUC become an elected body. There is merit to the concept of appointment of qualified candidates to the commission. However, to eliminate politics from the commission, we must establish a system where the public, those who are served by the PUC, decides who will remain or leave after their appointed term. This is not a decision that should be made by the Governor, regardless of his political affiliation. What I am asking is that we put the word "public" back into the Public Utility Commission. There is only one way of doing this, and that is by providing for the retention election process.

What is important to understand here, Mr. Speaker, is that retention will not be harmful to utility stockholders. History has demonstrated that things really have to get out of hand for the voters to outright reject a person. As we know, the judges are in the retention process and a retention election, so the retention process is not one which will subject the PUC to the whims of the electorate. No, I am confident that the retention will be a good tool to guard against excesses that have

been happening over the years in the PUC. That is why I am asking for this House's support for amendment 3997. Thank you.

The SPEAKER. On the DeLuca amendment, the Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to ask to interrogate the gentleman but rather I would ask him to listen to what I have to say and correct me should I be wrong.

As I understand what the gentleman is proposing, this retention election would be funded by a \$100,000 contribution from the PUC funds. These PUC funds, as I understand it, come about by contributions or tariffs, if you please, on the various public utilities by the Public Utility Commission. So we are starting off by using utility company funds to fund the commission, which of course would also fund this election. I believe I am right on that. The gentleman nods his head that I am.

What really bothers me—now, everyone in this room has gone through an election. I would guess that everyone in this room has made at least one mailing during the term of their stay here. Now, if you do one mailing to your district, it is at a cost of about \$2,500 or \$3,500 by the time you put the envelopes, the paper, the printing, and the postage together. You take that \$2,500, multiply it out by 203 seats, and I think you would see that the election that you would be permitted to carry on with this \$100,000 fund would be a very meager election at best, probably one that you could never inform the people of the Commonwealth as to what kind of a commissioner you were because you do not have the money or the wherewithal to really go out and campaign for yourself. You have made no provision for any political action committee to help. You have made no provision for it to be a partisan race, and I think that is proper. It is not the Democrats are opposed to this one and in favor of that one, or vice versa. You do not appear to allow any individual contributions to this retention election, so it would seem that what you end up with is probably less than one piece of mail throughout the entire campaign per household. You never, as I understand it, could cover this State with even the shortest of TV coverage on a statewide basis to tell the people who you are and what you have done.

I just think that this is an unrealistic approach to a problem, and it is because of my fear that something like this could become law and be totally unworkable that I urge a "no" vote. I think it is something that maybe deserves further consideration, but this is not ready for a bill to become a law based on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, a year ago, or maybe a little over a year ago, I took this floor to oppose Mr. Ryan on a question of retention. At that time we were talking about retention in the context of a merit selection panel. I think we found something a whole lot better, and so today I join with Mr. Ryan and ask for the defeat of this amendment.

Under this bill the way it is currently structured, we would have 4-year terms for the PUC commissioners nominated by the Governor with the advice and consent of two-thirds of the Senate. If the Governor or successive Governors wanted to keep appointing people and sending them to the Senate again and again and again, that would be up to the Governor. The theory behind this version of the bill is gubernatorial accountability, and I do not see how, if we are going to say that the Governor is to be accountable, we can then turn around and say, but, once he puts those first people on there, he does not really control whether they stay on or whether they do not. It seems to me that this amendment is just totally contradictory with the concept in this legislation.

Secondly, this amendment, in my opinion, is blatantly unconstitutional. This amendment says that there cannot be any money spent by the individual other than the \$100,000 from the fund, and it says further that all kinds of people cannot spend any money on that campaign.

Now, the Supreme Court of the United States has ruled that it is not permissible, it is unconstitutional for Congress and presumably also State legislatures to prevent independent spending. So I think that what would happen in order to construe this amendment in a way to make it constitutional, the courts would have to allow all kinds of groups to carry on an independent campaign for or against the retention of a particular commissioner. I do not think it takes any genius to know what kind of people can raise the most money to have an impact in that election, and that is going to be the people who are aligned with the business community and the public utilities. And I think that what you are going to find is that all the money is going to be poured in in favor of commissioners whose records are probably not proconsumer and against commissioners whose records are good ones for the consumer.

In addition to that, retention assumes that in fact the people who get appointed to the Public Utility Commission want to enter this process. If all you can do is spend a little bit of money, you are going to have to be on the county dinner circuit of both political parties for practically your full 4 years in office. You cannot possibly do the job that you are supposed to do because you are going to be out on the stump. And there is a further problem. What do you say when you are on the stump? Section 319 of the Public Utility Code contains a code of ethics, and it says that commissioners must perform their duties impartially; it says the commissioners must disqualify themselves from cases in which their impartiality might be reasonably questioned; and it says they have to abstain publicly from expressing their views on the merits of any case which is pending before the commission. Now, I know some people say that we can do all these kinds of things without having the same situation that happens with judges, where they are really not allowed to talk about anything, but I suggest to you that this law says that in fact you cannot do that. If this person goes out while he is a sitting commissioner and talks about cases, states his views, a motion is going to be filed to disqualify him and he is going to be disqualified. It seems to me that that just simply is not a workable procedure.

Finally, Mr. Speaker, let us look at a couple of proconsumer commissioners who many of us think should have been reappointed. One, and probably the Mr. Consumer Advocate on the Public Utility Commission in the last 10 years, was Mike Johnson, and I do not think that Mike Johnson would have gone through a statewide retention campaign. I think he should have been reappointed; under this bill he could be, or could have been, had this bill been in effect at the time.

But I think the further problem is, Mr. Speaker, that if we have these people out across the countryside campaigning, what is going to happen is that the kinds of people who are going to be appointed to the Public Utility Commission are going to be all of the disappointed candidates for statewide office. Everybody we cannot find anyplace else to put, let us put him on the PUC and let him go out and politic, let him take whatever position he wants, regardless of the evidence of the cases, and then we are going to get him retained. But if we had Mike Johnson running in that statewide election, just stop to think what the utility companies could have done under this bill, under this amendment, to defeat him. All they need to do is add up the billions of dollars of rate increases that he voted for. Then you buy television time in every major market, which he would not be able to afford under this amendment, and you advertise, you cannot vote for this guy because look at all the money he voted to give the utility companies, never pointing out, of course, that he voted to take much, much, much more away from them.

So I think this amendment is not workable; I think that this amendment is contradictory with the purpose of the bill; and I think that this amendment, in order to be construed as constitutional, is going to allow unlimited spending by the friends of utility companies and they are going to be able to buy the outcome. For all those reasons, I ask for a "no" vote.

The SPEAKER. On the DeLuca amendment, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I rise to ask for a negative vote against retention for two reasons, really, Mr. Speaker.

I agree with Representative Lloyd. We now have a bill that purports to have the commissioners on a 4-year term. I will later on offer an amendment to reduce the two-thirds nomination in the Senate to a simple majority. So therefore, the Governor in 1987 will have a chance to appoint four members, and then by a simple majority they can be approved. We will no longer have a problem whereby we need either votes from the Republican side or votes from the Democratic side. We will have a chance, with a simple majority, for the Governor to do his job in putting into a commission the people he wants. Now, he in turn will really campaign on this issue. So we will have going before the voters somewhat of a retention but at least an accountability to the voters on what he thinks the PUC will do during his next term; what he wants them to do.

I think this is the fairest way, I think it is the simplest way, and I agree with many of the comments that Mr. Lloyd said. I

think to turn it into a circus other than that will do nobody any good. I think we should focus that accountability on the Governor's Office. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Why does the gentleman from Allegheny, Mr. Murphy, rise?

Mr. MURPHY. Point of parliamentary procedure to see if the amendment can be divided.

The SPEAKER. Where would the gentleman suggest the division be taken?

Mr. MURPHY. I would like to divide it at section 301.2, down to section 3 on the second page.

The SPEAKER. And where would you draw the line, sir?

Mr. MURPHY. I would draw the line where section 301.2 begins and draw the line to eliminate that subsection down to section 3.

The SPEAKER. Just a moment. We are not following you clearly. State it again.

As we understand it, you want to start with the words "Section 2. Title 66 is amended by adding sections to read: § 301.1. Retention." And where do you wish to draw the line after that?

Mr. MURPHY. At "301.2."

The SPEAKER. All right.

Mr. MURPHY. And eliminate all of the section 301.2, up to the line where it says "Section 3" on page 2.

The SPEAKER. The Chair would have to rule that the division requested cannot be made inasmuch as when we divide an amendment, each section of that amendment must be able to stand on its own with its own reference points, and to divide it in the manner which Mr. Murphy suggested would leave a section without a reference point, and therefore, the division may not be made.

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

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. DeLuca, stand for interrogation?

The SPEAKER. The gentleman, Mr. DeLuca, says he will stand for interrogation. You are in order, and you may proceed, Mr. McHale.

Mr. McHALE. Mr. Speaker, I am concerned about the language that is contained in subsection (b). In that language you indicate that each candidate shall receive all of his funding to conduct the retention election campaign pursuant to this section from the special fund. Is there any provision in the language of your amendment that would allow a candidate to reject public funding and thereafter raise money publicly and perhaps spend in excess of the \$100,000 limit?

Mr. DeLUCA. No, Mr. Speaker, there is not.

Mr. McHALE. Mr. Speaker, may I speak on the merits?

The SPEAKER. The gentleman is in order and may, of course, proceed.

Mr. McHALE. Mr. Speaker, I have sincere regrets that the answer to my question that was just posed to the prime sponsor was in the negative. I was hoping that the answer would be "yes," that that the option would be available under the amendment, because if it were, then perhaps the amendment would be constitutional.

I rise as a supporter of retention elections. I entered this hall today with every belief that I would be voting for the DeLuca amendment. I strongly support the concept. Unfortunately, after having read the amendment, I now realize that the gentleman, Mr. Lloyd, is absolutely correct, and in my mind, there is no question but that this amendment violates the first amendment to the United States Constitution. During hearings that we had in Bethlehem, I raised the Supreme Court case *Buckley v. Valeo*, where the Supreme Court struck down such limitations on personal financing of one's own campaign.

I wish that I could support this amendment. I wish that it could be construed in a way that it would not be in opposition to the freedom of speech guaranteed by the first amendment. Unfortunately, by limiting funding exclusively to the fund created under this amendment; by providing that an individual would not be able to spend his own money, for instance; by providing that outside campaign financing could not occur, whether or not one believes that is good policy, clearly it violates the Constitution. So it is with sincere regret and an offer to the gentleman, Mr. DeLuca, to join him back at the drawing board to draft a retention election provision that would be constitutional that I must regrettably conclude that the matter before us now clearly violates free speech, and on that basis I am going to have to vote against it.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. BURNS. A point of parliamentary inquiry, please.

The SPEAKER. Would the gentleman, Mr. Burns, state the point?

Mr. BURNS. There was a request made a few moments ago on the floor to divide the amendment. Did the Chair in fact allow that division, or did it not?

The SPEAKER. No. The gentleman's attention must have been diverted. The Chair ruled that the division was not possible.

Mr. BURNS. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. DeLUCA. A point of parliamentary procedure.

The SPEAKER. The gentleman will state the point.

Mr. DeLUCA. Would it be appropriate for me to withdraw this amendment and have it redrafted?

The SPEAKER. Yes. If you wish to withdraw the amendment before it is voted on, you certainly may.

AMENDMENTS WITHDRAWN

Mr. DeLUCA. That is what I would like to do, Mr. Speaker. I would like to withdraw it, and I will have it reprinted.

The SPEAKER. The gentleman, Mr. DeLuca, withdraws from the consideration of the House amendment A3997.

The DeLuca amendment is no longer before us. Mr. Laughlin is offering an amendment.

Mr. DeLUCA. Mr. Speaker?

The SPEAKER. What is the question, Mr. DeLuca?

Mr. DeLUCA. Will I have time to have this amendment redrafted before we vote on it?

The SPEAKER. The Chair will guarantee you that time, but the Chair does not think we will be voting on this bill today, the way it appears.

Mr. DeLUCA. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

You do not wish to make a statement on it?

Mr. MANDERINO. Not at the moment, Mr. Speaker.

The SPEAKER. All right.

The advice that the Chair would give the gentleman, Mr. DeLuca, is work with whatever rapidity you can.

On the question recurring,

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

Mr. LAUGHLIN offered the following amendments No. A4002:

Amend Sec. 3 (Sec. 515), page 16, lines 8 through 14, by striking out all of said lines and inserting

(b) Onsite auditors.—From and after the beginning of construction of an electric generating unit, the commission, or its designee, shall be present at the construction site on an ongoing basis for the purpose of obtaining oral or documentary evidence relevant to determining the necessity and propriety of any construction cost. The commission shall assess the utility or utilities operating in this Commonwealth and owning any share in that generating unit for the expense of having independent auditors present on the construction site as required by this subsection in accordance with the procedures set forth in section 516(c).

Amend Sec. 3 (Sec. 515), page 16, line 17, by striking out the bracket before "its"

Amend Sec. 3 (Sec. 515), page 16, line 17, by striking out "]
THE AUDITOR IN CHARGE"

Amend Sec. 3 (Sec. 515), page 16, line 22, by striking out "THE AUDITOR IN CHARGE OR"

Amend Sec. 3 (Sec. 515), page 16, line 23, by striking out the bracket before "persons"

Amend Sec. 3 (Sec. 515), page 16, line 23, by striking out "]
THE PERSON"

Amend Sec. 3 (Sec. 515), page 16, line 23, by striking out the bracket before "commission"

Amend Sec. 3 (Sec. 515), page 16, line 24, by striking out the bracket after "the"

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, with regard to onsite auditors, across the State of Pennsylvania the cost of electric utilities over the past 10 years can be greatly attributed to the escalating cost of the plants that are being built related to atomic production. Mr. Speaker, over the years those plants have not had the benefit of onsite auditors to examine the construction efforts of the major companies that are building these plants. They have instead had the benefit of having a cost-plus factor, and the end result being that those costs are added to the people of this State and the consumers of this State.

Mr. Speaker, I believe that an onsite audit amendment that is being placed in the bill today restores the bill to its former structure and guarantees the consumers of this State that we are not going to have ongoing escalation, that we are sending a message to the Public Utility Commission and to those major companies that are charged with the responsibility of building these electrical energy corporation utility sites.

Mr. Speaker, for that reason I would ask the support of the amendment from the members of the House.

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

Mr. BURNS. Thank you, Mr. Speaker.

Like all the members of this House, I am tremendously concerned about the effects of utility rates on businesses, the industries, and the consumers in my district. And like many of you, the people in my district are faced with huge increases in their electric bills due to the cost of new electric generating plants now coming into service. If we expect ratepayers to pay for these plants, we must make sure that they are paying for valid construction expenses and not for expenses due to waste, fraud, or mismanagement.

This is what the Consumer Affairs Committee did when it required that the PUC place onsite auditors on an ongoing basis at the construction site of electric utilities. These auditors would be in a position to observe exactly what is occurring at this construction site and to monitor costs to make certain that the ratepayer would pay only for necessary and proper costs. It is essential that these costs be monitored when they are incurred and not 5 or 10 years later.

Unfortunately, these provisions have been stripped from the bill. As now written, the only way a PUC auditor could have access to a utility construction site is to ask permission from the utility. If the utility says no, the auditor must ask the PUC to hold a formal hearing to determine if the auditor should be allowed on the construction site. It is hard to imagine a more ludicrous situation. In addition, the amendments have gone even further by stripping the PUC of the authority it now has to utilize independent auditors on construction sites. The expert knowledge these people can provide is essential for proper audits.

For these reasons, I ask your support of this amendment. It restores the provision of the onsite auditors which was removed by the Appropriations Committee. If this bill is

really to help utility ratepayers, this amendment is essential. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is possibly the most important amendment that we will address on this bill today. We have to keep in mind the rationale for Representative Laughlin having this language in the bill in the first place. In Pennsylvania, especially in the electric utility field, we have a tremendous amount of excess capacity. Generating plants have been built but have raised the question of their necessity. We need to have this provision; we need to have independent rather than in-house auditors onsite to insure that whenever a new facility is being built, that cost overruns are kept down, that efficiency is preserved. If we do not put this language back in the bill, we are not going to have the strong type of reform that the sunset was supposed to provide for the Public Utility Commission in this year.

I would suggest that one of the most positive proconsumer votes on this bill would be the Laughlin amendment, and I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, very briefly. The gentlemen who have spoken previously on this amendment are raising problems and telling us that the situation, as the bill is now written, they are telling us that it is far different than what the bill really says. The bill presently says that there will be an auditor in charge who, along with the Consumer Advocate of Pennsylvania, will be permitted on the site for any purposes having to do with auditing, checking construction costs, checking for waste and fraud, as Mr. Kukovich indicated. The only difference between what is being proposed in this amendment and what is already in the bill is this amendment requires that an auditor be onsite ongoing. Whether the PUC thinks it is necessary or not, where there is any evidence of waste or fraud or not, you must keep that auditor and that auditing team onsite from the time construction begins until the time construction ends, and the ratepayers will eventually pay for the costs of those auditors being there. Now, what is presently in the bill allows the PUC at any time, allows the Consumer Advocate at any time, to go onsite to do the necessary auditing, the cost checking, et cetera. It does not require, as this amendment does, that someone be onsite at all times. I do not think requiring them to be onsite at all times is cost effective.

Mr. Speaker, the problems that there have been in getting access to construction sites in the past 10 years that was alluded to has nothing to do with the language of the present bill or the language of this amendment; it has to do with the Nuclear Regulatory Commission preempting the field and telling us what we can do and what we cannot do onsite, and access has been controlled in the nuclear sites, in the nuclear plants, by the NRC. There is not 2 cents' worth of difference between the access that is allowed now, permitted now under the law and under this present bill before us without the

amendment and what access would be permitted under the amendment being offered. If the NRC chooses, for whatever reasons on any days or on any basis, to exclude that auditing team from nuclear sites, they will still be excluded, and there is no way around what they will do.

So there is no difference between the two positions except that the present bill does not require onsite auditors at all times during construction where the amendment being offered requires not only that they be there but that they be paid eventually by the utilities, which will show up eventually in the rates. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, earlier today in caucus I was of the opinion that we had agreed with this portion of the bill as it was presented to us by the Appropriations Committee. I still am of that opinion.

I coincide and agree with the remarks of the gentleman, Mr. Manderino. There does not appear to be a whole lot of difference between the bill as it is in its present printer's number and as amended or as intended to be amended by the gentleman, Mr. Laughlin, except for the difference of the requirement to spend money on an onsite auditor at all times versus sending an auditor out when the PUC is of an opinion that it needs an auditor out to keep control or to check on a site that is in the progress of construction.

For those reasons, I oppose the amendment offered by the gentleman, Mr. Laughlin.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I am not quite sure where all this business about the Nuclear Regulatory Commission came from, and I do not know whether there is any validity to that or not, but I do recall very, very well what happened when we put the cost overrun and access legislation through in the last session, because that was my legislation.

I recall very vividly the arguments I had with the lobbyists for the Public Utility Commission, who said, oh, my, please, do not require us to do this. Despite the fact that we are getting in our budget this year enough money for—I do not remember; Mr. Manderino can correct me, I am sure—either 8 or 12, or something like that, construction auditors—which I believe today you would still find are not out on construction sites—despite that fact, they said please amend your amendment. And so in order to get the votes, I did that, and I took out the mandate, and we passed it into law. Now, this year, when we had our sunset hearings, John Dial, the director of the Bureau of Audits, testified before the House Consumer Affairs Committee with regard to access to construction sites and implementation of that law. Mr. Dial at no time that I can recall said anything about the Nuclear Regulatory Commission at all. He said, "Prior to the enactment of your legislation, Mr. Lloyd, we did not think we had the authority under State law to do this." What of course he did not point out was the fact that his commission had opposed the very State law that at that hearing he was saying was a good idea.

If we want the Public Utility Commission to have an engineer or any other expert present at a construction site, we are going to have to mandate that the commission do that, or the commission simply is not going to follow what we want to have done. Now, I know people say this is going to cost money, but it seems to me that when you look at the cost overruns at the Limerick nuclear powerplant—it was supposed to cost something under \$1 billion, and now it is supposed to cost something over \$4 billion—if we have an engineer—and that is all the commission has to do; it does not have to put a team out if it does not think that that is necessary on particular days—we are talking about spending less than \$100,000 potentially at some times and certainly a very, very small amount of money given the potential for uncovering millions or maybe even hundreds of millions of dollars' worth of unjustified cost overruns.

Now, I am fortunate. I do not live in any of the legislative districts which are served by the Philadelphia Electric Company or the Duquesne Light Company, which is also building powerplants. So, you know, if this amendment does not pass, it is not going to have any today impact on my constituents. But I will tell you, if I were somebody who represented the area of either of those companies and I saw the vote of the Public Utility Commission on the question of Limerick and I heard that the key thing is going to be a cost containment package proposed by the chairman of the Public Utility Commission and that with those cost containment provisions in place she is going to allow that plant to be built, I surely, whether I wanted the plant built or I did not want the plant built, I surely would want to vote to have somebody onsite to be watching what is going on.

Now, this person is simply gathering evidence; that is all. That evidence has to be presented in a rate case before it takes on any degree of credibility.

It seems to me that when you look at the electric industry in this State and across the country, the electric companies which have had the biggest problems are the companies which have had the biggest construction programs and the companies which have had the biggest cost overruns. We need to get the Public Utility Commission on the ball on this issue; we need to take away the excuses; we need to tell them that they need somebody onsite during construction every day that that construction is taking place.

We need the Laughlin amendment. There is more than a dime's worth of difference, Mr. Manderino and Mr. Ryan to the contrary notwithstanding, because I can guarantee you, based on what they have done in the past, what they have told me, and what they testified before our committee, they are not going to have auditors or engineers or anybody else on most major construction sites unless we make them.

I would ask for a "yes" vote.

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. If I understand what the makers of the amendment are trying to do, number one, I can share with them that

in my area in the southeastern region we do have a problem of excess cost. I submit that if we had an onsite auditor, I do not think it would change anything. I think the excess cost will be determined by the PUC. There have been indications of that already. I think it is their job to rule on that excess cost, whether that excess cost is in fact going to be paid by the ratepayers. I do not think that is going to happen, and I know many of us have urged that it not happen.

I think it is a duplication of what can be done. It is certainly not what was being done in the old law. This is a new law. I think that for the additional cost we will not get additional benefits, Mr. Speaker. There is no guarantee that that auditor in fact might not agree even with those excess costs at that generating plant.

Again, Mr. Speaker, I think that an auditor at every energy generating plant is excessive. I think the commission can now, when it sees a problem, put an auditor down there if they want to under this new law. I think that is all that is necessary to protect our consumers. Again, in the final analysis, if we find excessive cost, as I think they are finding down in the southeast, it is up to the commission to prevent that being turned over to the ratepayer to pay.

I oppose the amendment, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for very brief interrogation?

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will so stand. You are in order, and you may proceed, sir.

Mr. REBER. Mr. Speaker, I just want to be clear that if this particular amendment is passed and the bill ultimately becomes law in the near future, will this particular provision be applicable to electric generating operations plants, if you will, that are presently already under construction but yet not completed and on line?

Mr. LAUGHLIN. Mr. Speaker, in the opinion of the maker of the amendment, it would cover all construction, whether it is presently being built or in the future. In addition to that, Mr. Speaker, there are major projects within the construction of that particular utility that may have to have an adjustment of some kind down the road. Regardless of that, the PUC would have the ability to provide that type of oversight and audit to hold down those costs, Mr. Speaker.

Mr. REBER. Thank you, Mr. Speaker.

Could I be recognized on the bill?

The SPEAKER. On the amendment?

Mr. REBER. That is correct. On the amendment.

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

Mr. REBER. Mr. Speaker, particularly in my concern is the Limerick unit 2 situation. Limerick unit 2 does appear in my legislative district. I appreciate the concern and the advices of Representative Lloyd in that concern, in calling that necessary concern to all of our attention. Notwithstanding that urging, I think it was already very well known to a number of the

members of this body last session, when we had a select committee prepared, of which I and three other members of the minority and four other members of the majority party entered a report recommending that that particular facility not continue. There were six of us, myself included, who recommended that that construction not go forward any further.

I think this body should be aware that there is a very serious concern at all times, and I think when you live in the community where the particular construction is going on and you hear various rumors—and I must say that they are only rumors—of various concerns as to what happens on site, the intent of this particular amendment would at least go to provide in some way, shape, or form some aid and assistance in alleviating those rumors as to whether they are fact or fiction. Without such auditors of this type onsite, I do not think we have the opportunity, at least in the Commonwealth as State legislators, as the governing body, as the lawmakers, if you will, to say to our constituents that we are in fact making some attempts to take a look at these particular rumors and allegations of overruns, deficiencies, waste, or what have you.

I do very much stress, and I think it is something that I certainly never read enough about that really perturbs the dickens, if you will, from me, and that is the fact, as the majority leader has alluded, that most of this is preempted, is preempted by Federal Government. It is unfortunate that our constituents have to come to us - the people who are closest to them - but in many instances our hands are tied. I wish for once the newspapers and the various policymakers would go to those people who I feel are certainly responsible in part for the particular siting of these kinds of facilities, for the particular red tape, if you will, that binds us in many instances from not being able to have the appropriate investigation and oversight that we would like to have on these kinds of facilities.

The Federal Government ties our hands. I would ask the Federal Government to be put on notice to take away some of those binding shackles and do something to allow these particular instances to be appropriately reviewed and administered and not put us in the position in the Pennsylvania House of Representatives and in other State legislatures of really having our hands tied on a lot of these particular concerns.

In short, Mr. Speaker, I would certainly support this particular amendment for the reason that I think it at least will go to some extent as a showing of our concern to do that which is right, if you will, in these particular cost overrun issue concerns. It will allow us the opportunity to have some kind of control, to have some kind of input and investigation from those so-called experts in the area, which is one small way that I think we can go back to our constituents and express for them and to them the fact that we are trying to do something in this area of concern where there appears to always be question and doubt.

I would support the amendment.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for brief interrogation?

The SPEAKER. Mr. Laughlin indicates he will so stand. You are in order, and you may proceed.

Mr. SAURMAN. Mr. Speaker, would you describe the nature of the auditors that are herein listed?

Mr. LAUGHLIN. Mr. Speaker, the auditors are a selective group of people who have the expertise in construction, engineering, and financial auditing that would take place. In a number of instances, Mr. Speaker, you are certainly aware, as the gentleman mentioned prior to you taking the mike, about the Limerick situation and the expertise of the people there who did the audit and came back with the findings that the plant should not be completed. I am sure, Mr. Speaker, that the same type of expertise is what we are talking about here. We are not talking about someone who goes out and watches a laborer pound a nail. We are not talking about someone who goes out and watches a plumber fit a pipe. What we are talking about, sir, is the large cost overruns that are involved in construction of these utilities that are not presently provided to us and have not been in the past, not because Representatives on this floor have not requested it of the PUC. I know the members who fought for the Limerick situation and those from western Pennsylvania have made numerous requests of the PUC to do this. They have refused to do it.

Mr. SAURMAN. Mr. Speaker, if in fact the type of audit that you are describing— Or perhaps you would explain to us why it would be necessary on an everyday basis rather than a spot-check basis or rather when there is a change order or anything that would indicate that there was a change in the progress of the project.

Mr. LAUGHLIN. Mr. Speaker, do you see anything in there that says "on a daily basis"?

Mr. SAURMAN. I thought I did.

Mr. LAUGHLIN. It says "ongoing," Mr. Speaker.

Mr. SAURMAN. I thought that this was to be an everyday audit and that these people were to be on the site.

Mr. LAUGHLIN. If there are days when possibly there would be fewer or one or two or only one person there, that would be the decision that would be made by the Public Utility Commission in line with the needs for protecting the interests of the consumer and the paying public, sir.

Mr. SAURMAN. So that ongoing basis then as you describe it actually does not change the existing language in the bill.

Mr. LAUGHLIN. Yes, Mr. Speaker, it changes if you would look at the total package that was offered as amendment. In the amendatory language offered earlier, it does not deal with independent auditors to be provided. Our amendment does, sir.

What would we do right now—and those who speak of cost containment, and you certainly, Representative Saurman, and I have been concerned with that for years—but what would we do today? For instance, we are spending \$1 million to audit the Beaver Valley No. 2 construction project for over-

runs. If we had had onsite, ongoing construction audits, we would not be spending \$1 million today in order to confirm expenditures that are 5 and 10 years old, Mr. Speaker.

Mr. SAURMAN. Thank you, Mr. Speaker.

May I make a statement?

The SPEAKER. You may speak on the amendment, sir.

Mr. SAURMAN. On the amendment.

First of all, Mr. Speaker, I would question that some of the reports that have been purported to have come back would indicate, to me at least, that an audit at an earlier time would have made a difference inasmuch as a good many of these cost overruns that we are talking about are the result of delays in time, and therefore automatic increases in some of the costs. I think that what we are making certain here is that we are adding an increase to our ratepayers, and we ought to recognize that. But in a sense we are taking a chance. We are saying that by increasing the audit and having this ongoing audit rather than a spot check as has been authorized in the past, we are establishing a very definite increase in cost and that increase in cost will be related into a rate increase for the people whom we are saying we are trying to protect. I would ask a "no" vote on this amendment. Thank you.

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

Mr. VROON. Mr. Speaker, may I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for further interrogation. You are in order, and you may proceed, sir.

Mr. VROON. Mr. Speaker, I am reading from the bill now as it has been amended. It says, "...each utility having a generating unit under construction shall submit to the appropriate auditor in charge copies of all construction work change orders." Could you please tell me, how much more would you learn from having those auditors onsite all the time?

Mr. LAUGHLIN. Mr. Speaker, I would equate that to a person committing a murder, to an onsite eyewitness who sees the commission of that murder and reports it directly and testifies in court as to what they have seen as opposed to your position of accepting some secondhand, later information on job changes that relate to something that may have happened in the past. An onsite person can give you a much more direct and an eyewitness can give you much better testimony, Mr. Speaker.

Mr. VROON. All right. Mr. Speaker, supposing that you were a person in charge of that construction project working for the utility company. You see that there are definitely some changes in order that have to be approved, and so you go ahead and issue a change order, which recognizes the fact that there are going to be additional costs involved. Now, where and when is that man whom you are going to have on the site going to perform?

Mr. LAUGHLIN. Mr. Speaker, I am sorry. There is some noise in the House and I was not able to adequately hear the gentleman's statement.

The SPEAKER. Mr. Vroon, would you repeat the question.

Mr. VROON. Yes. If you were the man in charge of building this plant and you found out that it was necessary to issue certain change orders because there were additional costs involved in the construction of that plant, I would like to ask you, when, where, and how would your auditor on the site get involved in that? Would you suggest that that auditor would have to be consulted first before that change order could be issued?

Mr. LAUGHLIN. No, Mr. Speaker. I would not suggest to you that any person that the PUC hires would have the authority to interrupt the operation and management of a site, Mr. Speaker. As you know, that would be contrary to law.

Mr. VROON. All right. Now, this says that every change order has to be given to your man in charge, and I do not care if he is onsite or back here in Harrisburg—

Mr. LAUGHLIN. Mr. Speaker, I appreciate Representative Vroon's statement on what he is saying. However, what he is speaking to is the portion of the bill that I am removing. Mr. Speaker, I am very sorry that you misinterpreted that, but you will see you are reading the language as stated, not the language that we are replacing.

The SPEAKER. Mr. Vroon, the gentleman is correct. You are debating language which is not before us.

Mr. VROON. Are we on PN 2466?

The SPEAKER. No; we are on amendment 4002.

Mr. VROON. Yes, but that amends this section, does it not? "Auditor in charge."

Mr. LAUGHLIN. You are speaking and you are asking me to—

The SPEAKER. Just a moment, Mr. Laughlin.

You may debate the language before us as it relates to the rest of the bill if you wish, but you are not privileged to debate the rest of the bill.

Mr. VROON. Now, what you are doing, you are removing the language that I am reading from with this amendment. Is that not true?

Mr. LAUGHLIN. You are right, Mr. Speaker, and I think that was the position you were arguing for also.

Mr. VROON. Now, what I am saying is, what is wrong with the language that is in here now that should require you to replace it? And I am just reiterating in a little different form what the majority leader said a little while ago. What improvement can you possibly make by your amendment over the language that is in there now?

Mr. LAUGHLIN. Mr. Speaker, did you not hear the scenario I mentioned when I said it is the difference between having an audit as a postmortem to find out why a person died as opposed to an eyewitness who actually saw what happened? I realize in that instance they are both dead, but at least you have someone there who tells you exactly what happened, not someone who is giving you facts and figures that are maybe months or years old as we have had in the past. That is the reason for the removal. And, Mr. Speaker, I

would have thought from your arguments originally the way you were stating it that you agreed with my position, Mr. Speaker. I find it, you know, difficult to now imbalance it the other way.

Mr. VROON. No; I am just saying that you are going to be examining the same document either onsite or back there in Harrisburg, one way or the other, and you are not going to get a chance to do something about it sooner that way than you would if you had somebody right there on the site seeing the change order being issued right then and there.

Now, at some point in line—and I do not know whether you can tell me that or anybody else can tell me that—at some point in line somebody is going to look at these documents and they are going to say, are these proper overruns or are they not? Now, that is what I am saying. I say you have all the information that you will need. If these documents are given to somebody in the PUC, whether it is on the spot or whether it is back here in Harrisburg does not make any difference, and you have not improved matters one little bit with this.

The SPEAKER. Mr. Vroon, please. You have now deviated from questioning to making an argument on the floor, and that is not permitted. If you have further questions—

Mr. VROON. I am just adding to the question, Mr. Speaker.

The SPEAKER. Are you finished with the questioning, Mr. Vroon? If you are, we will recognize you to make a statement on the amendment.

Mr. VROON. I am, again, doing just that, Mr. Speaker. I am asking him in effect, what are you going to gain?

The SPEAKER. Thank you, Mr. Vroon.

Mr. LAUGHLIN. Mr. Speaker, I can answer the gentleman very pointedly the difference in being on the scene and checking something afterwards, and I will answer it in this fashion. Duquesne Light, Mr. Speaker, a number of years ago wanted to shut down the Beaver County No. 1 atomic plant for maintenance and reinforcement of the rods that fit inside the reactor core. Mr. Speaker, at this same time Duquesne Light wanted to shut down a major utility coal-fired plant.

Now, Mr. Speaker, if I had had no knowledge of that circumstance, and I had received the report 6 months or a year later that said, Representative Laughlin, we had to shut down this plant for maintenance because it was a controlled and stated maintenance circumstance. I said to them, on behalf of our consumers, I want you to take a look at your maintenance program and see if you can shut those plants down in phases and keep one of them operating, which is a major producer of energy, and thus we will hold down costs to your customers and my constituents. Mr. Speaker; they said to me, Representative Laughlin, you do not really understand our problem. Well, one call to Mike Johnson at the Public Utility Commission got me a return call from Duquesne Light 20 minutes later that said, Representative Laughlin, we have changed our mind; we are going to phase that operation and we are going to hold down the costs to our people as you originally requested.

A Representative could not get a response then, Mr. Speaker, but a member of the PUC did for us. That is the difference of being onsite and getting something 6 months later.

Mr. VROON. And do you think that could not have happened if he was not onsite?

Mr. LAUGHLIN. I tell you, Mr. Speaker, the justification comes very easy when you are looking at reading material that they are providing rather than onsite.

Mr. VROON. Mr. Speaker, I am finished with my interrogation. I am going to make just a short statement.

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

Mr. VROON. Mr. Speaker, this is rather ridiculous. You are going to try to say that an auditor onsite is going to preaudit something before it is ordered. That is not the definition of the word "auditing." What really happens is that when you have a construction order for a change, an auditor looks at the construction order. If he is there at the time, he looks at that construction order and he tries to determine whether or not it is in order. If he is not there, then the construction order gets sent to an auditor's office in Harrisburg and he has the same judgment. I do not see any difference whatsoever.

As Mr. Manderino stated before, you are not gaining a thing by this amendment; you are just making things confusing. You are adding to the cost, and there is a multitude of dollars involved, millions of dollars involved, which will not, I assure you from my experience with auditing, and I have had a lot of that, save you one red cent.

Mr. Speaker, I urge the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, for the second time on the amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot said about how much this is going to cost, and the assumption is that somehow, if we do not pass Mr. Laughlin's amendment, there are not going to be any costs. But in fact the Pennsylvania and New Jersey Consumer Advocates shared the cost of an audit of the Salem plant, which cost a couple hundred thousand dollars after the fact. They found, as I recall it, millions of dollars of overruns. The Public Utility Commission is in the process of giving a contract on Beaver Valley No. 2, which is going to cost over \$1 million. So the idea that somehow if we look at this after a lot of money has been spent, that it is not going to cost the consumers anything or is not going to cost the commission anything, just is not correct. It is entirely possible that had we had those auditors onsite from day 1 at those plants, the cost of monitoring that plant would have been lower than it will be if we go backwards. At the very best, taking Mr. Vroon's argument for its best, it is going to be about a wash. So either way there is going to be a cost, but we are talking about a couple hundred thousand to a million dollars compared to billions of dollars of construction costs and, in the case of Limerick, billions of dollars of overruns. It is beyond imagination that that auditor is not going to find enough to pay for his salary many times over. We need a "yes" vote.

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

The following roll call was recorded:

YEAS—110

Angstadt	Distler	Levin	Rybak
Baldwin	Donatucci	Linton	Saloom
Battisto	Duffy	Lloyd	Semmel
Belardi	Fattah	Lucyk	Serafini
Belfanti	Fee	McClatchy	Showers
Blaum	Fischer	McHale	Smith, B.
Book	Freeman	McVerry	Snyder, D. W.
Bortner	Fryer	Mackowski	Snyder, G. M.
Bowley	Gallagher	Markosek	Staback
Boyes	Gamble	Mayernik	Stairs
Burns	Geist	Miller	Stevens
Caltagirone	George	Morris	Stewart
Cappabianca	Gladeck	Mrkoncic	Stuban
Carn	Greenwood	Murphy	Sweet
Cawley	Gruitza	Nahill	Swift
Cessar	Hagarty	Oliver	Taylor, F. E.
Clark	Haluska	Perzel	Taylor, J.
Cohen	Harper	Petrarca	Telek
Cole	Hayes	Petrone	Tigue
Cordisco	Herman	Pistella	Trello
Cornell	Jarolin	Pott	Wambach
Coslett	Johnson	Preston	Weston
Cowell	Josephs	Punt	Wilson
Coy	Kasunic	Reber	Wozniak
Deluca	Kukovich	Reinard	Wright, J. L.
DeWeese	Lashinger	Rieger	
Daley	Laughlin	Roebuck	Irvis,
Dawida	Levdansky	Rudy	Speaker

NAYS—81

Afflerbach	Durham	Letterman	Pressmann
Argall	Fargo	Livengood	Raymond
Arty	Flick	McCall	Ryan
Barley	Foster, Jr., A.	Maiale	Saurman
Birmelin	Fox	Manderino	Scheetz
Black	Freind	Manmiller	Schuler
Bowser	Gallen	Merry	Seventy
Brandt	Gannon	Michlovic	Sirianni
Broujos	Godshall	Micozzie	Smith, L. E.
Bunt	Gruppo	Moehlmann	Steighner
Burd	Hasay	Mowery	Taylor, E. Z.
Bush	Hershey	Noye	Truman
Carlson	Honaman	O'Brien	Van Horne
Chadwick	Howlett	O'Donnell	Veon
Civera	Itkin	Olasz	Vroon
Clymer	Jackson	Phillips	Wass
Colafrilla	Kennedy	Piccola	Wogan
Davies	Kenney	Pievsky	Wright, D. R.
Dietz	Langtry	Pitts	Wright, R. C.
Dombrowski	Lescovitz	Pratt	Yandrisevits
Dorr			

NOT VOTING—8

Barber	Evans	Kosinski	Robbins
Deal	Hutchinson	Richardson	Wiggins

EXCUSED—4

Acosta	Cimini	DeVerter	Diminni
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The question was determined in the affirmative, and the amendments were agreed to.

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

**BILL PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1639, PN 2466, together with the amendments thereto, be placed on the third consideration postponed calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all other bills and resolutions will be passed over for today. The Chair hears no objection.

RULES SUSPENDED

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

Mr. LESCOVITZ. Mr. Speaker, I move that the rules of the House be temporarily suspended so that we may immediately take up a resolution.

The SPEAKER. The resolution, the Chair is informed, is one dealing with the remembrance of Pearl Harbor Day, and that is the reason for moving rapidly.

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

The following roll call was recorded:

YEAS—188

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

Cohen	Honaman	Phillips	Veon
Colafella	Howlett	Piccola	Wambach
Cole	Itkin	Pievsky	Wass
Cordisco	Jackson	Pistella	Weston
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pratt	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
DeLuca	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kukovich	Raymond	Yandrisevits
Davies	Langtry	Reber	
Dawida	Lashingier	Reinard	Irvis,
Dietz	Laughlin	Rieger	Speaker
Distler	Lescovitz		

NAYS—0

NOT VOTING—11

Barber	Hutchinson	Lucyk	Vroon
Deal	Kosinski	Richardson	Wiggins
Evans	Linton	Smith, L. E.	

EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

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

The following resolution was read:

House Resolution No. 199

A CONCURRENT RESOLUTION

Memorializing the Governor to proclaim December 7, 1985, as "Pearl Harbor Remembrance Day."

WHEREAS, Japan attacked Pearl Harbor, Hawaii, at 7:55 a.m. on December 7, 1941; and

WHEREAS, In the attack, 19 ships were sunk or damaged and 2,300 armed forces personnel were killed; and

WHEREAS, Many of the personnel who died at Pearl Harbor were residents of this Commonwealth who fought bravely and with honor; and

WHEREAS, The sacrifices made at Pearl Harbor should not be forgotten; therefore be it

RESOLVED (the Senate concurring), That the General Assembly memorialize the Governor to proclaim December 7, 1985, as "Pearl Harbor Remembrance Day."

Victor John Lescovitz
Nicholas A. Colafella
Emil Mrkonic
John H. Broujos
H. William DeWeese
Robert E. Belfanti, Jr.
Curt Bowley
Roger Raymond Fischer
Edwin G. Johnson
Richard J. Cessar
Jess Stairs
Raymond T. Book
George F. Pott, Jr.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—8

Barber	Deal	Gallen	Richardson
Carn	Evans	Kosinski	Wiggins

EXCUSED—4

Acosta	Cimini	DeVerter	Dininni
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The question was determined in the affirmative, and the resolution was adopted.

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski. Why do you rise in place, Mr. Kosinski?

Mr. KOSINSKI. Mr. Speaker, for the last three votes my button has malfunctioned. I would like to be recorded in the affirmative on the Laughlin amendment A4002 to HB 1639, the suspension of the rules, and the Lescovitz resolution, HR 199.

And, Mr. Speaker, I would like to have somebody take a look at the box. Thank you.

The SPEAKER. We will have that switch checked for you overnight.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Van Horne, to make an announcement of a committee meeting.

Mr. VAN HORNE. Mr. Speaker, there will be a brief meeting of the full Urban Affairs Committee in the back of the House for 5 minutes.

ADDITIONS OF SPONSORS

The SPEAKER. The gentleman, Mr. Lescovitz, has requested, and the Chair will accede to that request unless there be an objection, that each seated member of this House of Representatives have his or her name added to the memorial resolution on Pearl Harbor Day. The Chair hears no objection to that, and the clerk is directed to add each separate name to the Lescovitz resolution.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 421, PN 480 By Rep. F. TAYLOR

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for the date of Dr. Martin Luther King, Jr. Day.

BUSINESS AND COMMERCE.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 421 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.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Lackawanna, Mr. Staback, rise in place?

Mr. STABACK. Mr. Speaker, on HB 1639, amendment 4022, I inadvertently voted in the affirmative. I would like to be recorded in the negative.

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

Why does the gentleman from Montgomery, Mr. Fox, stand in place?

Mr. FOX. Mr. Speaker, on amendment 3856 to HB 1678 I was recorded in the negative. I want to be reported "yes," in the affirmative.

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

The gentleman from Bucks, Mr. Cordisco, asks that he be recorded on the record as voting "no" on the Afflerbach amendment A3859 to HB 1678. The gentleman's remarks will be spread upon the record.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 402, PN 1604 (Amended)

By Rep. PRATT

An Act providing that attorney trust funds shall be placed in interest-bearing accounts and that the interest generated on such accounts be used to provide legal services for the indigent; and establishing a mechanism for the funding.

JUDICIARY.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Washington, Mr. Fischer, rise in place?

Mr. FISCHER. Mr. Speaker, on HB 1639, amendment A4022, I should have been recorded in the negative.

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

Are there any other committee announcements? Corrections of the record?

When we adjourn, we shall start at 11 o'clock tomorrow morning.

RECESS

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

AFTER RECESS

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

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this session, the Chair recognizes the gentleman from Northampton, Mr. Yandrisevits.

Mr. YANDRISEVITS. Mr. Speaker, I move that this House do now adjourn until Wednesday, November 20, 1985, at 11 a.m., e.s.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.s.t., the House adjourned.