

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 4, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 76

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

#### PRAYER

REV. DANIEL WIKTOREK, guest chaplain of the House of Representatives, from St. James Lutheran Church, Bloserville, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, You have given us this good land, the Commonwealth of Pennsylvania, as our heritage. Make us always remember Your generosity and constantly do Your will. Bless our land with honest industry, truthful education, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil course of action. Make us who came from many nations with many different languages a united people. Move our hearts to do Your will that the barriers which divide us may crumble, suspicions disappear, and hatreds cease, and that we may know peace. May we enrich the lives of those in our Commonwealth by ever-widening decisions on behalf of justice, and so serve You faithfully in the opportunities of leadership which You have entrusted to us.

Be with Your people as they labor in their places of work. We remember before You those who suffer want and anxiety from lack of work. Help us guide the people of this land to use our wealth and resources that all people may find suitable and fulfilling employment and receive just payment for their labor.

In all we do here, give us, Almighty God, strength of purpose and concern for others that we help create a community where Your will may be done. When times are prosperous, let our hearts be thankful; and in troubled times, do not let our trust in You fail. You who are our judge, give all in authority the wisdom and strength to know Your will and to do it. Help us remember that we are called to serve the people as lovers of truth and justice. And unto You, Almighty Father, be all power and glory, now and ever and unto ages of ages. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Unless there be objection, the Chair will delay the approval of the Journal of Tuesday, December 3, 1985, until said Journal is in print, and the Chair does not hear an objection thereto.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1946** By Representatives BOWLEY, BORTNER, LIVENGOOD, BELFANTI, MARKOSEK, KUKOVICH, MURPHY, AFFLERBACH, TRUMAN, FREEMAN, VAN HORNE, R. C. WRIGHT and VEON

An Act requiring retail gasoline dealers to post gasoline additive information; and imposing penalties.

Referred to Committee on CONSUMER AFFAIRS, December 4, 1985.

**No. 1947** By Representatives TRELLO, COY, JOHNSON, SIRIANNI, KENNEY, NOYE, BURD, CHADWICK, BUSH, DeVERTER and BOWLEY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the definition of "processing."

Referred to Committee on FINANCE, December 4, 1985.

**No. 1948** By Representatives BUNT, GEORGE, REBER, HASAY, CLYMER, REINARD, NAHILL, SAURMAN, GLADECK, FOX and GODSHALL

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for extension of concession leases in State parks.

Referred to Committee on CONSERVATION, December 4, 1985.

**No. 1949** By Representatives DeWEESE, GRUITZA, MRKONIC, BROUJOS, LUCYK, BOOK, DUFFY, POTT, BURD, STAIRS, BOWSER, FISCHER, WILSON, LEVIN, DeLUCA, VAN HORNE, DAWIDA, KUKOVICH, BATTISTO, PISTELLA and CLARK

An Act designating Interstate Route 79 as the Disabled American Veterans Highway.

Referred to Committee on TRANSPORTATION, December 4, 1985.

**No. 1950** By Representatives HUTCHINSON and VROON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, redefining for the purposes of the oil company franchise tax "petroleum revenue" in relation to propane.

Referred to Committee on TRANSPORTATION, December 4, 1985.

**HOUSE RESOLUTION INTRODUCED AND REFERRED**

**No. 207** By Representatives DEAL, IRVIS, MANDERINO, CLARK, PISTELLA, LEVDANSKY, JOSEPHS, CARN, EVANS, PRESTON, WAMBACH and FATTAH

Establishing a special committee to investigate the Pennsylvania State Police.

Referred to Committee on RULES, December 4, 1985.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair now turns to leaves of absence.

The Chair recognizes the gentleman from Franklin, Mr. COY. Are there any requests on the Democratic side, to your knowledge?

Mr. COY. Mr. Speaker, the Democrats would ask for leave of absence for the gentleman from Philadelphia, Mr. LINTON, for today; the gentleman from Northumberland, Mr. BELFANTI, for today; and the gentleman from Allegheny, Mr. PRESTON, for today.

The SPEAKER. The Chair hears no objection thereto, and the leaves are granted.

The gentleman, Mr. Hayes, indicates there are no requests on the Republican side.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—196**

Acosta	Dininni	Laughlin	Roebuck
Afflerbach	Distler	Lescovitz	Rudy
Angstadt	Dombrowski	Levdansky	Ryan
Argall	Donatucci	Levin	Rybak
Arty	Dorr	Livengood	Saloom
Baldwin	Duffy	Lloyd	Saurman
Barber	Durham	Lucyk	Scheetz
Barley	Evans	McCall	Schuler
Battisto	Fargo	McClatchy	Semmel
Belardi	Fattah	McHale	Serafini
Birmelin	Fee	McVerry	Seventy
Black	Fischer	Mackowski	Showers
Blaum	Flick	Maiale	Sirianni

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

(Due to an error, Mr. Roebuck was not placed on leave as he had requested.)

**SENATE MESSAGE**

**AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1100, PN 2532**; and **HB 1338, PN 2362**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE**

**HOUSE BILL CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 807, PN 909**, with information that the Senate has passed the same without amendment.

## SENATE MESSAGE

### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 826, PN 1564**; and **SB 1082, PN 1563**.

### BILLS SIGNED BY SPEAKER

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

#### **HB 807, PN 909**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for certain annual assessments.

#### **SB 826, PN 1564**

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.

#### **SB 1082, PN 1563**

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.

## WELCOMES

The SPEAKER. For those members who were not present at the giving of the prayer, we had a guest chaplain here, and he has brought a most important person with him - his 14-month-old daughter, Alexandra, who is more affectionately known as Sasha. Would you hold her up, Reverend, so the members can see her. Welcome to the floor of the House, Sasha. You can see she is already patriotic.

The Chair welcomes to the hall of the House, as guests of Representative Baldwin, Ralph Hepler and Clarence Keim. Welcome to the hall of the House, gentlemen.

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar and placed on the active calendar:

HB 1710;  
HB 1945;  
SB 246; and  
SB 927.

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

### ADDITIONS AND DELETIONS OF SPONSORS

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

The following list was submitted:

#### ADDITIONS:

HB 388, Nahill; HB 1232, Broujos; HB 1625, Micozzie, Rudy; HB 1660, Angstadt; HB 1679, Micozzie; HB 1693, Harper, Wass, Lescovitz; HB 1695, Raymond, Angstadt, Argall, Bunt, Howlett, Barley, Gannon; HB 1918, Sirianni, Burd.

## CALENDAR

### BILLS ON SECOND CONSIDERATION

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

**HB 1890, PN 2489; HB 1933, PN 2577; HB 1934, PN 2578; SB 774, PN 1261; HB 1680, PN 2570; and SB 1102, PN 1414.**

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1888, PN 2487**, entitled:

An Act amending the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," changing the name of advisory boards to commodity marketing boards; further providing for powers and duties of said boards; and further providing for powers and duties of the Secretary of Agriculture.

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

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, this bill arises in response to an interpretation of the existing Commodities Act of 1968 which provided that the Secretary of Agriculture had absolute power with respect to the commodity marketing program.

For 17 years this program had very effectively been operated as a partnership between the agricultural community and government. The Agricultural Commodities Act of 1968 provided for boards. Those boards were appointed by the Secretary. This act continues that practice of appointment by the

Secretary. Those boards contracted for advertising and promotion of the products made and produced by the farmers. The contracts themselves were contracts which promoted the products, and they were paid for by the fees assessed and charged against the farmers by their own decision and by their own initiative. The beautiful thing about the commodities program is that the commodity marketing programs are instituted by a program which is issued, and when that commodity program is issued, it then starts working a system of assessing fees, of contracting, and of getting the job done to promote Pennsylvania products. It has worked successfully for 17 years.

As a result of the interpretation of the office of counsel, the entire fruit growers industry by referendum voted out the program because of the complications that arose.

This bill actually is a relatively modest bill. It simply says everything remains the same except that the commodity marketing boards will have the power to contract and the power to hire personnel. They have done that same job for the last 17 years.

Another major change is that it increases the per diem from \$20 to \$100, and that is essential.

I ask for support of this bill, which is requested and asked for by practically the entire agricultural community.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—187

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

Cowell	Hutchinson	Pievsky	Weston
Coy	Itkin	Pistella	Wiggins
DeLuca	Jackson	Pitts	Wilson
DeVertter	Jarolin	Pott	Wogan
DeWeese	Johnson	Pratt	Wozniak
Daley	Josephs	Pressmann	Wright, D. R.
Davies	Kasunic	Punt	Wright, J. L.
Dawida	Kennedy	Raymond	Wright, R. C.
Deal	Kenney	Reber	Yandrisevits
Dietz	Kosinski	Reinard	
Dininni	Kukovich	Richardson	Irvis,
Distler	Langtry	Rieger	Speaker
Dombrowski			

NAYS—5

Bowley	Nahill	Saloom	Vroon
Bowser			

NOT VOTING—4

Arty	Carn	Cohen	Roebuck
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EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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

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

\* \* \*

The House proceeded to third consideration of **HB 371, PN 2463**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for registration of family day care providers.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendment No. A4052:

Amend Sec. 1 (Sec. 1076), page 3, line 21, by striking out "two" and inserting  
three

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Mr. Speaker, could you give me 1 minute to get a copy of the bill, please?

The SPEAKER. Certainly.

Mr. DORR. The bill will require registration of family day-care providers in situations in which there are two children in the home. This amendment changes that to three children in the home so that a person could provide day care for up to three children - that is, one or two children - without having to register, Mr. Speaker.

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

Mr. EVANS. I rise, Mr. Speaker, to support the Dorr amendment. Thank you.

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

The following roll call was recorded:

YEAS—187

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

NAYS—3

Manderino	Saloom	Sweet
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NOT VOTING—6

Acosta	Cohen	Fattah	Petrarca
Carn	Cordisco		

EXCUSED—7

Belfanti	Lashingier	Linton	Preston
Cornell	Letterman	Oliver	

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

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

Mr. DORR offered the following amendments No. A4227:

Amend Sec. 1 (Sec. 1076), page 3, line 20, by striking out “providers” and inserting  
care givers

Amend Sec. 1 (Sec. 1076), page 3, line 21, by inserting after “children”  
, who are not relatives of the care giver

Amend Sec. 1 (Sec. 1076), page 3, line 23, by striking out “including foster children and related children” and inserting  
who are not relatives of the care giver

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

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

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment makes it clear that relatives of the care giver will not be counted when determining whether or not the care giver—

The SPEAKER. Just a moment, Mr. Dorr.

Please, if each one of you holding a conversation would just shut up and not wait for the rest of us to shut up, we would get along with this.

The Chair is in receipt of a letter from one of the citizens of this Commonwealth who observed this floor from the balcony and wrote a personal letter to the Chair. The Chair may privately share that letter with some of you. I do not think you will like it, but it is accurate. It has to do with the conduct of business on the floor of this House.

Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

The amendment makes it clear that relatives of the care giver will not be counted when determining how many children there are in the care giver’s home for the provision of day-care services.

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

Mr. EVANS. I rise to support this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Acosta	Dininni	Kukovich	Robbins
Afflerbach	Distler	Langtry	Rudy
Angstadt	Dombrowski	Laughlin	Ryan
Argall	Donatucci	Lescovitz	Rybak
Arty	Dorr	Levdansky	Saurman
Baldwin	Duffy	Livengood	Scheetz
Barber	Durham	Lloyd	Schuler
Barley	Evans	Lucyk	Semmel
Battisto	Fargo	McCall	Serafini
Belardi	Fattah	McClatchy	Seventy
Birmelin	Fee	McHale	Showers
Black	Fischer	McVerry	Sirianni
Blaum	Flick	Mackowski	Smith, B.
Book	Foster, Jr., A.	Maiale	Smith, L. E.
Bortner	Fox	Manmiller	Snyder, D. W.
Bowley	Freeman	Markosek	Snyder, G. M.
Bowser	Fryer	Mayernik	Staback
Boyes	Gallagher	Merry	Stairs

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

NAYS—4

Manderino	Saloom	Sweet	Tigue
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NOT VOTING—7

Carn	Cordisco	Levin	Roebuck
Cohen	Freind	Petrarca	

EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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

REMARKS ON VOTE

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

Mr. FREIND. On that last vote on the Dorr amendment A4227 to HB 371, Mr. Speaker, I was in my seat; I did hit the green switch; it did not record. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 371 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

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

NAYS—7

Argall	Birmelin	Pitts	Saloom
Barley	Cimini	Pott	

NOT VOTING—7

Acosta	Cessar	Hagarty	Pratt
Carn	Cohen	Petrarca	

EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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

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

\* \* \*

The House proceeded to third consideration of **HB 790, PN 2465**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for technical assistance to family day care home providers.

On the question,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A4068:

Amend Sec. 1 (Sec. 1077), page 1, line 15, by striking out "shall" and inserting

may

Amend Sec. 1 (Sec. 1077), page 1, line 15, by striking out "or private" and inserting

, private or

Amend Sec. 1 (Sec. 1077), page 1, line 16, by striking out "nonprofit" where it appears the second time

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this just changes the language in the bill where one place it says "may" and the next place it says "shall." It changes the other word "shall" to "may" to make it consistent.

The second provision changes the order of the words where it says "or private" and it puts a comma in front of that and makes it ", private or." What it does then is to give equal opportunity for these various public, private, or nonprofit agencies and take out the second "nonprofit" which is then redundant.

I appreciate your support.

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

Any debate on the amendment, Mr. Evans?

Mr. EVANS. No, Mr. Speaker. I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

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

NAYS—0

NOT VOTING—6

Acosta	Carn	Harper	Richardson
Cappabianca	Cohen		

EXCUSED—7

Belfanti	Lashingier	Linton	Preston
Cornell	Letterman	Oliver	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

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

Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Carlson	Greenwood	Murphy	Taylor, E. Z.
Cawley	Gruitza	Nahill	Taylor, F. E.
Cessar	Gruppo	Noye	Taylor, J.
Chadwick	Hagarty	O'Brien	Telek
Cimini	Haluska	O'Donnell	Tigue
Civera	Hasay	Olasz	Trello
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Colafella	Hershey	Petrone	Vroon
Cole	Honaman	Phillips	Wambach
Cordisco	Howlett	Piccola	Wass
Coslett	Hutchinson	Pievsy	Weston
Cowell	Itkin	Pistella	Wiggins
Coy	Jackson	Pitts	Wilson
Deluca	Jarolin	Pott	Wogan
DeVerter	Johnson	Pratt	Wozniak
DeWeese	Josephs	Pressmann	Wright, D. R.
Daley	Kasunic	Punt	Wright, J. L.
Davies	Kennedy	Raymond	Wright, R. C.
Dawida	Kenney	Reber	Yandrisevits
Deal	Kosinski	Reinard	
Dietz	Kukovich	Rieger	Irvis,
Dininni	Langtry	Robbins	Speaker
Distler	Laughlin	Roebuck	

NAYS—0

NOT VOTING—7

Acosta	Carn	Harper	Truman
Cappabianca	Cohen	Richardson	

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

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

### REMARKS ON VOTE

The SPEAKER. For what purpose does the lady from Montgomery, Mrs. Hagarty, rise in place?

Mrs. HAGARTY. Mr. Speaker, I failed to be recorded on HB 371. I would like to vote in the affirmative on that bill. Thank you.

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

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1052, PN 1630**, entitled:

An Act providing for the insurability of downhill ski area operators for punitive damages for unintentional tortious conduct.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

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

I have some problems with the passage of this bill, and I would like to recommend that we vote against the bill.

This is basically to give downhill ski slopes and ski operators a chance to insure against punitive damages. This is kind of going against the current rules and regulations as it relates to insuring against punitive damages in other areas in Pennsylvania. I have a lot of concerns that, basically, if you allow for owners to have insurance, it is really taking away what has been known in the past as punishment for those who have maliciously or been negligent in performing the necessary safety provisions of a resort area. I think that it also opens the door at this point in time to areas that could be extended into other businesses in Pennsylvania. I do not think we want to do that, particularly at this time.

As you know, liability coverage is one of the most difficult insurance coverages we can now obtain in the State. We are hopeful that that problem will shortly be solved, but, nevertheless, to extend and broaden the base of coverage when we already have problems with existing coverage just does not to me make any sense at all.

I would ask that we vote "no" on this particular bill, SB 1052. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman's remarks, but the gentleman must know that the ski industry makes a considerable economic impact on the State of Pennsylvania. There are 38 ski facilities stretched across this State from Montgomery County in the southeast to Crawford County in the northwest; from Susquehanna County in the northeast to Somerset County in the southwest. These ski facilities generate a tremendous amount of business for Pennsylvania. In fact, today in my district, not only in Monroe County but in Wayne County, Monroe County, and that area, the biggest weekend of the entire year is Presidents' Day weekend, because that is the weekend that most of the ski facilities have special events and more people come to the Poconos, more people come to the mountains during that weekend than even the Fourth of July.

Mr. Speaker, what the gentleman talks about, he talks about suits that maybe ought to be entered into if indeed behavior is outrageous. I absolutely agree with that. However, this bill promotes no new cause of action. These kinds of suits have been entered into. This is the scenario I can give you: For example, a ski operator, after paying adequate compensatory damages, is hit with an add-on suit, and they call it punitive damages. They say you ought to be punished because the ski slope was too icy, or it was too slushy, or a



beginner skier was in front of me and you should have told that beginner skier to go on another slope.

Those are the kinds of suits they are entering. They know the ski operators are vulnerable; therefore, they are entering those suits and expecting operators to settle out of court. Frankly, Mr. Speaker, most of these are being tossed out. They are frivolous. Some are pending as I speak today. However, it is very costly for the ski operators to defend themselves when they are hit with suit after suit for rather frivolous reasons. Therefore, the belief of the operators is that if indeed, if indeed they are allowed to get this kind of coverage—now, not for an intentional tort, not for intentional—perhaps maybe these would-be plaintiffs would think twice when they are ready to enter a suit that is frivolous, and in the event—we know sometimes jurors can be very unpredictable—in the event that an award is made, at least they will be protected. Today they are very vulnerable. They operate in a very fragile economy; that is to say they are very dependent upon weather. *One rainy weekend can wipe out a good weekend's business; 1 month that is warm and rainy can completely eliminate a third of the entire season.*

Therefore, they need this help. They make a significant economic impact on the State. They are not looking for anything outrageous; that is to say this is not against an intentional tort, but it is against any kind of damage that would arise from these add-on suits.

I urge a strong positive vote, Mr. Speaker. Thank you.

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

Mr. DAWIDA. Mr. Speaker, the gentlest way I can think to describe this bill goes back to a story, if you will bear with me. Whenever I am home from legislative duties, I like to read to my 4-year-old daughter before she goes to bed, and we read a story about barnyard animals. Her favorite one is, I say, Sara, what does that animal say? And it says gobble, gobble. Or another way to put it, last Thursday most of you ate this bird for your dinner. This is the worst piece of legislation I have seen in my 7 years in the legislature, and there is some strong competition, as you well know, for that.

The point of this bill is bad public policy. Insuring punitive damages is lousy public policy. The only thing that makes this bill palatable is that the way it is written it absolutely has zero impact at all. So the bad public policy may be negated in some of your minds by the fact that the bill is written to be totally ineffectual.

I believe we have to do something about punitive damages. *Within the next week or two I intend to offer legislation to do something that will meaningfully help not only the ski owners but every business, every kind of group and activity in Pennsylvania that is affected adversely by the punitive damage laws that exist. But allowing them to be insured, if it actually was written to do any good, if it actually had meaning, would be detrimental to the ski operators if they were allowed to have insurance because of the great escalation of their insurance cost.*

I am going to vote "no" on this bill, because it is lousy public policy. There are a dozen other reasons I think you can vote "no" also. Thank you, Mr. Speaker.

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

Mr. STEVENS. Thank you, Mr. Speaker.

With all due respect to the previous speaker, unfortunately we have probably passed worse legislation than this in the past. But the real thing about this legislation is it is really just giving ski operators an option to purchase insurance. It does not set any new standards of conduct.

Ski operators have a major industry in Pennsylvania, and they have many built-in safeguards why they do not want a lot of accidents on their slopes. People would not go there if they became sloppy; plus, they would still be liable for damages. If by chance they had several cases pending against them and lost, the insurance premiums would certainly go up because of their track record. So there are a lot of reasons that ski operators are going to operate as safely as possible in that particular sport.

To give them the option of insuring against punitive damages is not bad public policy at all. It is providing them an option that they do not have. I think this legislation is worthy of support. Thank you.

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Battisto, stand for brief interrogation?

The SPEAKER. Mr. Battisto indicates he will so stand. You are in order. You may proceed, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, do I understand that you are the Representative representing this bill in the House?

Mr. BATTISTO. That is right, sir.

Mr. REINARD. Sir, have you discussed this bill with the prime sponsors of the legislation?

Mr. BATTISTO. I have.

Mr. REINARD. Mr. Speaker, my concern regarding your legislation is a point of clarification.

It has come to my attention, from my knowledge of the subject and also from some discussion with insurers, that currently there is no market for what you are asking, that there are no insurance companies available today that would offer punitive damage coverages. Would you agree with that?

Mr. BATTISTO. It is against the public policy, sir, so obviously it is not being offered.

Mr. REINARD. Okay. I will direct the question in a different way.

Is it the intention of the sponsors of this bill, along with yourself, if the circumstances arise that no insurance carrier will provide this coverage, that you will look for the Commonwealth to pick it up under some sort of a State fund such as malpractice?

Mr. BATTISTO. Absolutely not.

Mr. REINARD. So it is the intention to try to get this through the public market and through no other State market?

Mr. BATTISTO. Absolutely; yes.

Mr. REINARD. Thank you, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, I rise to support the bill. I have looked at this bill rather carefully, and it corrects a problem without creating an additional problem, I believe.

The real reason for punitive damages in the past was for intentional torts and outrageous conduct. Unfortunately, what has happened in our system is people are using what we call the shotgun approach to legislation. Whenever they sue, what they do is throw in the kitchen sink.

The problem that the ski owners are finding is that when punitive damages are pled, meaning they are asked for in the complaint, they get a letter from their insurance carrier telling them that they have no coverage for it and they have to hire a lawyer. That means that in every one of these accidents against the ski industry, they are having to hire an additional lawyer to go along for the ride. This bill will probably correct that. It may or may not work, depending on whether or not the insurance industry is willing to write the insurance policy for punitive damages excluding intentional torts.

I do not see that the bill is a fundamental change in our policy, as Mr. Mowery and Mr. Dawida have alleged. I see it as a very minor correction in an industry which provides enormous tourist dollars to the Commonwealth of Pennsylvania. I think that if we cannot make this kind of very minor adjustment in our law to meet an immediate problem, then we are not capable of helping tourism in Pennsylvania. There is nothing inherently wrong in this bill. I would ask for your support.

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

Mr. SERAFINI. Mr. Speaker, I am supporting this legislation for a number of reasons, but the primary reason is because the ski industry in Pennsylvania is not the best industry to be in today. In order for them to survive, they need this legislation. In northeast Pennsylvania many of the people in my district looking for jobs seek those jobs that the ski areas have to offer. One ski area closing could cost my district 100 to 150 jobs.

This legislation will not stop the lawsuits; it will only save an industry that is currently in trouble in northeast Pennsylvania and needs a little help because of the escalating insurance costs and, many times, the lack of insurance coverage. In order for them to survive, they came to us. I believe that we should show them the responsibility of a legislature looking out for industry and people by supporting this legislation. I would appreciate a positive vote. Thank you.

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

Mr. HERMAN. Thank you, Mr. Speaker.

I am going to urge my colleagues to also pass this legislation. In my legislative district we had a ski slope at Black Moshannon State Park, which is on Department of Environmental Resources ground. That ski slope today is not in operation, nor had it been, I think, last year as well. Most of the reasons are not only just the costs of running the ski facility, that it is not profitable, but also because we have been unable to attract someone locally who can run this ski facility for a profit.

One of the items that people continue to point to is the excessive liability in running a facility such as this. I think this bill is something that would be a measure to alleviate any concern that ski operators might have against punitive damages in the future, enable them to purchase insurance, and possibly we might be able to get a facility, which has been closed in current years, back in operation in my legislative district.

So I am going to support this measure, and I certainly encourage the General Assembly to follow suit. Thank you, Mr. Speaker.

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

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Battisto, stand for brief interrogation?

The SPEAKER. Mr. Battisto indicates he will so stand. You are in order, and you may proceed, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, since the purpose of punitive damages is to teach the wrongdoer a lesson and therefore to avoid that kind of conduct again in the future, can you indicate to me whether or not the State of Pennsylvania has ever in the past allowed insurance coverage for punitive damages in this field or in any other activity?

Mr. BATTISTO. As far as I know, Mr. Speaker, it has not.

Mr. McHALE. Do you know if any other State in our country has ever before allowed insurance coverage for punitive damages?

Mr. BATTISTO. Yes; I do, Mr. Speaker. In fact, I was going to address that, so I will address it now in your answer. For example, the competitors to Pennsylvania's ski business are States like Maine, Vermont, and Massachusetts. Maine and Vermont allow this kind of coverage; Massachusetts does not even recognize it. Maybe it does what Mr. Dawida is going to do; I do not know, but it does not allow punitive damage awards and it does not allow that kind of coverage—that is, Massachusetts. But Maine and Vermont allow this kind of coverage; it is not against their public policy.

Mr. McHALE. Is it correct then to believe that in the remaining 46 States punitive damages may not be covered by insurance?

Mr. BATTISTO. I could give you a rundown; I have the scorecard. I have not counted, but some do and some do not. This is the scorecard right here. Some allow and some do not. For example, in a court decision in Missouri, Missouri law states that punitive damages are awarded upon proof of

actual malice and that to cover such conduct would be against the public policy if it is an intentional tort, but otherwise they allow it. And that is exactly what we are asking for here. Certainly we are not going to cover an intentional tort. But for example, what the plaintiffs are saying, as I said, in a rather frivolous manner, is that your behavior is outrageous because you did not groom the slopes well enough.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, may I speak briefly on the bill?

The SPEAKER. The gentleman may proceed.

Mr. McHALE. Mr. Speaker, I agree with the comments made earlier by the gentleman, Mr. Dawida. I think it is important for us to understand exactly what we are doing here. The intent of this legislation flies in the face of 100 years of history of the common law. It has always been the policy in this State, and I believe in the vast majority of States, not to allow insurance coverage for punitive damages.

The members ought to be aware of the distinction between punitive damages and compensatory damages. Compensatory damages are designed to make whole the victim of an accident. Punitive damages have a very different purpose. The purpose historically, going back for hundreds of years of punitive damages, would be to teach the wrongdoer a lesson. For that reason our courts and the courts of most States, to the best of my knowledge, have always held that it is against public policy to allow the wrongdoer to insure his wrongful act. You cannot teach the wrongdoer a lesson if in fact the bill is going to be paid by his insurance carrier. For that reason our courts have always held that punitive damages must be paid by the person who has acted intentionally in a wrongful manner. What we are doing here is we are opening the door a crack and moving in a direction that I think is wholly inappropriate.

I support the traditional theory of the law, which is that compensatory damages ought to be covered by insurance but punitive damages should be paid by the wrongdoer, so that that wrongdoer and all others considering such action realize that when they do something that intentionally harms another citizen, they will pay for it, not their insurance carrier. For that reason I oppose the bill. Thank you, Mr. Speaker.

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

Mr. REBER. Mr. Speaker, would the sponsor of the legislation stand for brief interrogation?

The SPEAKER. It is a Senate bill, Mr. Reber.

Mr. REBER. Mr. Battisto, then, I think is qualified.

The SPEAKER. Mr. Battisto will stand for interrogation. You may proceed, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, my concern on this bill has become raised by the comments that were made by the prior speaker. I am supportive of this legislation, but I do think there is a necessity to clarify exactly what you mean on the second page, lines 15 and 16. The reason I ask that is the immediately preceding speaker kept referring to his concern that we should not insure against punitive damages rising from intentional acts. Now, it

is my understanding as your bill is drafted that punitive damages cannot be insured under the intent of this legislation where in fact it is an intentional tort that we are speaking about. Is that correct?

Mr. BATTISTO. That is absolutely true, Mr. Speaker.

Mr. REBER. Could you amplify, if you would, what exactly you are talking about in regard to those punitive acts that insurance companies now will be able to insure against.

Mr. BATTISTO. Let me give you a scenario, Mr. Speaker. This has happened, not verbatim, but these are the kinds of things that happen. For example, there is an accident on a ski slope and a claim is made; a suit is entered into; and, of course, the ski operator has to pay a certain number of compensatory damages as a result of the accident. He pays for the bodily injuries and even for pain and suffering, which comes under compensatory damages. After that, over and above that kind of suit, then he is hit with what is called a punitive damage suit to do exactly what Representative McHale said to sort of punish him and to prevent him from doing another wrongful act.

The point is, the kinds of suits are these: For example, as I said before, the suits are brought against the conditions on the slopes. They are brought against the kind of skier who was in front of him or her. These are not intentional wrongdoings. In fact, very honestly, most plaintiffs—they will not admit it—know that they are frivolous and they are trying to force the operators to settle out of court because they know the operators do not have this kind of coverage.

I agree with Mr. McHale and Mr. Dawida. We do not want to insure them against intentional torts. But the fact is these are not intentional torts. We are talking about rather frivolous things, and the important thing is that the operators are very vulnerable, because they enter these suits time after time; they have to defend themselves. They are eventually thrown out, or some are still pending, as I said, but the fact is it is costly.

We are not talking really about dramatically changing the public policy, as previous speakers would have you believe, because really if you think about it, the original public policy of this State was directed toward, you know, I cannot get insurance if I am a bouncer against punching somebody in the nose. If I deliberately, premeditatedly want to punch somebody, I cannot get that kind of insurance, and that is really the underlying reason why it is bad public policy.

However, you have to understand the uniqueness of this industry. There are other industries fraught with risks; that is, other kinds of amusements like, for example, roller skating—indoor rinks, that is. But still they are not so unique as ski operations, because these ski operations, by the very nature of their slopes, by the very nature of their everchanging conditions of the slopes, therefore it is easy for somebody to look for a deep pocket and enter in a suit over and above the compensatory suit and look for some kind of award, perhaps unpredictably, from some jury or else force a settlement out of court.

Mr. REBER. Thank you, Mr. Speaker, for that brief explanation. I concur with that analysis.

Mr. Speaker, could I just speak on the bill for one second?

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

Mr. REBER. Thank you, Mr. Speaker.

Normally I, too, would have and share some of the concerns as my learned member of the bar has just alluded to preceding my remarks. However, I do think Representative Battisto has struck a chord here that must be emphasized, must be addressed, in regard to this particular unique piece of legislation.

We are talking about a sport that has innumerable inherent risks. It has very unique situations that are controlled on a daily basis, if you will, by acts of God. There are significant and unique aspects to this sport. There are significant and unique aspects to the manner in which lawsuits are handled in regard to the sport.

There is no problem with this legislation in insuring against punitive damages when there are actual intentional acts by the operator or his agents or servants, whoever they might be. I do not think there is a problem with this legislation, and for the protection of the economy in this area, for the integrity of this area, I would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. McHale, for the second time on the bill.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I share the concern of the previous speakers with regard to the plight of our ski industry. My purpose in speaking now is not to harm that industry in any way. If this bill were drafted in a different way, I would be more than pleased to provide support for that industry. It is obviously important to the northeast of Pennsylvania, and I believe it is crucial to our entire economy in the Commonwealth.

However, I think there is some confusion that was highlighted by Mr. Dawida's comments earlier concerning the real impact of this bill. We are told that this bill is designed to allow insurance companies to provide coverage for punitive damages but not in cases of intentional misconduct. I think the point that has to be emphasized at this time is that you do not get punitive damages except in the case of intentional misconduct. If you have negligent misconduct, if someone makes an honest mistake, that person can be sued for compensatory damages but not for punitive damages. Historically under the law, the only time you get punitive damages would be against a defendant who has acted wrongly in an intentional manner. We are not talking about mistakes; we are talking about intentional mistakes. So I believe that gives rise to the comment made by Mr. Dawida that really this legislation cuts two ways and is, I think, inherently contradictory. You cannot say that you will provide insurance coverage for punitive damages except in cases of intentional torts. If you do not have intentional misconduct, you do not get punitive damages. That is why the courts have always held that to allow insurance cover-

age in these kinds of cases flies against public policy. When a citizen intentionally harms another citizen, he should pay the bill to teach him a lesson; he should not simply file a claim with his insurance company, thereby making it more likely that that misconduct will be repeated in the future.

I oppose the bill.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Bortner, on final passage of the bill.

Mr. BORTNER. Mr. Speaker, I would like to just make a few comments on this and echo some of the comments of Representative Levin, who I think really identified what this legislation is all about.

This legislation is not so much about or not really about who is going to pay awards in a suit but as to whether or not an insurance company is going to be able to defend a lawsuit where an allegation or a complaint for punitive damages is included. The allegation may be totally frivolous, but the fact of the matter is, the insurance company is going to write to the person who has paid the premium for insurance and say, we cannot provide you with a defense because there is a claim here for punitive damages, at least for that part of the lawsuit; you have to go out and hire another lawyer to represent you in that claim. In the event that there is a claim for intentional conduct, the insurance company would not be allowed to pay those damages. But in the case where that part of the complaint is found to be totally frivolous, the operator of the ski resort would not have had to go out and provide separate legal counsel and really duplicate a defense that they have already paid insurance for. That is really what this legislation is about.

I do not see that it really changes substantive law. I do not really see that it turns our tort law on its head. I agree with Representative Dawida in that it would be nice to have more comprehensive tort law reform, but until that comes, I think that this is a reasonable intermediate measure which provides relief to somebody in this Commonwealth that I think needs it without really drastically changing the legal system, as has been suggested. Thank you.

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

Mr. SAURMAN. Mr. Speaker, a very brief question, if I may, of Mr. Battisto.

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

Mr. SAURMAN. Thank you.

Mr. Speaker, in response to Representative Reber's question, I thought I heard you say, and I would like to have you clarify it, that there have been cases where ski slopes have been sued and it has cost them money to defend themselves, but in the end the case is usually thrown out.

Mr. BATTISTO. That is absolutely true.

Mr. SAURMAN. Mr. Speaker, then it becomes apparent to me that what we are doing is providing money to pay claims that in fact are not going to be finally resolved in favor of the prosecution. Therefore, it seems to me that if the case were

thrown out, that would be a better resolution than to pay it simply with insurance dollars, and I would ask for a “no” vote on this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo, on the bill.

Mr. GRUPPO. Mr. Speaker, I rise in support of this legislation.

The ski business is an important tourist attraction to Pennsylvania, bringing revenue into this Commonwealth. They have been having trouble for the last few years and are struggling to survive. I believe this piece of legislation will add and lend a great deal of support that the ski industry needs desperately, and it will be within a few days, perhaps, or a few weeks before they get into full swing.

This act, if it is passed, will take effect immediately. It is important that we brush aside all these arguments that are being made now and get down to the bottom line, and that is how important it is going to be to the ski industry, an important revenue-producing and tax-producing tourist attraction in this Commonwealth.

I support the legislation as a Pocono area Representative; I support Mr. Battisto, and I hope that the other members of this House will do the same. Thank you.

**MOTION TO RECOMMIT**

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

Mr. MOWERY. Thank you, Mr. Speaker.

I believe there were some very good points made here on the floor today and I think there are advantages and probably some disadvantages as were already brought out in the discussion. Therefore, I think that obviously the bill maybe should have a couple of amendments to it which would make it more acceptable to all. Therefore, Mr. Speaker, I would like to recommend the bill be sent back to the Insurance Committee for further consideration. Thank you.

The SPEAKER. It has been moved by the gentleman, Mr. Mowery, that SB 1052 be recommitted to the Insurance Committee for further study.

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

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto, on the motion.

Mr. BATTISTO. Mr. Speaker, I strenuously object to that motion. This bill was discussed in the Insurance Committee for quite some time the other day. It is basically not as complicated as people would make the bill. The fact of the matter is, agreeing with what Representative McHale said, obviously we are not talking about insuring anybody against an intentional tort. Therefore, if you look at the substance of the bill, all you are saying is that you are allowing insurance companies to offer—to offer; it may not be available; to offer—

The SPEAKER. Mr. Battisto, you are limited in your debate to your reasons for not wishing the bill to be recommitted.

Mr. BATTISTO. Thank you, Mr. Speaker.

We discussed this bill long enough today. We have discussed it in committee. I can see no positive outcome from sending it back. The industry needs it now.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo, on the motion only.

Mr. GRUPPO. Mr. Speaker, I agreed with Representative Battisto in my previous comments regarding the urgency of this legislation. It would take effect immediately. I think any further delay could be detrimental to the already struggling ski industry. I ask that we defeat this motion.

The SPEAKER. Those in favor of recommitment to the Insurance Committee will vote “aye”; those opposed will vote “no.”

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

The following roll call was recorded:

**YEAS—31**

Bunt	Foster, Jr., A.	Mackowski	Reinard
Burns	Fox	Manmiller	Robbins
DeVerter	Freeman	Miller	Saurman
Dawida	Hershey	Mowery	Smith, L. E.
Dietz	Kennedy	Murphy	Swift
Dininni	Kosinski	Piccola	Telek
Dorr	McHale	Pott	Yandrisevits
Fargo	McVerry	Punt	

**NAYS—154**

Afflerbach	Distler	Laughlin	Saloom
Angstadt	Dombrowski	Lescovitz	Scheetz
Arty	Donatucci	Levdansky	Schuler
Baldwin	Durham	Levin	Semmel
Barley	Evans	Livengood	Serafini
Battisto	Fattah	Lloyd	Seventy
Belardi	Fee	Lucyk	Showers
Birmelin	Fischer	McCall	Sirianni
Black	Flick	McClatchy	Smith, B.
Blaum	Freind	Maiale	Snyder, D. W.
Book	Fryer	Manderino	Snyder, G. M.
Bortner	Gallagher	Markosek	Staback
Bowley	Gallen	Mayernik	Stairs
Bowser	Gamble	Merry	Steighner
Boyes	Geist	Michlovic	Stevens
Brandt	George	Micozzie	Stewart
Broujos	Gladeck	Moehlmann	Stuban
Burd	Godshall	Morris	Sweet
Bush	Greenwood	Nahill	Taylor, E. Z.
Cappabianca	Gruitza	Noye	Taylor, F. E.
Carlson	Gruppo	O'Brien	Taylor, J.
Cawley	Hagarty	O'Donnell	Tigue
Cessar	Haluska	Olasz	Trello
Chadwick	Harper	Perzel	Truman
Cimini	Hasay	Petrarca	Van Horne
Civera	Hayes	Petrone	Veon
Clark	Herman	Phillips	Vroon
Clymer	Honaman	Pievsky	Wambach
Colafella	Howlett	Pistella	Wass
Cole	Hutchinson	Pitts	Weston
Cordisco	Itkin	Pratt	Wilson
Coslett	Jackson	Pressmann	Wogan
Cowell	Jarolin	Raymond	Wozniak
Coy	Johnson	Reber	Wright, D. R.
Deluca	Josephs	Rieger	Wright, J. L.
DeWeese	Kasunic	Roebuck	Wright, R. C.
Daley	Kenney	Rudy	
Davies	Kukovich	Ryan	Irvis,
Deal	Langtry	Rybak	Speaker

NOT VOTING—11

Acosta	Caltagirone	Duffy	Richardson
Argall	Carn	Gannon	Wiggins
Barber	Cohen	Mrkonic	

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

On the question recurring,  
Shall the bill pass finally?

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

YEAS—159

Afflerbach	Dombrowski	Livengood	Scheetz
Angstadt	Donatucci	Lloyd	Schuler
Argall	Dorr	Lucyk	Semmel
Arty	Duffy	McCall	Serafini
Baldwin	Durham	McClatchy	Seventy
Barber	Evans	Mackowski	Sirianni
Barley	Fattah	Majale	Smith, B.
Battisto	Fee	Manderino	Snyder, D. W.
Belardi	Fischer	Manmiller	Snyder, G. M.
Birmelin	Flick	Markosek	Staback
Black	Fox	Mayernik	Stairs
Blaum	Gallagher	Merry	Steighner
Book	Gallen	Michlovic	Stevens
Bortner	Gamble	Micozzie	Stewart
Bowser	Gannon	Miller	Stuban
Brandt	Geist	Moehlmann	Sweet
Burd	George	Morris	Swift
Burns	Gladeck	Mrkonic	Taylor, E. Z.
Bush	Godshall	Noye	Taylor, F. E.
Caltagirone	Gruitza	O'Brien	Taylor, J.
Cappabianca	Gruppo	O'Donnell	Telek
Carlson	Haluska	Olasz	Tigue
Cawley	Harper	Perzel	Trello
Cessar	Hasay	Petrarca	Truman
Chadwick	Hayes	Petrone	Van Horne
Cimini	Herman	Phillips	Veon
Civera	Honaman	Pievsky	Vroon
Clark	Howlett	Pistella	Wambach
Clymer	Hutchinson	Pitts	Wass
Colafella	Jackson	Pratt	Weston
Cole	Jarolin	Pressmann	Wiggins
Cordisco	Johnson	Punt	Wilson
Coslett	Josephs	Raymond	Wogan
Cowell	Kasunic	Reber	Wozniak
Coy	Kenney	Reinard	Wright, D. R.
Deluca	Kosinski	Rieger	Wright, J. L.
DeWeese	Laughlin	Roebuck	Wright, R. C.
Daley	Lescovitz	Rudy	
Davies	Levdansky	Ryan	Irvis,
Deal	Levin	Saloom	Speaker
Distler			

NAYS—33

Bowley	Foster, Jr., A.	Kennedy	Piccola
Boyes	Freeman	Kukovich	Pott
Broujos	Freind	Langtry	Robbins
Bunt	Fryer	McHale	Rybak
DeVerter	Greenwood	McVerry	Saurman
Dawida	Hagarty	Mowery	Showers
Dietz	Hershey	Murphy	Smith, L. E.
Dininni	Itkin	Nahill	Yandrisevits
Fargo			

NOT VOTING—4

Acosta	Carn	Cohen	Richardson
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EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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.

CONSERVATION COMMITTEE MEETING

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

Mr. GEORGE. Thank you, Mr. Speaker.

There will be a meeting of the Committee on Conservation at the rear of the chamber at the call of recess.

PROFESSIONAL LICENSURE COMMITTEE MEETING

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

Mr. LLOYD. To make an announcement, Mr. Speaker.

The SPEAKER. The gentleman may make his announcement.

Mr. LLOYD. I just want to remind the members of the Professional Licensure Committee that as soon as we recess, the committee will meet in room 401 to take up SB 1134 and SB 1135. Thank you.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

The Republicans will caucus at 12:45 in the caucus room. We will have guests. I would ask you to be prompt. We will begin promptly because it will probably be a thorough discussion that will last until at least 1:30.

REMARKS ON VOTE

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

Mr. BUNT. A correction on SB 1052 - I should have been voted in the affirmative. I would like the record to state such.

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

**RECESS**

The SPEAKER. This House will stand in recess until 1:30.

**RECESS EXTENDED**

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

**AFTER RECESS**

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

**WELCOME**

The SPEAKER. The Chair welcomes to the floor of the House two guests, as guests of the Beaver County delegation - Ray Dushac and Paul Rosa. Welcome to the hall of the House.

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

**SB 290, PN 449** By Rep. GEORGE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for water and sewage line rights-of-way in State parks.

**CONSERVATION.**

**SB 1134, PN 1652 (Amended)**

By Rep. LLOYD

An Act amending the act of March 23, 1972 (P. L. 136, No. 52), entitled "Psychologists License Act," reestablishing the State Board of Psychologist Examiners as the State Board of Psychologists; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

**PROFESSIONAL LICENSURE.**

**SB 1135, PN 1653 (Amended)**

By Rep. LLOYD

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," reestablishing the State Board of Pharmacy; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the revocation and suspension of licenses; providing for fees; providing for penalties; and making repeals.

**PROFESSIONAL LICENSURE.****BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1134 and SB 1135 both be lifted from the tabled calendar and placed on the active calendar.

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

Motion was agreed to.

**BILLS RECOMMITTED**

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

Mr. PIEVSKY. Mr. Speaker, I move that SB 1134 and SB 1135 be recommitted for fiscal notes to the Committee on Appropriations.

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

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 784, PN 2568**, 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 third consideration?  
Mr. WAMBACH offered the following amendments No. A4320:

Amend Sec. 2 (Sec. 4), page 5, lines 4 through 8, by striking out all of lines 4 through 7 and "(k)" in line 8 and inserting

(j)

Amend Sec. 2 (Sec. 9), page 16, lines 23 and 24, by striking out "The chief counsel shall have equal status with the executive director."

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

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I am offering amendment A4320 to HB 784, and the amendment is twofold. The first aspect of the amendment removes a provision which provides that each commissioner has the authority to instigate and carry out a review of a rule or regulation. Mr. Speaker, I believe that the absence of any requirement for a commissioner to have the concurrence of others for such reviews could easily result in a duplication of effort and overcommitment of staff resources, unchecked expenditures of State funds, undue burdening of State agencies, and an uncoordinated and inefficient operation.

The second aspect of the amendment strikes the provision that the chief counsel shall have equal status with the executive director on page 16. This provision will in essence establish two positions of equal authority and a resultant quandary of who is in charge. One individual will have the ability to countermand the other, and the confusion will ensue as to program direction or staff assignments, operational priorities, objectives, and procedures. This provision is counter to sound organizational structuring and management practices.

I seek support of this amendment, Mr. Speaker, and ask everyone for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. On the Wambach amendment, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I have joined with Mr. Wambach in sponsorship of this amendment, and I would ask all members to vote in favor of the same. Thank you, Mr. Speaker.

#### AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. Mr. Wambach, the Chair has been advised that there are members not on the floor who want to debate your amendment. We will have to pass it over temporarily. I do not want you to withdraw the amendment. We will simply pass over the offering of the amendment temporarily. We have to wait until we get people on the floor who are not here.

Mr. Dorr is here. Mr. Dorr, do you have your amendment? All right.

Let the record show, at the request of the Speaker, Mr. Wambach has receded from offering his amendment at this time. He has not withdrawn the amendment.

The Chair now recognizes, to offer an amendment, the gentleman from York, Mr. Dorr.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A4380:

Amend Sec. 2 (Sec. 5), page 11, lines 1 through 3, by striking out "and regulations which are adopted" in line 1, all of line 2 and "section 202 of the Commonwealth Documents Law" in line 3 and inserting

and regulations which the agency intends to submit for final publication with modifications from the initial text as published under section 201 of the Commonwealth Documents Law

Amend Sec. 2 (Sec. 6), page 12, lines 12 through 14, by striking out "is adopted containing" in line 12, all of line 13 and "202" in line 14 and inserting the agency intends to submit for final publication with modifications from the initial text as published under section 201

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, if I understand the intent of the bill, I think the language that I am proposing is clarifying in nature. I believe that what we want to accomplish here is to cause regulations which are substantially modified somewhere in the regulatory review process to have to come back through the review process before they can be adopted finally. I am concerned that the language in the present bill does not adequately do that, mainly because it refers to what I view to be the wrong section of the Commonwealth Documents Law. The section referred to in the bill is that section which requires republishing of modifications which expand the intent of the original regulation. The section which I think we ought to be referring to is section 201, which is that which requires publication in the initial instance, so that if there is a so-called clarifying amendment that is drafted somewhere in the regulatory

review process, that will have to come back through the legislative and IRRC (Independent Regulatory Review Commission) reviews as well as an expandatory amendment.

Mr. Speaker, I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The House will stand at ease for a moment.

If any of you are seeking attention to debate the amendment, we are standing at ease for a few seconds. Then the Chair will recognize you.

#### BILL AND AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. Those of you who are paying any attention to the Chair will realize that the Chair is trying to get the House in order and get it moving. We moved to page 8, HB 784. There is some confusion about the amendments to be offered to that bill. Please pay attention so that you are not as confused as the Speaker. It would be bad if all of us were that confused.

We will pass over temporarily HB 784, together with the amendments to be offered. We will come back to it, the Speaker presumes.

\* \* \*

The House proceeded to third consideration of **SB 1103, PN 1631**, entitled:

An Act amending the act of June 22, 1970 (P. L. 378, No. 122), entitled "Nursing Home Administrators License Act," providing for the reestablishment and continuation of the State Board of Examiners of Nursing Home Administrators, for temporary and automatic suspensions of licenses, for reporting of multiple licensure, for civil penalties and for reports; further providing for the terms of office, meetings and compensation of members, for injunctions, for powers and duties of the board, for subpoenas, for examinations, for licenses, for suspension of licenses, for disciplinary proceedings and for restoration of licenses and registrations; providing for the fixing of fees; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4336:

Amend Sec. 1 (Sec. 3.1), page 4, line 1, by striking out "AN IMMEDIATE" and inserting

<sup>a</sup>  
Amend Sec. 2 (Sec. 4), page 4, line 20, by striking out "APPROPRIATION" and inserting

Appropriations  
Amend Sec. 2 (Sec. 4), page 4, line 28, by inserting after "SENATE,"

containing  
Amend Sec. 2 (Sec. 4), page 5, by inserting between lines 1 and 2

(9) To develop standards of professional conduct appropriate to establish and maintain a high level of integrity and performance in the practice of nursing home administration.

Amend Sec. 4 (Sec. 7), page 6, line 8, by striking out "EXAMINATIONS SHALL BE HELD IN ACCORDANCE WITH" and inserting

All written, oral and practical examinations shall be prepared and administered by a qualified and approved professional testing



organization in the manner prescribed for written examinations by

Amend Sec. 5 (Sec. 7.1), page 6, line 29, by striking out “and fines” and inserting

, fines and civil penalties

Amend Sec. 8 (Sec. 9), page 9, line 3, by inserting after “A” biennial registration

Amend Sec. 9 (Sec. 9.1), page 9, lines 16 and 17, by striking out “OR WITHIN NINETY DAYS OF FINAL DISPOSITION, WHICHEVER IS SOONER”

Amend Sec. 9 (Sec. 9.1), page 9, line 19, by inserting after “APPLICATION”

or within ninety days of final disposition, whichever is sooner

Amend Sec. 10 (Sec. 11), page 10, lines 23 and 24, by inserting brackets before and after “IN A SUMMARY PROCEEDING”

Amend Sec. 11 (Sec. 12), page 11, line 19, by inserting a bracket before “, OR”

Amend Sec. 11 (Sec. 12), page 11, line 20, by inserting a bracket after “ADMINISTRATOR,”

Amend Sec. 11 (Sec. 12), page 12, line 7, by striking out “HIS HAVING” and inserting having his

Amend Sec. 12 (Sec. 12.1), page 12, line 18, by striking out “THE BOARD SHALL” and inserting and which requires the board to

Amend Sec. 13 (Sec. 13), page 13, line 8, by inserting a comma after “REQUIREMENT”

Amend Sec. 13 (Sec. 13), page 13, line 11, by inserting after “RETURN”

the license or registration

Amend Sec. 13 (Sec. 13), page 13, line 12, by striking out “THE LICENSE OR REGISTRATION”

Amend Sec. 14 (Sec. 14.1), page 13, line 30, by striking out “OR” and inserting

and

Amend Sec. 14 (Sec. 14.1), page 14, line 3, by striking out “BY”

Amend Sec. 14 (Sec. 14.2), page 14, line 20, by striking out “OR” where it appears the first time and inserting

and

Amend Sec. 16, page 15, line 17, by striking out “WOULD HAVE EXPIRED OR” and inserting

expire, provided that any current board members whose terms have expired on or before the effective date of this act shall serve

Amend Sec. 18, page 16, line 5, by inserting after “1986” , or immediately, whichever is later

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, with one exception, everything in this amendment is a technical correction to standardize these bills with all of the other sunset bills. The one difference is that this amendment would give to the State Board of Nursing Home Administrators the authority and responsibility to develop standards of professional conduct. What we are talking about there is codes of conduct similar to those that exist in other professions. The language was pulled from the C.P.A. (Certified Public Accountant) Law and cleaned up to fit within the Nursing Home Administrators Law.

The board is interested in doing this, but they need the authority to do it, and we expect them to carry out that authority if we pass this amendment. So I would ask for a “yes” vote.

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

Mr. MILLER. Mr. Speaker, the Republican side has agreed to this amendment, and we would appreciate the membership’s support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—4

Acosta                      Carn                      Gannon                      Richardson

EXCUSED—7

Belfanti                      Lashinger                      Linton                      Preston  
Cornell                      Letterman                      Oliver

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?

Mrs. LANGTRY offered the following amendment No. A4362:

Amend Sec. 3 (Sec. 6), page 5, line 18, by inserting after "SPECIALIZED"  
graduate and undergraduate

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, this is an additional technical amendment which simply clarifies the wording on sitting for the examination. This is just a matter that was neglected in committee. Thank you, Mr. Speaker.

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

Mr. LLOYD. This is an agreed-to technical amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—3

Acosta                      Carn                      Richardson

EXCUSED—7

Belfanti                      Lashinger                      Linton                      Preston  
Cornell                      Letterman                      Oliver

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Clark	Harper	Olasz	Van Horne
Clymer	Hasay	Perzel	Veon
Cohen	Hayes	Petrarca	Vroon
Colafella	Herman	Petrone	Wambach
Cole	Hershey	Phillips	Wass
Cordisco	Honaman	Piccola	Weston
Coslett	Howlett	Pievsky	Wiggins
Cowell	Itkin	Pistella	Wilson
Coy	Jackson	Pitts	Wogan
Deluca	Jarolin	Pratt	Wozniak
DeVerter	Johnson	Pressmann	Wright, D. R.
DeWeese	Josephs	Punt	Wright, J. L.
Daley	Kasunic	Raymond	Wright, R. C.
Davies	Kennedy	Reber	Yandrisevits
Dawida	Kenney	Reinard	
Deal	Kosinski	Rieger	Irvis,
Dietz	Kukovich	Robbins	Speaker

NAYS—1

Hutchinson

NOT VOTING—5

Acosta	Pott	Richardson	Truman
Carn			

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

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

\* \* \*

The House proceeded to third consideration of **SB 1114, PN 1632**, entitled:

An Act amending the act of March 2, 1956 (1955 P. L. 1206, No. 375), entitled, as reenacted and amended, "Podiatry Act of 1956," reestablishing the State Board of Podiatry Examiners as the State Board of Podiatry; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4337:

Amend Sec. 3 (Sec. 2.1), page 3, line 23, by inserting after "who"

, with the approval of the Commissioner of Professional and Occupation Affairs,

Amend Sec. 9 (Sec. 14.1), page 12, line 17, by inserting after "Senate"

containing

Amend Sec. 10 (Sec. 16), page 13, line 27, by striking out "physicians" and inserting

a physician or a psychologist

Amend Sec. 10 (Sec. 16), page 15, line 1, by striking out "physicians" and inserting

a psychologist

Amend Sec. 10 (Sec. 16), page 15, line 5, by inserting after "A"

suspended

Amend Sec. 10 (Sec. 16), page 15, line 6, by striking out "MAY"

Amend Sec. 12 (Sec. 17), page 17, line 24, by striking out "or" where it appears the first time and inserting

and

Amend Sec. 16 (Sec. 21.1), page 20, line 13, by striking out "PROGRAM"

Amend Sec. 16 (Sec. 21.1), page 21, line 2, by striking out "all" and inserting

such

Amend Sec. 16 (Sec. 21.1), page 21, line 3, by removing the period after "treatment" and inserting

which the program provider is not prohibited from disclosing by an act of this Commonwealth, another state or the United States.

Such requirement of disclosure by an approved program provider shall apply in the case of impaired professionals who enter into an agreement in accordance with this section, impaired professionals who are the subject of a board investigation or disciplinary proceeding and impaired professionals who voluntarily enter a treatment program other than under the provisions of this section but who fail to complete the program successfully or to adhere to an aftercare plan developed by the program provider.

Amend Sec. 16 (Sec. 21.1), page 21, line 9, by inserting after "BE"

suspended or

Amend Sec. 16 (Sec. 21.1), page 21, line 10, by inserting after "THAT"

suspension or

Amend Sec. 16 (Sec. 21.1), page 21, line 10, by striking out "SHALL" and inserting

may

Amend Sec. 16 (Sec. 21.1), page 21, line 20, by inserting after "treatment"

program

Amend Sec. 16 (Sec. 21.1), page 21, line 26, by inserting after "THE" where it appears the second time

suspension or

Amend Sec. 16 (Sec. 21.1), page 21, line 27, by striking out "SHOULD" and inserting

shall

Amend Sec. 16 (Sec. 21.1), page 21, line 29, by striking out "subsection" and inserting

section

Amend Sec. 16 (Sec. 21.1), page 22, line 2, by striking out "REASONABLE CAUSE TO BELIEVE" and inserting

substantial evidence

Amend Sec. 16 (Sec. 21.1), page 22, line 3, by inserting after "disease"

for which the professional is not receiving treatment

Amend Sec. 16 (Sec. 21.2), page 22, line 21, by striking out "UNLICENSED" and inserting

auxiliary

Amend Sec. 16 (Sec. 21.2), page 22, line 22, by inserting after "PROCEDURES"

on the premises of a podiatrist

Amend Sec. 16 (Sec. 21.2), page 22, line 29, by striking out "UNLICENSED" and inserting

auxiliary

Amend Sec. 16 (Sec. 21.2), page 23, line 1, by striking out "UNLICENSED" and inserting

auxiliary

Amend Sec. 16 (Sec. 21.2), page 23, by inserting between lines 6 and 7

(d) No auxiliary personnel who has or obtains a license, certificate or registration issued by, or on behalf of, a board within the Bureau of Professional and Occupational Affairs shall be required to undergo any additional education or testing pursuant to this section, if radiologic procedures were included in the edu-

ation or the examination which he or she was required to complete successfully in order to be eligible for such license, certificate or registration.

Amend Sec. 21, page 24, line 21, by striking out "by the board"

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is a combination of technical and substantive amendments which have been worked out with the other side to do a number of things. First, it makes clear that the Commissioner of Professional and Occupational Affairs would have to approve the hiring of personnel. Secondly, it says that if there is somebody who is going to be referred for a mental exam, that that person can be referred to either a physician psychiatrist or a psychologist. It puts in language on the impaired practitioners—that has to do with people who have drug or alcohol problems—at the request of the drug and alcohol treatment facilities so that they do not have to disobey any of the confidentiality laws of this State or the Federal Government or another State. And it also resolves one of the problems which we had raised a number of weeks ago when we dealt with the dentists having to do with x rays by auxiliary personnel. This language exempts from the requirement of testing those licensed or certificated or registered personnel who have previously been taught or have previously been tested on the giving of x rays.

I would ask for approval of the amendment.

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

Mr. MILLER. Mr. Speaker, the Republican side concurs in the amendment and requests the membership's support. Thank you.

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

The following roll call was recorded:

YEAS—192

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

Table listing names of members who voted NAYS or NOT VOTING, including Bush, Caltagirone, Cappabianca, Carlson, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Coslett, Cowell, Coy, Deluca, DeVertter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Langtry, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pressmann, Punt, Raymond, Reber, Reinard, Rieger, Robbins, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek, Tigue, Trello, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker.

NAYS—0

NOT VOTING—4

Table listing names of members who did not vote: Acosta, Carn, Richardson, Truman.

EXCUSED—7

Table listing names of members who were excused: Belfanti, Cornell, Lashinger, Letterman, Linton, Oliver, Preston.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

Bush	Gladeck	Morris	Stuban
Caltagirone	Godshall	Mowery	Sweet
Cappabianca	Greenwood	Mrkonic	Swift
Carlson	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	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Colafella	Hershey	Petrone	Vroon
Cole	Honaman	Phillips	Wambach
Cordisco	Howlett	Piccola	Wass
Coslett	Hutchinson	Pievsky	Weston
Cowell	Itkin	Pistella	Wiggins
Coy	Jackson	Pitts	Wilson
Deluca	Jarolin	Pott	Wogan
DeVerter	Johnson	Pratt	Wozniak
DeWeese	Josephs	Pressmann	Wright, D. R.
Daley	Kasunic	Punt	Wright, J. L.
Davies	Kennedy	Raymond	Wright, R. C.
Dawida	Kenney	Reber	Yandrisevits
Deal	Kosinski	Reinard	
Dietz	Kukovich	Rieger	Irvis,
Dininni	Langtry	Robbins	Speaker
Distler			

NAYS—0

NOT VOTING—5

Acosta	Cohen	Richardson	Truman
Carn			

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

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

\* \* \*

The House proceeded to third consideration of **SB 1115, PN 1633**, entitled:

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," reestablishing the State Board of Osteopathic Medical Examiners as the State Board of Osteopathic Medicine; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4346:

Amend Sec. 1 (Sec. 2.1), page 2, line 28, by inserting after "who"

, with the approval of the Commissioner of Professional and Occupational Affairs,

Amend Sec. 2 (Sec. 8), page 4, line 23, by inserting after "LICENSURE"

or certification

Amend Sec. 2 (Sec. 8), page 4, line 26, by striking out "ACCORDANCE WITH" and inserting

the manner prescribed for written examinations by

Amend Sec. 2 (Sec. 11), page 7, line 19, by striking out "is" and inserting

as

Amend Sec. 4 (Sec. 13.1), page 8, line 17, by striking out "expenditure" and inserting

expenditures

Amend Sec. 4 (Sec. 13.2), page 9, line 20, by inserting after "Senate"

containing

Amend Sec. 6 (Sec. 14.2), page 11, line 23, by striking out "the license or registration"

Amend Sec. 8 (Sec. 16.1), page 13, line 6, by striking out "or" where it appears the first time and inserting

and

Amend Sec. 8 (Sec. 16.3), page 15, line 7, by striking out "all" and inserting

such

Amend Sec. 8 (Sec. 16.3), page 15, line 8, by inserting after "treatment"

which the program provider is not prohibited from disclosing by an act of this Commonwealth, another state, or the United States. Such requirement of disclosure by an approved program provider shall apply in the case of impaired professionals who enter an agreement in accordance with this section, impaired professionals who are the subject of a board investigation or disciplinary proceeding, and impaired professionals who voluntarily enter a treatment program other than under the provisions of this section but who fail to complete the program successfully or to adhere to an aftercare plan developed by the program provider

Amend Sec. 8 (Sec. 16.3), page 15, line 14, by inserting after "BE"

suspended or

Amend Sec. 8 (Sec. 16.3), page 15, line 15, by inserting after "THAT"

suspension or

Amend Sec. 8 (Sec. 16.3), page 15, line 15, by striking out "SHALL" and inserting

may

Amend Sec. 8 (Sec. 16.3), page 16, line 1, by inserting after "THE" where it appears the third time

suspension or

Amend Sec. 8 (Sec. 16.3), page 16, line 4, by striking out "subsection" and inserting

section

Amend Sec. 8 (Sec. 16.3), page 16, line 7, by striking out "REASONABLE CAUSE TO BELIEVE" and inserting

substantial evidence

Amend Sec. 8 (Sec. 16.3), page 16, line 8, by inserting after "disease"

for which the professional is not receiving treatment

Amend Sec. 8 (Sec. 16.4), page 16, line 25, by striking out "UNLICENSED" and inserting

auxiliary

Amend Sec. 8 (Sec. 16.4), page 16, line 26, by inserting after "PROCEDURES"

on the premises of an osteopathic physician

Amend Sec. 8 (Sec. 16.4), page 17, line 3, by striking out "UNLICENSED" and inserting

auxiliary

Amend Sec. 8 (Sec. 16.4), page 17, line 5, by striking out "UNLICENSED" and inserting

auxiliary

Amend Sec. 8 (Sec. 16.4), page 17, line 9, by striking out "ON" and inserting

or

Amend Sec. 8 (Sec. 16.4), page 17, by inserting between lines 10 and 11

(d) No auxiliary personnel who has or obtains a license, a certificate, or registration issued by, or on behalf of, a board within the Bureau of Professional and Occupational Affairs shall be required to undergo any additional education or testing pursuant to this section if radiologic procedures were included in the education or the examination which he or she was required to complete successfully in order to be eligible for such license, certificate, or registration.

Amend Sec. 12, page 18, line 8, by striking out "by the board"

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

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

Mr. LLOYD. This is once again an amendment similar to the last one. It combines technical amendments with some substantive changes. The substantive changes are exactly the same ones as we just discussed in the previous bill. I would ask for a "yes" vote.

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

Mr. MILLER. Mr. Speaker, this amendment is identical to the previous Lloyd amendment, as will be the next two to the succeeding bills. The Republican side remains in agreement. Thank you, Mr. Speaker.

The SPEAKER. Mr. Lloyd, are the amendments to SB 1116 and SB 1117 identical?

Mr. LLOYD. Substantially so, yes.

The SPEAKER. So we do not have to have debate on those? Fine. I thank both gentlemen.

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

The following roll call was recorded:

YEAS—187

Table listing names of members who voted 'YEAS' (187 total). Includes names like Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Cawley, Cessar, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fee, Fischer, Flick, Foster, Jr., A., Fox, Freeman, Freind, Fryer, Gallagher, Gamble, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Lescovitz, Levdansky, Levin, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Mochlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek.

Table listing names of members who voted 'NAYS' (0) and 'NOT VOTING' (9). Includes names like Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Langtry, Laughlin, O'Donnell, Olasz, Perzel, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pressmann, Punt, Raymond, Reber, Reinard, Rieger, Robbins, Roebuck, Tigue, Trello, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker.

NAYS—0

NOT VOTING—9

Table listing names of members who did not vote. Includes names like Acosta, Carn, Fattah, Gallen, Gannon, Hutchinson, Petrarca, Richardson, Truman.

EXCUSED—7

Table listing names of members who were excused. Includes names like Belfanti, Cornell, Lashinger, Letterman, Linton, Oliver, Preston.

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. CESSAR offered the following amendments No. A4338:

Amend Bill, page 4, by inserting between lines 7 and 8 Section 2. Section 6(c) of the act, added May 2, 1985 (P.L.20, No.9), is amended to read: Section 6. Qualifications for license.

(c) An applicant who has been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country shall not be licensed[.] unless:

- (1) at least ten years have elapsed from the date of conviction;
(2) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations; and
(3) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this subsection the term "convicted" shall include a judgment, an admission of guilt, or a plea of nolo contendere. An applicant's statement on the application declaring the absence of a conviction shall be deemed satisfactory evidence of the absence of a conviction, unless the board has some evidence to the contrary.

Amend Sec. 2, page 4, line 8, by striking out "2" and inserting

Amend Sec. 3, page 8, line 7, by striking out "3" and inserting

4

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

5

Amend Sec. 5, page 9, line 24, by striking out "5" and inserting

6

Amend Sec. 6, page 11, line 5, by striking out "6" and inserting

7

Amend Sec. 7, page 11, line 25, by striking out "7" and inserting

8

Amend Sec. 8, page 12, line 28, by striking out "8" and inserting

9

Amend Sec. 9, page 17, line 11, by striking out "9" and inserting

10

Amend Sec. 10, page 17, line 15, by striking out "10" and inserting

11

Amend Sec. 11, page 17, line 20, by striking out "11" and inserting

12

Amend Sec. 12, page 17, line 30, by striking out "12" and inserting

13

Amend Sec. 13, page 18, line 10, by striking out "13" and inserting

14

Amend Sec. 14, page 18, line 17, by striking out "14" and inserting

15

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

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

Mr. CESSAR. Thank you, Mr. Speaker.

What this amendment will do is change the existing law so that we can allow people who have been convicted of a controlled substance conviction to be able to be licensed.

In May of this year we passed legislation, Acts 6 through 12, amending six of the licensure laws to say in effect that any person who is a licensed practitioner cannot retain his license. I think that was a good amendment. I think it was a good bill that we did pass, and I am delighted it was passed into law. But, Mr. Speaker, what we did do, we said in effect that those people who are convicted of a felony conviction with the Controlled Substance Act prior to becoming licensed are forever shut out from being licensed. What this amendment would do, Mr. Speaker, is say that anybody who has been convicted 10 years prior would have an opportunity to appear in front of the board, present his case, and indicate to them that he is worthy of consideration for licensure.

I bring this to your attention, Mr. Speaker, because one of my constituents was in that unfortunate position. A young man from my district, in the early seventies, was convicted of a controlled substance felony - selling marijuana. The young man did 3 years in prison. He paid his price. He paid his

penalty. After he was released from prison, he was given an opportunity to go to the University of Pittsburgh, where he graduated with high honors. And then, Mr. Speaker, this gentleman had an opportunity and was given the right to become a student at Hahnemann Hospital in Philadelphia. He graduated there with high honors. Once we passed the legislation in May, the board said they had no discretion but to not allow this young man an opportunity to become licensed.

Mr. Speaker, this amendment will offer that young man and everybody else an opportunity to be licensed once they have paid their price to society and exhibited they are worthy of consideration. I urge passage of this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I agree to this amendment. It corrects an inequity under existing law. Somebody who is licensed who does something wrong has a chance to rehabilitate himself, but somebody who is in school and has not gotten a license yet does not. The Cessar amendment would correct that. We ought to vote for the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Afflerbach	Dininni	Lescovitz	Rudy
Angstadt	Distler	Levdansky	Rybak
Argall	Dombrowski	Levin	Saloom
Arty	Donatucci	Livengood	Saurman
Baldwin	Dorr	Lloyd	Scheetz
Barber	Duffy	Lucyk	Schuler
Barley	Durham	McCall	Semmel
Battisto	Evans	McClatchy	Serafini
Belardi	Fargo	McHale	Seventy
Birmelin	Fee	McVerry	Showers
Black	Fischer	Mackowski	Sirianni
Blaum	Flick	Maiale	Smith, B.
Book	Fox	Manderino	Smith, L. E.
Bortner	Freeman	Manmiller	Snyder, D. W.
Bowley	Freind	Markosek	Snyder, G. M.
Bowser	Fryer	Mayernik	Staback
Boyes	Gallagher	Merry	Stairs
Brandt	Gallen	Michlovic	Steighner
Broujos	Gamble	Micozzie	Stevens
Bunt	Gannon	Miller	Stewart
Burd	Geist	Moehlmann	Stuban
Burns	George	Morris	Sweet
Bush	Gladeck	Mowery	Swift
Caltagirone	Godshall	Mrkonic	Taylor, E. Z.
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Taylor, J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Van Horne
Civera	Hasay	Perzel	Veon
Clymer	Herman	Pettrone	Vroon
Cohen	Hershey	Phillips	Wambach
Colafella	Honaman	Piccola	Wass
Cole	Howlett	Pievsky	Weston
Cordisco	Itkin	Pistella	Wiggins
Coslett	Jackson	Pitts	Wilson
Cowell	Jarolin	Pott	Wogan
Coy	Johnson	Pratt	Wozniak

Deluca	Josephs	Pressmann	Wright, D. R.
DeVerter	Kasunic	Punt	Wright, J. L.
DeWeese	Kennedy	Raymond	Wright, R. C.
Daley	Kenney	Reber	Yandrisevits
Davies	Kosinski	Reinard	
Dawida	Kukovich	Rieger	Irvis,
Deal	Langtry	Robbins	Speaker
Dietz	Laughlin	Roebuck	

NAYS—3

Foster, Jr., A. Hayes Ryan  
NOT VOTING—8

Acosta	Clark	Hutchinson	Richardson
Carn	Fattah	Petrarca	Truman

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

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

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

NAYS—0

NOT VOTING—7

Acosta	Clark	Petrarca	Truman
Carn	Fattah	Richardson	

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

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

\* \* \*

The House proceeded to third consideration of **SB 1116, PN 1634**, entitled:

An Act amending the act of May 22, 1951 (P. L. 317, No. 69), entitled, as amended, "The Professional Nursing Law," reestablishing the State Board of Nurse Examiners as the State Board of Nursing; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4350:

Amend Sec. 2 (Sec. 2.1), page 4, line 7, by inserting after "who"

, with the approval of the Commissioner of Professional and Occupational Affairs,

Amend Sec. 5 (Sec. 4.1), page 7, line 26, by striking out the comma after "period"

Amend Sec. 5 (Sec. 4.1), page 7, line 27, by striking out "of" and inserting

from the

Amend Sec. 5 (Sec. 4.1), page 8, line 3, by inserting after "TEMPORARY"

practice

Amend Sec. 9 (Sec. 11.2), page 13, line 26, by removing the period after "Account" and inserting established pursuant to, and for use in accordance with, the act of July 1, 1978 (P.L.700, No.124), known as the "Bureau of Professional and Occupational Affairs Fee Act."

Amend Sec. 9 (Sec. 11.3), page 14, line 13, by inserting after "Senate"

containing

Amend Sec. 10 (Sec. 13), page 15, lines 10 and 11, by striking out "four (4)" and inserting

five (5)



Amend Sec. 10 (Sec. 14), page 16, line 1, by inserting after "may"

refuse,  
Amend Sec. 10 (Sec. 14), page 18, line 3, by striking out "PHYSICIANS" and inserting a psychologist

Amend Sec. 10 (Sec. 14), page 18, line 7, by inserting after "A"

suspended  
Amend Sec. 10 (Sec. 14), page 18, line 8, by striking out "MAY"

Amend Sec. 11 (Sec. 14.1), page 19, line 6, by striking out "all" and inserting

such  
Amend Sec. 11 (Sec. 14.1), page 19, line 7, by inserting after "treatment"

which the program provider is not prohibited from disclosing by an act of this Commonwealth, another state or the United States. Such requirement of disclosure by an approved program provider shall apply in the case of impaired professionals who enter an agreement in accordance with this section, impaired professionals who are the subject of a board investigation or disciplinary proceeding and impaired professionals who voluntarily enter a treatment program other than under the provisions of this section but who fail to complete the program successfully or to adhere to an aftercare plan developed by the program provider

Amend Sec. 11 (Sec. 14.1), page 19, line 13, by inserting after "BE"

suspended or  
Amend Sec. 11 (Sec. 14.1), page 19, line 14, by striking out "REVOCATION SHALL" and inserting

suspension or revocation may  
Amend Sec. 11 (Sec. 14.1), page 19, line 18, by striking out "AND" and inserting

to  
Amend Sec. 11 (Sec. 14.1), page 19, line 30, by inserting after "THE" where it appears the first time

suspension or  
Amend Sec. 11 (Sec. 14.1), page 20, line 1, by striking out all of said line and inserting

license shall be vacated.  
(e) An approved program provider who makes

Amend Sec. 11 (Sec. 14.1), page 20, line 4, by striking out "(e)" and inserting

(f)  
Amend Sec. 11 (Sec. 14.1), page 20, line 5, by striking out "REASONABLE CAUSE TO BELIEVE" and inserting

substantial evidence  
Amend Sec. 11 (Sec. 14.1), page 20, line 6, by inserting after "disease"

for which the professional is not receiving treatment  
Amend Sec. 12 (Sec. 15), page 21, lines 7 and 8, by inserting brackets before and after "or revoked"

Amend Sec. 13 (Sec. 15.5), page 23, line 28, by striking out "or" and inserting

and  
Amend Sec. 18, page 25, line 10, by striking out "REPEALER" and inserting

repeal  
Amend Sec. 18, page 25, lines 14 and 15, by striking out "by the board"

On the question,  
Will the House agree to the amendments?  
The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—7

Acosta	Clark	Petrarca	Truman
Carn	Fattah	Richardson	

EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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. CESSAR offered the following amendments No. A4341:

Amend Sec. 7 (Sec. 6), page 9, line 10, by striking out the bracket before "and"

Amend Sec. 7 (Sec. 6), page 9, line 10, by striking out "1,"

Amend Sec. 7 (Sec. 6), page 9, line 12, by inserting brackets before and after "and has not" and inserting immediately thereafter

The board shall not issue a license or certificate to an applicant who has

Amend Sec. 7 (Sec. 6), page 9, line 17, by inserting brackets before and after the period and inserting immediately thereafter unless:

(1) at least ten years have elapsed from the date of conviction;

(2) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations; and

(3) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this subsection the term "convicted" shall include a judgment, an admission of guilt, or a plea of nolo contendere.

On the question,

Will the House agree to the amendments?

The SPEAKER. Mr. Cessar, is this the same amendment as the House previously adopted to an earlier bill?

Mr. CESSAR. That is correct, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Afflerbach	Distler	Levdansky	Rybak
Angstadt	Dombrowski	Levin	Saloom
Argall	Donatucci	Livengood	Saurman
Arty	Dorr	Lloyd	Scheetz
Baldwin	Duffy	Lucyk	Schuler
Barber	Durham	McCall	Semmel
Barley	Evans	McClatchy	Serafini
Battisto	Fargo	McHale	Seventy
Belardi	Fee	McVerry	Showers
Birmelin	Fischer	Mackowski	Sirianni
Black	Flick	Maiale	Smith, B.
Blaum	Fox	Manderino	Smith, L. E.
Book	Freeman	Manmiller	Snyder, D. W.
Bortner	Freind	Markosek	Snyder, G. M.
Bowley	Fryer	Mayernik	Staback
Bowser	Gallagher	Merry	Stairs
Boyes	Gallen	Michlovic	Steighner
Brandt	Gamble	Micozzie	Stevens
Broujos	Gannon	Miller	Stewart
Bunt	George	Moehlmann	Suban
Burd	Gladeck	Morris	Sweet
Bush	Godshall	Mowery	Swift
Caltagirone	Gruitza	Mrkonic	Taylor, E. Z.
Cappabianca	Gruppo	Murphy	Taylor, F. E.
Carlson	Hagarty	Nahill	Taylor, J.
Cawley	Haluska	Noye	Telek
Cessar	Harper	O'Brien	Tigue
Chadwick	Hasay	O'Donnell	Trello
Cimini	Herman	Olasz	Van Horne
Civera	Hershey	Perzel	Veon
Clark	Honaman	Petrone	Vroon
Cohen	Howlett	Phillips	Wambach
Colafella	Hutchinson	Piccola	Wass
Cole	Itkin	Pievsky	Weston
Cordisco	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.

DeVerter	Kennedy	Punt	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Rieger	
Dawida	Langtry	Robbins	Irvis,
Deal	Laughlin	Roebuck	Speaker
Dininni	Lescovitz	Rudy	

NAYS—9

Burns	Foster, Jr., A.	Greenwood	Reinard
Clymer	Geist	Hayes	Ryan
Dietz			

NOT VOTING—6

Acosta	Fattah	Richardson	Truman
Carn	Petrarca		

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Coslett	Hutchinson	Pistella	Wiggins
Cowell	Itkin	Pitts	Wilson
Coy	Jackson	Pott	Wogan
Deluca	Jarolin	Pratt	Wozniak
DeVerter	Johnson	Pressmann	Wright, D. R.
DeWeese	Josephs	Punt	Wright, J. L.
Daley	Kasunic	Raymond	Wright, R. C.
Davies	Kennedy	Reber	Yandrisevits
Dawida	Kenney	Reinard	
Deal	Kosinski	Rieger	Irvis,
Dietz	Kukovich	Robbins	Speaker

NAYS—0

NOT VOTING—6

Acosta	Fattah	Richardson	Truman
Carn	Petrarca		

EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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

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

\* \* \*

The House proceeded to third consideration of **SB 1117, PN 1635**, entitled:

An Act amending the act of March 2, 1956 (1955 P. L. 1211, No. 376), entitled "Practical Nurse Law," further providing for the practice of practical nursing; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4352:

Amend Sec. 4 (Sec. 3.1), page 4, line 10, by striking out the comma after "period"

Amend Sec. 4 (Sec. 3.1), page 4, line 12, by striking out "of" and inserting

from the

Amend Sec. 4 (Sec. 3.1), page 4, line 17, by inserting after "YEAR"

and during such additional period as the board may in each case especially permit

Amend Sec. 14 (Sec. 15), page 10, lines 5 and 6, by striking out "four (4)" and inserting

five (5)

Amend Sec. 14 (Sec. 16), page 10, line 25, by inserting after "16."

Refusal,

Amend Sec. 14 (Sec. 16), page 10, line 25, by inserting after "Grounds.—"

(a)

Amend Sec. 14 (Sec. 16), page 10, line 26, by inserting after "may"

refuse,

Amend Sec. 14 (Sec. 16), page 11, line 10, by striking out "receiving" and inserting  
has received

Amend Sec. 14 (Sec. 16), page 12, line 13, by striking out the bracket before "(7)"

Amend Sec. 14 (Sec. 16), page 12, line 19, by inserting a bracket before "(9)"

Amend Sec. 14 (Sec. 16), page 12, line 24, by striking out "(7)" and inserting

(9)

Amend Sec. 14 (Sec. 16), page 12, line 27, by striking out "(8)" and inserting

(10)

Amend Sec. 14 (Sec. 16), page 12, by inserting between lines 28 and 29

(b) When the board finds that the license of any nurse may be refused, revoked, or suspended under the terms of subsection (a), the board may:

(1) Deny the application for a license.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit, or otherwise restrict a license as determined by the board.

(4) Require a licensee to submit to the care, counseling, or treatment of a physician or a psychologist designated by the board.

(5) Suspend enforcement of its finding thereof and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue, in its discretion, a suspended license to practice practical nursing, and impose any disciplinary or corrective measure which it might originally have imposed.

Amend Sec. 18 (Sec. 17.5), page 16, line 11, by inserting a comma after "PERIOD"

Amend Sec. 18 (Sec. 17.5), page 16, line 20, by striking out "LICENSURE" and inserting  
enforcement

Amend Sec. 18, page 17, by inserting between lines 9 and 10

Section 17.8. Subpoenas; Oaths; Reports.—(a) The board shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the board, for the purpose of investigating alleged violations of the disciplinary provisions administered by the board. The board shall have the power to subpoena witnesses, to administer oaths, to examine witnesses, and to take such testimony or compel the production of such books, records, papers and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation or hearing, held or had by it. Medical records may not be subpoenaed without consent of the patient or without order of a court of competent jurisdiction on a showing that the records are reasonably necessary for the conduct of the investigation. The court may impose such limitations on the scope of the subpoena as are necessary to prevent unnecessary intrusion into patient confidential information. The board is authorized to apply to Commonwealth Court to enforce its subpoenas.

(b) An attorney responsible for representing the Commonwealth in disciplinary matters before the board shall notify the board immediately upon receiving notification of an alleged violation of this act. The board shall maintain current records of all reported alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

(c) The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate containing a description of the types of complaints received, status of cases, board action which has been taken, and the length of time from the initial complaint to final board resolution.

Amend Sec. 19, page 17, line 18, by striking out "by the board" and inserting

in accordance with the provisions of this act

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

The following roll call was recorded:

YEAS—186

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

NAYS—3

Dietz	Hayes	Ryan
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NOT VOTING—7

Acosta	Fattah	Petrarca	Truman
Carn	Hutchinson	Richardson	

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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. CESSAR offered the following amendments No. A4344:

Amend Sec. 6 (Sec. 5), page 5, lines 15 through 17, by striking out "or has completed a" in line 15, all of line 16 and "this Commonwealth at the time such program was completed." in line 17

Amend Sec. 6 (Sec. 5), page 5, lines 17 and 18, by inserting brackets before and after "and has not" and inserting immediately thereafter

or has completed a program considered by the board to be equal to that required in this Commonwealth at the time such program was completed. The board shall not issue a license or certificate to an applicant who has

Amend Sec. 6 (Sec. 5), page 5, line 22, by inserting after "country"

unless:

(1) at least ten (10) years have elapsed from the date of conviction;

(2) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations; and

(3) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this section the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Afflerbach	Distler	Levdansky	Rybak
Angstadt	Dombrowski	Levin	Saloom
Argall	Donatucci	Livengood	Saurman
Arty	Dorr	Lloyd	Scheetz
Baldwin	Duffy	Lucyk	Schuler
Barber	Durham	McCall	Semmel
Barley	Evans	McClatchy	Serafini
Battisto	Fargo	McHale	Seventy
Belardi	Fee	McVerry	Showers
Birmelin	Fischer	Mackowski	Sirianni
Black	Flick	Maiale	Smith, B.
Blaum	Fox	Manderino	Smith, L. E.
Book	Freeman	Manmiller	Snyder, D. W.
Bortner	Freind	Markosek	Snyder, G. M.
Bowley	Fryer	Mayernik	Staback
Bowser	Gallagher	Merry	Stairs
Boyes	Gallen	Michlovic	Steighner
Brandt	Gamble	Micozzie	Stevens
Broujos	Gannon	Miller	Stewart
Bunt	George	Moehlmann	Stuban
Burd	Gladeck	Morris	Sweet
Bush	Godshall	Mowery	Swift
Caltagirone	Gruitza	Mrkonic	Taylor, E. Z.
Cappabianca	Gruppo	Murphy	Taylor, F. E.
Carlson	Hagarty	Nahill	Taylor, J.
Cawley	Haluska	Noye	Telek
Cessar	Harper	O'Brien	Tigue
Chadwick	Hasay	O'Donnell	Trello
Cimini	Herman	Olasz	Van Horne
Civera	Hershey	Perzel	Veon
Clark	Honaman	Petrone	Vroon
Cohen	Howlett	Phillips	Wambach
Colafella	Hutchinson	Piccola	Wass
Cole	Itkin	Pievsky	Weston
Cordisco	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak

DeLuca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Punt	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Rieger	
Dawida	Langtry	Robbins	Irvis,
Deal	Laughlin	Roebuck	Speaker
Dininni	Lescovitz	Rudy	

NAYS—9

Burns	Foster, Jr., A.	Greenwood	Reinard
Clymer	Geist	Hayes	Ryan
Dietz			

NOT VOTING—6

Acosta	Fattah	Richardson	Truman
Carn	Petrarca		

EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

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

Cordisco	Hutchinson	Pistella	Wiggins
Coslett	Itkin	Pitts	Wilson
Cowell	Jackson	Pott	Wogan
Coy	Jarolin	Pratt	Wozniak
DeLuca	Johnson	Pressmann	Wright, D. R.
DeVerter	Josephs	Punt	Wright, J. L.
DeWeese	Kasunic	Raymond	Wright, R. C.
Daley	Kennedy	Reber	Yandrisevits
Davies	Kenney	Reinard	
Dawida	Kosinski	Rieger	Irvis,
Deal	Kukovich	Robbins	Speaker
Dietz	Langtry	Roebuck	

NAYS—0

NOT VOTING—7

Acosta	Fattah	Petrarca	Truman
Carn	Hershey	Richardson	

EXCUSED—7

Belfanti	Lashingner	Linton	Preston
Cornell	Letterman	Oliver	

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.

CONSIDERATION OF HB 784 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. WAMBACH offered the following amendments No. A4320:

Amend Sec. 2 (Sec. 4), page 5, lines 4 through 8, by striking out all of lines 4 through 7 and "(k)" in line 8 and inserting

(j)

Amend Sec. 2 (Sec. 9), page 16, lines 23 and 24, by striking out "The chief counsel shall have equal status with the executive director."

On the question recurring,

Will the House agree to the amendments?

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

Mr. WAMBACH. Mr. Speaker, rather than belabor the House, I will let my comments stand as presented earlier. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Afflerbach	Dininni	Langtry	Roebuck
Angstadt	Distler	Laughlin	Rudy
Argall	Dombrowski	Lescovitz	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Levin	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini

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

NAYS—2

Manderino Trelo

NOT VOTING—6

Acosta Fattah Richardson Truman  
Carn Petrarca

EXCUSED—7

Belfanti Lashinger Linton Preston  
Cornell Letterman Oliver

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. DORR offered the following amendments No. A4380:

Amend Sec. 2 (Sec. 5), page 11, lines 1 through 3, by striking out "and regulations which are adopted" in line 1, all of line 2 and "section 202 of the Commonwealth Documents Law" in line 3 and inserting  
and regulations which the agency intends to submit for final publication with modifications from the initial text as published under section 201 of the Commonwealth Documents Law

Amend Sec. 2 (Sec. 6), page 12, lines 12 through 14, by striking out "is adopted containing" in line 12, all of line 13 and "202" in line 14 and inserting  
the agency intends to submit for final publication with modifications from the initial text as published under section 201

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

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

Mr. DORR. Mr. Speaker, again, the amendment is intended to give both the legislative committees and the Independent Regulatory Review Commission an opportunity for a second look at any regulation which has been changed and modified from the way it was originally published in the Pennsylvania Bulletin if that amendment occurred somewhere in the regulatory review process.

I can think of two specific examples where this might happen. If the legislative committee votes against the regulation and it appears that the department is going to have trouble getting it through the IRRC, then they may wish to make modifications in that regulation at some time before the IRRC meeting. That, in fact, occurs many times. The legislative committee at that point has no input on what happens unless they want to go back to a resolution to try to defeat the regulation.

The other scenario is even worse, and that would be where the legislative committees agree to the language which has been presented, it goes to the IRRC, the IRRC disagrees, the IRRC and the department negotiate a change, then the IRRC approves the regulation with the change. If at that point the legislature disagreed with the changed language, it would have no mechanism under the law to go back and try to get a review of the process or try to make changes.

The amendment is intended to get at those two types of situations, to give the legislative committees another look at the situation.

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

Mr. BARBER. I have no objection to the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—188

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

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

NAYS—1

Hutchinson

NOT VOTING—7

Acosta	Fattah	Richardson	Wambach
Carn	Petrarca	Truman	

EXCUSED—7

Belfanti	Lashinger	Linton	Preston
Cornell	Letterman	Oliver	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Perry, Mr. Noye, on final passage.

Mr. NOYE. Thank you, Mr. Speaker.

I am probably a lone voice in this, but I am going to ask the members to vote "no" in extending the life of this agency. I saw firsthand the problems that it has created when I was a member of the Environmental Quality Board.

A number of years ago I was one of those who spoke out constantly that we had to do something, every time I went before a group, to get a handle on regulations that were being promulgated by the various State agencies, and I was one who spoke very much in favor of SB 1 when it came trotting through here to create this independent review agency in an effort to try to get some kind of common sense into the regulation process. It just has not worked. It has made the situation worse; it has made the agencies delay and delay and delay when they should have been acting, if any of you have ever

witnessed the Environmental Quality Board trying to do things either at the request of the administration or in response to citizens groups who wanted something done and could not do it because they were constantly being sniped at by the people on the IRRC board who were not satisfied with the regulations that were brought to them.

I think the system has not worked the way we intended it. If we are going to spend money on a regulatory review process, I would recommend that we take that money, better staff our standing committees here in the House, and let them do the oversight and do away with this ridiculous provision that we set in SB 1 a number of years ago.

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—172

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

NAYS—17

Birmelin	Dietz	Hutchinson	Sweet
Bowley	Fryer	Manderino	Trello
Boyes	George	Noye	Wozniak
Broujos	Hasay	Saloom	Wright, D. R.
Coy			

## NOT VOTING—7

Acosta	Deal	Pratt	Truman
Carn	Fattah	Richardson	

## EXCUSED—7

Belfanti	Lashing	Linton	Preston
Cornell	Letterman	Oliver	

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.

**APPROPRIATIONS COMMITTEE MEETING**

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

There will be a brief meeting of the Appropriations Committee at the rear of the House immediately.

**REMARKS ON VOTES**

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

Mr. WAMBACH. To record my vote on the Dorr amendment A4380 on HB 784 in the affirmative.

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

Are there any corrections to the record?

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

On the Lloyd amendment A4352 to SB 1117, the electronic roll-call device inappropriately recorded Mr. Ryan and myself in the negative. Both of us would like the record to show we voted in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record. The Chair noted the error of the electronic device.

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

Mr. HERSHEY. Mr. Speaker, on SB 1117 I failed to vote on final passage. I would like to be voted in the affirmative.

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

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, on the Cessar amendment A4338 to SB 1115, my electronic switch also recorded me incorrectly. My vote should be recorded as negative.

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

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 209** By Representatives NAHILL, REBER, FOX, BUNT, GLADECK, SAURMAN, VROON, HAGARTY and GODSHALL

Memorializing Congress and the Environmental Protection Agency to prohibit the incineration of PCB waste materials in special vessels in the Atlantic Ocean off the New Jersey coast.

Referred to Committee on RULES, December 4, 1985.

The SPEAKER. There are no further votes to be taken before this day's session of the General Assembly. The Chair will remain open to receive reports of committees. The members are free to go.

**WELCOME**

The SPEAKER. As the guest of the Beaver County delegation we have John Morabito, who is the president of the Beaver County Labor Council. Welcome to the hall of the House.

**BILLS REREPORTED FROM COMMITTEE**

**SB 1134, PN 1652** By Rep. PIEVSKY

An Act amending the act of March 23, 1972 (P. L. 136, No. 52), entitled "Psychologists License Act," reestablishing the State Board of Psychologist Examiners as the State Board of Psychologists; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

**APPROPRIATIONS.**

**SB 1135, PN 1653** By Rep. PIEVSKY

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," reestablishing the State Board of Pharmacy; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the revocation and suspension of licenses; providing for fees; providing for penalties; and making repeals.

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

**HB 1650, PN 2611 (Amended)**

By Rep. BARBER

An Act establishing a Commission for Children.

**HEALTH AND WELFARE.**

**HB 1651, PN 2103** By Rep. BARBER

An Act establishing a Children's Trust Fund.

**HEALTH AND WELFARE.**



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**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Warren, Mr. Bowley.

Mr. BOWLEY. Mr. Speaker, I move that this House do now adjourn until Monday, December 9, 1985, at 1 p.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 2:47 p.m., e.s.t., the House adjourned.