

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 6, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 35

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Every good and perfect gift cometh from Thee, O Lord, and Thou dost provide for the necessities and desires of all mankind. Heavenly Father, we beseech Thee to continue Thy bountiful goodness toward all of us; quicken our faith in Thy providential care and guidance; kindle our zeal to seek Thy forgiving spirit and sustaining power; and grant to each one the redemptive grace of Thy faithful service.

O God, may we never forget that Thou art over all and dost constantly exert Thy might in the affairs of all mankind. May Thy will and Thy way continue to be done in and through that which we do and say, in Thy blest name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is advised that the Journal for Monday, May 5, 1986, is not yet in print. Therefore, without objection, we will make no attempt to approve that Journal until it is in print, and the Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2454 By Representatives PIEVSKY, BARBER, WESTON, RUDY, ITKIN, CAPPABIANCA, HAGARTY, DUFFY, FEE, TIGUE, FREEMAN, YANDRISEVITS, KUKOVICH, RYBAK, CALTAGIRONE, STABACK, MAYERNIK, MARKOSEK, MORRIS, FISCHER, D. R. WRIGHT, CAWLEY, KOSINSKI, SALOOM, SCHULER, LINTON, DeWEESE, PETRONE, PETRARCA,

HOWLETT, TRUMAN, O'DONNELL, SWEET, WAMBACH, WOZNIAK, SERAFINI, BATTISTO, JOSEPHS, COWELL, BORTNER, McVERRY, HARPER, J. TAYLOR, F. TAYLOR, DOMBROWSKI, TRELLO, ACOSTA, ANGSTADT, J. L. WRIGHT, NAHILL, ARTY, MILLER, BOOK, WIGGINS, HERSHEY, McCLATCHY, AFFLERBACH, CIVERA, VAN HORNE, MICHLOVIC, FATTAH, PRESTON, PRESSMANN, WILSON, CARN, BELARDI, LETTERMAN, DeLUCA, SEVENTY, R. C. WRIGHT, VEON, PERZEL, KENNEY, WOGAN, O'BRIEN, D. W. SNYDER, SEMMEL, GRUPPO, LANGTRY, DURHAM, BURD, BOOK, BRANDT, JOHNSON, E. Z. TAYLOR, SIRIANNI, BOYES, RAYMOND, MICOZZIE, FLICK and HONAMAN

An Act providing for the use of State funds to expand a special supplemental food program for women, infants and children.

Referred to Committee on HEALTH AND WELFARE, May 6, 1986.

No. 2455 By Representatives REINARD, SEVENTY, TRELLO, FREEMAN, MICHLOVIC, J. L. WRIGHT, GEIST, VEON, PETRONE, RYBAK, VROON, NAHILL, SAURMAN, GLADECK, FOX, BOOK, E. Z. TAYLOR, LINTON and HOWLETT

An Act requiring that fitness centers employ and have on the premises during the hours of operation at least one employee who is certified in cardiopulmonary resuscitation; and imposing additional duties on the Department of Health.

Referred to Committee on HEALTH AND WELFARE, May 6, 1986.

No. 2456 By Representatives REINARD, SWEET, PETRONE, SEVENTY, J. L. WRIGHT, McVERRY, MERRY, CLYMER, FLICK, WESTON, GANNON, GEIST, FARGO, GREENWOOD, SEMMEL, FOX, LANGTRY, JOHNSON, E. Z. TAYLOR, ITKIN and VROON

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the "Intangible Personal Property Tax Law," further providing for the tax.

Referred to Committee on FINANCE, May 6, 1986.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 297 By Representatives DAWIDA, BELFANTI, STABACK, JACKSON, MARKOSEK, NAHILL, GEIST, D. W. SNYDER, BATTISTO, SAURMAN, FISCHER, OLASZ, E. Z. TAYLOR, R. C. WRIGHT and GLADECK

Urging the Pennsylvania Department of Transportation to conduct a public information campaign regarding driving procedures on approach of emergency vehicles.

Referred to Committee on RULES, May 6, 1986.

SENATE BILLS FOR CONCURRENCE

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

SB 148, PN 2105

Referred to Committee on JUDICIARY, May 6, 1986.

SB 372, PN 2113

Referred to Committee on JUDICIARY, May 6, 1986.

SB 1276, PN 2114

Referred to Committee on TRANSPORTATION, May 6, 1986.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative Black, Mr. Richard Shaner, a program sponsor and an elementary school teacher; and Mrs. Julie Ann Kruppa, an escort, and she is an elementary school teacher. They have students here from the elementary schools: Kent Harwick, Brandi Smith, Heather Duffie, Lauren Blausser, Alice Kelly, and Nicole Russell. These are fifth and sixth grade students who are heightening their awareness of State Government. They are from Venango County, and they are here to view the Save the Flags Program. Welcome to the hall of the house, children. We are delighted to have you here.

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 2457;
SB 259; and
SB 1075.

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate, May 5, 1986

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, May 27, 1986, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, May 27, 1986, unless sooner recalled by the Speaker of the House of Representatives.

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

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 976, PN 3244**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HB No. 2095.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

May 5, 1986

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

I have the honor to inform you that I have this day approved and signed House Bill 2095, Printer's No. 3279, entitled "AN ACT amending the act of June 3, 1937 (P.L. 1333, No. 320), entitled 'An act concerning elections, including general, municipal, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of

acts relating to elections,' CONFORMING PROVISIONS FOR VOTING AT THE TIME THE POLLS CLOSE; further providing for absentee ballots; and further providing for certain written statements relating to disability."

Dick Thornburgh
Governor

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

HB 297, PN 321 By Rep. RYBAK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for mandatory motor vehicle liability insurance coverage.

INSURANCE.

SB 745, PN 2133 (Amended)

By Rep. RYBAK

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for admitted assets.

INSURANCE.

SB 1391, PN 2058

By Rep. RYBAK

An Act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers.

INSURANCE.

WELCOME

The SPEAKER. The Chair welcomes to the House guests of Representative Boyes. They are from McDowell High School. They are T. P. Enders, Mary Pat Markowitz, Melanie Mintseveris, Jill Shutika, Theodore Silver, and William Stumpf. Their advisers are with them, Rick and Sandy Fessler, and their son, Brian. Welcome to the hall of the House. We are delighted to have you.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Acosta	Dietz	Lashingner	Robbins
Afflerbach	Dininni	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster	Maiale	Smith, B.
Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Pitts

WELCOME

The SPEAKER. We are honored today to have with us four young people who competed in a four-county contest which saw 30,000 entrants. The contest was sponsored by the Irish Society. The theme of the entry was "What America Means to Me." We have the four top winners with us here today. Sitting to the left of the Speaker - Robert Morgan, winner, with his teacher, Sister M. Jeannette; Florentine Marie Mason, winner, with her teacher, Mrs. Frances Andruszko; Caroline Ann Johnson, winner, with her principal, Ms. Angeline M. Gampico; and Toni Cavanagh, winner.

Also sitting in the gallery - Mrs. Toni Cavanagh; George Costello, president of the Irish Society; Edward Hurst, president of the Roofers Local No. 330; Sister Saint Eugene, assistant superintendent of schools of the Archdiocese of Philadelphia; Sister Patricia Marion, regional director of the Archdiocese schools of Philadelphia; Barclay Vincent, educational coordinator for the city of Philadelphia; Sylvester and Florentine Mason; Edward Costello; and Father Thomas J. P. Doyle, S.J. Welcome to the hall of the House. We are delighted to have you here.

CITATIONS PRESENTED

The **SPEAKER**. Citations will be presented by Mr. Godshall, Mr. Roebuck, Mr. Wogan, and Mr. Ryan. The gentleman from Philadelphia, Mr. O'Brien, has the honor of being the host for this group.

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

Mr. **GODSHALL**. Thank you, Mr. Speaker.

I have a citation from the Pennsylvania House of Representatives that states as follows:

WHEREAS, Caroline Ann Johnson, a fourth grade student at St. Rose of Lima School in North Wales, was named the winner in the first through fourth grade group of the essay contest sponsored by the Irish Society of Philadelphia. More than 30,000 students from public, private and Catholic schools in Philadelphia, Montgomery, Chester, Bucks and Delaware Counties submitted entries on the theme "What America Means to Me." Caroline's award-winning essay won her a \$500 cash prize.

I am very pleased to give this citation to Caroline Ann Johnson.

The **SPEAKER**. The Chair recognizes the gentleman from Philadelphia, Mr. Roebuck.

Mr. **ROEBUCK**. Thank you, Mr. Speaker.

WHEREAS, Robert Morgan, an eighth grade student at St. Francis de Sales in Philadelphia, won a special award for courage for his entry in Braille in an essay contest sponsored by the Irish Society of Philadelphia. More than 30,000 students from public, private and Catholic schools in Philadelphia, Montgomery, Chester, Bucks and Delaware Counties submitted entries on the theme "What America Means to Me".

I am very happy, Robert, to congratulate you on your essay.

The **SPEAKER**. We want you to take note that that young man submitted his essay in Braille.

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

Mr. **WOGAN**. Thank you, Mr. Speaker.

WHEREAS, Florentine Marie Mason, a fifth grade student at St. Cecilia School—

That is my old parish—

in Philadelphia, was named the winner in the fifth through eighth grade group of the essay contest sponsored by the Irish Society of Philadelphia. More than 30,000 students from public, private and Catholic schools in Philadelphia, Montgomery, Chester, Bucks, and Delaware Counties submitted entries on the theme "What America Means to Me". Florentine's award-winning essay won her a \$1,000 prize.

Florentine, congratulations, honey.

The **SPEAKER**. The Chair recognizes the minority leader. Mr. **RYAN**. Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure to read the following citation:

WHEREAS, Toni Lee Cavanagh, a student at Episcopal Academy, won the top honors and a \$1,500 cash prize in the high school group of the essay contest sponsored by the Irish Society of Philadelphia.

Again, you have heard that—

More than 30,000 students from public, private and Catholic schools in Philadelphia, Montgomery, Chester, Bucks and Delaware Counties submitted entries on the theme "What America Means to Me".

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to Toni Lee Cavanagh on her outstanding achievements; wishes her the best in her future endeavors.

This, of course, is signed by me, the Speaker, and the Chief Clerk of the House. Congratulations, Toni.

The **SPEAKER**. The Chair wishes to give his special thanks to the young people, who have understood very clearly the gift of this great country, and congratulates the Irish Society and the teachers of the young people, who helped sponsor this event. You honor us by your presence. We thank God for you. Congratulations.

WELCOME

The **SPEAKER**. Representative Freeman has as his guest Brad Demsky from Lafayette College. He is an intern in Representative Freeman's office. Welcome to the hall of the House.

LEAVES OF ABSENCE

The **SPEAKER**. Are there any requests for leaves on the Democratic side? Apparently not.

Mr. Hayes, are there any requests for leaves of absence?

The Chair recognizes the minority whip.

Mr. **HAYES**. Yes, Mr. Speaker.

I request a leave for the gentleman from Chester County, Mr. **PITTS**, for the day.

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

CALENDAR**BILLS ON SECOND CONSIDERATION**

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

HB 749, PN 3399.

* * *

The House proceeded to second consideration of **HB 791, PN 891**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for kindergartens.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 791 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 851, PN 3400; HB 852, PN 3401; HB 1886, PN 3402; HB 1937, PN 3403; HB 2065, PN 2816; HB 2164, PN 3427; HB 1115, PN 1287; HB 1379, PN 3426; SB 303, PN 1910; and HB 2172, PN 2965.

* * *

The House proceeded to second consideration of **HB 1214, PN 1436**, entitled:

An Act providing for the establishment of a municipal revenue sharing program; imposing powers and duties on the Department of Revenue; and allocating certain revenues received by the Commonwealth.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1214 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 2242, PN 3082; and HB 2243, PN 3083.

WELCOMES

The SPEAKER. The Chair welcomes a group from Murrysville, in Westmoreland County. They are here as the guests of Representative Joseph Markosek. Welcome to the hall of the House. We are delighted to have you.

Representative Hershey has in the gallery a group of Chester County Grangers. They are here as his guests. Welcome to the hall of the House. We are delighted to have you here.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1930, PN 2574**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of certain motor vehicles without a certificate of inspection.

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

Mr. COLAFELLA offered the following amendment No. A2117:

Amend Sec. 1 (Sec. 4703), page 2, line 18, by removing the period after "vehicle" and inserting provided that the motor vehicle dealer has in his possession a notarized statement identifying the vehicle by make and serial number and stating the destination and purpose of the trip. A vehicle shall only be exempt from inspection requirements for a total of two trips under this paragraph.

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

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

Mr. COLAFELLA. Mr. Speaker, this is an amendment to insure that the car dealers, when they move a car that is not inspected, it has to be notarized, and they will not be able to move this car without an inspection more than two times.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I rise to support the amendment. I think this will put it in the necessary parameters as far as not violating highway safety. Thank you.

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

The following roll call was recorded:

YEAS—196

Acosta	Deal	Lashinger	Roebuck
Afflerbach	Dietz	Laughlin	Rudy
Angstadt	Dininni	Lescovitz	Ryan
Argall	Distler	Letterman	Rybak
Arty	Dombrowski	Levdansky	Saloom
Baldwin	Donatucci	Livengood	Saurman
Barber	Dorr	Lloyd	Scheetz
Barley	Duffy	Lucyk	Schuler
Battisto	Durham	McCall	Semmel
Belardi	Fargo	McClatchy	Serafini
Belfanti	Fattah	McHale	Seventy
Birmelin	Fee	McVerry	Showers
Black	Fischer	Mackowski	Sirianni
Blaum	Flick	Maiale	Smith, B.
Book	Foster	Manderino	Smith, L. E.
Bortner	Fox	Manmiller	Snyder, D. W.
Bowley	Freeman	Markosek	Snyder, G.
Bowser	Freind	Mayernik	Staback
Boyes	Fryer	Merry	Stairs
Brandt	Gallagher	Michlovic	Steighner
Broujos	Gallen	Micozzie	Stevens

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

NAYS—0

NOT VOTING—4

Evans	Howlett	Linton	O'Brien
-------	---------	--------	---------

EXCUSED—1

Pitts

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdansky	Ryan
Arty	Donatucci	Linton	Rybak
Baldwin	Dorr	Livengood	Saloom
Barley	Duffy	Lloyd	Saurman
Battisto	Durham	Lucyk	Scheetz
Belardi	Fargo	McCall	Schuler
Belfanti	Fattah	McClatchy	Semmel
Birmelin	Fee	McHale	Serafini
Black	Fischer	McVerry	Seventy
Blaum	Flick	Mackowski	Showers
Book	Foster	Maiale	Sirianni
Bortner	Fox	Manderino	Smith, B.
Bowley	Freeman	Manmiller	Smith, L. E.
Bowser	Freind	Markosek	Snyder, D. W.
Boyes	Fryer	Mayernik	Snyder, G.
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.
Carn	Gruitza	Nahill	Taylor, F.
Cawley	Gruppo	Noye	Taylor, J.
Cessar	Hagarty	O'Brien	Telek
Chadwick	Haluska	O'Donnell	Tigue
Cimini	Harper	Olasz	Trello
Civera	Hasay	Oliver	Truman
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Cohen	Hershey	Petrone	Vroon
Colafella	Honaman	Phillips	Wambach
Cole	Hutchinson	Piccola	Wass
Cordisco	Itkin	Pievsky	Weston
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pott	Wogan
Cowell	Johnson	Pressmann	Wozniak
Coy	Josephs	Preston	Wright, D. R.
Deluca	Kasunic	Punt	Wright, J. L.
DeVerter	Kennedy	Raymond	Wright, R. C.
DeWeese	Kenney	Reber	Yandrisevits
Daley	Kosinski	Reinard	
Davies	Kukovich	Richardson	Irvis,
Dawida	Langtry	Rieger	Speaker
Deal	Lashingier		

NAYS—0

NOT VOTING—4

Barber	Evans	Howlett	Wiggins
--------	-------	---------	---------

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 180, PN 3243**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Dog Law," approved December 7, 1982 (P. L. 784, No. 225), authorizing actions for damages in certain cases; further providing for the use of surplus funds; and imposing penalties.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On the question, will the House concur in Senate amendments to HB 180, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. I would ask for concurrence. Thank you.

The SPEAKER. Mr. DeWeese, please explain the amendments inserted by the Senate. A brief explanation of the amendments, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I have been informed that the amendments are of a technical nature and that we should vote for concurrence. Thank you.

The SPEAKER. Those in favor of concurring will vote "aye"; those opposed, "no."

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

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

YEAS—197

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

NAYS—0

NOT VOTING—3

Flick	Howlett	Kasunic
-------	---------	---------

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. We have in the balcony the Lawrence County Treasurer, Robert Shaffer. He is the guest of Representative Tom Fee. Welcome to the hall of the House, Mr. Treasurer.

BILLS ON CONCURRENCE IN
SENATE AMENDMENTS CONTINUED

The clerk of the Senate, being introduced, returned the following **HB 1350, PN 3376**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act designating Route 903 as the Highway to Adventure and a section of U.S. Route 322 (Legislative Route 1050) as the Mount Nittany Expressway.

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

The SPEAKER. On the question, will the House concur in the Senate amendments, the Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, I would ask for concurrence. The Senate added another roadway to the legislation. I would ask for concurrence.

The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. I would also like to add my concern for concurrence, because this also includes a new name for the State College Bypass, which will now be called the Mount Nittany Expressway. Thank you.

The SPEAKER. The Chair thanks the lady.

Those in favor of concurring in Senate amendments will vote "aye"; those opposed, "no."

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

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

YEAS—198

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

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

NAYS—0

NOT VOTING—2

Howlett Piccola

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Chester, Mr. Flick, rise?

Mr. FLICK. Thank you, Mr. Speaker.

On concurrence in HB 180, my vote was not recorded on the board. I would like to be recorded in the affirmative.

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

BILLS ON CONCURRENCE IN SENATE AMENDMENTS CONTINUED

The clerk of the Senate, being introduced, returned the following **HB 1680, PN 3359**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," reestablishing the State Board of Optometrical Examiners as the State

Board of Optometry; providing for its composition, powers and duties; further providing for renewal, revocation and suspension of licenses; providing for fees; and making repeals.

On the question,

Will the House concur in Senate amendments?

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

Mr. LAUGHLIN. Mr. Speaker, the Senate, in amending the bill, put in a section dealing with contact lens fittings, a provision for direct supervision, which was not in the bill when it left the House. There are a number of other items that they put in of a smaller content, such as reducing the number of public members, consumers, on the board from four to three. I do not think that is a tremendous change that we have to concern ourselves with.

Mr. Speaker, I believe that the legislation, when it left the House, reflected the will of the House members. The Senate has not done anything to a great deal or extent to change that. I myself have considerable reservation about the area of contact lenses and also the area of the opticians and will be following up with legislation to take care of that.

On the basis of what the Senate has done, Mr. Speaker, I would ask for concurrence.

The SPEAKER. Why does the gentleman from Schuylkill, Mr. Lucyk, rise?

Mr. LUCYK. To ask Mr. Laughlin a question.

The SPEAKER. Mr. Laughlin indicates he will stand for interrogation.

Mr. LUCYK. Mr. Speaker, it was so noisy, I did not hear you. Did you ask for concurrence or nonconcurrence?

Mr. LAUGHLIN. I asked for concurrence, Mr. Speaker.

Mr. LUCYK. Thank you.

On the direct supervision on the contact lenses, was that ever resolved and how was that resolved?

Mr. LAUGHLIN. It was resolved to this extent, Mr. Speaker: Originally within the bill we had supervision by an optometrist or an ophthalmologist. What the Senate did was change it to direct supervision. Now, there are those of us who feel that this will give the Optometric Board a right to enter into the field of medicine and to examine those people who are working under the supervision of an ophthalmologist and insure that that person is under direct supervision. I do not believe it is appropriate for them to do that, and that was one of the concerns I had about the legislation. However, it has not been a concern that has generated a great deal of interest or effort by those in the field. For that reason, I was willing to accept it, Mr. Speaker.

Mr. LUCYK. Thank you.

With regard to the passing of the national examination, is that still in it that up to this point an optician who has passed the national test can continue to fit contact lenses without direct supervision of an optometrist or an ophthalmologist?

Mr. LAUGHLIN. Mr. Speaker, the gentleman's question deals with the area of the national test. The members of the House may recall that earlier this year there was an amendment placed in the bill that allowed those people who had

passed a national test for the fitting of contact lenses to be exempt from the provisions of being onsite with direct supervision, and those people who had passed the national test would be permitted to continue to fit contact lenses. There is, however, Mr. Speaker, in the bill, no provision that allows for additional testing for people who have not passed that test to get into the field, and that is an unfortunate circumstance. In addition to that, Mr. Speaker, it is a test that is compiled by a national organization and not a State organization. It has had no oversight by the Health Department or by the department of licensure in the State of Pennsylvania. But nonetheless, Mr. Speaker, that was an amendment that was accepted by the House and is continued in the bill by the Senate.

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

Mr. MILLER. I thank the Speaker.

Mr. Speaker, I wonder if the gentleman from Beaver County, Mr. Laughlin, might stand for another point on interrogation.

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

Mr. MILLER. Thank you, Mr. Speaker.

I might direct to the gentleman, Mr. Speaker, the question of supervision once again. In the Senate-amended language we use the term "direction." Would the gentleman interpret that to mean direct onsite supervision; i.e., must the ophthalmologist be onsite with the optician?

Mr. LAUGHLIN. Mr. Speaker, that is what I had addressed earlier in the questioning. That is my concern also, that the board would then have the authority to send their people in and their investigators in to a medical circumstance where you have an ophthalmologist practicing and to examine whether or not those people who are working in the field of fitting contact lenses with that doctor, as to the relationship of direct supervision. My view of that was that they should not be allowed to do this, that the medical profession itself should be policing such activities and should be responsible for such activities. But as you know, the optometrist would then have a considerable range of authority, and it would be questionable as to just how far they would go or how far they would be permitted to go under law.

Mr. MILLER. Mr. Speaker, I thank the gentleman for his answer. That was my impression as well from reading the language.

If I might make a brief statement to the members, sir.

The SPEAKER. The gentleman is in order.

Mr. MILLER. Mr. Speaker, I fully appreciate the difficult negotiations involved in this particular piece of licensing legislation and, of course, my hat is off to the distinguished chairman. I appreciate the interests he has had to balance. However, we have left an interesting crack in the principle of consumer protection with this Senate language and that crack is this: that while we would like to have supervision through the regulation of a germane board, we nevertheless do not have, and I repeat, do not have direct supervision of that trained M.D. (doctor of medicine) over the field practicing

optician when he is in fact doing the physical work of fitting these contact lenses, whether he is certified or not. I believe that question is still open as I have listened to interrogation.

I do not know the deportment of the majority chairman in this matter, but I would stand from my professional licensure experience to recommend to this House caution on this vote.

For my own part, I intend to vote in the negative. I find it very difficult to accept the premise that we can leave a major practice and consumer question this broadly open in the final resolution of a sunset bill dealing with the licensing of this particular profession.

I would encourage a negative vote on the Senate amendments, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for the second time on the question.

Mr. LAUGHLIN. Mr. Speaker, very briefly.

I certainly respect the gentleman's opinion with regard to this situation. I have strongly questioned the circumstance myself. However, Mr. Speaker, I have given the members of the committee my word on the fact that we will immediately be considering certification for the field of opticianry, and that is that for the first time in the history of the State of Pennsylvania, we will then have a review capacity, requirements under the law, and obligations that those people in the field must meet with regard to education and with regard to their capabilities of doing any extensive work dealing with eye care.

Certainly I can understand Mr. Miller's concern in that area; however, based on the circumstance that we have to deal with today, Mr. Speaker, in the bill before us, I would ask the members for concurrence.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—183

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

Cawley	Gruppo	O'Brien	Telek
Cessar	Hagarty	O'Donnell	Tigue
Chadwick	Haluska	Olasz	Trello
Cimini	Harper	Oliver	Truman
Civera	Hasay	Perzel	Van Horne
Clark	Hayes	Petrarca	Veon
Clymer	Herman	Petrone	Wambach
Cohen	Hershey	Phillips	Wass
Colafella	Honaman	Piccola	Weston
Cole	Hutchinson	Pievsky	Wiggins
Coslett	Itkin	Pistella	Wilson
Cowell	Jarolin	Pott	Wogan
Coy	Johnson	Pressmann	Wozniak
Deluca	Kasunic	Preston	Wright, D. R.
DeVertter	Kennedy	Punt	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	
Davies	Kukovich	Reinard	Irvis,
Dawida	Lashingier	Rieger	Speaker
Dietz			

NAYS—11

Birmelin	Jackson	Miller	Vroon
Bortner	Josephs	Moehlmann	Yandrisevits
Godshall	Langtry	Scheetz	

NOT VOTING—6

Cordisico	Deal	Richardson	Sirianni
Cornell	Howlett		

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SISTER FRANCES PRESENTED

The SPEAKER. In a world where we always hear bad news, in a world where now thousands of babies and maybe hundreds of thousands of adults are threatened by nuclear disaster, it is a very proud thing that every once in a while we can bring to you people who are willing to put forth extraordinary efforts to help exceptional people.

Sister Frances, who is the founding principal of the John Paul II School in Reading, Pennsylvania, is such a person. She has given exceptional attention, exceptional love, exceptional commitment, exceptional devotion to exceptional students. She is going to speak to us for a few moments this morning, but she would like us to make sure we put into the record of the hall of the House the names of some of her students she has brought with her. They are to the left of the Speaker: Jenny Sue, Mark, Diana, Jeremy, Kevin, Patrick, and Jenny, together with Patrick, a friend and volunteer who came along with Sister Frances.

Sister Frances, would you do us the honor of speaking to this hall and Assembly for a few moments?

Sister FRANCES. Thank you very much, and good morning.

I really feel that it is a privilege for me to be here, and I just wanted to have a few moments to tell you that I have been working with persons who have mental retardation for 25

years. Twenty-five years ago when I began, the means of discipline that we used was to have a cattle prod, and when one of the retarded persons did anything out of line, we would just hit them with the cattle prod and they got an electric shock, and that began to represent for me nothing less than the ultimate degradation of the human spirit.

I have been very fortunate to live in a time over 25 years to see laws come into vogue and changes be made, particularly in the field of deinstitutionalization. I am very grateful that those changes have come about through people like yourselves. I feel that it is very important that persons with mental retardation be treated with equal dignity and respect and that we have a right and a responsibility to afford an education that is qualitative for these persons so that they can become fully alive and fully human and use their God-given potential to the fullest. They all have gifts, but their gifts may be limited in the eyes of the wider society, but in the eyes of God, they have a certain dignity and they have a right to look and see what those gifts are and to use those gifts to the best of their ability so that they can become contributing members in society.

If you ask, do they have a right to be here, I can say yes, because for 25 years I have been able to find not only myself but to find also the God who has given them life and to understand that the potential in them can be very much a contributing factor in the wider community and that just because their gifts are limited, it does not mean that then they are not valuable.

I am really grateful for the opportunity to have opened the school in Reading, and I would invite any of you at any time, when you are in the Reading area, to stop in and see the program that we have going on at the school. We are totally funded by the Catholic charities, so I rely a lot on raising funds to help implement the program and to keep it as qualitative as possible.

So I thank you and ask God to bless you. Thank you.

The SPEAKER. Sister Frances is here with the group as a guest of Representative Tom Caltagirone and of the Speaker. Every once in a while it is good for us to hear good news about good people who give their love to those who most desperately need it.

REPUBLICAN CAUCUS

The SPEAKER. We will be taking a 1 1/2-hour break, but the Chair understands Mr. Ryan wishes to announce a caucus before that time.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, we were advised today that— And it is not the fault of the gentleman, Mr. Manderino; there was a mixup with respect to what should or should not have been caucused on yesterday. It was an honest error on our part. We did not caucus on SB 180, which was amended in the Judiciary Committee, I believe, to provide for agency shop provisions in the Administrative Code.

I suggest that our members go to caucus on the call of the recess. It is my intention—so that there is no misunderstanding about it—it is my intention, when this bill is called up, to ask that it be held over for a number of reasons. It is on the first day of the calendar; it just came out of committee last week and out of the Appropriations Committee yesterday. We are caught somewhat unaware. There are a number of amendments that I know our members would want to consider, but at the moment the intention of the majority leader is to call this bill up when we return from the luncheon recess. So I am going to suggest that all of our members report immediately to the caucus room to caucus on this and, I believe, one or two other smaller, not smaller bills but bills of lesser importance.

The Republicans will caucus immediately for about half an hour or three-quarters of an hour and then break for lunch. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER. We have Arnisha Keeling, assembly chairperson of the Morris E. Leeds Middle School in Philadelphia, here with 50 students. They are guests of Representative Linton. Welcome to the hall of the House.

We have as guests of Representative Gladeck and Representative Saurman, seniors from the Wissahickon High School and the Middle School. They are here to be honored by the Governor's Energy Council. Welcome to the hall of the House.

RECESS

The SPEAKER. The House will stand in recess until 1:35.

AFTER RECESS

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

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 1639, PN 3357**.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. MANDERINO moved that the House insist upon its nonconcurrency in Senate amendments to HB 1639, PN 3357, and that a committee of conference on the part of the House be appointed.

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

Motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 1639, PN 3357:

Messrs. LAUGHLIN, LLOYD and BURNS.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurring in the amendments made by the House of Representatives to **SB 670, PN 2078**, and has appointed Senators CORMAN, WILT and STOUT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurring in by the Senate to SB 670, PN 2078, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 670, PN 2078:

Messrs. STEIGHNER, LETTERMAN and PITTS.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurring in the amendments made by the House of Representatives to **SB 239, PN 2077**, and has appointed Senators HOLL, CORMAN and STOUT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurring in by the Senate to SB 239, PN 2077, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 239, PN 2077:
Messrs. LLOYD, MURPHY and GEIST.
Ordered, That the clerk inform the Senate accordingly.

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

HB 2417, PN 3372 By Rep. MORRIS

An Act amending the act of June 21, 1937 (P. L. 1969, No. 389), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," further providing for dissolution.

AGRICULTURE AND RURAL AFFAIRS.

BILLS SIGNED BY SPEAKER

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

HB 180, PN 3243

An Act amending the "Dog Law," approved December 7, 1982 (P. L. 784, No. 225), authorizing actions for damages in certain cases; further providing for the use of surplus funds; and imposing penalties.

HB 1350, PN 3376

An Act designating Route 903 as the Highway to Adventure and a section of U.S. Route 322 (Legislative Route 1050) as the Mount Nittany Expressway.

HB 1680, PN 3359

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," reestablishing the State Board of Optometrical Examiners as the State Board of Optometry; providing for its composition, powers and duties; further providing for renewal, revocation and suspension of licenses; providing for fees; and making repeals.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The SPEAKER. On page 7 of today's active calendar, SB 180, PN 2123. The question is, will the House agree to the bill?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the gentleman, Mr. Foster, has ordered amendments. He advises me they have not been sent down from Reference Bureau as of the moment.

The SPEAKER. Mr. Manderino, the gentleman, Mr. Foster, has just advised the Chair that amendments have been ordered to SB 180 and they are not yet down.

Mr. MANDERINO. Mr. Speaker, I would ask that we request the Legislative Reference Bureau to put a rush on those amendments, because we will run the bill today.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FOSTER. Mr. Speaker, I was unable to prepare the amendments previously because of the change in printer's number.

The SPEAKER. Well, there is no reprimand to you, Mr. Foster. We are simply going to make sure that the amendments are ready for you, because we are going to take up the bill.

Legislative Reference, will you please make sure that the Foster amendments be given priority. We must have them this afternoon.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Very well, we will go over the bill temporarily awaiting the Foster amendment.

* * *

The SPEAKER. On page 8, SB 251, Mr. Saloom was going to offer an amendment to this bill. He has withdrawn that amendment.

Is Mr. Saloom on the floor of the House?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, SB 251 I do not believe is that controversial. It was not covered in caucus, and unless there are objections from our side, and I do not know that there will be, I would suggest that this bill, when it is run, be given a full explanation as to what it covers. It is my understanding that there is support for it on this side, but we did not technically caucus on it.

The SPEAKER. The Chair thanks the gentleman.

Mr. Saloom is not on the floor of the House. Very well, we will have to go someplace else to see if we can get started this afternoon.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill will be passed over temporarily.

RESOLUTIONS

Mr. BARLEY called up HR 251, PN 3112, entitled:

Designating January 27 and 28 of each year as "Space Pioneer Days."

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Table listing names of members who voted 'YEAS' for Resolution HR 251. Includes names like Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, Fox, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Hutchinson, Itkin, Pievsky, Pistella, Pott, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Langtry, Lashinger, Laughlin, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pott, Pressmann, Preston, Punt, Raymond, Reber, Reinard, Richardson, Rieger, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Tigie, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits.

NAYS—0

NOT VOTING—2

Barley, Irvis, Speaker

EXCUSED—1

Pitts

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

* * *

Mr. BARBER called up HR 252, PN 3113, entitled:

Directing the Legislative Budget and Finance Committee to examine the effectiveness, efficiency, structure and further need for the Certificate of Need program as it currently exists in the Commonwealth, and make recommendations.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of members who voted 'YEAS' for Resolution HR 252. Includes names like Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, Fox, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Hutchinson, Itkin, Pievsky, Pistella, Pott, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Langtry, Lashinger, Laughlin, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pott, Pressmann, Preston, Punt, Raymond, Reber, Reinard, Richardson, Rieger, Robbins, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Tigie, Trello, Truman, 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—0

EXCUSED—1

Pitts

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

* * *

Mr. MAYERNIK called up **HR 292, PN 3405**, entitled:

Memorializing the Governor to declare the month of June 1986 as "Pennsylvania Travel Month."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Acosta	Dietz	Langtry	Robbins
Afflerbach	Dininni	Lashinger	Roebuck
Angstadt	Distler	Laughlin	Rudy
Argall	Dombrowski	Lescovitz	Ryan
Arty	Donatucci	Letterman	Rybak
Baldwin	Dorr	Levdansky	Saloom
Barber	Duffy	Linton	Saurman
Barley	Durham	Livengood	Scheetz
Battisto	Evans	Lloyd	Schuler
Belardi	Fargo	Lucyk	Semmel
Belfanti	Fattah	McCall	Serafini
Black	Fee	McClatchy	Seventy
Blaum	Fischer	McHale	Showers
Book	Flick	McVerry	Sirianni
Bortner	Foster	Mackowski	Smith, B.
Bowley	Fox	Maiale	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G.
Brandt	Fryer	Mayermik	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.
Carn	Greenwood	Nahill	Taylor, F.
Cawley	Gruitza	Noye	Taylor, J.
Cessar	Gruppo	O'Brien	Telek
Chadwick	Hagarty	O'Donnell	Tigue
Cimini	Haluska	Olasz	Trello
Civera	Harper	Oliver	Truman
Clark	Hasay	Perzel	Van Horne
Clymer	Hayes	Petrarca	Veon
Cohen	Herman	Petrone	Vroon
Colafella	Hershey	Phillips	Wambach
Cordisco	Honaman	Piccola	Wass
Cornell	Howlett	Pievsky	Weston
Coslett	Hutchinson	Pistella	Wiggins
Cowell	Itkin	Pott	Wilson
Coy	Jackson	Pressmann	Wogan
Deluca	Jarolin	Preston	Wozniak
DeVerter	Josephs	Punt	Wright, D. R.
DeWeese	Kasunic	Raymond	Wright, R. C.
Daley	Kennedy	Reber	Yandrisevits
Davies	Kenney	Reinard	
Dawida	Kosinski	Richardson	Irvis,
Deal	Kukovich	Rieger	Speaker

NAYS—1

NOT VOTING—5

Johnson

Birmelin
Cole

Manderino

Murphy

Wright, J. L.

EXCUSED—1

Pitts

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

* * *

Mr. LASHINGER called up **HR 294, PN 3431**, entitled:

Designating the month of May as "Tavern Month."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—185

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

NAYS—12

Birmelin	Dietz	George	Saloom
Clymer	Dorr	Hayes	Saurman
DeVerter	Fargo	Johnson	Scheetz

NOT VOTING—3

Hershey	Taylor, J.	Vroon
---------	------------	-------

EXCUSED—1

Pitts

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

* * *

Mrs. RUDY called up HR 295, PN 3432, entitled:

Appointing a bipartisan committee to investigate the problem of teenage pregnancies and parenting in this Commonwealth.

On the question,
Will the House adopt the resolution?

Mrs. RUDY offered the following amendment No. A2129:

Amend third resolve clause, page 2, lines 5 through 9, by striking out all of said lines

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

The SPEAKER. On the amendment, the Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, basically, all that amendment 2129 does is remove the \$40,000 appropriation from the resolution for staff and assistance, as these duties will be carried out by in-house personnel.

The SPEAKER. The Chair thanks the lady.

This is an excellent opportunity for all of you to go back home and say how you voted to cut expenses.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—5

Barber	Harper	Richardson	Wiggins
Deal			

EXCUSED—1

Pitts

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—198

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

Civera	Harper	O'Donnell	Trello
Clark	Hasay	Olasz	Truman
Clymer	Hayes	Oliver	Van Horne
Cohen	Herman	Perzel	Veon
Colafella	Hershey	Petrarca	Wambach
Cole	Honaman	Petrone	Wass
Cordisco	Howlett	Phillips	Weston
Cornell	Hutchinson	Piccola	Wiggins
Coslett	Itkin	Pievsky	Wilson
Cowell	Jackson	Pistella	Wogan
Coy	Jarolin	Pott	Wozniak
Deluca	Johnson	Pressmann	Wright, D. R.
DeVerter	Josephs	Preston	Wright, J. L.
DeWeese	Kasunic	Punt	Wright, R. C.
Daley	Kennedy	Raymond	Yandrisevits
Davies	Kenney	Reber	
Dawida	Kosinski	Reinard	Irvis,
Deal	Kukovich	Richardson	Speaker

NAYS—0

NOT VOTING—2

Barber Vroon

EXCUSED—1

Pitts

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

HR 294 RECONSIDERED

The SPEAKER. The Chair has in its possession a motion to reconsider the vote by which HR 294 was passed on this day, the 6th of May 1986.

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

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

The following roll call was recorded:

YEAS—162

Acosta	Distler	Letterman	Reber
Afflerbach	Dombrowski	Levdansky	Reinard
Angstadt	Donatucci	Linton	Richardson
Argall	Duffy	Livengood	Rieger
Baldwin	Durham	Lloyd	Robbins
Battisto	Evans	Lucyk	Roebuck
Belardi	Fee	McCall	Ryan
Belfanti	Fischer	McClatchy	Rybak
Black	Fox	McHale	Saloom
Blaum	Freeman	McVerry	Saurman
Book	Freind	Mackowski	Semmel
Bortner	Fryer	Maiale	Serafini
Bowley	Gallagher	Manderino	Seventy
Brandt	Gallen	Manmiller	Snyder, D. W.
Bunt	Gamble	Markosek	Staback
Burd	Gannon	Mayernik	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stevens
Caltagirone	Greenwood	Micozzie	Stewart
Cappabianca	Gruitza	Miller	Sweet
Carlson	Gruppo	Moehlmann	Taylor, E. Z.
Carn	Hagarty	Morris	Taylor, F.
Cawley	Haluska	Mrkonc	Taylor, J.
Cessar	Harper	Murphy	Telek
Chadwick	Hasay	Nahill	Tigue
Cimini	Herman	Noye	Trello
Civera	Howlett	O'Brien	Truman

Clark	Hutchinson	O'Donnell	Van Horne
Colafella	Itkin	Olasz	Veon
Cole	Jackson	Oliver	Wambach
Cornell	Jarolin	Perzel	Wass
Coslett	Josephs	Petrarca	Weston
Cowell	Kasunic	Petrone	Wilson
Coy	Kennedy	Piccola	Wogan
Deluca	Kenney	Pievsky	Wozniak
DeWeese	Kosinski	Pistella	Wright, J. L.
Daley	Kukovich	Pott	Wright, R. C.
Davies	Langtry	Pressmann	Yandrisevits
Dawida	Lashingier	Preston	
Deal	Laughlin	Punt	Irvis,
Dininni	Lescovitz	Raymond	Speaker

NAYS—29

Barley	Dorr	Honaman	Sirianni
Birmelin	Fargo	Johnson	Smith, B.
Bowser	Flick	Mowery	Smith, L. E.
Boyes	Foster	Phillips	Snyder, G.
Broujos	Geist	Scheetz	Stuban
Clymer	George	Schuler	Swift
DeVerter	Hayes	Showers	Wright, D. R.
Dietz			

NOT VOTING—9

Arty	Cordisco	Hershey	Vroon
Barber	Fattah	Rudy	Wiggins
Cohen			

EXCUSED—1

Pitts

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

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. MORRIS presented the Report of the Committee of Conference on SB 1259, PN 2134.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Blair, Mr. Johnson, rise in place?

Mr. JOHNSON. Is this an appropriate time to correct a vote, Mr. Speaker?

On HR 292 I very inadvertently voted in the negative. As a former member of the travel industry, I am all in favor of making June "Pennsylvania Travel Month." Thank you, sir.

The SPEAKER. All right, Mr. Johnson. Your remarks will be spread upon the record.

If any tavern owners come to me with a question, I will assure them that you are their friend.

WELCOME

The SPEAKER. Representatives Fox, Nahill, Saurman, and Cornell have as their guest Reverend Fetter of St. Paul's Lutheran Church, Glenside. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 251, PN 2125**, entitled:

An Act amending the act of May 13, 1909 (P. L. 520, No. 292), referred to as the "Pure Food Law," permitting alcohol in candy.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Saloom. Just a moment.

Does the gentleman from Allegheny, Mr. Clark, wish to be recognized first?

Mr. CLARK. I was going to explain the provisions of the bill, Mr. Speaker.

The SPEAKER. Before you do that, the Chair has been informed that a motion will be filed on this. Are you prepared to make that motion, Mr. Saloom?

MOTION TO RECOMMIT

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

Mr. SALOOM. Mr. Speaker, SB 251, PN 2125, does not deal with the Liquor Control Committee any longer. In the bill and reading some excerpts from the bill in the title, it says "...An act relating to food; defining food; providing for the protection of the public health..." Another paragraph is prescribing certain duties of the Dairy and Food Commissioner, and it is permitting alcohol in candy. An additional excerpt says, "...referred to as the Pure Food Law..." A sentence in the bill says, "...for the purpose of this act, an article of food shall be deemed to be adulterated." At the end of the bill it says any article in the legislation should be prescribed by the Department of Agriculture.

Mr. Speaker, SB 251 deals with allowing the manufacture of candy with an alcohol content of 6 percent. There is no provision in the legislation that deals with the distribution and the sale of the candy. There is no provision in the bill that deals with the age limit for the purchase of this candy.

I would therefore ask that this bill be recommitted and referred to the Agriculture Committee, Mr. Speaker.

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

The SPEAKER. On the motion to recommit SB 251 to the Committee on Agriculture, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I oppose this motion.

Everybody knows the kind of chocolate candy that we are dealing with. The Agriculture Committee cannot make any

input into this legislation. It is a very simple thing. It ought to be voted on its merits up or down.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark, on the motion.

Mr. CLARK. Thank you, Mr. Speaker.

Just to relate to some of the earlier comments regarding age limits and such on the purchase of this confectionery containing alcohol. What we have done in this bill is permit the manufacture in Pennsylvania of candy that will contain up to 6 percent by volume of alcohol. Because of provisions in the Liquor Code, they will automatically come under the purview of the Pennsylvania Liquor Control Board the minute it passes one-half of 1 percent alcohol. That is present law in the Liquor Code. It did not need to be related to in the Food Law.

I oppose the motion and would appreciate my colleagues' support.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to urge a "no" vote on the motion to recommit. I think the gentleman, Mr. Morris, is correct when he states that in fact this is not a complicated issue. We can vote it here and we can debate it here on the floor.

This is a jobs vote, because this legislation will provide an opportunity for new manufacturers to locate in Pennsylvania to compete with our surrounding States and is a very benign industry that is good for Pennsylvania, good for the economy, good for jobs. I would urge a "no" vote on the recommitment and then let us vote to pass the bill on this last day of session.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Parliamentary inquiry, Mr. Speaker.

What is the proper printer's number that these gentlemen are addressing?

The SPEAKER. SB 251, PN 2125.

Mr. DAVIES. Mr. Speaker, so there is not additional confusion, the books have been given the wrong printer's number. The wrong printer's number has been inserted in the books, and if there is any confusion because of that, that information is not available.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker. Just a question.

As a member of the Ag Committee, which I am, I just wonder, if that bill is referred to the Ag Committee, would we have an opportunity to sample these chocolates?

The SPEAKER. The Chair is well known to be an absolute teetotaler, and if the Chair gave you the Chair's opinion on what ought to be done with those chocolates, it would have to be stricken from the record. So the Chair will not give its personal opinion.

Mr. CHADWICK. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—43

Angstadt	Durham	Hershey	Saloom
Birmelin	Fischer	Kukovich	Schuler
Bowser	Flick	Livengood	Serafini
Brandt	Foster	Lloyd	Sirianni
Bush	Fox	Lucyk	Smith, B.
Carlson	Freeman	McClatchy	Smith, L. E.
Cimini	Geist	Miller	Snyder, G.
Clymer	George	Mowery	Stevens
Dietz	Hasay	Phillips	Wass
Dininni	Hayes	Piccola	Wright, R. C.
Dorr	Herman	Robbins	

NAYS—149

Acosta	Davies	Letterman	Rudy
Afflerbach	Dawida	Levdansky	Ryan
Argall	Deal	Linton	Rybak
Arty	Distler	McCall	Saurman
Baldwin	Dombrowski	McHale	Scheetz
Barley	Donatucci	McVerry	Semmel
Battisto	Duffy	Mackowski	Seventy
Belardi	Fargo	Manderino	Showers
Belfanti	Fee	Manmiller	Snyder, D. W.
Black	Fryer	Markosek	Staback
Blaum	Gallagher	Mayernik	Stairs
Book	Gallen	Merry	Steighner
Bortner	Gamble	Michlovic	Stewart
Bowley	Gannon	Micozzie	Stuban
Boyes	Gladeck	Moehlmann	Sweet
Broujos	Godshall	Morris	Swift
Bunt	Greenwood	Mrkonic	Taylor, E. Z.
Burd	Gruitza	Murphy	Taylor, F.
Burns	Gruppo	Nahill	Taylor, J.
Caltagirone	Hagarty	Noye	Telek
Cappabianca	Haluska	O'Brien	Tigue
Carn	Harper	O'Donnell	Trello
Cawley	Honaman	Olasz	Truman
Cessar	Howlett	Oliver	Van Horne
Chadwick	Hutchinson	Perzel	Veon
Civera	Itkin	Petrone	Vroon
Clark	Jackson	Pievsky	Wambach
Colafella	Jarolin	Pistella	Weston
Cole	Johnson	Pott	Wilson
Cordisco	Josephs	Pressmann	Wogan
Cornell	Kasunic	Preston	Wozniak
Coslett	Kennedy	Punt	Wright, D. R.
Cowell	Kenney	Raymond	Wright, J. L.
Coy	Kosinski	Reber	Yandrisevits
Deluca	Langtry	Reinard	
DeVerter	Lashinger	Richardson	Irvis,
DeWeese	Laughlin	Rieger	Speaker
Daley	Lescovitz	Roebuck	

NOT VOTING—8

Barber	Evans	Freind	Petrarca
Cohen	Fattah	Maiale	Wiggins

EXCUSED—1

Pitts

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. Mr. Clark, this is your opportunity to explain what is in the bill.

Just a moment, Mr. Clark.

FILMING PERMISSION

The SPEAKER. The Chair gives permission for the 11th Hour Productions to film on the floor of the House, and for Kevin McCaney of the Pocono Record to film on the floor of the House. You may start now.

CONSIDERATION OF SB 251 CONTINUED

The SPEAKER. Now, Mr. Clark.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Would the gentleman yield for a moment?

The SPEAKER. The gentleman will yield.

Mr. RYAN. Mr. Speaker, for the benefit of our members, this bill was not caucused on. It seems to be a rather simple, straightforward bill as far as understanding it goes. I raise no objection to it being run at this time. I have asked Mr. Clark to give a full explanation of it. If any of our members, however, want it to be laid over until we have an opportunity to caucus on it, I would appreciate it if they would come down and see me about that, at which time I will make such a request. Failing to have any such request—

Mr. WASS. Mr. Speaker?

The SPEAKER. Why does the gentleman from Indiana, Mr. Wass, rise?

Mr. WASS. Mr. Speaker, may I interrogate the minority leader?

The SPEAKER. With great caution.

Mr. WASS. Thank you.

Mr. Speaker, we truly have not caucused on this legislation, and I would like this bill held over for the purpose of a caucus.

BILL PASSED OVER

The SPEAKER. Mark the bill over.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, since we are already waiting for amendments from the Republican side and they want to go to caucus, I would ask that they go to caucus right now, take whatever time they want, and return to the floor as soon as they can. This bill is very important to a member on this side who thought surely it was going to run without a caucus.

The SPEAKER. Very well.

Mr. Ryan, did you hear the majority leader? The majority leader has suggested that the member on the Democratic side who had been promised that the bill would be run is insisting that the bill be run. If you have members who wish to caucus on it, the majority leader is suggesting that you take them to caucus for a few moments and bring them back on the floor.

Mr. RYAN. Thank you, Mr. Speaker.

On the declaration of the—

Mr. WASS. Mr. Speaker?

The SPEAKER. Mr. Wass, are you up again?

Mr. WASS. I am sorry.

The SPEAKER. If you are not careful, I will be up there in your district again. You might get reelected.

Mr. WASS. I am sorry, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Greenwood, wants to chat with me for a minute, and could we just have a minute?

The SPEAKER. The House will be at ease.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think it is going to be simpler if we immediately go to caucus so that any questions can be answered in caucus, and we will return to the floor in 20 minutes to a half an hour.

The SPEAKER. Fine.

IRA B. COLDREN PRESENTED

The SPEAKER. Just a moment. We have a guest here. I would like to have his citation presented to him. He has been waiting.

He is attorney Ira Coldren, who is the newly elected president of the Pennsylvania Bar Association. Representative Fred Taylor has him as his guest and would like to present the citation. Mr. Taylor.

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

It is a distinct honor and pleasure for me to be able to present to you here in the House today a distinguished Pennsylvanian and a distinguished member of the Bar Association. He is an attorney in Uniontown. His name is Ira B. Coldren, Jr., and he is now going to be the president-elect of the Pennsylvania Bar Association. We have, on behalf of the House of Representatives, a citation to present to Mr. Coldren.

Whereas, Ira B. Coldren, Jr., head of one of Uniontown's most prestigious law firms and a dedicated community leader, was elected as president of the Pennsylvania Bar Association. Mr. Coldren is actively involved in many professional, community and civic organizations including the Fayette County, Pennsylvania and American Bar Association's; American Judicatory Society; International Association of Insurance Counsel; American Bar Foundation; American College of Probate Council; Pennsylvania Jaycees; Uniontown Rotary Club; Fayette County Branch, Pennsylvania Economy League; Greater Uniontown United Fund; Fayette County Development Council and Uniontown Country Club.

I would like to present this citation to Mr. Coldren on behalf of the House and would ask for your indulgence and attention so that Mr. Coldren may give you a brief address.

The SPEAKER. Mr. Coldren, we welcome you to the floor of the House.

Mr. COLDREN. Thank you very much.

Mr. Speaker, Mr. Manderino, Mr. Ryan, distinguished and honorable ladies and gentlemen of the House of Representatives, and if I may, particularly those Representatives from Fayette County - Fred Taylor, William DeWeese, Richard Kasunic, Peter Daley, and Jess Stairs: The Pennsylvania Bar Association and its 26,000 members are highly honored to have the privilege of addressing you this afternoon. When we convene our annual meeting in Hershey tomorrow, our members will be excited to hear the news of this exceptional courtesy.

During the past 12 months our president, Jerome Bogutz of Philadelphia, and others representing the association have appeared before your committees on a number of occasions. Their purpose has been to express our collective concerns regarding the bills being considered.

One such bill is SB 599, which will come to your attention. This is a proposal to modernize and recodify the laws regarding corporations and other associations. Based on a comprehensive study by our corporation banking and business law section, SB 599 will be worthy of your support.

But on this occasion I would like to speak more generally. The Pennsylvania Bar Association, with over 40 committees and 16 specialized sections, conducts continuous studies of virtually every subject which comes before this House. From agriculture to zoning, from civil rights to workers' compensation, from child abuse to the rights of the elderly, we explore every topic touched by the law. Our studies are made by specialists and by general practitioners of great experience, men and women with real knowledge and expertise. But they very seldom represent special interests. Within each group there are lawyers who represent plaintiffs and those who represent defendants, lawyers for banks and those for consumers, lawyers for workers and for employers, lawyers for victims and lawyers for the accused.

It is unlikely we can find an issue, even merit selection of judges, on which all of us could agree or which might, for example, support the creation of a political action committee.

We suggest that a contribution of the knowledge of our members can be more valuable in the legislative process than any monetary contribution might be. The committees and sections of the association can be a very important and helpful resource to provide you and your committees with background information, research, and technical assistance.

The law in Pennsylvania comes from two great institutions - the General Assembly and the Supreme Court. Pennsylvania lawyers have profound respect for the legislative process and for those who serve as our legislators. We are equally respectful of our Supreme Court and the judicial system. As servants of the law, we recognize that our law and our legal system will prosper only if both the General Assembly and the Supreme Court are healthy and effective and there is a free exchange of ideas and information between them. Because of our deep respect for each of these great institutions and our cordial relations with them, we might also assist in assuring communication and understanding between the General Assembly and the Supreme Court.

Presidents of the Pennsylvania Bar come from every corner of the Commonwealth. This year, for the first time in 92 years, the president will be from Fayette County. As the incoming president of the Pennsylvania Bar, I am highly privileged to offer to this House of Representatives the full resources of our association to assist you as you think best in the accomplishment of your most important duties.

Mr. Speaker, I thank you.

The SPEAKER. We thank you for coming, sir. We are delighted to have you here.

WELCOMES

The SPEAKER. The gentleman, Mr. Wilson, has as his guests Jim and Katharine Watson and their son, Derek. Welcome to the hall of the House. We are delighted to have you here.

And some residents of North Side and Lawrenceville are here as the guests of Representative Tom Murphy. Welcome to the hall of the House. We are delighted to have you here.

RECESS

The SPEAKER. The House will stand in recess until 2:30. Twenty minutes; will that be enough, Mr. Ryan?

Mr. RYAN. I am sure it will.

The members interested in learning a little bit more about the bill that will make you all fat and happy at the same time should retire immediately to the caucus room.

The SPEAKER. Recess until 2:30.

AFTER RECESS

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

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1625, PN 3304**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 1639, PN 3357**, and has appointed Senators **BELL, MOORE** and **BODACK** a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

COMMITTEE APPOINTMENTS

The SPEAKER. Pursuant to HR 279, the Chair has appointed the following members to a select committee to investigate the causes and consequences of the sinking of homes in the Logan section of the city of Philadelphia: Representative Ruth Harper, chairperson; Representatives William Rieger, Mark Cohen, Gordon Linton, Jon Fox, Robert Godshall, and Charles Nahill.

Pursuant to HR 286, the Chair has appointed the following members to a select committee to investigate the Commonwealth's plan for divesting itself of the State general hospitals: Representative Camille George, chairperson; Representatives Edward Lucyk, William Stewart, Keith McCall, David Argall, Lynn Herman, and Jess Stairs.

CALENDAR CONTINUED

CONSIDERATION OF SB 251 CONTINUED

DECISION OF CHAIR RESCINDED

The SPEAKER. On page 8, the Chair rescinds its announcement that SB 251 will go over, without objection. There was objection to having the bill passed over. Therefore, the bill remains on the active calendar.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Is the gentleman from Allegheny, Mr. Clark, now ready to make your explanation? We are on final passage again of SB 251.

Mr. CLARK. This bill amends the Food Law to permit the manufacture of candies and confectioneries in Pennsylvania that can contain up to 6 percent by volume alcohol. If you figure a 1-pound box of chocolates, for a 1-pound box of chocolates it would be less than 1 ounce of alcohol.

That is essentially what this legislation would permit. It would come under the auspices of the Liquor Control Board due to other provisions of the Liquor Code.

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

Mr. CLYMER. Thank you, Mr. Speaker.

I rise in opposition to SB 251. As we had brought out in our caucus, this is the problem that we have with this particular legislation. Indeed, the reason why this candy would have to be sold through the Pennsylvania State store system, as the law would indicate, is simply because of its high alcohol content.

Now, we heard that 1.5 ounces per centum is the tolerance to become intoxicated. The bill provides 6 ounces per centum, which means in a 1-pound package of candy, because it is a liquid substance that would be in each piece of candy—it would not be a mixture that today you can buy in probably ice cream and other candy, but it is a cordial, a liquid substance—from the testimony that we have heard, six pieces of this candy could be equivalent to one shot of alcohol.

Now, those people who tasted the candy certainly know what they tasted, and the very bill itself indicates that there is a strong flavor of alcohol in this candy. Do we really need this kind of problem for the young people of Pennsylvania? I mention the teenagers and young people because obviously they will have access to this. Even though it is to be sold through the State store system, let us not kid ourselves. If they want that merchandise, they will find a way to obtain it through someone older going in and purchasing the merchandise.

Now, Mr. Speaker, we just passed a number of resolutions. One of them last week dealt with SADD, Students Against Driving Drunk, and we all supported that fine resolution. Here we are doing something that is counterproductive to a very positive act.

In addition to that, do we really need to make this available to our young people when we are trying desperately to put restraints on this whole problem of alcoholism? As an example: Some of the problems that they have in New Jersey with gambling. I just mention that as an example, Mr. Speaker. We know that there is no State in the Union that has more problems with their teenagers and gambling than the State of New Jersey. And so, do we really want to have these kinds of problems for the Commonwealth of Pennsylvania?

Mr. Speaker, we just heard this morning—I was privy to hear—an agency, the Children and Youth Agency from Bucks County, tell us their plight and their problems that they are having with young people, and here again I think this bill would be very counterproductive in the attempts we are trying to make to fund money for agencies that do very meaningful and effective work with our young people.

So, Mr. Speaker, thank you for the time, and I would urge my colleagues to vote “no” on this bill.

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

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, if the House would indulge me just for a minute or so, I just want to give you a little background.

About two weeks ago I received a call from Commerce, and Mike Schaul said to me, can I come over to see you? He said, I have a certain corporate official who wants to locate a factory in Pennsylvania. Well, naturally, I was sort of elated. He came over and he sat down and indicated that this company is interested in locating in Monroe County because of its proximity to eastern markets. And in our discussion, of course, he indicated that these kinds of candies are manufactured by certain Swiss and German companies, and they manufacture a line of about 20 or 25 different chocolates, 2 of which have alcoholic centers or liqueur centers.

Now, of course, the 1909 law - the Pure Food Act of 1909 - prohibits the manufacturing of confectioneries that contain alcoholic content above the level of a flavor. Therefore, that is the reason for the need for this legislation. In talking to the corporate people, they indicate that 5 percent of the area of a chocolate contains this liqueur. The bill allows up to 6 percent, for that reason, to allow a little leeway. But this

company is eager to locate in Pennsylvania. They will produce about 110 jobs.

Some of you might say—and I heard Representative Clymer, and he and I usually agree on things— However, the intent, of course, is not in any way to entice children to purchase these candies. In fact, they would be sold mostly in liquor stores and specialty shops - for example, in Macy's maybe, Gimbels, or shops like that. They are expensive; they are expensive chocolates. I had a box of them and too many people requested samples and, therefore, I do not have any left. I am sorry.

But, as I said—not to be redundant—this is a chocolate manufacturing company that manufactures a full line of chocolates at any given time, two of which contain different kinds of liqueurs. I would appreciate a positive vote simply because, number one, it is going to locate in Pennsylvania; and number two, in Monroe County. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as guests of the majority leader, Mr. Mandrino, Marlene Perozzi and Anthony Stupakis. Welcome. We are delighted to have you here.

And there are students from the West View Elementary School in the gallery. They are guests of Dave Mayernik. Welcome to the hall of the House, children. We are delighted to have you.

CONSIDERATION OF SB 251 CONTINUED

The SPEAKER. On final passage, the Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

I am sure we all know, Mr. Speaker, by now that the reason we have this legislation before us is that there is a company that would like to locate in northeastern Pennsylvania. The issue at hand, in my mind, is jobs. We have worked very hard with the Department of Commerce and the Department of Agriculture to get some type of legislation before the House to enable this company to locate in northeastern Pennsylvania. This legislation means 110 jobs for northeastern Pennsylvania and the Commonwealth of Pennsylvania. I would urge an affirmative vote by all the members on this floor. Thank you.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I think we should make our decision on this bill based on what has been said about the economic benefits to the Commonwealth in terms of jobs and industry and not on what I think are really specious arguments that have to do with demon rum.

What we are talking about here is candy that would have 6 percent by volume alcohol, and I would like to read very briefly from a letter that I received from the Center for State Policy Research:

The increased alcohol content represents no threat to children or minors because one would generally have to consume 4.0 lbs. to 5.0 lbs. of confectionaries with a 5.0% by weight alcohol rating in order to consume one shot of liquor or booze. A further deterrent in this regard is the average \$15.00 to \$30.00 per pound price for such candies.

The point is, this is the last place in the world where a child or a young person would look to find alcohol. It would cost a young person probably something like \$150 to \$300 in candies to get any reaction to the alcohol, and I suspect that teenagers will do what they have done in the past and spend \$1.50 on a quart of beer long before they will spend \$150 on candy. I think we ought to pass this bill and get beyond the fairly ridiculous arguments. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, we have been pointing toward the economics of this situation, and I just want to caution that economics are two-sided. Yes, there may be jobs, and, yes, that may mean more dollars; but, yes, also, there is the problem or the potential problem of the economic cost of alcoholism which must be considered.

We are talking about providing alcohol now in a form that has never been presented in this State before; that is, a totally unlabeled, unidentified source, so that young children who live in a home where this candy may exist can get access to it and taste it. They are also going to be tasting it in a much different form. Most people have to develop a taste, a liking, for alcohol in order for it to do to them what it has done to so many of our colleagues and so many of our citizens - totally render them impossible to continue with what they are doing.

The costs of alcoholism in this State are extremely high, and we will be considering that in terms of whether or not to appropriate money and how to deal with it. So this is the time that we ought to be thinking about the costs of alcoholism, when we are offering an opportunity for its expansion.

When we are talking about how many pieces of candy, the effect of alcohol depends upon the weight of the individual. Therefore, when we are talking about how much it might take for me to have a problem eating a pound or 2 pounds of candy, if my son or grandchild gets ahold of that candy, it is a whole different ball game. There are, in fact, situations where schools are having problems with this. There would be no control. There is no prohibition to carrying a piece of candy in your lunch box. There is no prohibition to sharing it with someone else. There is no way to keep someone who wants to develop or develop in your youngster a desire for alcohol or to get them inebriated, to prevent them from it and say, here, would you like a piece of candy? We all know that we have this problem with Ex-Lax. We can be deceived. Candy can deceive. Let us not put something as harmful as alcohol potentially is into something that we encourage for our children. I urge you to vote "no" for this legislation. Thank you.

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

Miss SIRIANNI. Mr. Speaker, I would just like to know if this includes cough drops, because a lot of cough drops have liquor in them. If not candy, why not cough drops?

The SPEAKER. Are you suggesting, Miss Sirianni, that we should inject cough drops with whiskey?

Miss SIRIANNI. It is already in.

The SPEAKER. You should not spread that around. That will increase the sale of cough drops.

Miss SIRIANNI. It is already in them, and I think it should be included.

The SPEAKER. The Chair thanks the lady.

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—100

Afflerbach	Dawida	Lescovitz	Raymond
Angstadt	Dombrowski	Letterman	Rieger
Argall	Donatucci	McCall	Roebuck
Barber	Duffy	McClatchy	Ryan
Battisto	Fee	McVerry	Rybak
Belardi	Freeman	Mackowski	Semmel
Blaum	Fryer	Manderino	Serafini
Book	Gallagher	Markosek	Seventy
Bortner	Gamble	Mayernik	Snyder, D. W.
Bowser	Gannon	Michlovic	Staback
Boyes	Gladeck	Micozzie	Steighner
Brandt	Greenwood	Moehlmann	Stevens
Broujos	Gruitza	Nahill	Stewart
Burd	Gruppo	O'Brien	Sweet
Burns	Hagarty	O'Donnell	Taylor, J.
Caltagirone	Harper	Olasz	Tigue
Cappabianca	Howlett	Oliver	Trello
Carn	Hutchinson	Perzel	Truman
Cawley	Itkin	Petrarca	Van Horne
Cessar	Jackson	Petrone	Veon
Clark	Josephs	Pievsky	Weston
Cornell	Kosinski	Pistella	Wiggins
Coslett	Langtry	Pott	Wogan
Cowell	Lashingier	Pressmann	Wozniak
DeWeese	Laughlin	Preston	Yandrisevits

NAYS—96

Arty	Dininni	Kukovich	Saurman
Baldwin	Distler	Levdansky	Scheetz
Barley	Dorr	Linton	Schuler
Belfanti	Durham	Livengood	Showers
Birmelin	Fargo	Lloyd	Sirianni
Black	Fattah	Lucyk	Smith, B.
Bowley	Fischer	McHale	Smith, L. E.
Bunt	Flick	Manmiller	Snyder, G.
Bush	Foster	Merry	Stairs
Carlson	Fox	Miller	Stuban
Chadwick	Freind	Morris	Swift
Cimini	Gallen	Mowery	Taylor, E. Z.
Civera	Geist	Mrkonic	Taylor, F.
Clymer	George	Murphy	Telek
Cohen	Godshall	Noye	Vroon
Colafella	Haluska	Phillips	Wambach
Cole	Hasay	Piccola	Wass
Cordisco	Hayes	Punt	Wilson
Coy	Herman	Reber	Wright, D. R.
Deluca	Honaman	Reinard	Wright, J. L.
DeVerter	Jarolin	Richardson	Wright, R. C.
Daley	Johnson	Robbins	
Davies	Kasunic	Rudy	Irvis,
Deal	Kennedy	Saloom	Speaker
Dietz	Kenney		

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—197

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

NAYS—0

NOT VOTING—3

Acosta	Evans	Piccola
--------	-------	---------

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House some guests from Montgomery County. They are here as the guests of Representative Lashinger; they are in the gallery. And special guests: Maria, who is the wife of Representative Lashinger, together with Joey and Kristen, their children. They are to the left of the Speaker. Kristen is the one who is sitting up completely in the chair. Welcome to the hall of the House. Thank you for coming. We are delighted to have you here.

FILMING PERMISSION

The SPEAKER. Public Television has been granted leave to film on the floor of the House.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS CONTINUED

The clerk of the Senate, being introduced, returned the following **HB 1676, PN 3358**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for requisitions out of any fund in the State Treasury.

On the question,

Will the House concur in Senate amendments?

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

Mr. TRELLO. Mr. Speaker, I will ask the House to non-concur on HB 1676.

The bill, as originally drafted, was a request from the Budget Office and the Treasurer's Office. The Senate added amendments that they now admit were a gross injustice and a misunderstanding of what we were trying to do. The Budget Office and also the Senate would both like us to nonconcur so the bill could have some more input from the Senate and correct the misunderstanding on the part of the Senate. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I join with the gentleman, Mr. Trello, in seeking nonconcurrence on this particular bill. Thank you.

The SPEAKER. On the question, shall the House concur, the gentleman, Mr. Trello, and the gentleman, Mr. Ryan, suggest the vote be in the negative. Those who believe we should concur will vote "yes"; those who believe we should be in the negative will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—0
NAYS—194

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

NOT VOTING—6

Acosta	Hutchinson	Stevens	Wiggins
Evans	Roebuck		

EXCUSED—1

Pitts

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. STEVENS. On that last vote, Mr. Speaker, on concurrence in HB 1676, my switch did not work properly. I wanted to be recorded in the negative; I was not recorded at all.

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

HR 251 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which HR 251 was passed on this the 6th day of May.

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

The following roll call was recorded:

YEAS—198

Afflerbach	Dietz	Langtry	Robbins
Angstadt	Dininni	Lashingner	Roebuck
Argall	Distler	Laughlin	Rudy
Arty	Dombrowski	Lescovitz	Ryan
Baldwin	Donatucci	Letterman	Rybak
Barber	Dorr	Levdansky	Saloom
Barley	Duffy	Linton	Saurman
Battisto	Durham	Livengood	Scheetz
Belardi	Evans	Lloyd	Schuler
Belfanti	Fargo	Lucyk	Semmel
Birmelin	Fattah	McCall	Serafini
Black	Fee	McClatchy	Seventy
Blaum	Fischer	McHale	Showers
Book	Flick	McVerry	Sirianni
Bortner	Foster	Mackowski	Smith, B.
Bowley	Fox	Manderino	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G.
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.
Carn	Greenwood	Murphy	Taylor, F.
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	Oliver	Van Horne
Clymer	Hayes	Perzel	Veon
Cohen	Herman	Petrarca	Vroon
Colafella	Hershey	Petrone	Wambach
Cole	Honaman	Phillips	Wass
Cordisco	Howlett	Piccola	Weston
Cornell	Hutchinson	Pievsky	Wiggins
Coslett	Itkin	Pistella	Wilson
Cowell	Jackson	Pott	Wogan
Coy	Jarolin	Pressmann	Wozniak
Deluca	Johnson	Preston	Wright, D. R.
DeVerter	Josephs	Punt	Wright, J. L.
DeWeese	Kasunic	Raymond	Wright, R. C.
Daley	Kennedy	Reber	Yandrisevits
Davies	Kenney	Reinard	
Dawida	Kosinski	Richardson	Irvis,
Deal	Kukovich	Rieger	Speaker

NAYS—0

NOT VOTING—2

Acosta	Maiale
--------	--------

EXCUSED—1

Pitts

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

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

The following roll call was recorded:

YEAS—198

Afflerbach	Dietz	Langtry	Robbins
Angstadt	Dininni	Lashingner	Roebuck
Argall	Distler	Laughlin	Rudy
Arty	Dombrowski	Lescovitz	Ryan
Baldwin	Donatucci	Letterman	Rybak
Barber	Dorr	Levdansky	Saloom
Barley	Duffy	Linton	Saurman
Battisto	Durham	Livengood	Scheetz
Belardi	Evans	Lloyd	Schuler
Belfanti	Fargo	Lucyk	Semmel
Birmelin	Fattah	McCall	Serafini
Black	Fee	McClatchy	Seventy
Blaum	Fischer	McHale	Showers
Book	Flick	McVerry	Sirianni
Bortner	Foster	Mackowski	Smith, B.
Bowley	Fox	Manderino	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G.
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.
Carn	Greenwood	Murphy	Taylor, F.
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	Oliver	Van Horne
Clymer	Hayes	Perzel	Veon
Cohen	Herman	Petrarca	Vroon
Colafella	Hershey	Petrone	Wambach
Cole	Honaman	Phillips	Wass
Cordisco	Howlett	Piccola	Weston
Cornell	Hutchinson	Pievsky	Wiggins
Coslett	Itkin	Pistella	Wilson
Cowell	Jackson	Pott	Wogan
Coy	Jarolin	Pressmann	Wozniak
Deluca	Johnson	Preston	Wright, D. R.
DeVerter	Josephs	Punt	Wright, J. L.
DeWeese	Kasunic	Raymond	Wright, R. C.
Daley	Kennedy	Reber	Yandrisevits
Davies	Kenney	Reinard	
Dawida	Kosinski	Richardson	Irvis,
Deal	Kukovich	Rieger	Speaker

NAYS—0

NOT VOTING—2

Acosta Maiale

EXCUSED—1

Pitts

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

HR 294 RECONSIDERED

The SPEAKER. The Chair has at hand a reconsideration motion by which the gentleman, Mr. Broujos, moves that the vote by which HR 294 was passed on this the 6th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—196

Afflerbach	Dininni	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Levdansky	Ryan
Arty	Donatucci	Linton	Rybak
Baldwin	Dorr	Livengood	Saloom
Barber	Duffy	Lloyd	Saurman
Barley	Durham	Lucyk	Scheetz
Battisto	Fargo	McCall	Schuler
Belardi	Fattah	McClatchy	Semmel
Belfanti	Fee	McHale	Serafini
Black	Fischer	McVerry	Seventy
Blaum	Flick	Mackowski	Showers
Book	Foster	Maiale	Sirianni
Bortner	Fox	Manderino	Smith, B.
Bowley	Freeman	Manmiller	Smith, L. E.
Bowser	Freind	Markosek	Snyder, D. W.
Boyes	Fryer	Mayernik	Snyder, G.
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.
Carn	Gruitza	Nahill	Taylor, F.
Cawley	Gruppo	Noye	Taylor, J.
Cessar	Hagarty	O'Brien	Telek
Chadwick	Haluska	O'Donnell	Tigue
Cimini	Harper	Olasz	Trello
Civera	Hasay	Oliver	Truman
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Cohen	Hershey	Petrone	Vroon
Colafella	Honaman	Phillips	Wambach
Cole	Howlett	Piccola	Wass
Cordisco	Hutchinson	Pievsky	Weston
Cornell	Itkin	Pistella	Wiggins
Coslett	Jackson	Pott	Wilson
Cowell	Jarolin	Pressmann	Wogan
Coy	Johnson	Preston	Wozniak
Deluca	Josephs	Punt	Wright, D. R.
DeVerter	Kasunic	Raymond	Wright, J. L.
DeWeese	Kennedy	Reber	Wright, R. C.
Daley	Kenney	Reinard	Yandrisevits
Davies	Kosinski	Richardson	
Dawida	Kukovich	Rieger	Irvis,
Deal	Langtry	Robbins	Speaker
Dietz	Lashingner		

NAYS—2

Birmelin Letterman

NOT VOTING—2

Acosta Evans

EXCUSED—1

Pitts

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

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

The following roll call was recorded:

YEAS—156

Afflerbach	Daley	Lashingner	Punt
Angstadt	Davies	Laughlin	Raymond
Argall	Dawida	Lescovitz	Reber
Baldwin	Dininni	Letterman	Reinard
Barber	Dombrowski	Levdansky	Richardson
Battisto	Donatucci	Linton	Rieger
Belardi	Duffy	Livengood	Roebuck
Belfanti	Durham	Lloyd	Rudy
Black	Fattah	Lucyk	Ryan
Blaum	Fee	McCall	Rybak
Book	Fox	McClatchy	Saloom
Bortner	Freeman	McHale	Semmel
Bowley	Freind	McVerry	Serafini
Brandt	Fryer	Mackowski	Seventy
Broujos	Gallagher	Maiale	Snyder, D. W.
Bunt	Gallen	Manderino	Staback
Burd	Gamble	Manmiller	Stairs
Burns	Gannon	Markosek	Steighner
Bush	Gladeck	Mayernik	Stevens
Caltagirone	Greenwood	Merry	Stewart
Cappabianca	Gruitza	Michlovic	Sweet
Carlson	Gruppo	Micozzie	Taylor, E. Z.
Carn	Hagarty	Moehlmann	Taylor, F.
Cawley	Haluska	Morris	Taylor, J.
Cessar	Harper	Mrkonic	Telek
Chadwick	Hasay	Murphy	Tigue
Cimini	Herman	Nahill	Trello
Civera	Howlett	O'Brien	Truman
Clark	Hutchinson	O'Donnell	Van Horne
Cohen	Itkin	Olasz	Veon
Colafella	Jackson	Oliver	Wambach
Cole	Jarolin	Perzel	Wass
Cordisco	Josephs	Petrarca	Weston
Cornell	Kasunic	Petrone	Wilson
Coslett	Kennedy	Piccola	Wogan
Cowell	Kenney	Pievsky	Wozniak
Coy	Kosinski	Pistella	Wright, J. L.
DeLuca	Kukovich	Pott	Wright, R. C.
DeWeese	Langtry	Preston	Yandrisevits

NAYS—38

Barley	Fargo	Miller	Smith, B.
Birmelin	Fischer	Mowery	Smith, L. E.
Bowser	Flick	Noye	Snyder, G.
Boyes	Foster	Phillips	Stuban
Clymer	Geist	Robbins	Swift
DeVerter	George	Saurman	Wiggins
Deal	Godshall	Scheetz	Wright, D. R.
Dietz	Hayes	Schuler	
Distler	Honaman	Showers	Irvis,
Dorr	Johnson	Sirianni	Speaker

NOT VOTING—6

Acosta	Evans	Pressmann	Vroon
Arty	Hershey		

EXCUSED—1

Pitts

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 293, PN 2124**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," restricting the operations of certain units at various State hospitals; and further providing for minimum staffing levels at State mental institutions.

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

Mr. REINARD offered the following amendments No. A2139:

Amend Title, page 1, line 21, by inserting after "HOSPITALS;"

providing for alternate security for performance of contracts;

Amend Bill, page 3, by inserting between lines 8 and 9

Section 2. Section 2409(j) and (k) of the act, amended December 19, 1980 (P.L.1333, No.244), are amended and the section is amended by adding a subsection to read:

Section 2409. Method of Awarding Contracts for Stationery, Paper, Fuel, Repairs, Furnishings, and Supplies.—***

(j) Except as hereinafter provided, no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check, to the order of the State Treasurer, in one-fourth the amount of the estimated contract, or by a bond or alternate security in such form and amount as may be prescribed by the department. Any such bond or alternate security shall be conditioned for the faithful performance of the terms of the contract, if awarded, and shall have as surety one surety company authorized to act as surety in this Commonwealth, or two individual sureties approved by the Department of Justice.

(j.1) In lieu of a bond to secure a bidder's performance, the department in its discretion may accept as a substitute therefore alternate security in the form of an assignment of time certificates of deposit of banks licensed by the Commonwealth, securities of or those guaranteed by the United States of America, the Commonwealth and its political subdivisions, or shares of savings and loan institutions authorized to transact business in this Commonwealth. In the event such alternate security is accepted, the bidder shall be entitled to all interest or income earned on such security and all such security shall be returned to the bidder by the department within sixty days after performance.

(k) A bidder, who shall have accompanied his proposal with a certified or bank check as aforesaid, and to whom a contract shall have been awarded, may, within ten days after such award, substitute for said check a bond or alternate security as herein prescribed, otherwise said check shall be retained in lieu of a bond.

Amend Sec. 2, page 3, line 9, by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 14, by striking out "3" and inserting

4

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

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will allow small contractors in the State of Pennsylvania to post alternative forms of security, specifically a CD (certificate of deposit), in lieu of bonding requirements currently set aside under the rules of the Commonwealth. Why this is necessary is for a number of reasons.

First off, many corporations and small businesses in Pennsylvania are precluded from any type of bidding on State contracts simply because they cannot secure the bonding requirement - not that they cannot perform the work, but that either the small corporate structure does not have enough dollars in it to pass for a bonding requirement or else it is a "mom and pop" type of partnership that does not have any financial backing other than the individual's house, car, and normal assets.

What this amendment will require is if they wish to bid on one of these contracts, they have to post a CD naming the Commonwealth. When the job is completed according to specifications and requirements, then the Commonwealth can return the proceeds posted under that bond.

There is a no-loss situation for the Commonwealth. There is a very positive, positive situation for your small bidder or contractor in the Commonwealth, because now he is on the same footing as any other corporation that has established bonding history. I ask for your support.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, I rise to support the amendment.

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

The following roll call was recorded:

YEAS—187

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

Cimini	Hasay	Olasz	Trello
Civera	Hayes	Oliver	Truman
Clark	Herman	Perzel	Van Horne
Clymer	Hershey	Petrarca	Veon
Cohen	Honaman	Petrone	Wambach
Colafella	Hutchinson	Phillips	Wass
Cole	Itkin	Piccola	Weston
Cordisco	Jackson	Pievsky	Wilson
Cornell	Jarolin	Pistella	Wogan
Coslett	Johnson	Pott	Wozniak
Cowell	Josephs	Pressmann	Wright, D. R.
Coy	Kasunic	Preston	Wright, J. L.
Defuca	Kennedy	Punt	Wright, R. C.
DeVerter	Kenney	Raymond	
DeWeese	Kosinski	Reber	Irvis,
Daley	Kukovich	Reinard	Speaker
Davies			

NAYS—3

Dietz Vroon Yandrisevits
NOT VOTING—10

Acosta	Fattah	Maiale	Roebuck
Deal	Howlett	Richardson	Wiggins
Evans	Linton		

EXCUSED—1

Pitts

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. LASHINGER offered the following amendments No. A2140:

Amend Title, page 1, line 23, by inserting after "INSTITUTIONS"

mental

Amend Sec. 2 (Sec. 2313.1), page 3, line 13, by inserting after "STATE"

mental

Amend Sec. 2 (Sec. 2313.1), page 5, line 10, by striking out "THE" and inserting

(a) The

Amend Sec. 2 (Sec. 2313.1), page 5, line 11, by striking out "AND RETARDED"

Amend Sec. 2 (Sec. 2313.1), page 5, line 11, by inserting after "STATE"

mental

Amend Sec. 2 (Sec. 2313.1), page 5, line 12, by inserting after "STATE"

mental

Amend Sec. 2 (Sec. 2313.1), page 5, by inserting between lines 13 and 14

(b) Personnel hired after the effective date of this act to meet the requirements of subsection (a) shall be assigned to provide follow-up care to persons discharged from State mental hospitals.

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

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

Mr. Lashinger is warned that Kristen is listening.

Mr. LASHINGER. Mr. Speaker, like any good trial lawyer, I would bring my family to court that day or your mother or your father so you would beg for the mercy of the court.

The amendment I am offering, Mr. Speaker, is A2140. Mr. Speaker, for those members who have State mental health facilities in their legislative districts, this becomes a very, very important amendment. There are a number of communities today experiencing the problem with ex-patients - patients who have been released from our State hospitals across the Commonwealth - making their homes in that community and in most cases making their home the streets of those communities.

With the declining patient population in the State hospitals and the commensurate release of patients to the communities, it becomes more important that we do something for those communities more than just add to the community health budget, which will give the dollars to do followups on those patients who are released to the communities. What I am saying is that I agree with what Representative Petrarca has done in SB 293, and that is to force the Commonwealth and force this administration to maintain the 1985 complement levels at our State mental facilities, but also to say, if the mental institutions are going to be hiring back employees, that they consider or that they use those employees to do community mental health followups with patients who have been released from State hospitals across the Commonwealth. What will happen, Mr. Speaker, is we will be providing staff to supplement our community mental health-mental retardation projects in our respective counties to do data collection on ex-patients, to find out where ex-patients are living in our communities, what they are doing when they take up residence in our communities in our districts.

It is unfortunate, but what causes these types of amendments to be offered, Mr. Speaker, for most members is a tragedy. In my case just 2 weeks ago three ex-patients died in a fire in the borough of Norristown. Of course, you can understand the community outcry as a result of those deaths, but the response from the county and from the community was, we did not know that patients were living in that home; we did not have the manpower, the person power, to do followups on those patients once they were released. This will provide us with the opportunity to use State employees to do the followups that we should have been doing for years.

I also want to bring to the attention of the members two other items that are important, because a number of the members of the House have heard from mental retardation groups across the Commonwealth about the effect of what Representative Petrarca was proposing to do in SB 293. The problem that the mental retardation groups, the Association for Retarded Citizens, the concern that they had is remedied by *this amendment* also. We take out the reference to the retarded on page 5, line 11, by striking out that language. It includes retarded individuals.

The bottom line, what we do is we fulfill our requirement on that medicaid waiver problem, which a lot of the retarded

groups were talking about. We no longer with this amendment have that problem, in my estimation, with the medicaid waiver issue. We are making this apply specifically to State mental institutions across the Commonwealth.

For those reasons, I would ask for the support of the chamber. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca, on the amendment.

Mr. PETRARCA. Mr. Speaker, I feel the Lashinger amendment really strengthens the bill. Like three of his patients sat in a row house and burned to death, I had the same minihorror stories in my district. One I will allude to is a man 3 weeks after he was released shot himself.

I feel legislation like this is needed, and I support the amendment.

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

The following roll call was recorded:

YEAS—196

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

Deal Lashinger
 NAYS—0
 NOT VOTING—4
 Acosta Evans Howlett Showers
 EXCUSED—1

Pitts

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?

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

Mr. DORR. Mr. Speaker, may I interrogate the majority Appropriations chairman?

The SPEAKER. Mr. Pievsky indicates he will stand for interrogation.

Mr. DORR. Mr. Speaker, would the gentleman indicate what the fiscal note is on this bill?

Mr. PIEVSKY. Yes, Mr. Speaker. For fiscal year 1986-87, the additional State funding cost would be \$23,723,000.

Mr. DORR. Did I understand the gentleman to say \$23 million on this bill?

Mr. PIEVSKY. \$23,723,000.

Mr. DORR. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I was in a conference here to the side. Do I understand that the fiscal implications of this bill are in excess of \$20 million?

The SPEAKER. The gentleman, Mr. Pievsky, says it is \$23 million.

Mr. RYAN. \$23 million?

Mr. PIEVSKY. That is correct.

Mr. RYAN. Thank you, Mr. Speaker.

I have no further interrogation of the gentleman, Mr. Pievsky. I just was not sure of that number.

I think it is a mistake for us to adopt legislation such as this. If you think about what has happened here, and I have not given it a great deal of thought and I would welcome being corrected if I am wrong, but my understanding of what is happening here is from the 1985 budget there has been a reduction in the number of employees in certain of the State hospitals either by retirement or by layoffs. As a consequence of this bill, the number of people who were laid off will be rehired to the same number that was in the 1985 bill. If they are rehired, they are put out under Mr. Lashinger's bill into the streets, if you please, to review and keep track of what is happening with former mental patients who have been released from the hospital.

I do not think we should get involved in the administration of State hospitals. I do not think we should take the responsibility for saying that there is or is not a need for more people, and here I believe what we are simply doing is we are passing a bill that is designed to rehire people, whether they are needed or not, to the 1985 level. I do not believe that is our job. If the State employees are reduced in number, as they have been under the Thornburgh administration by some 10,000 or 15,000 people, and then we go out and campaign saying we have cut a lot of the waste from government, and then a bill comes along such as this one and says hire back to the complement of 1978 or 1979, I think we would look foolish. We are doing that but to a lesser extent in this bill. We are not saying that in 1985 we had a complement in the State hospitals that was necessary to run the State hospitals; we are not saying that now. We are saying however many people you were employing then, you have to reemploy, but not necessarily looking after patients; you just have to reemploy them and give them some other job that we are creating by reason of the Lashinger amendment. I do not see any logic to that other than the logic of, there are 100 or 200 people out of work because of what the administration has done in the past year and we want to hire them back; we do not know where to put them in the State hospitals where they have been cut, so we will create new jobs for them, and those new jobs are going to cost the Commonwealth \$25 million.

We talk about a surplus; we proudly go out yesterday and today talking about what we are going to do with the \$275- or \$250-million surplus. You pass this type legislation and I will tell you what you are going to do with 10 percent of that surplus; you are going to fund this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, the minority leader's remarks missed the entire point of the Lashinger amendment that was adopted.

Mr. Speaker, the main thrust of SB 293 is to set in law the complement levels for treatment and support personnel at our State mental hospitals. During the last 4 years of the Shapp administration and the entire Thornburgh administration, there was a primary objective in the hospitals, and that was to move patients from institutions to the community. I have not, Mr. Speaker, nor do I now oppose efforts to deinstitutionalize mental hospital residents. This General Assembly has time and time again approved budgets that assume the movement of a large number of hospital residents to the community.

This does not mean, however, that problems have not arisen that have caused all of us concern and frustration over our inability to solve. I am speaking about former hospital residents who have not been picked up by community support programs on release from the hospital and end up living in the street, in alleys, or in crowded and many times unsafe flophouses and places for the homeless. I am speaking of those individuals we have seen wandering the streets in a state that could only be caused by serious mental problems, and I am speaking of those individuals who, once released from an

institution, have caused harm to themselves and perhaps unsuspectingly have caused harm to innocent members of the community.

In my judgment, Mr. Speaker, SB 293 is not simply an attempt to save the jobs of union employees, not to save the jobs of union employees who work in the mental institutions. It is an attempt to tell the Governor that while deinstitutionalization in the main is a sound policy to follow, there is a growing concern in the community and in the legislature about the wisdom of releasing those who cannot function in the unstructured environment and who cause harm, sometimes violent harm, to other residents of the community and to themselves, and then may be excused from responsibility for actions because they were not in control at the time.

Mr. Speaker, SB 293, more than anything else, is a message to the Governor and to this administration that it is time to strike a balance between institutional care and community care for the mentally ill. And it is a message that wholesale destruction of our institutional system for the mentally ill was not and is not now what the General Assembly envisioned by stressing community as opposed to institutional care. It is a message that more discretion has to be built into the decision system that allows a patient to leave an institution for the community. It is a message that we and our constituents, I believe, want to be assured that those entering the community are able to deal with such a change without bringing harm to themselves or others or without ending up living in the streets or with similar living arrangements.

Mr. Speaker, I have spoken to the prime sponsor of this legislation on a number of occasions, and I have told him that it is my belief that in all likelihood SB 293 will be vetoed if it reaches the Governor's desk. And I am just as confident, Mr. Speaker, that if the Governor continues his current deinstitutionalization policy without rational decisions being made and without more discretion finding its way into the process, that SB 293 will only be one of many negative reactions that will be coming from this House of Representatives and only one of many negative reactions that we will continue to get from the community in general.

Mr. Speaker, I do ask for an affirmative vote on this bill, and I ask for that vote so that the message of tempered deinstitutionalization, of rationed and reasoned and much discretion being used, should enter the process that this General Assembly has very little control over, as Mr. Ryan has correctly pointed out, because the administration is in full charge. I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, let us call this bill and the amendment what it is. This is a bill that is designed to return to work members of the Pennsylvania Social Services Union regardless of qualification, as I view it, and I say that for the following reasons: The bill was introduced by Mr. Petrarca. The principal thrust of this bill was to do nothing other than rehire people laid off, whether they were needed or not needed. The bill, as amended by Mr. Lashinger, calls back in onto the payroll the same number of people who were laid off or the

same number of jobs that were unfilled and people laid off from the 1985 budget. There were a little bit over 200 laid off and I think another 300 or 400 vacancies that were never filled.

We, the House of Representatives, who have shown over the past 2 years that we are special-committee happy, if you look at the number of special committees we have created over the past few years to look into special problems, have never looked into this followup program that was suggested by the gentleman, Mr. Lashinger. I, for one, am saying that it is probably a good program. I do not know enough about it. Are 200 people enough to take care of it; 600; 1,000; 1,500? I do not know, and that does not seem to be the motivating force behind either the bill or the amendment. The motivating force is to rehire the 200-and-some people laid off, and the 400 vacancies, fill them with new bodies. Go to the streets; hire them.

I suspect—and I do not know this, but I would ask Mr. Petrarca to answer it—do we have an obligation under union contracts to first rehire those people who have been laid off? If this becomes law, do we first rehire the people who have been laid off since the 1985 budget?

The SPEAKER. The gentleman, Mr. Petrarca, indicates he will stand for the interrogation. Did the gentleman hear the question?

Mr. PETRARCA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may reply.

Mr. PETRARCA. I would like to answer his first question.

This bill was put in to protect the rights of the patients—

Mr. RYAN. No. Mr. Speaker, my question, and I have no objection to your making a statement. Now under interrogation I would simply—

Mr. PETRARCA. I will answer the first question.

Mr. RYAN. I only asked one question. Under the contract with the PSSU, is there an obligation on the part of the Commonwealth to first take them back onto the payroll if this becomes law? That is the only question under interrogation.

Mr. PETRARCA. It is nice to be interrogated by a Philadelphia lawyer.

Mr. RYAN. Please. Delaware County.

Mr. PETRARCA. They do pay taxes in Philadelphia, and I am happy of that.

Anyway, Mr. Speaker, again, you are asking me the question, how many employees are being called back? Again, my concern was the health of the patients. Like Mr. Lashinger had three people burned, I had one shot, and when the administration does not address the issue, then it is up to the General Assembly to do something. Now, who are they going to call back? That is in collective bargaining. I guess they will work something out.

Mr. RYAN. Mr. Speaker, if I may continue the interrogation. Are you saying you do not know—or your staff assistant with you—you do not know if, under the existing contract, these people who were laid off will be the first ones called back if this becomes law? You do not know the answer to that? Is that your answer?

Mr. PETRARCA. It is not our concern about who the union calls back, if they have the seniority like anything else. Seniority seemed to rule in the House.

Mr. RYAN. All right. Thank you, Mr. Speaker.

The gentleman fails to answer the question. I suspect from the nature of the answer that the union contract does provide that these people are first called back. I do not know that.

What type qualifications do you need to meet Mr. Lashinger's amendment? How many people are they responsible for? These are all things we have never looked into. Look at the bill. The only thing under the bill is the full employment opportunity act for the Pennsylvania Social Services Union people who have been laid off or for new jobs for them in the vacancies that were created under the 1985 budget.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, there has been some attention directed to the fact that the real problem that has been expressed and I think expressed by the sponsor of the bill, at least originally as it was introduced into several committees that I served on, was the number of people who are out on the streets and causing problems. The majority leader has talked about sending the Governor a message. He has talked about a bill that will be vetoed. I think we send a garbled message when we send this kind of legislation to the Governor if our true intention is to deal with these people who are out on the streets. I think what we need to do is to put together some legislation that directs its focus on the people who are on the streets and says that we want them to be treated and that we want them to be treated with the proper cadre of individuals to do that job.

The minority leader has mentioned that Mr. Lashinger's bill talks about numbers. But what kind of numbers? Who are those people? What kind of people are needed to deal with the homeless? What is the problem of the homeless on the streets who have been put out from some of these institutions? I have attended many meetings with the Health and Welfare Committee and with the special committee to go down and investigate the homeless in Philadelphia. They have problems, and there is no kidding about that. But how are those problems going to be solved? By putting a firm list of numbers on how many people have to be employed in this department?

Today, every day, we find new innovative ways to treat people. We do not need to put straitjackets on the department that is dealing with them, but if we have a message that we want these people to be treated, then let us put that message into clear and concise language and say, Mr. Governor, we have a problem. We are presenting a bill that says we want to address that problem and we have looked into it and this is the way we think it should be done. But not say, we need all of these people back because we have to go back to how many there were in 1985 and that is supposed to tell the Governor that we have a problem with homeless people in the streets.

Mr. Speaker, I think this bill should be defeated, and we should work as quickly and as decisively as possible to put together legislation that sends the message that we want to

send to the Governor, that we deal with these homeless people as they ought to be properly and adequately dealt with. Thank you.

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

Mr. JAROLIN. Mr. Speaker, I am probably one of the few Representatives down here who has a very, very unique situation in reference to this Senate bill. Going back quite a few years, the Retreat State Hospital, which took care of the mentally ill, had been closed. Each and every one of those patients had been distributed either to other institutions that were still in effect or into the community. Today, down on the main street in the city of Nanticoke, I have one directing traffic like a patrolman. Up in a park, I have one who is directing a flying saucer to land right in the middle of the park. This is every day we have some sort of new, unique situation. One more example of that particular situation is a man running into the Nanticoke Bank, putting his hands up in the air, and saying, *this is a stickup; I do not want to give you any of my money.* This is happening throughout the whole State of Pennsylvania, wherever there is a mental institution.

On a second point, as far as these employees are concerned, in the month of January I knew of a very, very prestigious hospital in Pennsylvania that dealt with mental patients. They turned around and they requested from the Governor's Office additional employees. Three weeks after their request was sent in, it was refused and they received a letter back to get rid of employees.

Mr. Speaker, this is an extremely important piece of legislation. We want the Governor to know about it, and I would ask for an affirmative vote on this Senate bill. Thank you.

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

Mr. STEWART. Thank you, Mr. Speaker.

Mr. Speaker, I believe the members ought to know how we got to this point today. If you look at the 1985-86 budget and if you followed the events of late last year, it does not take a genius to figure out that the 1985-86 budget for the State mental hospital system was based on the presumption by the department and the administration that one of those hospitals would be closed completely. Now, that did not happen for whatever reason - political or public pressure or what. What did happen after that decision to close one hospital was reversed by the administration, what happened immediately after that is that 537 people in all the other hospitals were furloughed. If you look at the number of staff people of the hospital that was to be closed and was not and the number 537, they come pretty close.

The point is, this administration, the Department of Welfare, made a decision to cut staff in the mental hospitals based on budget rather than based on actual need and care of the residents of those hospitals. This legislature, with SB 293, is trying to reverse that. We are saying, those people need the care, need the staff.

I think the members of the General Assembly ought to recognize that this truly is a message to the Governor, that if he

wants to cut and deinstitutionalize, make it on a rational, compassionate basis, not just because the numbers do not add up. I urge support of SB 293.

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

Mr. PRESTON. Thank you, Mr. Speaker.

One of the reasons why I am elected today is because I had a State hospital that was closing in my district and the incumbent did not do anything about it. Let me tell you exactly what happened with the results, because the results still exist within my community. I would not be led today along a golden path about which you are hearing from the minority leader, because this is exactly what has happened.

The employees were promised things that were not delivered by the administration, and a lot of them are unemployed. But most important is the, quote, "reassessment," unquote, that the patients actually go through. It is nothing but a form of putting someone in another form of detention without supervised help. It is actually putting people out on the streets who do not have the capabilities of handling themselves. It is putting people out on the streets who cannot find a proper place and a home to live in and receive the proper care. If that is what you want to do, then you go with what the minority leader says and put these people out on the streets who do not have the mental capabilities of totally handling themselves, who do not have the right to go and do not even really have the general knowledge of being able to know what doctor to go see and to receive a type of medication, who do not have the supervision of even taking the medication.

And, yes, as you heard previously, there are people out on the street who are acting so irrational that people are so nervous. Right in downtown Pittsburgh or even in my district I have people who still find people falling asleep out on their back porch because they do not have a place to stay, and that is what this administration has done. It is not a ruse of trying to eliminate staff; it is really not caring about those people who cannot care for themselves. He is actually putting people out on the street. He is using this as a ruse to you of trying to say we are trying to save dollars.

I look at you and I say that you have to care. You have to show some form of responsibility to the people who do not have the ability to take care of themselves. If you want to vote "no" on this, then do not care anymore, and remember when you see someone like that walking down the street, or remember when one of your constituents calls and someone has been on their porch or someone has walked uncaringly into their house, or someone has molested a child, or someone has robbed or broken into a store, or someone has even raped one of your constituents' wives. That is one of the things we are looking at and that is what I am asking you.

Now, you might hear about other programs, other social service programs where everybody always has a deal of switching one dollar over to the other, but they are not proven yet. We do not have any tests to do anything on this yet. You will hear a lot of things about, well, we have this program here and we are going to try this, but there is no concrete evidence.

There has not been any proper assessment. They cannot give you any type of content validity statistically and come out with a positive correlation score on this of what the end result is; no clear numbers. And that is what you have to ask, not hearsay, because I have them out on my streets. Now, if you can show me that you can eliminate that, then that is a different story, but what I am hearing is rhetoric versus the facts of the people whom we actually see on the street.

Again I say, some of these people may assault the children in your district; some of them may actually rape some of the wives who are actually in your district; some of them may cause crimes and may wind up going to prison, and it has happened in the city of Pittsburgh. These are some of the things that your minority leader is asking you to vote for. I would ask you to support SB 293. Let us be serious about it and deliver it.

And if the gentleman wants to question, I will cite the numbers to him.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think the gentleman missed what I said in his zest to be critical of me. What I said, Mr. Speaker, was that I believe there is a need to take care of the people who have been released from the mental institutions as part of a deinstitutionalization program. The other thing I said was that this House that creates special committees all of the time should look into what is needed to take care of them and not just arbitrarily say, hire 600 people, some of whom may have been maintenance people, some who have been nurses, some may be supervisors, which I believe is what the PSSU contract would require.

You do not arbitrarily go out and hire 600 people for the sake of hiring them, which is all this bill requires - hire people regardless of qualification; then give them a job looking after the people who have been released from the mental institute. You have missed entirely the point I was trying to make. If you are going to spend \$25 million—and that is what you are going to spend here—if you are going to spend \$25 million, let us know where it is being spent. Like Mr. Saurman said, let us know that the people we hire are qualified to look after the people whose charge we are putting them in, or who will have the responsibility for these people, rather.

You do not do it just to satisfy the union, to take care of the people who have been laid off; you do it to take care of the people who are on the street. I defy the sponsor of the amendment, Mr. Lashinger, to say that his amendment would take care of the problem the two of us are concerned with. The problem he addresses is one of rehiring, not one of treatment.

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

Mr. MERRY. Mr. Speaker, I rise to support my leader. I think his points are good. He is concerned about the fiscal impact upon the Commonwealth, as well as I am. The figures I heard are not only are we going to suffer an additional expenditure of \$25 million but we run the risk of suffering the deletion of \$100 million of Federal funds because our program in Pennsylvania would not then qualify.

Now, at no point have I heard in the debate here today that the rehiring of these personnel will assure the people in our mental hospitals any better care. I would have liked to have heard that. At no point has the debate here today addressed the fact that having more personnel in the hospitals is going to help the people who are already out in the community.

I think some people are paramount to shooting themselves in the foot, that they are frustrated because we are letting people out into the community. Now, hiring more people back does not reverse that trend. I think if that is the issue we are trying to attack, then we should be changing the system, either on the Federal or State level.

So until these questions are answered, Mr. Speaker, I have to urge that this bill be defeated.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, in rising for a second time to ask for support for SB 293 with my amendment in it, I want to rebut a couple of the comments that have been made by the minority leader and a number of my colleagues on both sides of the aisle.

First off, I think this is an issue that transcends party lines. A number of us, both on the Republican and Democratic sides of the aisle, have State mental hospitals within their district boundaries. If you do, there are two important problems that need to be addressed. First is the quality of care which originally was Representative Petrarca's concern. We modified—and if you have not read the bill, it is important to note—we modified the amendment that originally said you have to hire back X number of laundry workers or X number of maintenance workers or X number of patient care workers. Instead we said that the needs have not diminished at our State mental institutions; instead, the needs have increased. If you do not believe that the needs have increased despite some of the declining patient population, then I invite you to go to one of those State mental hospitals that is in your district or in someone else's district. At the same time we are saying, if those State mental institutions cannot handle the rehiring through the new complement, then those individuals be assigned to work in our communities. Again I invite you into a district where a State mental hospital is located and where the patients who have been released from that facility sleep on the sidewalks. I do not think I am telling the members of the House anything that they do not know, but when you live with it, as Representative Preston said, day in and day out, when you come to your office in the morning and have to wake one of those ex-patients up and offer them food in the morning, then you come to appreciate that we are not doing our job as a Commonwealth in following up with the patients whom we have put onto the street.

Representative Ryan talks about \$26 million. This is not 26 million new dollars; this is \$26 million that the Governor saw fit to carve out of the budget on his own in his budget address this year. While you are looking at that side of the balance sheet, I also invite you to look at the other side of the balance sheet because it shows a reduction in that same year, in that

same fiscal-year period, of almost 1,000 patients. Those 1,000 patients are not going to be in the State hospitals; they are going to be on the streets of the Commonwealth of Pennsylvania. What we are saying in the amendment is if you are putting 1,000 new patients in the 1986-87 fiscal year—look at the numbers, I invite you to look at the numbers; it is near to 1,000 patients—onto the streets, we had better do something.

It is too late to think about committeeing this thing to death. We have had committee meetings. I have been a party. Representative Barber held hearings in the Norristown State Hospital and across the Commonwealth on what we are going to do about the release of patients into the community. Representative Cawley held hearings across this Commonwealth on the same issue. We have been at it for years and we have done nothing.

I agree partly with Representative Ryan when he says this is not a perfect amendment; it does not offer a full game plan. I agree with him in that, but at least it is doing something; at least it is carrying out what I consider to be our obligation.

In conjunction with this, Representative Arty and others have another committee that is out across the Commonwealth looking at the Mental Health Procedures Act. I have to believe that we are not going to come back and broaden the Mental Health Procedures Act. I have to believe that we are going to be coming back to this chamber and back to the Senate and tightening up the Mental Health Procedures Act, which means that there is going to be—and again, I hope this is not an alarming piece of information—but my guess would be as a result of our work, after the committee's work, that either there is going to be a stabilization or an increase in that population, and again, I talk about the mental health population, not the mental retardation population.

We are flying in the face of all the other trends that are going the other direction. I think what Representative Petrarca did and what my amendment did helps all of us in our respective districts, and it just spends the \$26 million that we have been spending for the last 4 or 5 years. It was the Governor who saw fit to take the \$26 million out of the budget and then cause us to be in a position of being characterized of putting in 26 million new dollars.

For those reasons I would ask for the support of the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. We welcome to the hall of the House the student council members from the Berwick Senior High School. They are here with Dr. Betty Henrie. They are here as the guests of Representative Stuban and Representative Hasay. Welcome to the hall of the House.

CONSIDERATION OF SB 293 CONTINUED

The SPEAKER. For the second time on final passage, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I listened to the gentleman talk about fiscal impact - the amount of dollars. Perhaps he has forgotten that several months ago the Governor stated how he wanted to close most of these State hospitals, and it is his intention to do that. Several months ago I also attended a meeting and asked him, well, what will happen to the patients? All I was told by the administration was that the present patients within those hospitals would be "reassessed."

Now, I want to reemphasize what we are saying: What we are doing is reassessing people after they have already been reassessed one way to hopefully get them out on the street so that the State no longer has to take care of them, and when they do that, then the State can reduce the employees. I do not think that we really want to take this bull by the horns in this manner of being able to assist the Governor to reduce employees so he can reassess people who have already been assessed and by saying simply that they should be in this institution, and now to have a doctor under orders of the administration to say, you are supposed to reassess this person because I need a certain amount of people now to be taken out of this hospital and to be put on the street. That is what we are doing and that is what we are talking about in dollars and cents. Now, if that is what you want to say to be able to save money, for you, yourself, and the Governor to instruct these doctors to reassess patients who have already been told that they should be in an institution and to be able to put them out, that is what you are going to do.

If you want to show some common sense and some care, I would ask you again to support SB 293 and show the residents of Pennsylvania and those who are less fortunate, who do not have the ability to care for themselves medically, that you do care. Thank you.

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

Mr. STAIRS. Thank you, Mr. Speaker.

Last fall, I recall, we had to make a concentrated effort to save a State hospital in Somerset, which does serve part of my legislative district. Now this year Torrance State Hospital as well as other State institutions are being very much affected by this. I do not have the magic number - whether it is \$25 million, \$5 million, or 50 people to be called back or 1,000 people to be called back - but certainly, Mr. Speaker, I would encourage my fellow members to have compassion, because talking to employees who work at our State hospitals, their first concern is the patients. They tell me that due to the fact that there are early discharges, patients are coming back and costing the State X number of dollars that are not necessary, and they are not able to give them the care that they should receive at the mental institutions. I would hope that my fellow colleagues would consider voting affirmative on this legislation so we can fully staff our mental institutions to look out after the people in our communities who need help and are not able to be served by this cutback in employees.

So I would hope that you could pass this bill, and I know there are some loose ends, so we may have to touch up on

them. Hopefully the Senate will be able to continue our effort and to correct any shortcomings that we may have. But we have to urgently act on this, because the future and the health of many of our constituents and their families are at stake, and I certainly hope we would not overlook their needs. Thank you, Mr. Speaker.

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

Mr. SERAFINI. Mr. Speaker, I am supporting final passage. Having an institution of this type in my district in Clarks Summit, I have had the experience to sit through public hearings held by Senator Peterson on the problems of patient abuse. It had been proven during these hearings that much of this so-called patient abuse could have been eliminated had the proper number of employees been available to handle the patients in those mental institutions. We must not forget that mental patients require 24-hour care, and as a result, we had heard at that public hearing situations where patients had choked to death and patients had died from falls out of bed, which could have been eliminated if enough care, if enough people had been available on the wards to handle these patients. It is a result of these types of incidents that the State has encountered many lawsuits which eventually will cost this State many millions of dollars. The money we spend today will be a preventative to those accidents of the future which result in lawsuits and liability to the State that will eat up any of the savings which we think we are going to save by not passing this bill.

I would hope that this legislature recognizes its responsibility and, as a preventive measure for preventing accidents in the future, passes this legislation. Thank you.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

There are many people loyal to the Commonwealth but with great concerns for the safety and proper treatment of mental patients, and they feel that we are wrong in pushing for such rapid discharge of these patients. A quote from Warren, Pennsylvania: One of the psychiatrists in the hospital said, "You people on the treatment teams have got to stop putting certain words and phrases into the charts of the patients. I can't change their diagnosis so that they can be discharged so long as the charts contain these statements."

So, Mr. Speaker, this is an issue that transcends party lines. We have a Senate bipartisan team going throughout the State. I feel that we need this legislation, and I would appreciate an affirmative vote. Thank you.

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—139

Afflerbach	Donatucci	Livengood	Rybak
Angstadt	Duffy	Lloyd	Saloom
Arty	Durham	Lucyk	Serafini
Baldwin	Evans	McCall	Seventy
Barber	Fattah	McHale	Showers
Battisto	Fee	Maiale	Smith, L. E.

Belardi	Fischer	Manderino	Staback
Blaum	Fox	Manmiller	Stairs
Bortner	Freeman	Markosek	Steighner
Bowley	Freind	Mayernik	Stevens
Broujos	Fryer	Michlovic	Stewart
Bunt	Gallagher	Micozzie	Stuban
Burns	Gamble	Morris	Sweet
Caltagirone	Gannon	Mrkonic	Taylor, F.
Cappabianca	George	Murphy	Taylor, J.
Carn	Gladeck	O'Brien	Telek
Cawley	Gruitza	O'Donnell	Tigue
Civera	Haluska	Olasz	Trello
Clark	Harper	Oliver	Truman
Cohen	Hasay	Perzel	Van Horne
Colafella	Hutchinson	Petrarca	Veon
Cole	Itkin	Petrone	Wambach
Cordisco	Jackson	Phillips	Wass
Cornell	Jarolin	Piccola	Weston
Coslett	Josephs	Pievsky	Wiggins
Cowell	Kasunic	Pistella	Wilson
Coy	Kenney	Pressmann	Wogan
Deluca	Kosinski	Preston	Wozniak
DeWeese	Kukovich	Punt	Wright, D. R.
Daley	Lashinger	Raymond	Wright, J. L.
Davies	Laughlin	Reber	Wright, R. C.
Dawida	Lescovitz	Richardson	Yandrisevits
Deal	Letterman	Rieger	
Dietz	Levdansky	Roebuck	Irvis,
Dininni	Linton	Rudy	Speaker
Dombrowski			

NAYS—57

Argall	DeVerter	Hershey	Pott
Barley	Distler	Honaman	Reinard
Birmelin	Dorr	Johnson	Robbins
Black	Fargo	Kennedy	Ryan
Book	Flick	Langtry	Saurman
Bowser	Foster	McClatchy	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Geist	Mackowski	Semmel
Burd	Godshall	Merry	Sirianni
Bush	Greenwood	Miller	Smith, B.
Carlson	Gruppo	Moehlmann	Snyder, D. W.
Cessar	Hagarty	Mowery	Snyder, G.
Chadwick	Hayes	Nahill	Swift
Cimini	Herman	Noye	Taylor, E. Z.
Clymer			

NOT VOTING—4

Acosta	Belfanti	Howlett	Vroon
--------	----------	---------	-------

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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.

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from Berks, Mr. Fryer, come to the podium to temporarily preside.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Northumberland, Mr. Belfanti, rise?

Mr. BELFANTI. Mr. Speaker, when the vote was called on SB 293, I was called to the rear of the House and I missed the vote. Had I been in my seat, I would have liked to have voted in the positive.

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

We will get to correcting the votes later.

CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin. You did not want to correct the record?

Mr. LAUGHLIN. No, Mr. Speaker. I wanted to make an announcement as far as the conference committee is concerned on HB 1639.

The SPEAKER. When do you want it?

Mr. LAUGHLIN. Mr. Speaker, what I wanted to inform the members of and to comply with the other rules and regulations relative to sunshine is to inform the members that we will be convening a Conference Committee on HB 1639 hopefully in the next hour, depending on how long it takes for the printing of the legislation to be done.

The SPEAKER. The Chair thanks the gentleman for advising the members.

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

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 935, PN 2061**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments; requiring alcohol abuse and dependency coverage; and providing civil immunity for persons who furnish or receive information relating to suspected fraudulent insurance activities.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendment No. A2135:

Amend Sec. 4 (Sec. 404.2), page 15, by inserting between lines 18 and 19

(H) Investments in and direct management of or participation in private placement accounts, including investments by private and public employe pension funds, and investments in and direct management of or participation in long and intermediate loans to small and large corporations within Pennsylvania for purposes such as plant construction, equipment purchases and working capital.

(I) Investments in, and financial assistance to, Pennsylvania-based employe-owned enterprises, as defined and described

by the Internal Revenue Code of 1954, including worker cooperatives, employe stock ownership plans and businesses in which a majority of the voting rights are held or controlled by employes or held in trust for and passed through to employes.

(J) Investments in, and financial assistance to, Pennsylvania-based employe-ownership groups, including corporations, labor unions or other entities formed by or on behalf of the current or former employes of an industrial or commercial firm or facility for the purpose of assuming ownership or control of the firm or facility and operating it as an employe-owned enterprise.

(K) Investments in construction loans to builders and developers of low-income to moderate-income housing in Pennsylvania involved in the new construction or rehabilitation of single-family or multi-family housing in census tracts or neighborhoods, in both urban and rural communities, designated by State or Federal law as economically deprived or financially underserved, and mortgage loans and other credit to individuals seeking to purchase this type of housing.

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, amendment A2135 extends some of the provisions of what is called the "basket" clause in the Insurance Investment Act. It is a "may" provision that encourages the insurance companies to make investments in various financial vehicles in Pennsylvania that will assist either businesses or housing. My amendment adds four new categories of investments that may be made in the State. It would encourage investments in venture capital funds, in employe-owned enterprises, or in programs to help low- and moderate-income housing.

May I reiterate, this is not a "must" provision or "shall" provision; it is a "may" provision only encouraging insurance companies to make investments in these types of vehicles. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, we have no argument with the amendment and would ask the members to adopt it, please.

The SPEAKER pro tempore. 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	Deal	Lashinger	Robbins
Angstadt	Dietz	Laughlin	Roebuck
Argall	Dininani	Lescovitz	Rudy
Arty	Distler	Letterman	Ryan
Baldwin	Dombrowski	Levdansky	Rybak
Barber	Donatucci	Linton	Saloom
Barley	Dorr	Livengood	Saurman
Battisto	Duffy	Lloyd	Scheetz
Belardi	Durham	Lucyk	Schuler
Belfanti	Fargo	McCall	Semmel
Birmelin	Fattah	McClatchy	Serafini
Black	Fee	McHale	Seventy

Blaum	Fischer	McVerry	Showers
Book	Flick	Mackowski	Sirianni
Bortner	Foster	Maiale	Smith, B.
Bowley	Fox	Manderino	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G.
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	Mrkoncic	Taylor, E. Z.
Carn	Greenwood	Murphy	Taylor, F.
Cawley	Gruitza	Nahill	Taylor, J.
Cessar	Gruppo	Noye	Telek
Chadwick	Hagarty	O'Donnell	Tigue
Cimini	Haluska	Olasz	Trello
Civera	Harper	Oliver	Truman
Clark	Hasay	Perzel	Van Horne
Clymer	Hayes	Petrarca	Veon
Cohen	Herman	Petrone	Wambach
Colafella	Hershey	Phillips	Wass
Cole	Honaman	Piccola	Weston
Cordisco	Hutchinson	Pievsky	Wiggins
Cornell	Itkin	Pistella	Wilson
Coslett	Jackson	Pott	Wozniak
Cowell	Jarolin	Pressmann	Wright, D. R.
Coy	Johnson	Preston	Wright, J. L.
Deluca	Josephs	Punt	Wright, R. C.
DeVerter	Kennedy	Raymond	Yandrisevits
DeWeese	Kenney	Reber	
Daley	Kosinski	Reinard	Irvis,
Davies	Kukovich	Richardson	Speaker
Dawida	Langtry	Rieger	

NAYS—0

NOT VOTING—7

Acosta	Howlett	O'Brien	Wogan
Evans	Kasunic	Vroon	

EXCUSED—1

Pitts

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. MURPHY offered the following amendments No. A2151:

Amend Title, page 1, line 12, by striking out "AND"

Amend Title, page 1, line 15, by removing the period after "ACTIVITIES" and inserting

; creating a task force to conduct a review of various factors used in determining automobile insurance premiums; and making an appropriation.

Amend Bill, page 44, by inserting between lines 15 and 16

Section 16. (a) A task force is established to conduct an in-depth study of automobile insurance rates and present to the General Assembly a detailed proposal and recommendations concerning various rating factors used in determining automobile insurance premiums.

(b) The Task Force shall consist of nine members. Three members shall be appointed by the Governor, three by the President pro tempore of the Senate and three by the Speaker of the House of Representatives. Each appointing authority shall

appoint one male representative of consumers of automobile insurance, one female representative of consumers of automobile insurance and one individual with special skill, training and experience in the field of automobile insurance. At least one member appointed by the President pro tempore shall be recommended by the Minority Leader of the Senate and at least one member appointed by the Speaker of the House of Representatives shall be recommended by the Minority Leader of the House of Representatives. Members of the Task Force shall not be officers, officials or employees of the Commonwealth. Members of the Task Force shall not receive compensation, but may be reimbursed for actual and necessary expenses reasonably incurred in the deliberations of the Task Force.

(c) The Task Force shall constitute a legislative advisory committee assigned administratively to the Joint State Government Commission. The commission shall provide offices, staff, support, clerical assistance and administrative services to the Task Force.

(d) The Task Force shall contract for an independent professional evaluation of automobile insurance rating practices, which evaluation shall identify, analyze and compare various options for the rating of drivers, including recommendations regarding the use of alternatives to any or all of the existing rating factors and the economic impact upon consumers of such options. The Task Force shall develop criteria and specifications for the evaluation, publicly advertise a request for proposals and competitively select a contractor, with the approval of at least six members of the Task Force, from among responsive and responsible bidders. A final report from the contractor shall be presented to the Task Force on January 6, 1987.

(e) The Task Force shall review the final report of the contractor, conduct public hearings following receipt of the report and issue a final report of the recommendations of the Task Force not later than April 1, 1987. The Task Force shall provide its final report and recommendations to the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives.

Section 17. The sum of \$125,000, or as much thereof as may be necessary, is hereby appropriated to the Insurance Department to carry out the provisions of section 16.

Amend Sec. 16, page 44, line 16, by striking out "16" and inserting

18

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

This amendment establishes a task force composed of nine members - three appointed by the Governor, three by the President pro tem of the Senate, and three by the Speaker. The task force will be required to do an independent professional evaluation of automobile insurance rating. It does not require the task force to come back with any preconceived notion. It simply asks them to make a report back to us on the various factors that impact on insurance rates and what those impacts are to the consumers. It also makes an appropriation of \$125,000 to the Insurance Department to carry out the provisions of this task force.

I urge your support, Mr. Speaker. Thank you.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, although I have some reservations about aspects of the amendment, and this is a cleaned-up amendment with an appropriation in it, I would urge the members to support it. Thank you.

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

Vroon

NOT VOTING—4

Acosta Cohen Howlett Wright, J. L.

EXCUSED—1

Pitts

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

On the question recurring,

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

Mr. DAWIDA offered the following amendments No. A1855:

Amend Title, page 1, line 12, by striking out "AND" where it appears the second time

Amend Title, page 1, line 15, by removing the period after "ACTIVITIES" and inserting

; authorizing lending institutions to sell term life insurance; providing penalties; and making repeals.

Amend Bill, page 43, by inserting between lines 10 and 11

Section 12. (a) A lending institution, as defined in section 641 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one, may be licensed or admitted as a broker or as an agent to sell term life insurance.

(b) No lending institution may require a customer to buy term life insurance through it as a condition of any mortgage or other loan transaction nor shall any lending institution fix a price for any mortgage or other loan transaction, or offer any discount from or rebate upon such price on the condition that a customer purchase term life insurance through the lending institution.

(c) Any lending institution that intentionally engages in a pattern of activity that violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$10,000. The Insurance Department may revoke or suspend the license to sell term life insurance upon notice of the conviction of the lending institution.

Amend Sec. 12, page 43, line 11, by striking out "12. This act is not intended to repeal" and inserting

13. Section 641(b) of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one, is repealed insofar as it is inconsistent with the provisions of section 12 of this act. With that exception, this act is not intended to repeal the remaining provisions of

Amend Sec. 13, page 43, line 29, by striking out "13" and inserting

14

Amend Sec. 14, page 44, line 10, by striking out "14" and inserting

15

Amend Sec. 15, page 44, line 14, by striking out "15" and inserting

16

Amend Sec. 16, page 44, line 16, by striking out "16" and inserting

17

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, this amendment will generate some controversy. However, it is nothing new in the world. It is not something that has been generated out of my brain without having been tested in some other States. It simply does this: It authorizes lending institutions to be able to sell term life insurance. The purpose of this, quite frankly, is that in the two States where this is already done, term life insur-

ance has become an issue that is not sold any longer the way it used to be, basically through the broker system; it is sold through the mail.

Banks and other lending institutions are capable of generating a very inexpensive term life policy, and in term life the only thing that really matters is the price. So I am suggesting that we do as New York does and allow lending institutions to sell term life insurance.

I urge a "yes" vote on this amendment.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. We have addressed this issue before. I think the members bode well to remember that many of their agents back home rely on term insurance as part of their bread and butter, and to permit our lending institutions now to get into the insurance field I think is just really not in the best interest of the people of this Commonwealth.

I can reflect on a number of issues that we are addressing as a national organization called COIL, the Conference of Insurance Legislators, in which we are looking at the many integrated financial services that are now available. One of the most frightening aspects of this is that the power of the few is overtaking that which has traditionally been in the hands of many, and in this case, insurance, where agents throughout our communities have the ability to offer these products and services.

I would just urge the members not to accept this amendment and go on with the bill. Thank you.

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would have to object to the comment made by the sponsor of this amendment that the only thing important in the sale of term life insurance is price. Price is a very important element in all sales of insurance, and whether or not one broker may or may not be sending his policies through the mail, frankly, we have seen a lot of group coverage that is sold that way.

But there is a very important aspect about insurance, regardless of whether it is term or other types of vehicles, that is important. It is the important mechanism in how it is sold. It is sold based on an individual need. It is sold based on the needs of that individual, his family, and what he wishes and wishes not to do. Very often, within other types of life insurance, one sale proceeds on to another sale later down the line, and another sale after that. As children come into the family, so come new sales. Those are not motivated by price. They are motivated by a cause of protection by that individual, and that protection is not going to follow from lending institution to lending institution but through his agent who services along that aspect or the individual he wishes to go to to buy his coverage.

I daresay that price is not the only element, not the most important element at all, and I would wish that the members would defeat this amendment soundly.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Dawida amendment. I believe, Mr. Speaker, this amendment, without any hearings or investigations whatsoever, breaks down the regulatory walls which have separated banks from insurance companies since the Depression. These walls protect all of us, Mr. Speaker, and if either of our two groups of major financial institutions fails, at least the other stands.

We have all heard of the massive savings and loan institution failures in our neighboring States of Ohio and Maryland. No one wants these failures to spread to insurance, Mr. Speaker, and under this amendment, if your bank fails, not only could you be denied access to your money but you can also lose your insurance coverage as well.

Mr. Speaker, I urge my colleagues to defeat the Dawida amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the second time on the same question, the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, there is always reticence to change, and I am not one to say that that is always the wrong thing. But there is still going to be someone servicing this policy; there is still going to be a broker brokering the policy. This is simply a change in the mechanism and the way things are done. Some people never want to change, and sometimes that is right. But in this case, the simple mechanism will allow, I think, better distribution. It will help many small financial institutions, as opposed to maybe some big insurance industries.

This is not a case of an industry that is being raped. The insurance industry is one of the biggest there is. It is a question of finding a good and fair mechanism to deliver insurance. It is as simple as that. You make your decision based on whether you think that is an appropriate thing to do.

But I can tell you this: The insurance industry is in banking in a big way. So do not give me the argument that we should not have banks dealing with insurance. The green goods revolution has arrived in Pennsylvania whether we like it or not. I would like the old ways to be here in some ways; I would like everybody to have their nice, neat little turf, with the savings and loans doing their thing, the banks their thing, the insurance brokers their thing. But that has changed in America, it has changed in the world, and this is just a very small reflection of that change to make fair competition. It is not a revolutionary thing; it is something that has basically already happened. We are just a little late in noticing it here in Pennsylvania, and I say we should take notice and pass this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I would like to interrogate the sponsor of the amendment, if he would, please.

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

Mr. WILSON. Mr. Speaker, as I understand it, if I want to sell term insurance in the Commonwealth of Pennsylvania today, I must be an agent to sell same. Is that true?

Mr. DAWIDA. That is right.

Mr. WILSON. And to be an agent, I have to pass some sort of an examination—and I do not know what it is, but explain to them that I know something about insurance and all that sort of stuff. Is that true?

Mr. DAWIDA. Right.

Mr. WILSON. Does your proposal require that the lending institution that is going to serve as an agent in fact take this same test and meet these same requirements?

Mr. DAWIDA. I believe it does.

Mr. WILSON. Could you tell me where?

Mr. DAWIDA. We do not change the law. We just say that they become a licensed broker and they can broker insurance.

Mr. WILSON. Well, could they not become a licensed broker or a licensed agent? Currently an individual member of that lending institution could go out and get, for example, a real estate sales license or a broker's license in real estate, an insurance broker's license. They could do that now, could they not?

Mr. DAWIDA. Yes, but they cannot do it with the organization. In fact, many banks are doing that. They are hiring brokers who come in and sell term insurance. You understand, term insurance is a simpler mode of insurance. Many banks are already doing something like this now through the subterfuge you have just alluded to of hiring someone who is already a broker.

Mr. WILSON. But do you not believe— We have a conflict then. If they do not have to take the examination, then we should eliminate the examination for an agent. But you are saying—

Mr. DAWIDA. No. The person selling it still has to take the examination. What they do now, what they do now, is they hire someone and make a contract with—you can call it a kickback or whatever—but a fee for service in the bank. This will just allow the bank to employ that person.

Mr. WILSON. They cannot employ a broker now?

Mr. DAWIDA. No. They hire them as a fee for space. In other words, I will rent out 20 square feet of my bank to you.

Mr. WILSON. Okay. You can assure me that they will have to take an examination; they will have to meet all the requirements everybody else does?

Mr. DAWIDA. I think that not only can I assure you of that; I think you will see better service than you have in today's market.

Mr. WILSON. Okay. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—26

Barber	Evans	Mrkonic	Stairs
Battisto	Freeman	Petrone	Trello
Caltagirone	Itkin	Pressmann	Truman
Carn	Josephs	Preston	Wiggins
Cole	Levdansky	Roebuck	

Daley Dawida	McHale Michlovic	Seventy Smith, L. E.	Irvis, Speaker
-----------------	---------------------	-------------------------	-------------------

NAYS—165

Afflerbach	Dietz	Kenney	Reber
Angstadt	Dininni	Kosinski	Reinard
Argall	Distler	Kukovich	Robbins
Arty	Dombrowski	Langtry	Rudy
Baldwin	Dorr	Lashinger	Ryan
Barley	Duffy	Laughlin	Rybak
Belardi	Durham	Lescovitz	Saloom
Belfanti	Fargo	Letterman	Saurman
Birmelin	Fattah	Linton	Scheetz
Black	Fee	Livengood	Schuler
Blaum	Fischer	Lloyd	Semmel
Book	Flick	Lucyk	Serafini
Bortner	Foster	McCall	Showers
Bowley	Fox	McClatchy	Sirianni
Bowser	Freind	McVerry	Smith, B.
Boyes	Fryer	Mackowski	Snyder, D. W.
Brandt	Gallagher	Manderino	Snyder, G.
Broujos	Gallen	Manmiller	Staback
Bunt	Gamble	Markosek	Steighner
Burd	Gannon	Mayernik	Stewart
Burns	Geist	Merry	Stuban
Bush	George	Micozzie	Sweet
Cappabianca	Gladeck	Miller	Swift
Carlson	Godshall	Moehlmann	Taylor, E. Z.
Cawley	Greenwood	Morris	Taylor, F.
Cessar	Gruitza	Mowery	Taylor, J.
Chadwick	Gruppo	Murphy	Telek
Cimini	Hagarty	Nahill	Tigue
Civera	Haluska	Noye	Van Horne
Clark	Harper	O'Brien	Veon
Clymer	Hasay	O'Donnell	Vroon
Cohen	Hayes	Olasz	Wambach
Colafella	Herman	Perzel	Wass
Cordisco	Hershey	Petrarca	Weston
Cornell	Honaman	Phillips	Wilson
Coslett	Hutchinson	Piccola	Wogan
Cowell	Jackson	Pievsky	Wozniak
Coy	Jarolin	Pistella	Wright, D. R.
Deluca	Johnson	Pott	Wright, J. L.
DeVerter	Kasunic	Punt	Wright, R. C.
DeWeese	Kennedy	Raymond	Yandrisevits
Davies			

NOT VOTING—9

Acosta	Howlett	Oliver	Rieger
Deal	Maiale	Richardson	Stevens
Donatucci			

EXCUSED—1

Pitts

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

On the question recurring,

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

Mr. WAMBACH offered the following amendments No. A2152:

Amend Sec. 10 (Sec. 606-A), page 42, line 21, by inserting a period after "TREATMENT"

Amend Sec. 10 (Sec. 606-A), page 42, lines 21 through 27, by striking out "BUT IN NO CASE SHALL BE" in line 21, all of lines 22 through 27 and inserting

In the first instance or course of treatment, no deductible or copayment shall be less favorable than those applied to similar classes or categories of treatment for physical illness generally in each policy.

(b) In the first instance or course of treatment under a prospective payment plan, no deductible or copayment shall be less favorable than those applied to similar classes or categories of treatment for physical illness generally in each policy.

On the question,

Will the House agree to the amendments?

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, amendment A2152 is offered by myself and the lady from Delaware, Mrs. Arty. This amendment has been agreed to by the Chamber of Commerce, D and A (drug and alcohol) treatment groups, myself, and Representative Arty. It addresses a concern raised by those worried about the cost of alcoholism treatment after the first treatment experience. To offset those concerns, this amendment allows insurers to charge higher copayments on the second and subsequent admissions.

So I would encourage all of my colleagues to support the Wambach-Arty amendment who have these concerns that the chambers have raised, and we offer it to appease those concerns. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, we agree to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—3

Donatucci	Evans	Oliver
EXCUSED—1		

Pitts

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

On the question recurring,

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

Mr. DORR offered the following amendments No. A2154:

Amend Bill, page 43, by inserting between lines 6 and 7

Section 11. Sections 621.2(c) and 626 of the act are amended to read:

Section 621.2. Group Accident and Sickness Insurance.— *

**
(c) Any group accident and health policy may provide that all or any portion of any indemnities provided by any such policy, on account of hospital, nursing, medical or surgical services, may at the insurer's option be paid directly to the hospital or person rendering such services[, but] . Except as provided in section 630, the policy may not require that the service be rendered by a particular hospital or person. Payment so made shall discharge the insurer's obligation with respect to the amount of insurance so paid.

Section 626. Discrimination Prohibited.—Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by this act, or in the benefits payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever, is prohibited, except as provided in section 630.

Section 12. The act is amended by adding a section to read:

Section 630. Preferred Provider Organizations.—Upon compliance with the provisions of this act and notwithstanding any other provision of law to the contrary, the General Assembly hereby affirms the right of any health care insurer or purchaser to:

(a) Enter into agreements with providers or physicians relating to health care services which may be rendered to persons for whom the insurer or purchaser is providing health care coverage, including agreements relating to the amounts to be charged by the provider or physician for services rendered.

(b) Issue or administer policies or subscriber contracts in this Commonwealth which include incentives for the covered person to use the services of a provider who has entered into an agreement with the insurer or purchaser.

(c) Issue or administer policies or subscriber contracts in this Commonwealth that provide for reimbursement for services only

if the services have been rendered by a provider or physician who has entered into an agreement with the insurer or purchaser.

(d) The Insurance Commissioner shall determine that:

(1) A preferred provider organization which assumes financial risk is licensed as an insurer in this Commonwealth, has adequate working capital and reserves, or is governed and regulated under the provisions of the Employee Retirement Income Security Act of 1974, referred to as ERISA (Public Law 93-406, 88 Stat. 829), and has filed a certificate to that effect with the Insurance Commissioner.

(2) Enrollee literature adequately discloses provisions, limitations and conditions of benefits available or that the preferred provider organization is governed and regulated under the provisions of ERISA and has filed a certificate to that effect with the Insurance Commissioner.

(e) The Insurance Commissioner, in consultation with the Secretary of Health, shall determine that arrangements and provisions for preferred provider organizations which assume financial risk which may lead to undertreatment or poor quality care are adequately addressed by quality and utilization controls and by a formal grievance system, unless the Insurance Commissioner makes a prior determination that the preferred provider organization is governed by and regulated under the provisions of the Employee Retirement Income Security Act, and has filed a certificate to that effect with the Insurance Commissioner.

(f) No preferred provider organization which assumes financial risk may commence operations until it has reported to the Insurance Commissioner and the Secretary of Health such information as the Insurance Commissioner and the Secretary of Health require in accordance with the duties required in this section. If, after sixty days, either the Insurance Commissioner or the Secretary of Health has not informed the preferred provider organization of deficiencies, the preferred provider organization may commence operations unless and until such time as the Insurance Commissioner or the Secretary of Health has identified significant deficiencies and such deficiencies have not subsequently been corrected within sixty days of notification.

(g) Any disapproval or order to cease operations issued in accordance with this section shall be subject to appeal in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 13. Within 120 days of the effective date of this act, a preferred provider organization which assumes financial risk and which is operating on the effective date shall file the information required by the Insurance Commissioner and the Secretary of Health under section 12 and may continue to operate subject to the terms of section 12.

Amend Sec. 11, page 43, line 7, by striking out "11" and inserting

14

Amend Sec. 12, page 43, line 11, by striking out "12" and inserting

15

Amend Sec. 13, page 43, line 29, by striking out "13" and inserting

16

Amend Sec. 14, page 44, line 10, by striking out "14" and inserting

17

Amend Sec. 15, page 44, line 14, by striking out "15" and inserting

18

Amend Sec. 16, page 44, line 16, by striking out "16" and inserting

19

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, most of the members, I think, would be anxious to vote for a measure which would help on the issue of health care cost containment. I think in this amendment we have an opportunity for the members to do that without a great deal of controversy. This amendment deals with a system of preferred provider organizations. It authorizes such organizations in the Commonwealth, and we have attempted, in drawing the language, to do so with as little controversy as possible. All of those things which people have raised in connection with the language on other bills that have been introduced we have attempted to ameliorate to the greatest degree possible in this language.

I ask for support of the amendment, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, will the gentleman submit to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Dorr, indicates he will. The gentleman, Mr. Cohen, is in order and may proceed.

Mr. COHEN. Aside from saying this is noncontroversial, will the gentleman explain what this amendment does?

Mr. DORR. Mr. Speaker, as I indicated, the amendment provides a system whereby preferred provider organizations will be established, may be established, in the Commonwealth of Pennsylvania. There are two provisions in the Insurance Law of 1921, which this bill amends, which many people believe are frustrating to those who wish to establish preferred provider organizations in the Commonwealth. This amendment enables persons to do that in spite of those provisions. In other words, it creates an exception to those two negative provisions.

The amendment, in large part, parallels the language which is in HB 1971 and HB 1968 and several other of the health care cost containment bills. The difference from HB 1971 is that this language exempts from regulation by the State those organizations which would be regulated under Federal law - something which I think would happen anyway under pre-emption.

Mr. COHEN. By placing it in this bill, what is the effect of placing these provisions in this bill?

Mr. DORR. Mr. Speaker, the effect of placing them in this bill is to negate those provisions of the current law which, as I indicated, provide frustration to those who wish to establish these organizations in Pennsylvania. In other words, lawyers tend to look at the present law and they see two sentences there, two provisions in the current law, which they believe may make it illegal to establish preferred provider organizations in Pennsylvania under certain circumstances.

POINT OF ORDER

Miss SIRIANNI. Point of order.

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

Miss SIRIANNI. Mr. Speaker, are we allowed to have people on the floor lobbying?

The SPEAKER pro tempore. The Chair had not noticed the presence—

Miss SIRIANNI. The member did. The member Sirianni did.

The SPEAKER pro tempore. The Chair yields to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. Thank you.

Miss SIRIANNI. Mr. Speaker, there are Senators lobbying on the floor of this House. Mr. Speaker, they throw us out.

The SPEAKER. Miss Sirianni, we are not joking. We do not—

Miss SIRIANNI. There are two here.

The SPEAKER. The Senator is leaving the floor of the House, Miss Sirianni.

The Chair thanks the lady. We did not see him.

CONSIDERATION OF SB 935 CONTINUED

The SPEAKER. On the Dorr amendment, you may proceed, Mr. Cohen, with the interrogation.

Mr. COHEN. Mr. Speaker, how many preferred provider organizations are there now in Pennsylvania?

Mr. DORR. Mr. Speaker, there are a few preferred provider organizations. I cannot quote the number, but they are established either by hospitals or Blue Shield/Blue Cross types of organizations. And other people who want to establish them find the Insurance Law of 1921 to be frustrating them in that respect.

Mr. COHEN. Have you discussed this amendment with Blue Cross/Blue Shield?

Mr. DORR. No, Mr. Speaker. I have not discussed the amendment with Blue Cross/Blue Shield nor the Hospital Association nor any of the others, except to say that we have listened to all of those people who have commented in regard to HB 1971 and HB 1968 and the other health care cost containment bills and attempted to draw this language around any of the problems which have been raised with us with regard to any of those provisions.

Mr. COHEN. Is this amendment backed by the Insurance Federation?

Mr. DORR. Pardon me?

Mr. COHEN. Is this amendment backed by the Insurance Federation?

Mr. DORR. I do not know who it is backed by, Mr. Speaker. As I indicated, I have not talked with them about it. They earlier came and discussed other language that they were

interested in, which, again, is not all that different from this language, and have indicated to us that they would not be opposed to this language if it goes into the bill.

Mr. COHEN. "They" is the Insurance Federation?

Mr. DORR. That is right.

Mr. COHEN. But Blue Cross/Blue Shield, they are unaware of this?

Mr. DORR. I do not know, Mr. Speaker.

Mr. COHEN. You did not make them aware of it.

Mr. DORR. I did not.

Mr. COHEN. Okay.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman wish to comment on the amendment? The gentleman is in order and may proceed.

Mr. COHEN. Mr. Speaker, one thing I have learned about health care cost containment is that there are numerous interest groups that are involved in this whole area, and I believe that any substantive change, such as this amendment represents, ought to be discussed with all the affected interest groups and not just placed on this floor at the last moment when very few of us have any time to study the provisions of this. So I would therefore urge that this amendment be defeated and that the context of it be carefully studied for the future. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, as a member of the House Health and Welfare Committee, I participated in hearings under the able leadership of Representatives Barber and Dorr throughout the past year and a half, in which we have sought efforts with which to try to control the costs of health care in the Commonwealth of Pennsylvania. There has been agreement that competition is surely one of the ways in which we can provide more competition and thus lower costs and greater quality for our constituents. The preferred provider organization has agreed, despite what the previous speaker raised doubts concerning, that this is a common way of providing competition. In fact, the HMO (health maintenance organization) organizations in Pennsylvania have already done much to provide low-cost health care to constituents.

However, the PPO's go much further. They allow the subscriber much more freedom of choice; they give the subscriber incentives to choose who their health care providers are going to be; and finally, they provide discounts to those people who participate in the PPO - much more flexibility than the HMO's currently provide under Pennsylvania law. They are particularly attractive to unions and to businesses to provide their employees a great opportunity to choose the type of health care needs that they wish to have at a cost that makes it more attractive than traditional health care delivery systems.

Mr. Speaker, I feel that the PPO legislation that we pass today is going to be one of the best steps that we can take for health care cost containment in Pennsylvania, and I strongly urge support of this amendment. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, after reading this amendment, at first I thought maybe it was too much for us to put into a bill on the House floor, but realizing that something has to be done, the first step, I feel, to controlling costs of hospitalization and medical practices is in this amendment. I therefore ask that everybody vote for this amendment. I think it is the proper step and the first one that we have to follow through on.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

As has been pointed out by previous speakers, the House Health and Welfare Committee did participate in a series of hearings in Philadelphia which addressed a whole host of components surrounding health care reform. I have with me copies of both HB 1971, which was introduced by Chairman Barber, and HB 1968, which was introduced by Minority Chairman Dorr. Those two pieces of legislation both address the issue of preferred provider organizations.

The language that is contained in the Dorr amendment, A2154, is substantially the same language that was contained in both bills; granted, of course, they did not cross all the same t's or dot all of the i's. Philosophically and substantively, the language contained in the amendment is almost one and the same as the language contained in both of those bills.

I realize that oftentimes in addressing an issue as broad as health care cost reform, it would, of course, be beneficial to attempt to deal with all of the components at one time. I think, however, considering the effort that has taken place on the part of the Health and Welfare Committee in attempting to deal with the issue of health care cost reform and the efforts that have been undertaken by Chairman Barber and Chairman Dorr, I would certainly encourage the members to support this amendment, with the thought that in the future we will be able to deal with the other components of health care cost reform. This, however, should be viewed, as Representative Letterman stated, as the first step in a long journey of dealing with that issue. I thank you all.

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

Mr. ROBBINS. I would like to interrogate Representative Dorr.

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

Mr. ROBBINS. Mr. Speaker, I have not been privy to all the activity that has been going on in dealing with this, but the other day I had one of my local dentists come in. There was something that had him greatly concerned dealing with PPO's and the dental area's movement that is going on with Blue Cross and Blue Shield possibly—I think it is Blue Shield—and with Prudential. I guess the basis of my question—and we are talking about competition—but if Blue Cross and Blue Shield would set up a network of PPO's throughout the entire State, would we as consumers have any choice but to go to the organizations that they assign us to?

Mr. DORR. Mr. Speaker, I think the answer to your question—you correct me if I am wrong—is that this amendment has nothing to do and would not affect in any way what is done by Blue Shield. If they want to do what you are talking about or what your dentist is concerned about today and they are allowed under present law, then this will not affect that. If they cannot, then this will not affect it either. They are under a separate law not affected by the Insurance Law of 1921.

Mr. ROBBINS. Okay. I am aware of that, but I am looking at the impact similarly that this would have with our medical treatment through the doctors. If Blue Cross wanted to set up a preferred provider organization, are we leading to the point where they then would require me as a member to use their doctors or their providers?

Mr. DORR. Mr. Speaker, again, this amendment does not affect Blue Shield or Blue Cross. They can set up preferred provider organizations today. This amendment does not affect that in any way. If you would be insured by, let us say, a company which established a system of health care for their employees and they wanted to do so but said but we will only pay for it if you go to this preferred provider list, then that would be permissible for them to establish under this bill. That is in very broad strokes, but essentially, that is how it works.

Mr. ROBBINS. You are saying then with this amendment only the company could provide that. The insurance company could not do it on their own.

Mr. DORR. No. Private insurance companies could do that on their own also, but you would have the right to contract with that company or not to contract with that company.

Mr. ROBBINS. Getting back to Blue Cross, you say Blue Cross can do this now?

Mr. DORR. That is correct.

Mr. ROBBINS. Okay. Other companies cannot do it at this time.

Mr. DORR. That is right. Those that are regulated by this law, the Insurance Law of 1921, cannot do that under present law.

Mr. ROBBINS. Thank you.

Mr. DORR. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—180

Afflerbach	Dininni	Lescovitz	Rieger
Angstadt	Distler	Letterman	Robbins
Argall	Dombrowski	Levdansky	Roebuck
Arty	Donatucci	Linton	Rudy
Baldwin	Dorr	Livengood	Ryan
Barber	Duffy	Lucyk	Saloom
Barley	Durham	McClatchy	Saurman
Battisto	Fargo	McHale	Scheetz
Birnelin	Fattah	McVerry	Schuler
Black	Fee	Mackowski	Semmel
Book	Fischer	Maiale	Serafini
Bortner	Flick	Manderino	Seventy
Bowley	Foster	Manmiller	Sirianni
Bowser	Fox	Markosek	Smith, B.
Boyes	Freeman	Mayermik	Smith, L. E.
Brandt	Freind	Merry	Snyder, D. W.

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

NAYS—15

Belardi	Gruitza	Lloyd	Staback
Belfanti	Itkin	McCall	Tigue
Blaum	Josephs	Rybak	Veon
Cohen	Laughlin	Showers	

NOT VOTING—5

Acosta	Evans	Gallagher	Sweet
Carn			

EXCUSED—1

Pitts

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—197

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

Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G.
Boyes	Fryer	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.
Carn	Gruppo	Nahill	Taylor, J.
Cawley	Hagarty	Noye	Telek
Cessar	Haluska	O'Brien	Tigue
Chadwick	Harper	O'Donnell	Trello
Cimini	Hasay	Olasz	Truman
Civera	Hayes	Oliver	Van Horne
Clark	Herman	Perzel	Veon
Clymer	Hershey	Petrarca	Vroon
Cohen	Honaman	Petrone	Wambach
Colafella	Howlett	Phillips	Wass
Cole	Hutchinson	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pott	Wogan
Cowell	Johnson	Pressmann	Wozniak
Coy	Josephs	Preston	Wright, D. R.
Deluca	Kasunic	Punt	Wright, J. L.
DeVerter	Kennedy	Raymond	Wright, R. C.
DeWeese	Kenney	Reber	Yandrisevits
Daley	Kosinski	Reinard	
Davies	Kukovich	Richardson	Irvis,
Dawida	Langtry	Rieger	Speaker
Deal	Lashingey	Robbins	

NAYS—1

Foster

NOT VOTING—2

Acosta

Gallagher

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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 SPEAKER. On page 8, the Chair had intended that HB 2278 would go over without objection. There was an objection to passing over the bill. Therefore, HB 2278, PN 3155, is called up by the gentleman, Mr. Laughlin.

The House proceeded to third consideration of **HB 2278, PN 3155**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," relieving officers of club licensees from liability on account of damages inflicted upon third persons off the licensed premises by customers of the licensee, with certain limitations.

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

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—3

O'Donnell

Pressmann

Yandrisevits

NOT VOTING—6

Barber
Evans

Gallagher
Raymond

Roebuck

Wiggins

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Why does the gentleman from Beaver, Mr. Laughlin, rise?

Mr. LAUGHLIN. Mr. Speaker, there were some remarks I did want to make on the legislation we just passed, HB 2278. I will submit them for the record, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair apologizes to the gentleman. The Chair did not realize the gentleman wished to debate the bill.

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

Mr. Speaker, private nonprofit charitable clubs and organizations across the State are presently faced with a horrendous circumstance that they have little or no control over and must rely upon this legislative body and the Governor for a solution.

Mr. Speaker, I address the fact that liability is being placed upon officers of clubs and organizations that I have already mentioned for actions of employees of whom they have no direct or indirect control. An officer of a club could be sitting at home and an employee could commit an act on the premises of the club and the officer would then be held liable for the actions of the employee.

I can see no reasonable application of this type of law when it pertains to the serving of patrons by employees of beverages to be consumed on the premises. The liability should fall justifiably upon the club's insurance and the employee for any deliberate or wrongful act. I believe the officers of these clubs are faced with a loss of their homes and other assets because of these circumstances. Mr. Speaker, I ask for favorable consideration of HB 2278 so that men and women across this State who give of their time and energies to service organizations be freed of this liability and I believe that HB 2278 if enacted will bring about the desired results.

It is unfair for law-abiding citizens to be held hostage when they have not consciously violated the law.

SB 251 RECONSIDERED

The SPEAKER. The Chair has in its possession a motion by the gentleman from Carbon, Mr. McCall, to reconsider the vote by which SB 251 was defeated on this the 6th day of May.

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

The following roll call was recorded:

YEAS—187

Afferbach	Donatucci	Lescovitz	Rudy
Angstadt	Dorr	Letterman	Ryan
Argall	Duffy	Levdansky	Rybak
Arty	Durham	Livengood	Saloom
Baldwin	Fargo	Lloyd	Saurman
Battisto	Fattah	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Flick	McClatchy	Semmel
Black	Foster	McHale	Serafini
Blaum	Fox	McVerry	Seventy

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

NAYS—6

Barley	Clymer	Distler	Fischer
Birmelin	Dietz		

NOT VOTING—7

Acosta	Evans	Maiale	Wiggins
Barber	Linton	Roebuck	

EXCUSED—1

Pitts

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall, on final passage.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I understand the concerns of some of the colleagues here in the House, and I feel that the access should not be any different than what the law already permits. The people who want to bring this company into the Commonwealth of Pennsylvania are not interested in marketing that candy in Pennsylvania. The only thing that that company wants to do is manufacture that product. Should they at some time in the future want to market that product, they would comply with any of the laws that the LCB (Liquor Control Board) promulgates, and with the liquor content in that candy right now, they would come under the jurisdiction of the LCB

and the LCB would have jurisdiction over the sale of that candy. But right now the issue is the 110 jobs that would be created by this legislation should it be enacted.

I would urge an affirmative vote.

MOTION TO RECOMMIT

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

Mr. SALOOM. Mr. Speaker, I believe that most of this candy will not be manufactured in Pennsylvania. It is going to be manufactured in Switzerland, in Germany, and in Europe and brought to Pennsylvania and distributed out of the north-eastern part of Pennsylvania.

Mr. Speaker, much work must be done on this legislation. There should be other amendments labeling that it could be hazardous to one's health; it could be habit forming. Therefore, I would ask that this legislation be returned to the Liquor Control Committee for further study and amendments. I ask for recommittal at this time.

The SPEAKER. Moved by the gentleman, Mr. Saloom, that SB 251 be recommitted to the Liquor Control Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. Do you wish to speak on the motion, Mr. Battisto?

Mr. BATTISTO. Yes, Mr. Speaker.

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

Mr. BATTISTO. I will speak on the motion because he made a couple of erroneous comments, and therefore, I have to answer the erroneous comments.

Number one, it absolutely will be manufactured, as Representative McCall said. They came to Commerce saying they wanted to establish a manufacturing facility in Pennsylvania, and we do not care where it is marketed. And upon looking at it closely, Representative McCall is absolutely right. These could be marketed only in liquor stores just like any other bottle of cognac you would buy, and I ask Representative Saloom whether that should be also labeled "can be dangerous or injurious to your health"? It is the same kind of thing. It would be controlled by the LCB and therefore marketed only in those stores.

I ask for a negative vote on recommittal. Thank you very much.

The SPEAKER. On the motion to recommit, the Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

I would just point out that this bill is no longer a liquor bill and the wrong place to send it would be the Liquor Control Committee. It is now an amendment of the Food Law, as a previous speaker pointed out earlier today, and I would oppose his motion to recommit it to the Liquor Committee.

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

Mr. LETTERMAN. Mr. Speaker, I certainly agree. This is not a liquor bill and it should not be recommitted to Liquor Control.

I tell you right now, this makes me sick to think that we stand on this floor and try to keep industry out of this State, as badly as we need it. And this candy has been made and sold throughout this country and all over this world for years and years and it has not hurt anybody yet. If you do not quit labeling everything and everybody, you are not going to have anything. So I am completely opposed. If you want to get down to this stuff with the liquor, then we will start and get down to it, but you are just pulling at straws right now.

I say, do not send this bill back; vote it and pass it. Let people manufacture and work in this State.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise also to oppose recommittal. As the Representatives before me have said, this is not a liquor bill; this is a jobs bill. We have a company that wants to locate in Representative Battisto's district with 110 jobs, and I oppose recommittal.

The SPEAKER. Will the gentleman, Mr. Blaum, yield?

Why does the gentleman from Westmoreland, Mr. Saloom, interrupt?

Mr. SALOOM. Mr. Speaker, everybody is going far afield on the recommittal motion. I would ask them to keep their remarks to the recommittal motion, please.

The SPEAKER. The gentleman is quite correct.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

I will be brief. I want to reiterate or just reemphasize what has been said.

You know, we already have in Pennsylvania a number of fine candy manufacturers who have expressed an interest in this particular product line. I know we have two manufacturers in my area who have been closed out of the market because of our rules on this, and there are a number of fine candymakers in this State who could take advantage of a whole new market if, you know, we gave them the opportunity to do so. They are doing this in other States and we should not be discriminating against our own people.

So I urge a vote against recommitting. Let us pass this thing and get to making brandy candy in Pennsylvania. It is a good product and it ought to be sold.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

We should indeed limit our arguments to recommittal or not recommittal, and here is a good reason not to vote to recommit. This bill was reported from the Liquor Control Committee with one negative vote. To send it back and turn around and have the committee report it right out again makes no sense.

This is hardly a complex issue. We should quickly vote against this motion and then proceed to debate.

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

The following roll call was recorded:

YEAS—38

Birmelin	Distler	Herman	Saloom
Bowser	Dorr	Hershey	Saurman
Bush	Fischer	Honaman	Sirianni
Carlson	Foster	Johnson	Snyder, G.
Chadwick	Fox	Josephs	Stairs
Cimini	Gallen	Lloyd	Swift
Clymer	Geist	Mowery	Taylor, E. Z.
Cohen	George	Mrkonic	Wass
DeVerter	Hasay	Phillips	Wright, D. R.
Dietz	Hayes		

NAYS—157

Afflerbach	Dombrowski	McCall	Rudy
Angstadt	Donatucci	McClatchy	Ryan
Argall	Duffy	McHale	Rybak
Arty	Durham	McVerry	Scheetz
Baldwin	Fargo	Mackowski	Schuler
Barber	Fattah	Maiale	Semmel
Barley	Fee	Manderino	Serafini
Battisto	Flick	Manmiller	Seventy
Belardi	Freeman	Markosek	Showers
Belfanti	Freind	Mayernik	Smith, B.
Black	Fryer	Merry	Smith, L. E.
Blaum	Gallagher	Michlovic	Snyder, D. W.
Book	Gamble	Micozzie	Staback
Bortner	Gannon	Miller	Steighner
Bowley	Gladeck	Moehlmann	Stevens
Boyes	Godshall	Morris	Stewart
Brandt	Greenwood	Murphy	Stuban
Broujos	Gruitza	Nahill	Sweet
Bunt	Gruppo	Noye	Taylor, F.
Burd	Hagarty	O'Brien	Taylor, J.
Burns	Haluska	O'Donnell	Telek
Caltagirone	Harper	Olasz	Tigue
Cappabianca	Howlett	Oliver	Trello
Cawley	Itkin	Perzel	Truman
Cessar	Jackson	Petrarca	Van Horne
Civera	Jarolin	Petrone	Veon
Clark	Kasunic	Piccola	Vroon
Colafella	Kennedy	Pievsky	Wambach
Cole	Kenney	Pistella	Weston
Cordisco	Kosinski	Pott	Wiggins
Cornell	Kukovich	Pressmann	Wilson
Coslett	Langtry	Preston	Wogan
Cowell	Lashinger	Punt	Wozniak
Coy	Laughlin	Raymond	Wright, J. L.
Deluca	Lescovitz	Reber	Wright, R. C.
DeWeese	Letterman	Reinard	Yandrisevits
Daley	Levdansky	Richardson	
Davies	Linton	Rieger	Irvis,
Dawida	Livengood	Robbins	Speaker
Deal	Lucyk	Roebuck	

NOT VOTING—5

Acosta	Dininni	Evans	Hutchinson
Carn			

EXCUSED—1

Pitts

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

On the question recurring,
Shall the bill pass finally?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I urge my colleagues who voted against the bill the first time around to hang in there tough and to defeat this bill.

Just a few brief remarks. You heard the argument that young people, if they wanted to become high or become intoxicated, would go out and buy beer. That is not the case. If they found something that was new and exciting, such as these candy cordials containing liquor, that would be the new thing for them and, regardless of the price, they would buy it. Price is not a factor, and you heard that argument on the floor today as well. Let me tell you, if it is a good concert or records that they are interested in or fashions, they will spend the money, and you know that and I know that.

Mr. Speaker, in addition, if this is the new mode to have at parties, it will be there. We tried to deal with this very problem, and to his credit, Representative Kevin Blaum introduced a very good bill, which I cosponsored, providing stiff penalties for underage drinking, and this is part of this entire issue that we are looking at today.

Mr. Speaker, I just urge that, you know, we are magnifying the problem of teenage drinking, underage drinking. Vandalism and drinking go together, and you can check with your local police department. You will see the same problems there. The issue has been made that it is going to be placed in the State stores. Perhaps that is the case, the State stores today, but it will become more available in the future.

Mr. Speaker, this is the end of my remarks, and I again urge those members who are concerned as I am about this issue to vote "no." Thank you.

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

Mr. BATTISTO. Mr. Speaker, I am going to yield for a moment.

The SPEAKER. Mr. Battisto yields?

Mr. BATTISTO. Yes.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this has absolutely nothing to do with the underage drinking bill which this House rightfully passed back on October 15, 1985. We have right now a company which wants to locate in Representative Battisto's district with 110 jobs to make candy. Because of a crazy 1909 law, it is illegal to manufacture this candy with a little bit of alcohol in it. That is what this bill is going to change. It is going to make it legal in Pennsylvania to manufacture that stuff in Pennsylvania.

Representative Greenwood said earlier that a kid would have to eat 5 pounds of this candy to get the amount equal to one shot. He would die of obesity; he would die of obesity before he would contract alcoholism.

Mr. Speaker, we have a chance to provide 110 jobs for the people of Pennsylvania. They are not coming to my county; they are coming to Pennsylvania, and I think we should all support it and change this 1909 law and bring this company into our State. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, I think the theme here is jobs, and I think if you poll every one of your constituents in your legislative district and get a percentage of the vote of how they feel about this, I guarantee you that it will be overwhelmingly supportive of this piece of legislation.

And anybody in this chamber who thinks this will add to teenage drinking, you still believe the tooth fairy left the money. Thank you.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Just to be very clear, current law permits the inclusion of a small amount of alcohol in the manufacture of candy in Pennsylvania. All this bill does is increase that percentage to keep up with the market for this product.

We can sit here and listen to these absurd, fabricated arguments about chocolate somehow turning into an addictive substance because kids in fact will eat 5 or 25 pounds of chocolate, or we can look around at the other States in the country that already have this law on the books and find out that we do not see a problem like this. There has never been an article written about kids sitting around getting high eating chocolate. It just does not happen, and so it is silly of us to fabricate those stories.

In our sister State of New Jersey, this same language passed there by a vote of 31 to 2 in the Senate and 66 to 1 in the House, and that is why in New Jersey and in Illinois and in California and in Nevada and in New York, they have already gotten past this argument and are about the business of creating the jobs and selling the product, and believe it or not, no one is dying as a result. Thank you.

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

Mr. OLASZ. Mr. Speaker, this Commonwealth spends hundreds of thousands of dollars on advertising to bring industry into this State. Here we have an opportunity to bring a new industry into this State, and I think the arguments that are being offered are comparable to saying we should stop production of stainless steel because stainless steel is used in the production of hypodermic needles, and we all know that hypodermic needles are used to inject narcotics into a person's system.

Let us talk street sense. Do you think a child is going to go out and pay \$15 or \$20 for a box of candy so he can get some alcohol, when anyone on the street knows for 3 bucks he can get himself a bottle of wine or a six-pack of beer? Come on, let us use common sense on this. The bottom line is jobs for Pennsylvania. Let us be serious. Thank you.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Some months ago Mack Trucks began looking for a new site for a plant. One of the sites they looked at happened to be in South Carolina. Before they could locate in South Carolina, it was necessary for South Carolina, through its General Assembly, to pass certain legislation that would allow Mack to locate there. We all know what happened. The Governor of South Carolina took an approach, an initiative. The General Assembly of that State rushed to pass the legislation that was necessary, and as a result, this Commonwealth lost out in the competition to that particular State.

I have had a number of talks with the president of Mack Trucks. The world headquarters sits in my House district, and during the same time that Mack Trucks was looking at other locations, we were clawing tooth and nail to have the Department of Environmental Resources of this State cooperate with us so that Mack could build its new facility here. Finally, on the 59th minute of the 24th hour, this Commonwealth came through with that potential assistance, but it was too late.

Now here again we sit with a potential employer, this time one who wishes to locate in Pennsylvania, and again we sit here and we debate and we argue about changing the law that will be necessary to allow this employer to come into Pennsylvania. My question to this Assembly is how much longer are we going to continue to allow other States to take business away from this Commonwealth because we will sit here and argue about making the necessary changes to attract modern employers? We already know that the particular product to be manufactured will be tightly controlled and sold in the State stores and is certainly no more harmful nor not even as harmful as other products already sold there.

I urge the immediate passage of this legislation.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I certainly would ask for an affirmative vote on this piece of legislation. It means jobs, and I think we should be looking forward to as many of those little things as we can find for this State.

I think that Mr. Clymer ought to recognize the fact that young people eating chocolate without the alcohol can go off the deep end, and I think sometimes maybe Mr. Clymer eats too many Hershey Bars. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—133

Acosta	Daley	Lescovitz	Punt
Afflerbach	Dawida	Letterman	Raymond
Angstadt	Deal	Levdansky	Reinard
Argall	Dombrowski	Linton	Rieger
Barber	Donatucci	Livengood	Roebuck
Battisto	Duffy	McCall	Ryan
Belardi	Evans	McClatchy	Rybak
Black	Fargo	McHale	Semmel

Blaum	Fattah	McVerry	Serafini
Book	Fee	Mackowski	Seventy
Bortner	Freeman	Maiale	Snyder, D. W.
Bowley	Freind	Manderino	Staback
Bowser	Fryer	Markosek	Stairs
Boyes	Gallagher	Mayernik	Steighner
Brandt	Gamble	Merry	Stewart
Broujos	Gannon	Michlovic	Sweet
Burd	Gladeck	Micozzie	Taylor, J.
Burns	Greenwood	Miller	Telek
Caltagirone	Gruitza	Moehlmann	Tigue
Cappabianca	Gruppo	Morris	Trello
Carn	Hagarty	Murphy	Truman
Cawley	Haluska	Nahill	Van Horne
Cessar	Harper	O'Brien	Veon
Civera	Howlett	O'Donnell	Weston
Clark	Hutchinson	Olasz	Wiggins
Colafella	Itkin	Oliver	Wilson
Cole	Jarolin	Perzel	Wogan
Cordisco	Josephs	Petrarca	Wozniak
Cornell	Kennedy	Petrone	Wright, R. C.
Coslett	Kenney	Pievsky	Yandrisevits
Cowell	Kosinski	Pistella	
Coy	Kukovich	Pott	Irvis,
Deluca	Langtry	Pressmann	Speaker
DeWeese	Laughlin	Preston	

NAYS—67

Arty	Dorr	Kasunic	Schuler
Baldwin	Durham	Lashinger	Showers
Barley	Fischer	Lloyd	Sirianni
Belfanti	Flick	Lucyk	Smith, B.
Birmelin	Foster	Manmiller	Smith, L. E.
Bunt	Fox	Mowery	Snyder, G.
Bush	Gallen	Mrkonic	Stevens
Carlson	Geist	Noye	Stuban
Chadwick	George	Phillips	Swift
Cimini	Godshall	Piccola	Taylor, E. Z.
Clymer	Hasay	Reber	Taylor, F.
Cohen	Hayes	Richardson	Vroon
DeVerter	Herman	Robbins	Wambach
Davies	Hershey	Rudy	Wass
Dietz	Honaman	Saloom	Wright, D. R.
Dininni	Jackson	Saurman	Wright, J. L.
Distler	Johnson	Scheetz	

NOT VOTING—0

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1880, PN 3429**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1880, PN 3429**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act to further provide from the General Fund for the expenses of the Executive and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1985 to June 30, 1986, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985; and to further provide appropriations from the Motor License Fund for the fiscal year July 1, 1985, to June 30, 1986, for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

On the question,

Will the House concur in Senate amendments?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, the Senate put about four amendments in HB 1880. The first one provided for an additional \$15,433,000 in State funds for hospital inpatient medical assistance payments. The current State and Federal funds for this appropriation have been depleted.

The Senate also reduced the general government operations appropriation by \$10,000 each for both the Superior Court and Commonwealth Court and established two new line items of \$10,000 each for additional or for educational expenses for each of the two courts.

The Senate also reduced the deficiency appropriation for senior judges from \$304,000 to \$100,000.

In the fourth amendment the Senate increased the tort claims line item in the Motor License Fund by \$5 million, from \$20 million to \$25 million.

Mr. Speaker, I urge concurrence in HB 1880. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I do agree with the majority leader of the Appropriations Committee.

I ask for concurrence in Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—200

Acosta	Dietz	Lashinger	Robbins
Afflerbach	Dininni	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak

Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster	Maiale	Smith, B.
Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G.
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.
Carn	Gruitza	Nahill	Taylor, J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafigliola	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cordisico	Hutchinson	Pievsy	Wiggins
Cornell	Itkin	Pistella	Wilson
Coslett	Jackson	Pott	Wogan
Cowell	Jarolin	Pressmann	Wozniak
Coy	Johnson	Preston	Wright, D. R.
Deluca	Josephs	Punt	Wright, J. L.
DeVerter	Kasunic	Raymond	Wright, R. C.
DeWeese	Kennedy	Reber	Yandrisevits
Daley	Kenney	Reinard	
Davies	Kosinski	Richardson	Irvis,
Dawida	Kukovich	Rieger	Speaker
Deal	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 180, PN 2123**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," adding and changing definitions relating to crime victims' compensation; further providing for eligibility for crime victims' compensation and for awards; providing for the responsibilities of providers of service to crime victims; further providing for the allocation of certain funds; extending the limitations period for the filing of claims for

crimes' victims compensation by child victims; authorizing certain employee organizations to file copies of their constitutions and bylaws with the Secretary of Labor and Industry; imposing penalties for failing to file certain information; providing for agency shop agreements; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. SWEET offered the following amendments No. A2172:

Amend Sec. 9 (Sec. 2215), page 9, line 13, by striking out "MAY" and inserting shall

Amend Sec. 9 (Sec. 2215), page 9, line 14, by striking out "MAY" and inserting shall

Amend Sec. 9 (Sec. 2215), page 11, line 2, by striking out "MAY" and inserting shall

On the question,

Will the House agree to the amendments?

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, in the House Appropriations Committee an amendment was inserted into the bill to make absolutely sure that the agency shop provisions of this legislation were permissive. That means that agency shop could be bargained for and would be a bargainable item. That amendment was mis-drafted; there was a drafting problem and some additional "shalls" were changed to "may." This is purely, and I promise you, purely a technical amendment of changing the improper "mays" back to "shalls."

The effect of this amendment will be to make it absolutely clear that a union that is negotiating an agency shop must provide their required reports, must have the required bylaws and so forth, that are listed in the bill.

I would ask for an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Dietz	Langtry	Rieger
Afflerbach	Dininni	Lashingier	Robbins
Angstadt	Distler	Laughlin	Roebuck
Argall	Dombrowski	Lescovitz	Rudy
Arty	Donatucci	Letterman	Ryan
Baldwin	Dorr	Levdansky	Rybak
Barber	Duffy	Linton	Saloom
Barley	Durham	Livengood	Saurman
Battisto	Evans	Lloyd	Scheetz
Belardi	Fargo	Lucyk	Schuler
Belfanti	Fattah	McCall	Semmel
Black	Fee	McClatchy	Serafini
Blaum	Fischer	McHale	Seventy
Book	Flick	McVerry	Showers
Bortner	Foster	Mackowski	Sirianni
Bowley	Fox	Maiale	Smith, B.
Bowser	Freeman	Manderino	Smith, L. E.
Boyes	Freind	Manmiller	Snyder, D. W.
Brandt	Fryer	Markosek	Snyder, G.
Broujos	Gallagher	Mayernik	Staback
Bunt	Gallen	Michlovic	Stairs

Burd	Gamble	Micozzie	Steighner
Burns	Gannon	Miller	Stevens
Bush	Geist	Moehlmann	Stewart
Caltagirone	George	Morris	Stuban
Cappabianca	Gladeck	Mowery	Sweet
Carlson	Godshall	Mrkonic	Taylor, E. Z.
Carn	Greenwood	Murphy	Taylor, F.
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	Oliver	Van Horne
Clymer	Hayes	Perzel	Veon
Cohen	Herman	Petrarca	Wambach
Colafella	Hershey	Petrone	Wass
Cole	Honaman	Phillips	Weston
Cordisco	Howlett	Piccola	Wiggins
Cornell	Hutchinson	Pievsky	Wilson
Coslett	Itkin	Pistella	Wogan
Cowell	Jackson	Pott	Wozniak
Coy	Jarolin	Pressmann	Wright, D. R.
Deluca	Johnson	Preston	Wright, J. L.
DeVerter	Josephs	Punt	Wright, R. C.
DeWeese	Kasunic	Raymond	Yandrisevits
Daley	Kennedy	Reber	
Davies	Kenney	Reinard	Irvis,
Dawida	Kosinski	Richardson	Speaker
Deal	Kukovich		

NAYS—3

Merry Swift Vroon

NOT VOTING—1

Birmelin

EXCUSED—1

Pitts

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?

The SPEAKER. The Chair recognizes, to offer an amendment, the gentleman, Mr. Foster. The clerk will read the Foster amendment.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Desist.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Foster, yield for a moment? I would like to make a statement and then a motion.

The SPEAKER. The gentleman, Mr. Foster, indicates he will yield.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I was really greatly surprised and disappointed to find the new chairman of the Judiciary Committee was apparently unwilling or unable to control the amendments that were offered in his committee in that it was allowed in the committee to consider an amendment to SB 180 that clearly and obviously was not germane to the bill that was before that committee.

Now, I cite no less an authority than the majority leader, Mr. Manderino, when he was involved in a debate on May

30—I do not have the year but it was last term, and I am looking at the Legislative Journal—and at that time Mr. Manderino pointed out very properly that when Mr. Freind was offering an amendment that really covered the subject matter covered under Act 195, which this bill clearly refers to, Mr. Freind offered this to a bill dealing with the Public School Code. The gentleman, Mr. Manderino, very properly pointed out that Mr. Freind's amendment—although I agreed with Mr. Freind at the time—which was an Act 195 amendment, could not and should not be offered to the Public School Code because it would not be germane. Here in the case before us the chairman of the committee allowed to be offered really an amendment to Act 195 dealing with public employees and the laws that govern them to the Administrative Code. If that amendment were offered on the floor of the House, I rather think that this House would say that it was not germane. It having been offered in committee, that argument, I believe, is beyond us because it happened in committee.

There are problems with this bill. The gentleman, Mr. Sweet, caught one of them. I believe there is another problem in the bill that the House Judiciary Committee perhaps overlooked in its haste to accommodate the sponsors of the amendment. If you look at the bill, you will find that one portion of the bill where it deals with the public school employees has provisions in it with respect to those portions of the dues that would be used for political purposes. My understanding of the way it is handled in this particular amendment, this bill before us today, the public school employee who does not choose to spend money for political purposes in his dues simply does not pay it; whereas in this bill as it is drafted, the second half of the amendment that was inserted in the Judiciary Committee has a provision which I believe flies in the face of the laws of Pennsylvania and probably would be declared unconstitutional under a case that came down not too long ago called the Chicago Teachers Union, AFT, AFL-CIO v. Annie Lee Hudson et al before the Circuit Court of Appeals. In that case—and this would apply to that portion of the bill before you that deals with the public employees—the procedure that was initially adopted had three fundamental flaws, and those same flaws are found in this amendment. In other words, right now what you have before you has a provision in it that the public employee, the AFSCME (American Federation of State, County, and Municipal Employees) person, the person who now has to contribute to the AFSCME union, contributes his full dues, and then if he does not want any of his money to be used for political purposes, that employee applies for a refund based on the fact that he does not want his money to be used for political purposes.

The first part of the bill that deals with the teachers unions does not have that provision and seems to be closer akin to the law as it was set down by the circuit court in that they do not have to pay it in the first instance.

MOTION TO TABLE

Mr. RYAN. I think for these reasons and the fact that this bill has been on our calendar 1 day, the bill should be tabled to give all of us an opportunity to study it, to make sure that we are voting the way we want to be voting, to make sure that should it pass it can stand the test of constitutionality, and also generally to get a feel from our own school directors and constituents as to their feelings on the bill.

Accordingly, Mr. Speaker— I am sorry; I misquoted the court. It is a United States Supreme Court case.

Accordingly, Mr. Speaker, I would at this time move that the bill be tabled to be brought up at a later time, which would be some 2 1/2 weeks from now. I see no need for a rush.

The SPEAKER. Moved by the gentleman, Mr. Ryan, that SB 180, PN 2123, be placed upon the table. The motion is not debatable except by the floor leaders.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader on the motion.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Ryan, as a prelude to his asking for a tabling suggests that the bill in the manner in which it is drafted somehow violates the Constitution of the United States in a manner which a recent court case had indicated that certain requirements must be met before an agency shop can be constitutional. Mr. Speaker, I can verify that every pain was taken in making sure that the legislation before us was written in strict conformity with the guidelines set down by the court in the most recent cases having to do with the requirements necessary to make an agency shop constitutional.

This issue is not before us for the first time, Mr. Speaker. We passed the ability for our State employees to negotiate for an agency shop in the House of Representatives I believe in the last term, quite recently. I do not think it was last year; it was in the last term. Mr. Speaker, it passed by a margin, I think, sufficient to indicate that there is considerable support not only within the Assembly but within the constituency of the members of the Assembly to allow our public employees to have first-class status as public employees able to negotiate for their well-being a provision such as agency shop.

Because the legislation before us has been painstakingly drafted to meet the objections that Mr. Ryan gives as his reason for wanting to table, and because this issue is ripe for decision by this General Assembly this day, and because we have waited so long for the amendments that Mr. Ryan indicated would be forthcoming from his side of the aisle, I would ask, Mr. Speaker, since we are now ready to take up the amendments that have been distributed to finish the debate on the bill, that we vote in the negative on the motion to table, and I ask every member to cast a negative vote on tabling. To cast an affirmative vote to table this legislation is a vote to kill this legislation, is a vote against the well-being and benefit of the public employees union that a past General Assembly decided to allow.

Mr. Speaker, I think that the prohibition of agency shop included in that legislation so long ago should now be changed by this General Assembly, especially since we have the most recent court cases, which define what will make agency shop by the public employees perfectly acceptable and appropriate. I ask for a negative vote on the motion to table.

The SPEAKER. On the motion, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, let me go to the jury. Now, I am not much of a trial lawyer as trial lawyers go, but I simply ask you to listen to the words of the Supreme Court, and you tell me whether or not this bill meets the test that Mr. Manderino refers to, and I am quoting:

“The Union—”

meaning the union in the Chicago case—

“should not be permitted to exact a service fee from nonmembers without first establishing a procedure which will avoid the risk that their funds will be used, even temporarily, to finance...activities unrelated to collective bargaining.”

They go on to say:

A forced exaction followed by a rebate—

which is what is provided in this bill - a rebate, a refund—

A forced exaction followed by a rebate equal to the amount improperly expended is thus not a permissible response to the nonunion employees' objections.

Second,—

says the Supreme Court, the U.S. Supreme Court—

the “advance reduction of dues” was inadequate because it provided nonmembers with inadequate information about the basis for the proportionate share.

Then, I know this is something that would appeal to the most literate, distinguished chairman of the Judiciary Committee where the Supreme Court, not unlike that great chairman, cites from the past:

In Abood, we emphasized this point by quoting the comments of Thomas Jefferson and James Madison about the tyrannical character of forcing an individual to contribute even “three pence” for the “propagation of opinions which he disbelieves.”

I leave it to you. Is this bill in its present form ready to stand the test of constitutionality? What you are risking is 3 weeks, if indeed you are risking that. The bill must go—even if it passes—back to the Senate. It must go to the Governor. Are you risking much by delaying it 3 weeks to allow the legal eagles of both of our staffs to review this? This bill came to our attention from the Appropriations Committee yesterday afternoon late. Look at the calendar; it is on the first day of the calendar. It has been on our calendar 1 day. I do not think it is too much to ask that it be held over until the primary recess is over and we are back in session. We are not asking to— I have not even moved to recommit it; I have asked to table it.

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

Mr. MANDERINO. Mr. Speaker, whether the request is for a recommittal or for a tabling, the request is dilatory. The gentleman knew the bill was on the calendar. If the gentleman had really the objections that he talks about, amendments could have easily been offered.

The case that the gentleman speaks about in the courts was a case where the court looked to the contract - the contract which established the agency shop - and the court specifically talked about the contract having to contain these safeguards. In fact, the legislation before us in the case of the teachers and in the case of the AFSCME employees speaks in different ways. In one way, in one case, the three specific areas of concern are spelled out. They are in the bill, Mr. Speaker. I am sure you can find them in the bill conforming to the court case. In the other, they are not, and would certainly have to be provided in the contract. But the court that Mr. Ryan speaks of in defining those requirements was speaking of those requirements as having to be contained in the contract that will eventually be signed between the bargaining union and the administration, which must be negotiated to provide for agency shop.

Now, I agree with Mr. Ryan. Should such negotiations produce an agreement without the safeguards, the agreement certainly would not meet the constitutional test, and certainly the union lawyers and the administration lawyers both know that. He is raising red herrings. He is using a dilatory tactic, proof of that being, if he wanted to make the correction that he indicates now should be made, he certainly could have ordered it with the other amendments that were ordered.

Mr. Speaker, I ask—not because I do not think that the Supreme Court case must be complied with, but because I think it is being complied with in the legislation that is before us—I ask for a negative vote on tabling. It is simply a delaying tactic that we should not stand for at this late hour in the afternoon.

PARLIAMENTARY INQUIRY

The SPEAKER. Why does the gentleman from Berks, Mr. Gallen, rise? It is not debatable.

Mr. GALEN. Point of parliamentary inquiry.

The SPEAKER. What is the gentleman's point?

Mr. GALEN. It was pointed out that on the calendar this bill is on day 1. I am just wondering how we can consider this bill if it has not been read 3 different days or considered.

The SPEAKER. It has been read 3 different days; otherwise, we could not consider it. It is on the third consideration calendar for 1 day.

Mr. GALEN. Why does the calendar say day 1, Mr. Speaker?

The SPEAKER. The Chair would guess that SB 180 was read at least twice before it went into committee and came back out. It was read yesterday, the Parliamentarian advises me, for the second time, and it appears, therefore, on third consideration today.

Mr. GALEN. Well, Mr. Speaker, I submit that this is a runaround of the rules of this House. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the motion, those in favor of tabling 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—76

Argall	Distler	Johnson	Reinard
Barley	Dorr	Kennedy	Robbins
Birmelin	Fargo	Langtry	Ryan
Black	Flick	Lashingier	Saurman
Book	Foster	McClatchy	Scheetz
Bowser	Fox	McVerry	Schuler
Boyes	Freind	Mackowski	Semmel
Brandt	Gallen	Manmiller	Serafini
Bunt	Geist	Merry	Sirianni
Burd	Gladeck	Miller	Smith, B.
Bush	Godshall	Moehlmann	Smith, L. E.
Carlson	Greenwood	Mowery	Snyder, D. W.
Chadwick	Gruppo	Nahill	Snyder, G.
Clymer	Hagarty	Noye	Stevens
Cornell	Hayes	Phillips	Swift
Coslett	Herman	Piccola	Taylor, E. Z.
DeVertter	Hershey	Pott	Vroon
Dietz	Honaman	Punt	Wass
Dininani	Jackson	Reber	Weston

NAYS—120

Acosta	Dombrowski	Linton	Rybak
Afflerbach	Donatucci	Livengood	Saloom
Angstadt	Duffy	Lloyd	Seventy
Arty	Durham	Lucyk	Showers
Baldwin	Evans	McCall	Staback
Barber	Fattah	McHale	Stairs
Battisto	Fee	Manderino	Steighner
Belardi	Fischer	Markosek	Stewart
Belfanti	Freeman	Mayermik	Stuban
Blaum	Fryer	Michlovic	Sweet
Bortner	Gallagher	Micozzie	Taylor, F.
Bowley	Gamble	Morris	Taylor, J.
Broujos	Gannon	Mrkonic	Telek
Burns	George	Murphy	Tigue
Caltagirone	Gruitza	O'Brien	Trello
Cappabianca	Haluska	O'Donnell	Truman
Cawley	Harper	Olasz	Van Horne
Cimini	Hasay	Oliver	Veon
Civera	Howlett	Perzel	Wambach
Clark	Hutchinson	Petrarca	Wiggins
Cohen	Itkin	Petrone	Wilson
Colafella	Jarolin	Pievsky	Wogan
Cole	Josephs	Pistella	Wozniak
Cordisco	Kasunic	Pressmann	Wright, D. R.
Cowell	Kenney	Preston	Wright, J. L.
Coy	Kosinski	Raymond	Wright, R. C.
DeWeese	Kukovich	Richardson	Yandrisevits
Daley	Laughlin	Rieger	
Davies	Lescovitz	Roebuck	Irvis,
Dawida	Letterman	Rudy	Speaker
Deal	Levdansky		

NOT VOTING—4

Carn	Cessar	Deluca	Maiale
------	--------	--------	--------

EXCUSED—1

Pitts

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

On the question recurring,

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

Mr. FOSTER offered the following amendments No. A2168:

Amend Title, page 1, lines 27 through 30; page 2, line 1, by striking out "AUTHORIZING CERTAIN EMPLOYEE" in line 27, all of lines 28 through 30, page 1 and "FOR AGENCY SHOP AGREEMENTS;" in line 1, page 2 and inserting

limiting representation under certain collective bargaining agreements;

Amend Sec. 1, page 2, lines 28 through 30; page 3, lines 1 through 30; page 4, lines 1 through 24, by striking out all of said lines on said pages

Amend Sec. 2, page 4, line 25, by striking out "2" and inserting

1

Amend Sec. 2, page 4, line 25, by inserting after "ACT" of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929

Amend Sec. 3, page 6, line 29, by striking out "3" and inserting

2

Amend Sec. 4, page 7, line 13, by striking out "4" and inserting

3

Amend Sec. 5, page 7, line 29, by striking out "5" and inserting

4

Amend Sec. 6, page 7, line 30, by striking out "6" and inserting

5

Amend Sec. 7, page 8, line 14, by striking out "7" and inserting

6

Amend Sec. 8, page 8, line 29, by striking out "8" and inserting

7

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

8

Amend Sec. 9, page 9, lines 10 through 30; pages 10 through 13, lines 1 through 30; page 14, lines 1 through 8, by striking out all of said lines on said pages and inserting

Section 2215. Representation by Employe Organizations.— Any employe organization having a collective bargaining agreement with the Commonwealth need only represent members of such employe organizations. Dues and fees shall be required and may be deducted only from members of such employe organizations.

Amend Sec. 10, page 14, line 9, by striking out "10" and inserting

9

Amend Sec. 11, page 14, lines 12 through 14, by striking out all of said lines and inserting

Section 10. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. FOSTER. Thank you, Mr. Speaker.

As we address the problem of agency shop, I have found that the people of the public employee unions and their leadership have one problem that they have always brought to my attention in the matter of nonmembers of the union. They feel that it is a grave injustice and something that takes a colossal nerve on the part of nonmembers to come to them and ask them to assist them and help them in a grievance. I quite agree with them on that. I think for any nonmember to ask a union to fight his battles for him is not consistent whatsoever.

Therefore, I think the simplest procedure, instead of going at it in the backward fashion of the bill and mandating that everyone must become a member of the union through agency shop, I find it far preferable to give people the option. Simply let the workers continue to have the right to join or not join but with the simple proviso that the union need represent only its members. I think that is the simplest way to do it. It is consistent with their ideals of choice in the matter.

I think there is a new wave of thinking in both Pennsylvania and America with respect to the rights of individuals. I think you will find that inherent in the amendment.

The SPEAKER. Just a moment, Mr. Foster. Wait until they calm down, Mr. Foster.

Now you may proceed.

Mr. FOSTER. Thank you, Mr. Speaker.

I would simply conclude by saying that this was initially a recommendation by the Jones commission under Governor Shapp that we prohibit agency shop and that we provide for the present system. I think consistent with that provision we should also provide that the unions need not represent nonmembers in grievances. I think this is a simple way to address the entire problem, and I urge an affirmative vote on the amendment.

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment. Some of you may think at first blush that this is a good idea and it sounds good - let the free rider, in effect, lose the ability to file a grievance through the union mechanism - but let me explain a couple of things to you that I think would perhaps put it in a more appropriate perspective.

First of all, the so-called free rider, the person who is getting the benefits of union representation without paying union dues or any other fee, that person also gets the benefit of the wages, hours, and working conditions that are bargained for by the union, and which I think every fairminded person would agree costs the union and the union dues payers money in order to deliver for that membership. Under Mr. Foster's amendment the free rider problem will continue to the extent that all those nonmembers would still get the benefits of union representation.

Let me say a second thing, and it is really more fundamental. Our labor law as it is developed in this country, under Federal court cases and under State court cases construing Act 195, imposes an obligation on the union when it is voted upon

by the majority of the members of the collective-bargaining unit as its agent for representation. I doubt, quite frankly, Mr. Speaker, whether the union under various Federal cases would be allowed to divorce its responsibility or bifurcate its responsibility and to only handle wage, hour, and working condition negotiations and not at the same time handle grievances which are brought before it.

Thirdly, look at it from the management perspective. Look at it from the perspective of the employer. How in the world are you going to deal with grievances with each and every member of your operating unit when some are represented by the union and some are not? It would be an extremely chaotic, difficult problem for management to be complying with decisions that were made and precedents that had been developed under union management grievance mechanisms and then try to apply those in other instances.

I think there are practical, there are legal, and there are policy reasons, Mr. Speaker, why we should oppose the Foster amendment. As I say, it looks good. It is like a bowl of ice cream. It looks tasty at first, but it very quickly melts under analysis. Thank you very much, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I agree fully with Mr. Sweet's very eloquent statement of opposition to this amendment. The last time this issue was considered, the House overwhelmingly voted against an almost identically worded amendment. I would urge we listen to Mr. Sweet and do the same thing again. Thank you.

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

Mr. PRESTON. Thank you.

Will the gentleman, Mr. Foster, stand for interrogation?

The SPEAKER. Mr. Foster indicates he will stand for interrogation.

Mr. FOSTER. Yes, Mr. Speaker.

Mr. PRESTON. Mr. Speaker, under present labor conditions throughout the Commonwealth and in most States, can you tell me, does the union, in a contractual process, represent individuals or do they represent specific job titles?

Mr. FOSTER. First of all, Mr. Speaker, are you referring to the private sector or the public employee sector?

Mr. PRESTON. Whichever one you want to answer to; it still stands for both.

Mr. FOSTER. As far as the public employee sector is concerned, they represent the group. They may be called upon to represent individuals in grievances.

Mr. PRESTON. Let me try to be a little bit more emphatic then. Within those jobs that were covered by someone who wanted to file a grievance, in a contract is it not that certain job titles are covered within the bargaining unit and some job titles are not covered in the bargaining unit? Is it not also possible that some people may have the same job title and may be performing slightly different functions, where some jobs are covered by the union and some are not? My question simply is, are you talking about the individuals or are you talking

about the job titles, because to my knowledge—and this is why I am getting to this—the union must represent someone who is within that specific job title, not the particular individual. That is what I am trying to get at, and here you list an individual. Now, the job title is covered by the union. It does not say directly in most contracts that the individual is. Am I right or wrong about that?

Mr. FOSTER. You are wrong, Mr. Speaker, because it will not be a job title that is paying dues; it is going to be an individual who pays dues.

Mr. PRESTON. Are you saying, therefore, then, that under contractual process which is normal in most cases, and in this case within the State and most governmental subunits, that the job titles are not part of the contract?

Mr. FOSTER. The job title may be mentioned in the contract, but in the final analysis you represent people, Mr. Speaker, and believe me, it will be people from whom the union will be seeking dues and it will be individuals and people who will be bringing grievances, and that is exactly why I have drawn this amendment. I think the union should only be required to represent members of the union and not the free riders.

Mr. PRESTON. I do not know then; perhaps maybe you are not too familiar with the contractual process, because I find that very hard to believe. I am trying to imagine, are you saying that a job has to be full for a union to represent it - represent that job title?

Mr. FOSTER. Could you repeat that again, Mr. Speaker?

Mr. PRESTON. Are you saying that a job position has to be filled by an individual for the union to represent that job title?

Mr. FOSTER. The union is not made up of job titles, Mr. Speaker. It is made up of individuals - people.

Mr. PRESTON. Mr. Speaker, let me ask you, because I am really getting lost now, too, because, you know, I came from a labor relations background many years ago, and I find it hard to imagine that you are telling me that an individual is covered whether or not he has a job title or not. But it has always been my knowledge that in a contract the union bargains certain job positions that are clearly defined as far as duties whether there is a position— There could be 1,000 vacancies in a position, like we have in the State, that is governed and no one may even occupy it but the union still has to represent that particular job title. Is that true or not?

Mr. FOSTER. Mr. Speaker, I am at a loss as to the point you are trying to make. I can only say that people belong to unions; job titles cannot apply for anything. We do not hire job titles, Mr. Speaker; we hire people.

Mr. PRESTON. I guess maybe I went to the wrong college or something then. Maybe I talked to the wrong labor attorneys. I am trying to really find out then, let us say that I am a union employee. Let us say that in my job title, I am a clerk I. The clerk I's in a particular department, all the clerk I's in a particular department, are part of this union in a contract, because that is standard. I do not know if you are aware of it or not, but it goes by the job title first. Let us say that I opt

not to pay my union dues. Does or does not the union have to represent me presently now under current law, under the Federal National Labor Relations Law? Under the Federal law, not the State law, sir.

Mr. FOSTER. Basically, Mr. Speaker, the union under present law must represent anyone and must consider anyone who brings a grievance, and if it is a valid grievance and one that is not frivolous, they must represent that individual under present law. That is what I think is unfair under present law, the fact that a nonmember, someone who does not pay dues, can go to the union for this type of assistance, and I think that is totally unfair.

Mr. PRESTON. The law that you are talking about, are you talking about Federal or are you talking about State, because there is a Federal law that states that. Am I right?

Mr. FOSTER. I am speaking of the State law.

Mr. PRESTON. Would you say that the National Labor Relations Board has made decisions that a union must represent an individual who occupies a job title that is covered and bargained within a unit? Has that or has that not happened even within the State of Pennsylvania? Yes or no, sir.

Mr. FOSTER. Could you repeat that again, Mr. Speaker? I cannot hear.

Mr. PRESTON. Can you answer to me, under the Federal National Labor Relations Board, can you tell me if they have made overwhelming decisions by stating that a union must represent an individual whose job title is covered by a specific bargaining unit and that member does not pay union dues? Have they made that decision?

Mr. FOSTER. Yes.

Mr. PRESTON. So in other words, what you are saying is that the Federal Labor Relations Board has stated that the union must represent it, but yet in a sense you are asking us to supersede a Federal agency. Am I correct in that assumption, by reading your amendment?

Mr. FOSTER. But the NLRB spoke to the private sector.

Mr. PRESTON. Are you saying that they have never made that decision for the public sector, sir?

Mr. FOSTER. There has been nothing spoken to Act 195 with respect to the NLRB. We are talking about private sector unions.

Mr. PRESTON. I did not ask you as to the State of Pennsylvania. I am asking you, has the Federal agency ever determined with public employees that the union must represent them, sir, as compared to your amendment, on a State level?

Mr. FOSTER. To the best of my knowledge, Mr. Speaker, all matters pertaining to Act 195 are governed by the Pennsylvania Labor Relations Board.

Mr. PRESTON. Are you saying that Act 195 supersedes the National Labor Relations Board then, sir?

Mr. FOSTER. The NLRB has never spoken to the question, Mr. Speaker.

Mr. PRESTON. Are you saying that they have never addressed this question, sir?

Mr. FOSTER. Yes, Mr. Speaker; not to my knowledge.

Mr. PRESTON. Not to your knowledge.

Mr. Speaker, may I speak on this amendment?

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

Mr. PRESTON. I am not exactly a learned person as compared to labor relations, but it is obvious that the maker of this amendment is being informed, and I do not know exactly where, but it is not by qualifiable sources. I think that what he is asking us to do is to supersede certain decisions that have been made by the Federal Government, and it has been on record - public and private - that this is the case. Not only that, I think we are also being misinformed by inappropriate information, because I do not think that we can supersede this decision, and I think it will be challenged in reverse.

I think that we should turn down the Foster amendment, and I say this again on record: Whether it is public or private—and perhaps my colleague was not informed by the proper sources; I am not sure—but the job title is negotiated first within a contract. Whether the position is even new and no one may even be occupying it, or whether it is vacant or not, the position, the job duties, and the functions are governed within a contract, not the individual.

Whether or not the individual decides to pay dues, it has been a continuous decision by the National Labor Relations Board that the union's obligation is to represent that individual. Now, it seems to me that it is so unfair that the union is being told and forced in many States across this Nation, and there are questions pending now. It seems to me that it is ridiculous for someone to do something—everybody else is paying for the same product and they do not pay for it, and now you are asking for a separate exclusion from something which will probably be overturned anyway.

I heard the statements made by the speaker whom I questioned, and again, they also contradicted themselves, or the information was not there. It was hearsay; there were no clear, concrete facts on it. I think that we should shoot down this information that was presented to us and go against the Foster amendment. Thank you.

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

The following roll call was recorded:

YEAS—65

Argall	Davies	Hershey	Punt
Barley	Dietz	Honaman	Reber
Birmelin	Dininni	Jackson	Reinard
Black	Dorr	Johnson	Robbins
Book	Fargo	Kennedy	Ryan
Bowser	Flick	Langtry	Saurman
Brandt	Foster	McClatchy	Scheetz
Bunt	Fox	McVerry	Schuler
Burd	Freind	Mackowski	Semmel
Bush	Fryer	Manmiller	Sirianni
Carlson	Gallen	Merry	Smith, B.
Cessar	Gladeck	Moehlmann	Smith, L. E.
Chadwick	Greenwood	Nahill	Snyder, D. W.
Cimini	Hagarty	Noye	Swift
Clymer	Hayes	Piccola	Taylor, E. Z.
Cornell	Herman	Pott	Vroon
DeVerter			

NAYS—127

Acosta	Duffy	Livengood	Serafini
Afflerbach	Durham	Lloyd	Seventy
Angstadt	Evans	Lucyk	Showers
Arty	Fattah	McCall	Staback
Baldwin	Fee	McHale	Stairs
Barber	Fischer	Manderino	Steighner
Battisto	Freeman	Markosek	Stevens
Belardi	Gallagher	Mayernik	Stewart
Blaum	Gamble	Michlovic	Stuban
Bortner	Gannon	Micozzie	Sweet
Bowley	George	Miller	Taylor, F.
Boyes	Godshall	Morris	Taylor, J.
Broujos	Gruitza	Mrkonic	Telek
Burns	Gruppo	Murphy	Tigue
Caltagirone	Haluska	O'Brien	Trello
Cappabianca	Harper	O'Donnell	Truman
Cawley	Hasay	Olasz	Van Horne
Civera	Howlett	Oliver	Veon
Clark	Hutchinson	Perzel	Wambach
Colafella	Itkin	Petrarca	Wass
Cole	Jarolin	Petrone	Weston
Cordisco	Josephs	Pievsy	Wiggins
Coslett	Kasunic	Pistella	Wilson
Cowell	Kenney	Pressmann	Wogan
Coy	Kosinski	Preston	Wozniak
Deluca	Kukovich	Raymond	Wright, D. R.
DeWeese	Lashinger	Richardson	Wright, J. L.
Daley	Laughlin	Rieger	Wright, R. C.
Dawida	Lescovitz	Roebuck	Yandrisevits
Deal	Letterman	Rudy	
Distler	Levdansky	Rybak	Irvis,
Dombrowski	Linton	Saloom	Speaker
Donatucci			

NOT VOTING—8

Belfanti	Cohen	Maiale	Phillips
Carn	Geist	Mowery	Snyder, G.

EXCUSED—1

Pitts

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

WELCOME

The SPEAKER. Mrs. Reid and Mrs. Chelsie Adams from Derry Township are here as the guests of the Westmoreland County delegation and Representative Petrarca in particular. Welcome to the hall of the House.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Blair, Mr. Geist, rise?

Mr. GEIST. Mr. Speaker, the last vote went so quickly that I could not get to my switch in time. I would like to be recorded in the affirmative on the Foster amendment A2168 to SB 180.

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

Why does the gentleman from York, Mr. Snyder, rise in place?

Mr. G. M. SNYDER. To correct a vote, Mr. Speaker.

My vote did not register. I wish to be recorded in the affirmative on the Foster amendment A2168 to SB 180, please.

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

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

Mr. PHILLIPS. On the Foster amendment A2168, I would like to be recorded in the affirmative.

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

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

Mr. DAVIES. Had I been in my seat, I would have been recorded in the negative on the Foster amendment A2168 to SB 180.

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

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, since corrections were just taken, I would like to say for the record that I was in the rear talking with Representative Phillips, and I would like to offset his vote on the Foster amendment A2168 and vote in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record. If we get into pairing on the floor of the House, we will really have something to handle.

CONSIDERATION OF SB 180 CONTINUED

On the question recurring,

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

Mr. MOEHLMANN offered the following amendments No. A2162:

Amend Sec. 1 (Sec. 477), page 6, lines 18 and 19, by striking out "PERSONS ELIGIBLE UNDER SECTION 477.3,"

Amend Sec. 2 (Sec. 477.3), page 7, by inserting between lines 12 and 13

(d) Where a crime results in death, individuals related to the victim within the third degree of consanguinity or affinity shall be eligible for compensation for psychological counseling.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Thank you, Mr. Speaker.

SB 180 contains some provisions that are less controversial than the agency shop. One of those provisions changes the administration of the Crime Victim's Compensation Fund.

I have three amendments that I think are not controversial. The first one is 2162. It applies narrowly to those situations where the crime involved the death of the victim. In that situation, my amendment would limit benefits to the family of the deceased direct victim of the crime to psychological counseling.

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

Mr. SWEET. I agree with the amendment, Mr. Speaker, and would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—4

Acosta	Carn	Evans	Maiale
--------	------	-------	--------

EXCUSED—1

Pitts

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

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

Mr. MOEHLMANN offered the following amendment No. A2170:

Amend Sec. 2 (Sec. 477.3), page 7, lines 11 and 12, by striking out "ELIGIBILITY OF A CLAIMANT SHALL BE DETERMINED" in line 11, all of line 12 and inserting A person who is a resident of the United States, including the District of Columbia, the Commonwealth of Puerto Rico and all territories and possessions of the United States, shall be eligible for compensation.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Thank you, Mr. Speaker.

Amendment A2170 would limit eligibility under the Crime Victim's Compensation Act to a person who is a resident of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

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

Mr. SWEET. Mr. Speaker, I also agree with this amendment. It is required by Federal law in order to receive Federal funding. I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—8

Acosta	Deal	Evans	Richardson
Carn	Dombrowski	Kukovich	Stairs

EXCUSED—1

Pitts

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

On the question recurring,

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

Mr. MOEHLMANN offered the following amendment No. A2169:

Amend Sec. 1 (Sec. 477), page 5, line 28, by inserting brackets before and after "BODILY" and inserting immediately there-

physical or mental

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Mr. Speaker, this amendment is purely a technical amendment correcting the drafting of the bill, conforming one section of the bill to the others.

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

Mr. SWEET. I agree with the amendment, Mr. Speaker, and would ask that we vote for it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—4

Acosta	Carn	Civera	Freind
--------	------	--------	--------

EXCUSED—1

Pitts

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?

On final passage, the Chair recognizes the minority leader.

Mr. RYAN. On final passage.

I am suggesting, Mr. Speaker, that this bill should be defeated at this time. I believe the bill to be unconstitutional. I have lost that argument here on the floor, but there are other things I think we have to look at and consider.

It is my understanding—and I would not want to be held to exact numbers—but my understanding is that the AFSCME union, by way of example, has lost membership in the past year or so and that the membership has gone from some 75 percent to 65 percent of the State employees. I think what that indicates is that the general State employee is not entirely sat-

isfied, perhaps, with the leadership of the AFSCME union, and by getting a bill such as this, this is the only way those leaders can get back dues into the union. Our information is that by having union shop, the dues will increase to AFSCME alone by \$2,250,000.

Now, if the statistics that have been provided to us are accurate—and I have no reason to believe they are not—35 percent of the eligible employees who chose not to join the AFSCME union will be very upset at the prospect of a union shop, because this 35 percent, this 35 percent, has resisted the urgings, I am sure, of the present union membership; they have resisted the urgings of the union leaders; they have chosen not to join the union, or they have elected to get out of the union. And now we, with the stroke of a pen, are going to put these 35 percent of State employees into a position where they may be forced not to join the union but forced to pay some \$200 a year in union dues - the \$200 being figured on the average salary of the State employee, which is, I am told, \$16,000, times the union dues of 1 1/4 percent, which I am told comes out to some \$200 per employee. This bill is going to lead the way to \$200 a year being taken from the pockets of 35 percent of our State employees who have elected not to join the union.

If they want to join a union, let them join the union. There is nothing to prevent it. But why we should put these people, this 35-percent minority, into a position that they will be union members I think is wrong. I do not have statistics on the other governmental unions, but I would guess that they are essentially the same. I do not have them, and my comments are only reflecting the AFSCME union, which statistics I do have.

On the basis of all of this, I would ask that we have a "no" vote on it.

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

Mr. SWEET. Thank you, Mr. Speaker.

Some of the things that the previous speaker mentioned just cannot go unanswered.

First of all, he mentions the fact that for one reason or another, some number of employees have chosen not to be a member of the union. I think it is very obvious why a large number of them have chosen not to. Under the current state of the law, they are free riders. They get all the benefits of union membership, all the bargained increases, they get representation at grievances, all for zero; for nothing; goose egg. No wonder they have quit the union.

Number two, this whole discussion about this matter has been filled with some red herrings that the previous speaker threw into the discussion. First of all, this will not provide for "union shop," and he used that phrase several times. This bill requires that those employees who choose not to be members will pay a fee, in effect, for the services that they receive from the union.

Finally, Mr. Speaker, if those employees are unhappy, discontented with the current union leadership, they have a very clear remedy under current labor law - they can decertify

that leadership and they can have a representational election and choose a new union if they like it. We are really about, Mr. Speaker, an argument that I thought, most of us thought, was resolved in this country in the 1930's and resolved for public employees in Pennsylvania in 1969.

This is a good bill; it is a sound bill. Addressing the free rider problem is really an issue of fundamental fairness, and that fundamental fairness is that those who get the benefits of the services of a union, which has been democratically selected by the members of the collective-bargaining unit, ought to pay for those services. It is as simple as that. It is fundamental fairness, and I would ask for an affirmative vote.

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

Mr. MANDERINO. Thank you, Mr. Speaker.

I know that the hour is late, and I will not go into the arguments in favor of. I think most of the members know the issue. They know the abilities of the union in representing the membership. They know the unfairness and injustice of members being represented without paying dues. They know the justice of having a fee contributed for the services provided.

Mr. Speaker, for all those good reasons, I ask for an affirmative vote, and let us bring our public employees, let us bring our teachers union, our teachers, into the 20th century, at least, by allowing them to negotiate for agency shop. I ask for an affirmative vote.

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

Mr. GALLEN. Mr. Speaker, the minority leader stated that this bill may well be, and probably is, unconstitutional. But in the absence of that, Mr. Speaker, it may not be unconstitutional, but it sure as heck is un-American to make people pay a fee to be employed. I urge opposition.

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—133

Acosta	Donatucci	Lucyk	Serafini
Afflerbach	Duffy	McCall	Seventy
Angstadt	Durham	McHale	Showers
Arty	Evans	Maiale	Smith, B.
Baldwin	Fattah	Manderino	Staback
Barber	Fee	Markosek	Stairs
Battisto	Fischer	Mayernik	Steighner
Belardi	Freeman	Michlovic	Stevens
Belfanti	Gallagher	Micozzie	Stewart
Blaum	Gamble	Miller	Stuban
Bortner	Gannon	Morris	Sweet
Boyes	George	Mrkoncic	Taylor, F.
Burd	Gruitza	Murphy	Taylor, J.
Burns	Gruppo	O'Brien	Telek
Caltagirone	Haluska	O'Donnell	Tigue
Cappabianca	Harper	Olasz	Trello
Cawley	Hasay	Oliver	Truman
Cimini	Howlett	Perzel	Van Horne
Civera	Hutchinson	Petrarca	Veon
Clark	Itkin	Petrone	Wambach
Cohen	Jarolin	Phillips	Wass
Colafella	Josephs	Pievsky	Weston
Cole	Kasunic	Pistella	Wiggins

Cordisco	Kenney	Pott	Wilson
Coslett	Kosinski	Pressmann	Wogan
Cowell	Kukovich	Preston	Wozniak
Coy	Lashinger	Raymond	Wright, D. R.
Deluca	Laughlin	Reber	Wright, J. L.
DeWeese	Lescovitz	Richardson	Wright, R. C.
Daley	Letterman	Rieger	Yandrisevits
Davies	Levdansky	Roebuck	
Dawida	Linton	Rudy	Irvis,
Deal	Livengood	Rybak	Speaker
Dombrowski	Lloyd	Saloom	

NAYS—65

Argall	Dietz	Herman	Piccola
Barley	Dininni	Hershey	Punt
Birmelin	Distler	Honaman	Reinard
Black	Fargo	Jackson	Robbins
Book	Flick	Johnson	Ryan
Bowley	Foster	Kennedy	Saurman
Bowser	Fox	Langtry	Scheetz
Brandt	Freind	McClatchy	Schuler
Broujos	Fryer	McVerry	Semmel
Bunt	Gallen	Mackowski	Sirianni
Bush	Geist	Manmiller	Smith, L. E.
Carlson	Gladeck	Merry	Snyder, D. W.
Cessar	Godshall	Moehlmann	Snyder, G.
Chadwick	Greenwood	Mowery	Swift
Clymer	Hagarty	Nahill	Taylor, E. Z.
Cornell	Hayes	Noye	Vroon
DeVerter			

NOT VOTING—2

Carn	Dorr
------	------

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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.

**SUPPLEMENTAL CALENDAR A
REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. MORRIS called up for consideration the following Report of the Committee of Conference on **SB 1259, PN 2134**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for the powers and duties of the State Horse Racing Commission and the State Harness Racing Commission; further regulating licensing of racing corporations and individuals involved in racing, handling of funds, and racing employees; further providing for special funds; further providing for allocation of racing days, for the place and manner of conducting pari-mutuel wagering, for the retention percentage and distribution of pari-mutuel pools, for fines and penalties and for the simulcasting and televising of races; placing limitations on day and night racing; making editorial changes; and reestablishing the State Horse Racing Commission and the State Harness Racing Commission.

On the question,
Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the majority leader.
To whom do we turn on this recommendation, this Committee of Conference Report on SB 1259?

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Reber, is to explain.

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

Mr. REBER. Thank you, Mr. Speaker. It is my pleasure to speak for the majority leader.

Mr. Speaker, earlier today the Senate voted 50 to nothing on the conference committee report you have before you, and I am also pleased to say that the committee of conference yesterday, when it met, voted 6 to nothing on all amendments and on the conference committee report itself. This is the comprehensive racehosing industry reform legislation that this House passed earlier last week 128 to 68. There was one provision that seemed to engender all the debate that day, which concerned the location of nonprimary wagering facilities in the Commonwealth and the authorization and proliferation of them. The legislation has affirmatively set up a study on such wagering at nonprimary locations with appropriate reports to be submitted by both Harness and Horse Racing Commissions on the issue. I think this is the concern that was in the minds of many of the members of this body.

I would move for the adoption of the conference committee report as submitted.

On the question recurring,
Will the House adopt the report of the committee of conference?

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

YEAS—179

Acosta	Dininni	Lashinger	Richardson
Afflerbach	Distler	Laughlin	Rieger
Angstadt	Dombrowski	Lescovitz	Robbins
Argall	Donatucci	Letterman	Rudy
Arty	Dorr	Levdansky	Ryan
Baldwin	Duffy	Linton	Rybak
Barley	Durham	Livengood	Saloom
Battisto	Fargo	Lucyk	Saurman
Belardi	Fattah	McCall	Scheetz
Black	Fee	McClatchy	Schuler
Blaum	Fischer	McHale	Semmel
Book	Foster	McVerry	Serafini
Bortner	Fox	Mackowski	Seventy
Bowley	Freeman	Maiale	Sirianni
Bowser	Fryer	Manderino	Smith, L. E.
Boyes	Gallagher	Manmiller	Snyder, D. W.
Brandt	Gallen	Markosek	Snyder, G.
Bunt	Gamble	Mayerink	Staback
Burd	Gannon	Merry	Stairs
Burns	Geist	Michlovic	Steighner
Bush	Gladeck	Micozzie	Stevens
Caltagirone	Godshall	Miller	Stewart
Cappabianca	Greenwood	Moehlmann	Stuban
Carlson	Gruppo	Morris	Sweet
Cawley	Hagarty	Mowery	Swift
Cessar	Haluska	Mrkonic	Taylor, E. Z.
Chadwick	Harper	Murphy	Taylor, F.

Cimini	Hasay	Nahill	Taylor, J.
Civera	Hayes	Noye	Telek
Clark	Herman	O'Brien	Tigue
Cohen	Hershey	Olasz	Trello
Colafella	Honaman	Oliver	Truman
Cole	Howlett	Perzel	Van Horne
Cordisco	Hutchinson	Petrarca	Veon
Cornell	Itkin	Petrone	Wambach
Coslett	Jackson	Piccola	Weston
Cowell	Jarolin	Pievsky	Wilson
Coy	Johnson	Pistella	Wogan
Deluca	Josephs	Pott	Wozniak
DeVertter	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kennedy	Preston	Wright, J. L.
Daley	Kenney	Punt	Wright, R. C.
Davies	Kosinski	Raymond	
Dawida	Kukovich	Reber	Irvis,
Deal	Langtry	Reinard	Speaker
Dietz			

NAYS—15

Belfanti	Flick	O'Donnell	Vroon
Birmelin	Freind	Phillips	Wass
Broujos	George	Showers	Yandrisevits
Clymer	Lloyd	Smith, B.	

NOT VOTING—6

Barber	Evans	Roebuck	Wiggins
Carn	Gruitza		

EXCUSED—1

Pitts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to remind all members who are running for reelection, and that is most of you, that the second Friday preprimary report must be filed with the Bureau of Elections no later than May 9, 1986. Please remember to file a copy of your report with your county board of elections. That is very important.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. The Judiciary meeting previously scheduled for tomorrow will be canceled, and the items on the agenda will be taken up in the Judiciary Committee meeting on Tuesday, May 27. Thank you.

REMARKS ON VOTE

The SPEAKER. To correct the record, the Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, earlier when we were dealing with SB 180, the Ryan motion to table, I would have liked to have had my vote reflected in the negative at that time. It was recorded as positive. Thank you.

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

MINES AND ENERGY MANAGEMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca. Do you wish to announce a committee meeting?

Mr. PETRARCA. There will be a meeting tomorrow of the Mines and Energy Management Committee at 10 o'clock in room 302. Also, the demonstration will be there tomorrow. Thank you.

REMARKS ON VOTES

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

Mr. KASUNIC. Mr. Speaker, on amendment 2135 to SB 935, I was not recorded as voting. Had I voted, I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Delaware, Mr. Raymond, to correct the record.

Mr. RAYMOND. Mr. Speaker, I was out of my seat on the vote on HB 2278 and would like to be recorded in the affirmative.

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

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

Mr. DORR. Mr. Speaker, I understand my vote did not record on final passage of SB 180. I would like my vote recorded in the negative.

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

There will be a session tomorrow. It will not be a voting session. The Chair will be here to move bills forward and to sign bills as necessary.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2093, PN 2860 By Rep. DeWEESE
An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," further providing for marriage license applications.

JUDICIARY.

HB 2451, PN 3448 (Amended) By Rep. DeWEESE

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and further providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

JUDICIARY.

SB 408, PN 2138 (Amended)

By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in civil actions involving bad checks.

JUDICIARY.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2479 By Representatives WILSON and TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," reducing the rate of taxation imposed on personal income and on corporate net income; further defining "capital stock value" in relation to the capital stock franchise tax; and further providing for the phaseout of the prepayment schedule for capital stock taxes to a quarterly payment schedule.

Referred to Committee on FINANCE, May 6, 1986.

BILLS SIGNED BY SPEAKER

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

HB 1196, PN 3389

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for the disposition of certain personal property held by municipalities; and further providing for abandoned and unclaimed property.

HB 1625, PN 3304

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a manager, coach, umpire or referee and nonprofit association negligence standard in the conduct of certain sports programs; and providing a negligence standard for officers, directors and trustees of nonprofit organizations.

HB 1880, PN 3429

An Act to further provide from the General Fund for the expenses of the Executive and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1985 to June 30, 1986, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985; and to further provide appropriations from the Motor License Fund for the fiscal year July 1, 1985, to June 30, 1986, for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

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

Mr. FOX. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 7, 1986, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:58 p.m., e.d.t., the House adjourned.