

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 13, 1988

SESSION OF 1988

172D OF THE GENERAL ASSEMBLY

No. 23

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:

Heavenly Father, as the recipients of Thy tender mercy, we draw near to Thee in these quiet moments we spend together and beseech Thee to impart to us the strengthening of Thy power, the continuance of Thy presence, and the guidance of Thine everlasting counsel.

O God, we know that we are never far from the province of Thy love, nor from the providential care which is Thine to impart. In fact, Thou art ever ready to reach out to us in our every hour of need. So share with us the grace which is beyond our comprehension, Thy constant companionship which reaches us in all of life's difficulties, and Thy leading and guiding example in all of this world's delicate circumstances. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was delivered by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Tuesday, April 12, 1988, in regular session is not yet in print. Therefore, there will be no approval of that Journal, unless someone objects, until that Journal is in print, and the Chair hears no such objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2340 By Representatives WOGAN, KOSINSKI, MURPHY, FOX, RYBAK, VROON, FISCHER, STABACK, HESS, COHEN, SAURMAN, MORRIS, RAYMOND, E. Z. TAYLOR, JACKSON, McHALE, BOOK, CIVERA, TIGUE, NAHILL, GANNON, TRELLO and MICHLOVIC

An Act regulating the operation of pet shops; providing for the licensing of pet shop operators; imposing duties on the Department of Agriculture; and providing for penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 13, 1988.

No. 2341 By Representatives KOSINSKI, PISTELLA, DeLUCA, MAIALE, BATTISTO, MELIO, PRESTON, OLIVER, TIGUE, BELARDI, PRESSMANN, ACOSTA, TRELLO, MICHLOVIC, VROON, NOYE, HAGARTY, GODSHALL, DISTLER, GEIST, WOGAN, TELEK, J. TAYLOR, E. Z. TAYLOR, FLICK and MICOZZIE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading and offense of a former convict not to own a firearm.

Referred to Committee on JUDICIARY, April 13, 1988.

No. 2342 By Representatives MORRIS, SIRIANNI, RUDY, HONAMAN, LLOYD, JOHNSON, CHADWICK, STUBAN, SEMMEL, SHOWERS, BUSH, FARGO, HERSHEY, HALUSKA, BOWLEY, DeVERTER, HAYES, D. W. SNYDER, COY, SCHULER, G. SNYDER, REBER, BRANDT, MAINE, HERMAN, BIRMELIN, HESS, DISTLER, MILLER, MOWERY, JACKSON, SCHEETZ, GRUPPO, J. L. WRIGHT, BARLEY, MOEHLMANN, STEIGHNER, F. TAYLOR, KASUNIC, DALEY, STAIRS and DeWEESE

An Act making an appropriation to the Department of Agriculture for agricultural research at The Pennsylvania State University.

Referred to Committee on APPROPRIATIONS, April 13, 1988.

No. 2343 By Representatives BARLEY, SWEET, FOSTER, SCHEETZ, TELEK, NOYE, BATTISTO, GLADECK, SCHULER, BELFANTI, MRKONIC, BURD, FARGO, CIVERA, BUNT, E. Z. TAYLOR, JOHNSON, SIRIANNI, TRELLO, ROBBINS and HECKLER

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the sale of township real property.

Referred to Committee on LOCAL GOVERNMENT, April 13, 1988.

No. 2344 By Representatives CAPPABIANCA, GALLEN, CALTAGIRONE, SERAFINI, SCHULER, CAWLEY, STEIGHNER, VROON, F. TAYLOR, GRUPPO, DUFFY, D. W. SNYDER, MICHLOVIC, WOZNIAK, TIGUE, LEVDANSKY, BATTISTO, SIRIANNI, RITTER, BOWLEY, BELARDI, OLASZ, MANDERINO and O'DONNELL

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, requiring nonprofit corporations to supply information as to affiliation, activities and tax status to the Commonwealth; providing for powers and duties of the Department of State and the Department of Revenue; providing for penalties; and making appropriations.

Referred to Committee on BUSINESS AND COMMERCE, April 13, 1988.

No. 2345 By Representatives DURHAM, MAIALE, LAUGHLIN, RYBAK, BURNS, BIRMELIN, JAROLIN, GODSHALL, SCHULER, HALUSKA, DIETTERICK, DISTLER, FARMER, DAWIDA, HASAY, BUNT, JOSEPHS, TIGUE, STABACK, JADLOWIEC, WESTON, GEIST, ITKIN, VROON, CAWLEY, HECKLER, LEVDANSKY, FLICK, VEON, WOZNIAK, JOHNSON, TRELLO, FARGO, FISCHER, McHALE, COHEN, MICHLOVIC, BOWLEY, McVERRY, MELIO, KENNEY, BOWSER, NOYE, SEMMEL, ARTY, GLADECK, NAHILL, RAYMOND, REBER, CARLSON, COWELL, HAGARTY, FOX, TRELLO, CORNELL, SAURMAN, DeLUCA and RITTER

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), known as the "Automobile Lemon Law," providing for the rights of long-term lessees of automobiles.

Referred to Committee on CONSUMER AFFAIRS, April 13, 1988.

No. 2346 By Representatives DeWEESE, COWELL, LASHINGER, BATTISTO, McCALL, BUNT, RYBAK, RAYMOND, VAN HORNE, KOSINSKI, PISTELLA, OLASZ, YANDRISEVITS, MAIALE, HALUSKA, MORRIS, SEVENTY, ANGSTADT, MELIO, WOGAN, GAMBLE, BELARDI, PRESSMANN, VEON, D. W. SNYDER and MICOZZIE

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 the number of pupils under the care of each school nurse.

Referred to Committee on EDUCATION, April 13, 1988.

No. 2347 By Representatives DeWEESE, JOSEPHS, GODSHALL, WOZNIAK, JOHNSON, McHALE, RAYMOND, KOSINSKI, MERRY, PRESTON, MELIO, BELFANTI, BELARDI, FLICK, BOWLEY, COY, GLADECK, BILLOW, VAN HORNE, CORRIGAN, SALOOM, MICOZZIE, SIRIANNI and ACOSTA

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), known as the "Regulatory Review Act," further providing for regulatory review by the commission.

Referred to Committee on STATE GOVERNMENT, April 13, 1988.

No. 2348 By Representatives R. C. WRIGHT, DURHAM, FATTAH, TRELLO, LINTON, EVANS, ARTY, RAYMOND, COLAFELLA, JOSEPHS, GEIST and HUGHES

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," placing additional requirements on school districts with respect to remedial programs; and providing for payments for such programs.

Referred to Committee on EDUCATION, April 13, 1988.

No. 2349 By Representatives R. C. WRIGHT, DURHAM, FATTAH, TRELLO, LINTON, EVANS, ARTY, RAYMOND, COLAFELLA, JOSEPHS, GEIST and HUGHES

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 the funding of remedial programs.

Referred to Committee on EDUCATION, April 13, 1988.

No. 2350 By Representatives R. C. WRIGHT, DURHAM, FATTAH, TRELLO, LINTON, EVANS, ARTY, RAYMOND, COLAFELLA, JOSEPHS, GEIST and HUGHES

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," adding the definition of "special project employee"; and further providing for the employment of guidance counselors.

Referred to Committee on EDUCATION, April 13, 1988.

No. 2351 By Representatives R. C. WRIGHT, DURHAM, FATTAH, TRELLO, LINTON, EVANS, ARTY, RAYMOND, COLAFELLA, JOSEPHS, GEIST and HUGHES

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," adding the def-

inition of "special project employee"; and further providing for the employment of attendance officers or home and school visitors.

Referred to Committee on EDUCATION, April 13, 1988.

No. 2352 By Representatives PHILLIPS, SHOWERS, JOHNSON, GEIST, BELARDI, FOX and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving too fast for conditions.

Referred to Committee on TRANSPORTATION, April 13, 1988.

No. 2353 By Representatives LaGROTTA, HAGARTY, BELFANTI, WOGAN, GAMBLE, MELIO, VAN HORNE, HALUSKA, FOX, COWELL, SAURMAN and LASHINGER

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation.

Referred to Committee on HEALTH AND WELFARE, April 13, 1988.

No. 2354 By Representatives BOWSER, MERRY, McCALL, DOMBROWSKI, CAPPABIANCA, BOYES and MAYERNIK

An Act designating Interstate Route 90 as the Amvets Memorial Highway.

Referred to Committee on TRANSPORTATION, April 13, 1988.

No. 2355 By Representatives RYAN, SWEET, FOSTER, BURNS, LASHINGER, COY and GAMBLE

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," authorizing second class townships and home rule municipalities to license public eating and drinking places; and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, April 13, 1988.

No. 2356 By Representatives PERZEL, J. L. WRIGHT, FLICK, CESSAR, WOGAN, McVERRY, DISTLER, RAYMOND, MAIALE, TIGUE, BELARDI, ARGALL, NAHILL, BUNT, JADLOWIEC, FOX, J. TAYLOR, HERMAN, O'BRIEN, FARMER, S. H. SMITH, TRELLO, BURD, SIRIANNI, FARGO and SEMMEL

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing and providing duties for the Tuition Account Program Agency and its board; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

Referred to Committee on EDUCATION, April 13, 1988.

No. 2357 By Representatives DORR, KUKOVICH, SAURMAN, CLYMER, E. Z. TAYLOR, WOZNIAK, HAGARTY, MICOZZIE, SERAFINI, FLICK, NOYE, MERRY, GODSHALL, SEMMEL, DISTLER, REBER, GEIST, NAHILL, MORRIS, G. SNYDER, BUNT, CORNELL, O'BRIEN, VEON, HECKLER, FOX, FARGO, BURD, TELEK, SCHULER, FOSTER and B. SMITH

An Act relating to mental health; authorizing county programs; providing for the continuation or establishment of facilities and programs to care and provide services for persons with mental illness; imposing additional powers upon the counties; and making a repeal.

Referred to Committee on HEALTH AND WELFARE, April 13, 1988.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 259 By Representatives DeWEESE, McCALL, BUNT, VAN HORNE, McHALE, KOSINSKI, STABACK, PISTELLA, NOYE, COWELL, DeLUCA, OLASZ, YANDRISEVITS, MAIALE, MARKOSEK, MORRIS, RAYMOND, HALUSKA, FOX, SEVENTY, LASHINGER, ANGSTADT, BATTISTO, MELIO, GEIST, BELARDI, VEON and MICOZZIE

Honoring and congratulating the Pennsylvania Cable Television Industry on the occasion of its 40th anniversary.

Referred to Committee on RULES, April 13, 1988.

SENATE BILLS FOR CONCURRENCE

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

SB 1251, PN 1944

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 13, 1988.

SB 1288, PN 1819

Referred to Committee on FINANCE, April 13, 1988.

SB 1289, PN 1945

Referred to Committee on FINANCE, April 13, 1988.

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 493;
 HB 494;
 HB 495;
 HB 1616;
 HB 1837;
 HB 1906;
 HB 2183;
 HB 2184;
 HB 2185;
 HB 2186;
 HB 2188;
 HB 2189;
 HB 2190;
 HB 2191;
 HB 2192;
 HB 2193;
 HB 2264;
 HB 2278;
 SB 700;
 SB 701;
 SB 1022; and
 SB 1182.

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

LEAVES OF ABSENCE

The SPEAKER. Are there leaves of absence?
 The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Yes, Mr. Speaker. The gentleman from Chester, Mr. MORRIS, for today, and the lady from Philadelphia, Ms. KITCHEN, for today.

The SPEAKER. The leaves are granted, there being no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Delaware County, Mr. FREIND, for the day; the gentleman from Dauphin County, Mr. DININNI, for the day; the lady from Susquehanna County, Miss SIRIANNI, for the day; and the gentleman from Washington County, Mr. FISCHER, for the day.

The SPEAKER. The leaves are granted, there being no objection.

SENATE MESSAGE

**SENATE CONCURRENCE
 IN HOUSE RESOLUTION**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 250, PN 3018.**

SENATE MESSAGE

**SENATE INSISTS ON NONCONCURRENCE
 IN HOUSE AMENDMENTS**

The clerk of the Senate, being introduced, informed that the Senate has insisted on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to **SB 1067, PN 1632**, and has appointed Messrs. HESS, RHOADES and REIBMAN 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.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—188

Acosta	Distler	LaGrotta	Raymond
Angstadt	Dombrowski	Langtry	Reber
Argall	Donatucci	Lashinger	Reinard
Arty	Dorr	Leh	Richardson
Barley	Duffy	Lescovitz	Rieger
Battisto	Durham	Letterman	Ritter
Belardi	Evans	Levdansky	Robbins
Belfanti	Fargo	Linton	Roebuck
Billow	Farmer	Livengood	Rudy
Birmelin	Fattah	Lloyd	Ryan
Black	Fee	Lucyk	Rybak
Blaum	Flick	McCall	Saloom
Book	Foster	McClatchy	Saurman
Bortner	Fox	McHale	Scheetz
Bowley	Freeman	McVerry	Schuler
Bowser	Gallen	Maiale	Semmel
Boyes	Gamble	Maine	Serafini
Brandt	Gannon	Manderino	Showers
Broujos	Geist	Manmiller	Smith, B.
Bunt	George	Markosek	Smith, S. H.
Burd	Gladeck	Mayernik	Snyder, D. W.
Burns	Godshall	Melio	Snyder, G.
Bush	Gruitza	Merry	Staback
Caltagirone	Gruppo	Michlovic	Stairs
Cappabianca	Hagarty	Micozzie	Steighner
Carlson	Haluska	Miller	Stuban
Carn	Hasay	Moehlmann	Sweet
Cawley	Hayden	Mowery	Taylor, E. Z.
Cessar	Hayes	Mrkonic	Taylor, F.
Chadwick	Heckler	Murphy	Taylor, J.
Civera	Herman	Nahill	Telek
Clark	Hershey	Noye	Tigue
Clymer	Hess	O'Brien	Trello
Cohen	Honaman	O'Donnell	Van Horne
Colafella	Howlett	Olasz	Veon
Cole	Hughes	Oliver	Wambach
Cornell	Hutchinson	Perzel	Wass
Corrigan	Itkin	Petrarca	Wiggins
Cowell	Jackson	Petrone	Wogan
Coy	Jadlowiec	Phillips	Wozniak
DeLuca	Jarolin	Phillips	Wright, D. R.
DeVerter	Johnson	Pievsky	Wright, J. L.
DeWeese	Josephs	Pistella	Wright, R. C.
Daley	Kasunic	Pitts	Yandrisevits
Davies	Kennedy	Pressmann	
Dawida	Kenney	Preston	Irvis,
Dempsey	Kosinski	Punt	Speaker
Dietterick	Kukovich		

ADDITIONS—0
 NOT VOTING—0
 EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

LEAVES ADDED—4

Bortner	Hutchinson	Rudy	Sweet
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**BILL REPORTED FROM COMMITTEE,
 CONSIDERED FIRST TIME, AND TABLED**

HB 1438, PN 3120 (Amended)

By Rep. SALOOM

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for limited wineries.

LIQUOR CONTROL.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1681, PN 3072**, entitled:

An Act establishing a uniform procedure for review by the Insurance Commissioner of certain rate filings and policy form filings; and making repeals.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 1681 be recommitted to the Committee on Appropriations for a fiscal note.

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

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The House proceeded to second consideration of **HB 2263, PN 3005**, entitled:

An Act amending the act of September 2, 1961 (P. L. 1232, No. 540), known as the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance," adding provisions relating to credit unemployment insurance.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 2263 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1676, PN 2086**, entitled:

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," providing for credit for military service.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 1676 be recommitted to the Committee on Appropriations for a fiscal note.

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

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

HB 1689, PN 2099; and HB 1690, PN 2100.

* * *

The House proceeded to second consideration of **HB 529, PN 3093**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for energy development authority and emergency powers; and providing for the designation of an agency to coordinate the monitoring of supplies of energy resources.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 529 be recommitted to the Committee on Appropriations for a fiscal note.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 803, PN 960**, entitled:

An Act providing for certain disclosures by practitioners of the healing arts when making patient referrals.

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

The SPEAKER. We were in the middle of debate on this bill when we passed over it yesterday. Mr. Lashinger was offering an amendment. The Chair is now informed that Mr. Lashinger is ready to continue with his amendment.

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

The clerk read the following amendment No. A1702, offered by Mr. LASHINGER on April 12, 1988:

Amend Title, page 1, line 2, by removing the period after "referrals" and inserting
; providing penalties; and conferring powers and duties on the several licensing boards in the Bureau of Professional and Occupational Affairs.

Amend Sec. 1, page 1, by inserting between lines 8 and 9 "Bureau." The Bureau of Professional and Occupational Affairs in the Department of State.

Amend Sec. 2, page 1, line 13, by inserting before "Any"
(a) General rule.—

Amend Bill, page 2, lines 4 through 8, by striking out "Any person who violates the" in line 4, all of lines 5 through 8 and inserting

(b) Penalty.—A person who violates this section shall be liable to the Commonwealth for a civil penalty not to exceed \$1,000.

(c) Enforcement.—The licensing boards in the bureau shall enforce this section.

Section 3. Notice.

The licensing boards in the bureau shall notify licensees of the provisions of this act by publication of a notice in the Pennsylvania Bulletin.

Section 4. Effective date.

This act shall take effect as follows:

- (1) Section 3 and this section shall take effect immediately.
- (2) The remainder of this act shall take effect in 60 days.

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

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

Mr. Lashinger, renew your argument on the amendment, please, so that they know where we are.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I had indicated to the membership yesterday that one of our former colleagues, Senator Afflerbach, had offered a new freestanding statute that would require practitioners of the healing arts to disclose any financial interest that they had in a facility to which they made a referral. I indicated yesterday that I thought the membership generally would be in agreement with what Senator Afflerbach was trying to do, but the problems were that for a

physician that failed to comply, Senator Afflerbach felt that the penalty should be criminal in nature.

I objected to that for a number of reasons. Number one, I felt it would fall low on the priority list of the district attorneys across this Commonwealth; number two, that I did not think that the penalty fit the violation. I did not think that a practitioner of the healing arts that failed to disclose should be held to the criminal level of someone who also committed a simple assault or who engaged in a theft, which would be the equivalent penalty - a misdemeanor of the third degree. So the amendment merely puts this type of consumer violation back into the area where I believe it belongs; that is, with the respective bodies that license these practitioners of the healing arts. The penalty under a misdemeanor of the third degree would have been a maximum of \$2,500. The penalty administratively would be \$1,000.

Additionally, my amendment requires that each licensure board publish in the Pennsylvania Bulletin the notice requirement that practitioners would have to provide to their patients. In the bill currently, there is no notice requirement; there is no explanation as to how the practitioner would give notice to his patient.

I caution the members, this is a growing area among health-care practitioners. Because of what they perceive to be limitations on their profits, they have decided to get into a lot of new areas. For example, physicians, general practitioners, now own financial interests, in a lot of cases, in blood-testing laboratories, diagnostic laboratories. If they do, they would now have to identify to their patient under this legislation—and I think it is good public policy—that they do maintain a financial interest. I think we should do that.

My concern becomes, should they be criminals—and that is what you are doing. It is not a summary offense; it is a misdemeanor of the third degree—should they be criminals for failing to disclose this to their patients? If you believe it should be criminalized, then you will not vote for this amendment. If you think that we should adopt a strong consumer protection approach and leave it with the administrative agencies that are already responsible for monitoring all of these health-care practitioners, then you will vote for the Lashinger amendment.

Mr. Speaker, I urge support for the amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the lady from Lehigh, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

The intent of this legislation is to protect consumers. It is important, therefore, to have uniform enforcement of this bill and enforcement that is practitioner neutral. In other words, the physical therapist knows that he or she will be subject to the same enforcement under this act that a registered nurse or other health-care practitioners would face. It will not be left up to individual boards to decide on the enforcement practice, some of which may be less strict than others. This amendment would change the uniform enforcement by the Attorney General that is provided in the bill by having the licensing boards do the enforcing.

Section 918 of the Administrative Code provides that the Bureau of Consumer Protection shall have the power to investigate trade practices in the furnishing of services. This power brings the enforcement under this legislation to the Office of the Attorney General, which is where it should be, as with all other consumer issues.

Also, a criminal conviction of a health-care practitioner would then give the licensure board power over the case. Therefore, this amendment is taking away enforcement power from the Attorney General that should be there and placing it with the licensure board when they would already have that power with a criminal conviction.

It is also important to retain the criminal penalties associated with this bill. Other States that have passed laws like this have included criminal penalties for violations, just as in other consumer fraud cases.

The third point addressed by the amendment has to do with notice, and just as with the enforcement section, this language in this amendment is not necessary. The licensure boards already have a responsibility under law to notify licensees of any changes in the law which affect their practice. The law already requires this notification, and the method of notification has been through publication in the Pennsylvania Bulletin. So section 3 of this amendment is unnecessary.

For all of these reasons, I feel that the amendment is not only unnecessary but unwise, and I would ask for a negative vote. Thank you, Mr. Speaker.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I would agree with the prior speaker on the issue of uniformity. My problem becomes that the way this legislation is currently drafted, it is not an amendment to the Consumer Protection Law; it is not an amendment to the Crimes Code. It does provide a criminal sanction, however, and what the previous speaker said might be correct if it were an amendment to the Consumer Protection Law, which is one of the reasons that I saw fit to amend this statute, make it more of a consumer statute by putting it with the administrative agencies.

More importantly on the issue of uniformity, though, you have got to make the public-policy decision, if your physician—not necessarily your physician—if your physical therapist, if your osteopath, if your orthopedic surgeon, whatever, makes a decision to refer, when he fails to disclose, is he a criminal or should he suffer consumer sanctions for failing to disclose?

The Lashinger amendment says it should be handled administratively and that this physician's conduct does not rise to the level of criminal conduct of a misdemeanor of the third degree. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—97

Angstadt	Dempsey	Hutchinson	Pitts
Argall	Dietterick	Jackson	Punt
Arty	Distler	Jadlowiec	Raymond
Barley	Dorr	Johnson	Reber
Birmelin	Durham	Josephs	Reinard
Black	Fargo	Kennedy	Robbins
Blaum	Farmer	Kenney	Ryan
Book	Flick	Langtry	Saurman
Bowley	Foster	Lashinger	Scheetz
Bowser	Fox	Leh	Schuler
Boyes	Gallen	McClatchy	Semmel
Brandt	Gannon	McVerry	Serafini
Broujos	Geist	Manmiller	Smith, B.
Bunt	Gladeck	Merry	Smith, S. H.
Burd	Godshall	Miller	Snyder, D. W.
Burns	Gruppo	Moehlmann	Snyder, G.
Bush	Hagarty	Mowery	Stairs
Carlson	Hasay	Nahill	Taylor, E. Z.
Cessar	Hayes	Noye	Taylor, J.
Chadwick	Heckler	O'Brien	Telek
Civera	Herman	O'Donnell	Wass
Clymer	Hershey	Perzel	Wogan
Cornell	Hess	Phillips	Wright, J. L.
DeVerter	Honaman	Piccola	Wright, R. C.
Davies			

NAYS—88

Acosta	Duffy	Lloyd	Ritter
Battisto	Evans	Lucyk	Roebuck
Belardi	Fattah	McCall	Rudy
Belfanti	Fee	McHale	Rybak
Billow	Freeman	Maiale	Saloom
Bortner	Gamble	Maine	Showers
Caltagirone	George	Manderino	Staback
Cappabianca	Gruitza	Markosek	Steighner
Carn	Haluska	Mayernik	Stuban
Cawley	Hayden	Melio	Sweet
Clark	Howlett	Michlovic	Taylor, F.
Cohen	Hughes	Mrkonic	Tigue
Colafella	Itkin	Murphy	Trello
Cole	Jarolin	Olasz	Van Horne
Corrigan	Kasunic	Oliver	Veon
Cowell	Kosinski	Petrarca	Wambach
Coy	Kukovich	Petrone	Wozniak
DeLuca	LaGrotta	Pievsky	Wright, D. R.
DeWeese	Lescovitz	Pistella	Yandrisevits
Daley	Letterman	Pressmann	
Dawida	Levdansky	Preston	Irvis,
Dombrowski	Linton	Rieger	Speaker
Donatucci	Livengood		

NOT VOTING—3

Micozzie	Richardson	Wiggins
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EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

Acosta	Dempsey	Kukovich	Raymond
Angstadt	Dietterick	LaGrotta	Reber
Argall	Distler	Langtry	Reinard
Arty	Dombrowski	Lashingier	Richardson
Barley	Donatucci	Leh	Rieger
Battisto	Dorr	Lescovitz	Ritter
Belardi	Duffy	Letterman	Robbins
Belfanti	Durham	Levdansky	Roebuck
Billow	Evans	Linton	Rudy
Birmelin	Fargo	Livengood	Ryan
Black	Farmer	Lloyd	Rybak
Blaum	Fee	Lucyk	Saloom
Book	Flick	McCall	Saurman
Bortner	Foster	McClatchy	Scheetz
Bowley	Fox	McHale	Schuler
Bowser	Freeman	McVerry	Semmel
Boyes	Gallen	Maine	Serafini
Brandt	Gamble	Manderino	Showers
Broujos	Gannon	Manmiller	Smith, B.
Bunt	Geist	Markosek	Smith, S. H.
Burd	George	Mayernik	Snyder, D. W.
Burns	Gladeck	Melio	Snyder, G.
Bush	Godshall	Merry	Staback
Caltagirone	Gruitza	Michlovic	Stairs
Cappabianca	Gruppo	Miller	Steighner
Carlson	Hagarty	Moehlmann	Stuban
Carn	Haluska	Mowery	Sweet
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Taylor, J.
Civera	Heckler	Noye	Telek
Clark	Herman	O'Brien	Tigue
Clymer	Hershey	O'Donnell	Trello
Cohen	Hess	Olasz	Van Horne
Colafella	Honaman	Oliver	Veon
Cole	Howlett	Perzel	Wambach
Cornell	Hughes	Petrarca	Wass
Corrigan	Hutchinson	Petrone	Wogan
Cowell	Itkin	Phillips	Wozniak
Coy	Jackson	Piccola	Wright, D. R.
DeLuca	Jadlowiec	Pievsky	Wright, J. L.
DeVerter	Jarolin	Pistella	Wright, R. C.
DeWeese	Kasunic	Pitts	Yandrisevits
Daley	Kennedy	Pressmann	
Davies	Kenney	Preston	Irvis,
Dawida	Kosinski	Punt	Speaker

NAYS—1

Josephs

NOT VOTING—5

Fattah	Maiale	Micozzie	Wiggins
Johnson			

EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The House will stand at ease.

The gentleman from Philadelphia, Mr. Pievsky, wishes to announce a meeting immediately.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee at the rear of the chamber. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER. Christine Leh is here. She is the daughter of Representative Leh. She is to the left of the Speaker. Stand up a moment, Christine. Welcome to the hall of the House, dear. We are glad to have you.

We have with us, as guests of Representative Stuban—they are to the left of the Speaker—Ken Bush, who is the executive director of the Chamber of Commerce in Berwick; Mike Scala, who is a Berwick Borough councilman; and Steve Phillips, who is the executive director of BIDA. I hope you know what that is, Steve, because I do not. Welcome to the hall of the House. We are delighted to have you. They are standing to the left of the Speaker.

BILL REREPORTED FROM COMMITTEE

SB 838, PN 1951 (Amended)

By Rep. PIEVSKY

An Act providing for the reimbursement of the Department of Transportation by Executive authorization of the Governor for certain costs incurred in processing certain documents.

APPROPRIATIONS.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The clerk will file these additions and deletions for sponsorships of bills.

The following list was submitted:

ADDITIONS:

HB 219, Broujos; HB 1543, O'Brien; HB 1956, Fox; HB 2035, Bowley, Richardson; HB 2079, Richardson; HB 2106, Richardson; HB 2199, Hasay; HB 2223, Kasunic; HB 2226, Kukovich, Leh; HB 2288, Miller; HB 2297, Flick, J. J. Taylor, Freind; HB 2305, Flick; HB 2308, J. J. Taylor; HB 2309, J. J. Taylor; HB 2310, J. J. Taylor; HB 2333, Trello, Jackson; HB 2334, Micozzie; HR 250, Itkin, Richardson; HR 256, Burd, Trello, Hess, E. Z. Taylor, McHale, Staback, Veon.

DELETIONS:

HB 1789, Fargo; HB 2088, Cessar; HB 2226, Black; HB 2250, E. Z. Taylor.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 2261, PN 3003, entitled:

An Act amending the act of November 24, 1976 (P. L. 1163, No. 259), referred to as the Generic Equivalent Drug Law, further providing for the manner of dispensing generically equivalent drugs.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I wonder if you would strike the board. There is some confusion on this bill being run now with our members.

The SPEAKER. At the request of Mr. Ryan, the vote will be struck. Strike the vote.

What is the confusion, Mr. Ryan?

(Conference held at Speaker's podium.)

The SPEAKER. Pass the bill over temporarily. The bill will be passed over temporarily. We will come back to it. There is some argument going on between two members of the Democratic Party and apparently discussion on the Republican Party's part.

Mr. MANDERINO. Would someone make the majority leader aware of the problem?

The SPEAKER. If Mr. Ryan will speak to the majority leader.

Mr. RYAN. I would be pleased to advise the majority leader as to the problem as I understand it now.

This bill was originally scheduled to be voted; then it was taken off the voting schedule. We have members—Mr. Fox is approaching the Chair now—who had ordered amendments and then put them in neutral when it was determined that this bill was not going to be run. I understand there is further confusion within the committee system on another bill that came out of committee based on the fact that this one was not running, and it was just a short while ago that the gentleman, Mr. Manderino, talked to Mr. Hayes about putting this back on the voting schedule, and that is, frankly, what the confusion is about. We are trying to sort it out.

Mr. MANDERINO. Mr. Speaker, the gentleman is correct, but the bill is again on the voting schedule, and it can be passed over temporarily.

An explanation to the members: We are not in session next week. The Senate originally held the same schedule that we have and were not to be in next week. At that time I decided that there was no real reason to run this bill if it was going to a Senate that was not in session, but when I found that the Senate would be in session next week, then there was reason to run this bill. They would have time, should they choose, to

run the bill next week and to pass the bill or at least move the process along, and we decided that we would put it back on the voting schedule.

The bill that was reported from committee yesterday is a similar bill. It does almost the same thing but not quite the same thing, and it was a bill that I was willing to let run, because it came from the Health and Welfare Committee. But it is not on third reading today. It cannot be passed today. So we have chosen the bill that we have placed on the schedule to take care of the problem as we understand it.

I am willing to wait for the amendments, Mr. Ryan.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over the bill temporarily. The Chair understands Mr. Fox has ordered amendments.

Where is Mr. Fox? You have ordered amendments, and are they in the Reference Bureau or are they now being duplicated?

Mr. FOX. Mr. Speaker, the amendment is in my office and is being brought over right away. It is already completed.

The SPEAKER. Fine.

Then we will go over it temporarily. Mark it for Fox amendment.

Pass over temporarily HB 2261.

* * *

The House proceeded to third consideration of **HB 1895, PN 2942**, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), known as the "Credit Union Act," adding definitions; further providing for structure, ownership and management of credit unions; further providing for regulation by the department; and further providing for the business of credit unions.

On the question,

Will the House agree to the bill on third consideration?

Mr. VAN HORNE offered the following amendments No. A1228:

Amend Sec. 5 (Sec. 10), page 10, lines 16 and 17, by striking out "if the bylaws so provide"

Amend Sec. 5 (Sec. 10), page 10, line 19, by inserting after "members"

if the bylaws so provide

Amend Sec. 5 (Sec. 10), page 10, line 21, by inserting after "members"

if the bylaws so provide

Amend Sec. 10 (Sec. 19), page 18, line 10, by striking out the brackets before and after "REASONABLE FEES OF ATTORNEYS AND"

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Westmoreland, Mr. Van Horne.

Mr. VAN HORNE. Thank you, Mr. Speaker.

Amendment 1228 to HB 1895 corrects a flaw in the technical drafting of the bill that we found after committee action, and it kind of specifies what part of the bill the bylaws refer to. Also, amending section 10, it removes the brackets solely around "REASONABLE FEES OF ATTORNEYS AND".

I urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—183

Acosta	Dietterick	Kukovich	Punt
Angstadt	Distler	LaGrotta	Raymond
Argall	Dombrowski	Langtry	Reber
Arty	Donatucci	Lashinger	Reinard
Barley	Dorr	Leh	Rieger
Battisto	Duffy	Lescovitz	Ritter
Belardi	Durham	Letterman	Robbins
Belfanti	Evans	Levdansky	Roebuck
Billow	Fargo	Linton	Rudy
Birmelin	Farmer	Livengood	Ryan
Black	Fattah	Lloyd	Rybak
Blaum	Fee	Lucyk	Saloom
Book	Flick	McCall	Saurman
Bortner	Foster	McClatchy	Scheetz
Bowley	Fox	McHale	Schuler
Bowser	Freeman	McVerry	Semmel
Boyes	Gallen	Maiale	Serafini
Brandt	Gamble	Maine	Showers
Broujos	Gannon	Manderino	Smith, B.
Bunt	Geist	Manmiller	Smith, S. H.
Burd	George	Markosek	Snyder, D. W.
Burns	Gladeck	Mayernik	Snyder, G.
Bush	Godshall	Melio	Staback
Caltagirone	Gruppo	Merry	Stairs
Cappabianca	Hagarty	Michlovic	Steighner
Carlson	Hasay	Miller	Stuban
Carn	Hayden	Moehlmann	Sweet
Cawley	Hayes	Mowery	Taylor, E. Z.
Cessar	Heckler	Mrkonic	Taylor, F.
Chadwick	Herman	Murphy	Taylor, J.
Civera	Hershey	Nahill	Telek
Clark	Hess	Noye	Tigue
Clymer	Honaman	O'Brien	Trello
Cohen	Howlett	O'Donnell	Van Horne
Colafella	Hughes	Olasz	Veon
Cole	Hutchinson	Oliver	Wambach
Cornell	Itkin	Perzel	Wass
Corrigan	Jackson	Petrarca	Wogan
Cowell	Jadlowiec	Petrone	Wozniak
Coy	Jarolin	Phillips	Wright, D. R.
DeLuca	Johnson	Piccola	Wright, J. L.
DeVerter	Josephs	Pievsky	Wright, R. C.
DeWeese	Kasunic	Pistella	Yandrisevits
Daley	Kennedy	Pitts	
Davies	Kenney	Pressmann	Irvis,
Dawida	Kosinski	Preston	Speaker
Dempsey			

NAYS—0

NOT VOTING—5

Gruitza	Micozzie	Richardson	Wiggins
Haluska			

EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—180

Acosta	Dempsey	Kukovich	Raymond
Angstadt	Dietterick	LaGrotta	Reber
Argall	Distler	Langtry	Reinard
Arty	Dombrowski	Lashinger	Richardson
Barley	Donatucci	Leh	Rieger
Battisto	Dorr	Lescovitz	Ritter
Belardi	Duffy	Letterman	Robbins
Belfanti	Durham	Levdansky	Roebuck
Billow	Evans	Livengood	Rudy
Birmelin	Fargo	Lloyd	Ryan
Black	Farmer	Lucyk	Rybak
Blaum	Fee	McCall	Saloom
Book	Flick	McClatchy	Saurman
Bortner	Foster	McHale	Scheetz
Bowley	Fox	McVerry	Schuler
Bowser	Freeman	Maine	Semmel
Boyes	Gallen	Manderino	Serafini
Brandt	Gamble	Manmiller	Showers
Broujos	Gannon	Markosek	Smith, B.
Bunt	Geist	Mayernik	Smith, S. H.
Burd	George	Melio	Snyder, D. W.
Burns	Gladeck	Merry	Snyder, G.
Bush	Godshall	Michlovic	Staback
Caltagirone	Gruitza	Miller	Stairs
Cappabianca	Gruppo	Moehlmann	Steighner
Carlson	Hagarty	Mowery	Stuban
Carn	Haluska	Mrkonic	Sweet
Cawley	Hasay	Murphy	Taylor, E. Z.
Cessar	Hayden	Nahill	Taylor, F.
Chadwick	Hayes	Noye	Taylor, J.
Civera	Heckler	O'Brien	Telek
Clark	Herman	O'Donnell	Tigue
Clymer	Hershey	Olasz	Trello
Cohen	Hess	Oliver	Van Horne
Colafella	Honaman	Perzel	Veon
Cole	Hutchinson	Petrarca	Wambach
Cornell	Itkin	Petrone	Wass
Corrigan	Jackson	Phillips	Wogan
Cowell	Jadlowiec	Piccola	Wright, D. R.
Coy	Jarolin	Pievsky	Wright, J. L.
DeLuca	Johnson	Pistella	Wright, R. C.
DeVerter	Josephs	Pitts	Yandrisevits
DeWeese	Kasunic	Pressmann	
Daley	Kennedy	Preston	Irvis,
Davies	Kenney	Punt	Speaker
Dawida	Kosinski		

NAYS—0

NOT VOTING—8

Fattah	Hughes	Maiale	Wiggins
Howlett	Linton	Micozzie	Wozniak

EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

**SUPPLEMENTAL CALENDAR A
BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 838, PN 1951**, entitled:

An Act providing for the reimbursement of the Department of Transportation by Executive authorization of the Governor for certain costs incurred in processing certain documents.

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—185

Acosta	Dietterick	Kosinski	Raymond
Angstadt	Distler	Kukovich	Reber
Argall	Dombrowski	LaGrotta	Reinard
Arty	Donatucci	Langtry	Richardson
Barley	Dorr	Lashinger	Rieger
Battisto	Duffy	Leh	Ritter
Belardi	Durham	Lescovitz	Robbins
Belfanti	Evans	Letterman	Roebuck
Billow	Fargo	Levdansky	Rudy
Birmelin	Farmer	Linton	Ryan
Black	Fattah	Livengood	Rybak
Blaum	Fee	Lloyd	Saloom
Book	Flick	Lucy	Saurman
Bortner	Foster	McCall	Scheetz
Bowley	Fox	McClatchy	Schuler
Bowser	Freeman	McHale	Semmel
Boyes	Gallen	McVerry	Serafini
Brandt	Gamble	Maine	Showers
Broujos	Gannon	Manderino	Smith, B.
Bunt	Geist	Manmiller	Smith, S. H.
Burd	George	Markosek	Snyder, D. W.
Burns	Gladeck	Mayernik	Snyder, G.
Bush	Godshall	Melio	Staback
Caltagirone	Gruitza	Merry	Stairs
Cappabianca	Gruppo	Michlovic	Steighner
Carlson	Hagarty	Miller	Stuban
Carn	Haluska	Moehlmann	Sweet
Cawley	Hasay	Mowery	Taylor, E. Z.
Cessar	Hayden	Mrkonic	Taylor, F.
Chadwick	Hayes	Murphy	Taylor, J.
Civera	Heckler	Nahill	Telek
Clark	Herman	Noye	Tigue
Clymer	Hershey	O'Brien	Trello
Cohen	Hess	O'Donnell	Van Horne
Colafella	Honaman	Olasz	Veon
Cole	Howlett	Oliver	Wambach
Cornell	Hughes	Perzel	Wass
Corrigan	Hutchinson	Petrarca	Wogan
Cowell	Itkin	Petrone	Wozniak
Coy	Jackson	Phillips	Wright, D. R.
DeLuca	Jadlowiec	Piccola	Wright, J. L.
DeVerter	Jarolin	Pievsky	Wright, R. C.
DeWeese	Johnson	Pistella	Yandrisevits
Daley	Josephs	Pitts	
Davies	Kasunic	Pressmann	Iris, Speaker
Dawida	Kennedy	Preston	
Dempsey	Kenney	Punt	

NAYS—0

NOT VOTING—3

Maiale	Micozzie	Wiggins	
		EXCUSED—10	
Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

**CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1593, PN 2887**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile appearances before district justices.

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—184

Acosta	Dietterick	LaGrotta	Raymond
Angstadt	Distler	Langtry	Reber
Argall	Dombrowski	Lashinger	Reinard
Arty	Donatucci	Leh	Richardson
Barley	Dorr	Lescovitz	Rieger
Battisto	Duffy	Letterman	Ritter
Belardi	Durham	Levdansky	Robbins
Belfanti	Evans	Linton	Roebuck
Billow	Fargo	Livengood	Rudy
Birmelin	Farmer	Lloyd	Ryan
Blaum	Fee	Lucy	Rybak
Book	Flick	McCall	Saloom
Bortner	Foster	McClatchy	Saurman
Bowley	Fox	McHale	Scheetz
Bowser	Freeman	McVerry	Schuler
Boyes	Gallen	Maiale	Semmel
Brandt	Gamble	Maine	Serafini
Broujos	Gannon	Manderino	Showers
Bunt	Geist	Manmiller	Smith, B.
Burd	George	Markosek	Smith, S. H.
Burns	Gladeck	Mayernik	Snyder, D. W.
Bush	Godshall	Melio	Snyder, G.
Caltagirone	Gruitza	Merry	Staback
Cappabianca	Gruppo	Michlovic	Stairs
Carlson	Haluska	Miller	Steighner
Carn	Hasay	Moehlmann	Stuban
Cawley	Hayden	Mowery	Sweet
Cessar	Hayes	Mrkonic	Taylor, E. Z.
Chadwick	Heckler	Murphy	Taylor, F.
		Nahill	Taylor, J.

Civera	Herman	Noye	Telek
Clark	Hershey	O'Brien	Tigue
Clymer	Hess	O'Donnell	Trello
Cohen	Honaman	Olasz	Van Horne
Colafrella	Howlett	Oliver	Veon
Cole	Hughes	Perzel	Wambach
Cornell	Hutchinson	Petrarca	Wass
Corrigan	Jackson	Petrone	Wogan
Cowell	Jadlowiec	Phillips	Wozniak
Coy	Jarolin	Piccola	Wright, D. R.
DeLuca	Johnson	Pievsky	Wright, J. L.
DeVerter	Josephs	Pistella	Wright, R. C.
DeWeese	Kasunic	Pitts	Yandrisevits
Daley	Kennedy	Pressmann	
Davies	Kenney	Preston	Irvis,
Dawida	Kosinski	Punt	Speaker
Dempsey	Kukovich		

NAYS—0

NOT VOTING—4

Hagarty	Itkin	Micozzie	Wiggins
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EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

* * *

The House proceeded to third consideration of **HB 1314, PN 2637**, entitled:

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding provisions relating to alarm businesses.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A0001:

Amend Sec. 1 (Sec. 4301), page 6, line 30; page 7, lines 1 through 4, by striking out all of said lines on said pages and inserting receive per diem compensation at the rate of \$60 per diem when actually attending to the work of the board. Members shall also receive reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(g) Forfeiture for nonattendance.—Public members who fail to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall forfeit their seat unless the commissioner, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

Amend Sec. 1 (Sec. 4301), page 7, line 5, by striking out “(G)” and inserting

(h)

Amend Sec. 1 (Sec. 4301), page 7, line 24, by striking out “(H)” and inserting

(i)

Amend Sec. 1 (Sec. 4301), page 7, line 27, by striking out “(I)” and inserting

(j)

Amend Sec. 1 (Sec. 4302), page 10, by inserting between lines 4 and 5

(9) Grant a reciprocal license to an applicant who is licensed as an alarm business or an alarm agent in another state and has demonstrated qualifications which, in the determination of the board, equal or exceed those required pursuant to this part, provided that no license shall be granted under this section to an applicant unless the state in which the applicant is licensed affords reciprocal treatment to persons who are residents of this Commonwealth and who are licensed pursuant to this part.

Amend Sec. 1 (Sec. 4502), page 13, line 13, by striking out “board-administered” and inserting

board-approved

Amend Sec. 1 (Sec. 4508), page 17, line 14, by striking out “of \$200”

Amend Sec. 1 (Sec. 4522), page 20, line 15, by striking out “LEVYING” and inserting

suspension or revocation of

Amend Sec. 1 (Sec. 4902), page 30, lines 3 through 8, by striking out all of said lines

Amend Sec. 3, page 34, lines 25 through 30; page 35, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 4, page 35, line 5, by striking out “4” and inserting

3

Amend Sec. 5, page 35, line 15, by striking out “5” and inserting

4

Amend Sec. 6, page 35, line 20, by striking out “6” and inserting

5

Amend Sec. 7, page 35, line 26, by striking out all of said line and inserting

Section 6. This act shall take effect as follows:

(1) Sections 4904, 4911 and 4914 of this act shall take effect in 18 months.

(2) The remainder of this act shall take effect in 90 days.

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is a standard licensing-board amendment which makes some technical corrections and the following specific changes: It makes the per diem and expense language applicable to this proposed new board consistent with other board language; it assures for attendance of public members at training sessions; it moves the section on reciprocity to the proper place in the bill; it conforms the third-party testing law with this bill; it assures that fees would be set by regulation; and it provides for a phased-in effective date of the new licensing requirement.

I would ask for a positive vote on the amendment.

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

Mr. WAMBACH. Mr. Speaker, the amendment has been agreed to, because as Representative Lloyd indicated, it does

in fact put the board in alignment with all the other professional and occupational affairs boards, and we accept the amendment as being agreed to.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—186

Acosta	Dietterick	Kosinski	Preston
Angstadt	Distler	Kukovich	Punt
Argall	Dombrowski	LaGrotta	Raymond
Arty	Donatucci	Langtry	Reber
Barley	Dorr	Lashinger	Reinard
Battisto	Duffy	Leh	Rieger
Belardi	Durham	Lescovitz	Ritter
Belfanti	Evans	Letterman	Robbins
Billow	Fargo	Levdansky	Roebuck
Birmelin	Farmer	Linton	Rudy
Black	Fattah	Livengood	Ryan
Blaum	Fee	Lloyd	Rybak
Book	Flick	Lucyk	Saloom
Bortner	Foster	McCall	Saurman
Bowley	Fox	McClatchy	Scheetz
Bowser	Freeman	McHale	Schuler
Boyes	Gallen	McVerry	Semmel
Brandt	Gamble	Maiale	Serafini
Broujos	Gannon	Maine	Showers
Bunt	Geist	Manderino	Smith, B.
Burd	George	Manmiller	Smith, S. H.
Burns	Gladeck	Markosek	Snyder, D. W.
Bush	Godshall	Mayernik	Snyder, G.
Caltagirone	Gruitza	Melio	Staback
Cappabianca	Gruppo	Merry	Stairs
Carlson	Hagarty	Michlovic	Steighner
Carn	Haluska	Micozzie	Stuban
Cawley	Hasay	Miller	Sweet
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkonic	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Cohen	Hess	Noye	Trello
Colafella	Honaman	O'Brien	Van Horne
Cole	Howlett	O'Donnell	Veon
Cornell	Hughes	Olasz	Wambach
Corrigan	Hutchinson	Oliver	Wass
Cowell	Itkin	Perzel	Wogan
Coy	Jackson	Petrarca	Wozniak
DeLuca	Jadlowiec	Petrone	Wright, D. R.
DeVerter	Jarolin	Phillips	Wright, J. L.
DeWeese	Johnson	Piccola	Wright, R. C.
Daley	Josephs	Pievsky	Yandrisevits
Davies	Kasunic	Pistella	
Dawida	Kennedy	Pitts	Irvis,
Dempsey	Kenney	Pressmann	Speaker

NAYS—0

NOT VOTING—2

Richardson Wiggins

EXCUSED—10

Dininni	Harper	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I would like to remark about the bill on final passage.

This bill would require the licensing of security alarm businesses and their employees. I do not feel that the State needs another licensing law. Every time we come out with licensing restrictions, we have further restrained our free American marketplace out there.

Now, I know that the intent of the maker of this bill is probably to assure a more quality product out there in the marketplace. I have not had a single complaint of anyone coming to me saying that they had received a faulty installation or substandard materials when they had purchased a security alarm. Now, that is the only purpose of having somebody licensed, unless you feel that the taking of licensing fees and the creation of red tape is the ultimate necessity of government, and I do not think it is.

Now, if there was health and safety and welfare and one thing and another involved, then it would be something different again. But many times the people that are employed in these types of businesses are those without jobs, unemployed people that either have started a business for themselves or have had a chance to work for a person that is installing alarm systems, and to ask that person to be licensed and to go further on to secure various educational standards and training standards, I think, is unnecessary, because it does not require— You know, the business of putting little screws in by your windows and fastening up some sensor device and running some wires does not require a high degree of skill. It requires a good supplier to provide the equipment, but this does not seek to license the providers of the equipment. It seeks to license the people, the individuals that do business in installing alarms.

I really feel that it is going to harm more people than it could possibly ever do more good, because the customers out there, the potential customers of an alarm business, always have the redress under other laws of civil claims to get redress for any wrongful action. Why should we put all these penalties on individuals when the cost-benefit ratio that we talk of forever is just not there?

Mr. Speaker, I wish that the people would look down into their hearts and find out whether it is necessary to license alarm businesses and employees.

I urge the members to not vote for HB 1314.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, HB 1314 was introduced by our late colleague, Charlie Laughlin, about a year ago. We had many, many hearings across the State in which every person who came to testify, Mr. Speaker, came in support of the bill - from the industry and from the community and from law enforcement.

You might ask and Mr. Merry raised the question, Mr. Speaker, regarding why create another bureaucracy. I think the alarm and security business is no ordinary business, Mr. Speaker. Commonwealth citizens have been investing and spending thousands of dollars for burglar and fire alarms to protect their property and lives against intruders and fire when they are away from home or when they are asleep. They are investing and spending those thousands of dollars, Mr. Speaker, for peace of mind, but there is no guarantee that they will get what they paid for. Right now any of us could purchase a system at a retail store and resell it to an unsuspecting home or business owner without any knowledge of the security alarm business. It is our responsibility as legislators to provide Pennsylvanians with the best security and safety systems available.

Another important aspect, Mr. Speaker, of this legislation in licensing is the tremendous cost to local governing bodies and emergency services. With each false alarm - fire or burglar - whether it be a result of a user error, lack of understanding of a system operation, environmental influence, physical changes in the premises, equipment failure, or improper installation, police and fire or emergency personnel must respond to that alarm. Every time emergency personnel are called to the site of a potential emergency, backups must be called in to cover those items and those teams. In Philadelphia during 1986, it was estimated that about 98 percent of all burglar alarms responded to by the Philadelphia Police turned out to be false alarms. The cost in police salaries and fringe benefits to answer those calls was estimated in public testimony, Mr. Speaker, at the hearings at about \$680,000. This, as you might imagine, could also turn into a disastrous situation.

We must act now, not to belabor the House, to prevent any further financial burden being shouldered by our local governments. We must act now also, Mr. Speaker, to protect the well-being of every Commonwealth citizen who purchases one of these systems. Therefore, I encourage all of my colleagues to support and vote in favor of HB 1314. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, would the last speaker stand for just two questions?

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

Mr. DAVIES. Mr. Speaker, what was the rationale in the elimination of section 2 on page 33 of the bill relating to that timeframe that had been mentioned?

Mr. WAMBACH. The page it is referring to—

Mr. DAVIES. Page 33, the deletion of section 2, those businesses that had not previously been registered.

Mr. WAMBACH. One moment, Mr. Speaker. We are attempting to handle this bill for Representative Laughlin. Just a moment.

Mr. Speaker, that was the grandfather provision that was taken out of the bill, and that amendment was offered by Representative Burns, so I will defer to Representative Burns in response to the gentleman's question.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, Representative Wambach just referred the question to me, and I am not quite sure what the question was.

The SPEAKER. Mr. Davies, would you repeat the question for Mr. Burns' benefit.

Mr. DAVIES. Thank you, Mr. Speaker.

On page 33, section 2, why was that eliminated from the provisions of the bill?

Mr. BURNS. We put that amendment in in committee, Mr. Speaker, because we felt that all of the people in the business should be qualified. If one was going to have to be, all of them should be, and we thought that it would be sort of unfair to make some exceptions. People would not know who was and who was not. At least this way, everybody would be.

Mr. DAVIES. The next section, why was the required testing eliminated from the provisions of the bill?

Mr. BURNS. As I recall—and I am being helped by Mr. Lloyd here—they were going to be originally let in after the fact and then they were going to reject licenses and so forth, so that is why we struck that portion of the bill at that time. In other words, the people would have been allowed in to the— They would be licensed, they would be allowed to work, but then the license would have been subject to revocation if they had failed the examination. So instead of all of that, we took that out. In other words, rather than to have a guy licensed and then working and then take the examination and fail and take him out, we felt it was better to take him out in the beginning.

Mr. DAVIES. Mr. Speaker, several years ago we studied portions of this quite extensively in another committee, and can either one of you gentlemen assure me that all of the security protections against anyone using this as a guise for casing a joint or casing a job or something like that, are those protections placed in the bill so that that is almost or completely controlled or eliminated, that potential eliminated?

Mr. BURNS. I would say yes to that, Mr. Speaker.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Mr. Speaker, I would like to make a comment to add to Mr. Davies.

I am a former police officer. I, too, was concerned about the safety aspect. I had a case where an individual was installing burglar alarms and he ended up being the burglar, and that is because he cased the joint ahead of time and knew exactly what the layout was.

This bill is a good bill. This bill will help prevent that. This bill requires background checks so that we know the individuals that are putting in the burglar alarms. That will help address that.

I have looked at that, Mr. Speaker, and I concur with the gentleman, Mr. Wambach, that we should have a positive vote on the bill.

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

Mr. MERRY. Could I have the opportunity of a little rebuttal here.

Representative Wambach has done a very good job of reporting what happened in hearings that were held throughout the State by the Consumer Affairs Committee, but may I suggest that those people there were reporting one side of the story.

First of all, those that are already in the business would like to keep others out. We have had similar licensing laws for automobile mechanics and TV technicians. We have not passed them. I do not know why we all of a sudden pick out this one little area.

Of course, our concern about false alarms is a great one and a necessary one. First of all, let us understand that most security systems involve sensors. These sensors are set off by pests, with a "t," and pets, p-e-t, many times causing false alarms. But greater than that, let us recognize that most fire alarm systems and burglar systems are installed by individuals. If you do not believe that, take out your Radio Shack catalog, your Sears and Roebuck, your Montgomery Ward, and on and on, your building supply companies. They sell thousands of these things per year, and they are installed by individuals. There is nothing in the licensure law that is going to stop an individual from possibly misinstalling or doing something that would create a false alarm. But I suggest, Mr. Speaker, that false alarms are not going to be controlled by licensure laws. False alarms are caused by other events, and to create a further restraint of trade where we are going to keep people out of the business of selling these things or installing these things, I just feel is unfair.

I continue to urge the members to consider defeating this bill.

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

Mr. WAMBACH. Mr. Speaker, I only stand at this microphone and repeat that what Mr. Merry talked about earlier in his comments about the health and safety of Pennsylvania citizens, I think that is the heart of this bill. We are talking about the health and safety and peace of mind of the Pennsylvania citizenry when engaging in and having an installation done by an outside vendor to their home or business regarding a security or fire alarm system.

This bill does not, Mr. Speaker, this bill does not make a requirement to have the individual who buys out of a Radio Shack catalog or a Sears catalog or wherever the source is to in fact register under the act. As an individual installing that piece of equipment in their own home, they have every right to do that and it is not in fact covered. This protects people who in fact have an installation done on their property from an outside source other than their own person. Thank you.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Would Representative Wambach stand for a brief interrogation?

The SPEAKER. Mr. Wambach indicates he will stand for interrogation. You may proceed, Mr. Civera.

Mr. CIVERA. Mr. Speaker, on page 20 of the bill, line 29, it says here, "No alarm agent license shall be issued to a member of a State or municipality police force, constable or probation officer or any individual who holds a public office or public employment and who, by virtue of that office or employment...."

Mr. Speaker, does that mean that if we have a police officer in a local municipality who has an alarm company as a side business, he can now not perform his duties as an alarm company since he is a police officer in the State of Pennsylvania?

Mr. WAMBACH. One moment, Mr. Speaker.

To answer your question—and you have to excuse the fact that the staff of the Consumer Affairs Committee is on their way to Pittsburgh for the viewing this evening—but the only rationale I can come up with there is, it is something to prevent a conflict of interest, more or less, if you will, of a municipal officer in an alarm business—well, the possibility of a conflict of interest, quickly, is what we can come up with, Mr. Speaker.

MOTION TO RECOMMIT

Mr. CIVERA. Mr. Speaker, I believe that the intent of the legislation is good. However, in this particular part, I think that it is not proper. Who are we to restrict other people from doing other types of businesses in Pennsylvania, and because you are a police officer, now we are going to say to them, no, you can no longer do this.

What I would like to recommend—and I hate to do it at this time, but I do not want to see this go through and go over to the Senate with this language in it—therefore, Mr. Speaker, I make a motion that we refer the bill back to the Consumer Affairs Committee so this could be dealt with.

On the question,

Will the House agree to the motion?

The SPEAKER. Mr. Wambach, did you hear the motion? The gentleman, Mr. Civera, has placed before the House a motion to recommit the bill to Consumer Affairs.

The House will stand at ease until we get this resolved.

MOTION WITHDRAWN

Mr. WAMBACH. Would you recognize Mr. Civera?

The SPEAKER. Mr. Civera is recognized.

Mr. CIVERA. Mr. Speaker, I would like to withdraw that motion. The majority leader and the members of the committee informed me that maybe we could just pass over it until we get this corrected. Thank you.

BILL PASSED OVER

The SPEAKER. HB 1314 will be passed over.

Mr. WAMBACH. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Democratic ward leader of the 27th ward in Philadelphia is Kevin Vaughn. He is here as the guest of James Roebuck. Please rise, Mr. Vaughn. Welcome to the hall of the House. We are delighted to have you here.

RECESS

The SPEAKER. The House will stand in recess for lunch. Report back to the floor at 1:30.

AFTER RECESS

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

The SPEAKER. The members who are in their offices are urged to report promptly on the floor. We do have votes this afternoon.

RECESS

The SPEAKER. The Chair has just been informed, at the request of the leaders, that the recess will be extended until 2:15. The recess is extended until 2:15.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 3 p.m.; further extended to the call of the Chair.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. A leave of absence will be granted to Representative HUTCHINSON, a leave to Representative RUDY, and a leave to Representative SWEET, without objection. The Chair hears no objection.

The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have further leaves?

Mr. FEE. Yes, Mr. Speaker. Would you also include Mr. BORTNER from York, please.

The SPEAKER. The gentleman's name will be included.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended so that we may immediately consider a series of resolutions which require immediate action.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—158

Angstadt	Dietterick	LaGrotta	Reinard
Argall	Distler	Langtry	Richardson
Arty	Dombrowski	Lashingner	Rieger
Barley	Donatucci	Leh	Ritter
Battisto	Dorr	Lescovitz	Robbins
Belardi	Durham	Letterman	Roebuck
Belfanti	Evans	Linton	Ryan
Billow	Fargo	Livengood	Rybak
Birmelin	Farmer	Lloyd	Saloom
Black	Fattah	Lucyk	Saurman
Blaum	Fee	McCall	Scheetz
Book	Flick	McHale	Schuler
Bowley	Foster	McVerry	Semmel
Boyes	Fox	Majale	Serafini
Brandt	Freeman	Maine	Showers
Broujos	Gallen	Manderino	Smith, B.
Bunt	Gamble	Manmiller	Smith, S. H.
Burd	Geist	Markosek	Snyder, D. W.
Bush	George	Mayermik	Snyder, G.
Caltagirone	Gladeck	Melio	Staback
Cappabianca	Godshall	Merry	Stairs
Carlson	Gruppo	Michlovic	Stuban
Cawley	Hasay	Micozzie	Taylor, E. Z.
Cessar	Hayden	Miller	Taylor, F.
Chadwick	Hayes	Moehlmann	Taylor, J.
Civera	Heckler	Mowery	Telek
Clark	Herman	Murphy	Tigue
Clymer	Hershey	Nahill	Van Horne
Cohen	Hess	Noye	Veon
Colafella	Honaman	O'Brien	Wambach
Cole	Howlett	O'Donnell	Wass
Cornell	Hughes	Petrarca	Wiggins
Corrigan	Itkin	Phillips	Wogan
Coy	Jackson	Piccola	Wozniak
DeVerter	Jadlowiec	Pievsky	Wright, D. R.
DeWeese	Johnson	Pitts	Wright, J. L.
Daley	Josephs	Pressmann	Yandrisevits
Davies	Kasunic	Punt	
Dawida	Kenney	Raymond	Irvis,
Dempsey	Kosinski	Reber	Speaker

NAYS—1

Bowser

NOT VOTING—25

Acosta	Gruitza	Levdansky	Petrone
Burns	Hagarty	McClatchy	Pistella
Carn	Haluska	Mrkonic	Preston
Cowell	Jarolin	Olasz	Steighner
DeLuca	Kennedy	Oliver	Trello
Duffy	Kukovich	Perzel	Wright, R. C.
Gannon			

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

RESOLUTIONS ADOPTED

The SPEAKER. The clerk will read, first, resolution No. 260.

The following resolution was read:

House Resolution No. 260

A RESOLUTION

Memorializing the Pennsylvania Securities Commission to investigate certain participants in hostile tender offers.

WHEREAS, Unsolicited tender offers cause immense disruption of the productivity and affairs of the companies subjected to these hostile raids; and

WHEREAS, Many hostile tender offers are financed by oppressive debt requiring a quick breakup and dismemberment of the target companies in order to pay back a portion of the debt, and the remaining businesses will continue to be drained of earnings to support the costs of the acquisitions; and

WHEREAS, The disruption and dismemberment of the target companies causes widespread plant and office closings and the loss of jobs, inflicting great injury on the affected communities; and

WHEREAS, A debt-burdened target company will face a gravely increased risk of insolvency that would impair its ability to satisfy its obligations to protect the environment and to remedy past damages for which the target may have been responsible; and

WHEREAS, Underwriters, broker-dealers and investment advisors have traditionally performed a necessary role in supporting and maintaining industry and commerce by facilitating new sources of financing and providing investors with liquidity and objective information, and have not had a direct investment in companies making predatory tender offers; therefore be it

RESOLVED, That the House of Representatives hereby memorializes the Pennsylvania Securities Commission to investigate the propriety of involvement of underwriters, broker-dealers and investment advisors as equity participants in hostile tender offers.

- David John Mayernik
- Fred A. Trello
- Richard J. Cessar
- Alice S. Langtry
- Ronald R. Cowell
- Raymond T. Book
- Elaine F. Farmer
- Terrence F. McVerry
- Richard D. Olasz
- Anthony M. DeLuca
- Joseph F. Markosek
- Ron Gamble
- Thomas A. Michlovic
- Thomas C. Petrone
- Emil Mrkoncic
- Thomas J. Murphy, Jr.
- Michael M. Dawida
- David K. Levdansky

Frank LaGrotta
Roger F. Duffy
Nicholas A. Colafella

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—183

Acosta	Distler	Kukovich	Preston
Angstadt	Dombrowski	LaGrotta	Punt
Argall	Donatucci	Langtry	Raymond
Arty	Dorr	Lashingier	Reber
Barley	Duffy	Leh	Reinard
Battisto	Durham	Lescovitz	Richardson
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdansky	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fattah	Livengood	Roebuck
Black	Fee	Lloyd	Ryan
Blaum	Flick	Lucyk	Rybak
Book	Foster	McCall	Saloom
Bowley	Fox	McClatchy	Saurman
Bowser	Freeman	McHale	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Gamble	Maiale	Semmel
Broujos	Gannon	Maine	Serafini
Bunt	Geist	Manderino	Showers
Burd	George	Manmiller	Smith, B.
Burns	Gladeck	Markosek	Smith, S. H.
Bush	Godshall	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Melio	Snyder, G.
Cappabianca	Gruppo	Merry	Staback
Carlson	Hagarty	Michlovic	Stairs
Carn	Haluska	Micozzie	Steighner
Cawley	Hasay	Miller	Stuban
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkoncic	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Cohen	Hess	Noye	Trello
Colafella	Honaman	O'Brien	Van Horne
Cole	Howlett	O'Donnell	Veon
Cornell	Hughes	Olasz	Wambach
Corrigan	Itkin	Oliver	Wass
Cowell	Jackson	Perzel	Wiggins
Coy	Jadlowiec	Petrarca	Wogan
DeLuca	Jarolin	Petrone	Wozniak
DeVerter	Johnson	Phillips	Wright, D. R.
DeWeese	Josephs	Piccola	Wright, J. L.
Daley	Kasunic	Pievsky	Yandrisevits
Davies	Kennedy	Pistella	
Dawida	Kenney	Pitts	Irvis,
Dempsey	Kosinski	Pressmann	Speaker
Dietterick			

NAYS—0

NOT VOTING—1

Wright, R. C.

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

* * *

The SPEAKER. Now the clerk will read resolution No. 261.

The following resolution was read:

House Resolution No. 261

A RESOLUTION

Memorializing Congress to expand the criteria for Medicaid reimbursement of the cost of Community Living Arrangements for persons who have autism.

WHEREAS, Persons with autism are eligible, under Federal guidelines, to receive Supplemental Security Income; and

WHEREAS, Eligibility for Supplemental Security Income automatically renders them eligible for Medical Assistance; and

WHEREAS, Medical Assistance pays for the care of other mentally disabled people in Community Living Arrangements; and

WHEREAS, This care is not reimbursable, under Federal guidelines, for persons who have autism; and

WHEREAS, This dichotomy within Federal regulations excludes autistic people from living in a supervised setting within the community; and

WHEREAS, This Federal conflict is inequitable and needs to be changed; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to address the issue of Medicaid reimbursement to include autistic people among those eligible to receive community-based residential care; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

- Joseph F. Markosek
George E. Saurman
Ruth C. Rudy
George W. Jackson
Henry Livengood
Jere W. Schuler
Frank LaGrotta

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—178

Table with 4 columns of names: Acosta, Angstadt, Argall, Arty, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Black, Blaum, Book, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Dietterick, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Farmer, Fee, Flick, Foster, Fox, Freeman, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Gruitza, Kosinski, Kukovich, LaGrotta, Langtry, Lashinger, Leh, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Maiale, Maine, Manderino, Manmiller, Markosek, Mayernik, Preston, Punt, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robbins, Roebuck, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Showers, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G.

Table with 4 columns of names: Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Colafella, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeVerte, DeWeese, Daley, Davies, Dawida, Dempsey, Gruppo, Hagarty, Haluska, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Honaman, Howlett, Hughes, Itkin, Jackson, Jadlowiec, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Merry, Michlovic, Micozzie, Miller, Moehlmann, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Staback, Stairs, Steighner, Stuban, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Tigie, Trello, Van Horne, Veon, Wambach, Wass, Wogan, Wozniak, Wright, D. R., Wright, J. L., Yandrisevits, Irvis, Speaker

NAYS—0

NOT VOTING—6

Table with 4 columns of names: Cohen, Fattah, Melio, Olasz, Wiggins, Wright, R. C.

EXCUSED—14

Table with 4 columns of names: Bortner, Dininni, Fischer, Freind, Harper, Hutchinson, Kitchen, Morris, Rudy, Seventy, Sirianni, Sweet, Vroon, Weston

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

* * *

The SPEAKER. The clerk will read the third resolution.

The following resolution was read:

House Resolution No. 262

A RESOLUTION

Designating May 1 through 7, 1988, as "Barrier Awareness Week" in Pennsylvania.

WHEREAS, Four out of five Americans will experience some form of disability during their lifetime, and there are currently 37 million Americans who are disabled; and

WHEREAS, The financial and physical barriers can be overcome, but, emotionally and culturally, individuals with disabilities are blocked as surely and permanently as indifference will permit; and

WHEREAS, There are no cures for many disabilities; and

WHEREAS, No one can really understand the full implication of living with a disability unless he or she has experienced that disability personally; and

WHEREAS, There has not been developed a pill to dull the hurts and injustices inflicted upon individuals with disabilities due to a lack of understanding; and

WHEREAS, There has not been a vaccine discovered that can eradicate the widespread problems of underemployment and lack of employment for individuals with disabilities; and

WHEREAS, The National Barrier Awareness Foundation has designated May 7, 1988, as "National Barrier Awareness Day"; therefore be it

RESOLVED, That the House of Representatives designate the week of May 1 through 7, 1988, as "Barrier Awareness Week" in Pennsylvania.

Fred Belardi
 Gaynor Cawley
 Edward G. Staback
 Frank A. Serafini
 Thomas M. Tigue
 Italo S. Cappabianca
 Kevin Blaum
 George C. Hasay
 Scott Dietterick
 Stanley J. Jarolin

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—179

Acosta	Dietterick	Kukovich	Pressmann
Angstadt	Distler	LaGrotta	Preston
Argall	Dombrowski	Langtry	Punt
Arty	Donatucci	Lashingier	Raymond
Barley	Duffy	Leh	Reber
Battisto	Durham	Lescovitz	Reinard
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdansky	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fee	Livengood	Roebuck
Black	Flick	Lloyd	Ryan
Blaum	Foster	Lucyk	Rybak
Book	Fox	McCall	Saloom
Bowley	Freeman	McClatchy	Saurman
Bowser	Gallen	McHale	Scheetz
Boyes	Gamble	McVerry	Schuler
Brandt	Gannon	Maiale	Semmel
Broujos	Geist	Maine	Serafini
Bunt	George	Manderino	Showers
Burd	Gladeck	Manmiller	Smith, B.
Burns	Godshall	Markosek	Smith, S. H.
Bush	Grujza	Mayernik	Snyder, D. W.
Caltagirone	Gruppo	Melio	Snyder, G.
Cappabianca	Hagarty	Merry	Staback
Carlson	Haluska	Michlovic	Stairs
Carn	Hasay	Micozzie	Steighner
Cawley	Hayden	Miller	Stuban
Cessar	Hayes	Mochlmann	Taylor, E. Z.
Chadwick	Heckler	Mowery	Taylor, F.
Civera	Herman	Mrkonic	Taylor, J.
Clark	Hershey	Murphy	Telek
Clymer	Hess	Nahill	Tigue
Cohen	Honaman	Noye	Trello
Colafella	Howlett	O'Brien	Van Horne
Cole	Hughes	O'Donnell	Veon
Cornell	Itkin	Olasz	Wambach
Corrigan	Jackson	Oliver	Wass
Cowell	Jadlowiec	Perzel	Wogan
Coy	Jarolin	Petrarca	Wozniak
DeLuca	Johnson	Petrone	Wright, D. R.
DeVerter	Josephs	Phillips	Wright, J. L.
DeWeese	Kasunic	Piccola	Yandrisevits
Daley	Kennedy	Pievsky	
Davies	Kenney	Pistella	Irvis,
Dawida	Kosinski	Pitts	Speaker
Dempsey			

NAYS—0

NOT VOTING—5

Dorr	Richardson	Wiggins	Wright, R. C.
Fattah			

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

* * *

The SPEAKER. The clerk will read the next resolution.

The following resolution was read:

House Resolution No. 263

A RESOLUTION

Designating April 22, 1988, as "Israel Independence Day" in Pennsylvania.

WHEREAS, After World War II, large numbers of Jewish refugees, uprooted by the war and Hitler's Holocaust, sought to emigrate to Palestine, their ancestral home; and

WHEREAS, To avoid open Arab-Jewish conflict, the newly formed United Nations partitioned British-held Palestine between the Arabs and the Jews; and

WHEREAS, On May 13, 1948, the British completed their withdrawal by lifting their naval blockade, and Jewish emigres streamed into Palestine; and

WHEREAS, On May 14, 1948, with the British gone, the State of Israel was proclaimed; and

WHEREAS, Although Israel has been embroiled in conflict since its establishment, Israel's existence is a continuing source of pride and inspiration for the 400,000 Jews in Pennsylvania, the 6,000,000 Jews in the United States and the millions more Jews around the World; and

WHEREAS, Israel Consul General David Ben Dov addressed the House of Representatives of the Commonwealth of Pennsylvania on April 11, 1988, to mark the 40th Anniversary of the State of Israel; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania hereby designates April 22, 1988, as "Israel Independence Day" in Pennsylvania.

Mark B. Cohen
 Ivan Itkin
 Max Pievsky
 Peter C. Wambach
 Babette Josephs
 John F. Pressmann
 Robert Freeman
 Jon D. Fox
 Lois Sherman Hagarty
 Charles F. Nahill, Jr.
 James R. Roebuck
 Ralph Acosta
 Richard Hayden
 Gerard A. Kosinski
 George T. Kenney, Jr.
 John M. Perzel
 John J. Taylor
 Ronald R. Cowell

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—180

Acosta	Distler	LaGrotta	Preston
Angstadt	Dombrowski	Langtry	Punt
Argall	Donatucci	Lashingier	Raymond
Arty	Dorr	Leh	Reber
Barley	Duffy	Lescovitz	Reinard
Battisto	Durham	Letterman	Richardson
Belardi	Evans	Levdansky	Rieger
Belfanti	Fargo	Linton	Ritter
Billow	Farmer	Livengood	Robbins

Birmelin	Fattah	Lloyd	Roebuck
Black	Fee	Lucyk	Ryan
Blaum	Flick	McCall	Rybak
Book	Foster	McClatchy	Saloom
Bowley	Fox	McHale	Saurman
Bowser	Freeman	McVerry	Scheetz
Boyes	Gallen	Maiale	Schuler
Brandt	Gamble	Maine	Semmel
Broujos	Gannon	Manderino	Serafini
Bunt	Geist	Manmiller	Showers
Burd	George	Markosek	Smith, B.
Burns	Gladeck	Mayernik	Smith, S. H.
Bush	Godshall	Melio	Snyder, D. W.
Caltagirone	Gruitza	Merry	Snyder, G.
Cappabianca	Gruppo	Michlovic	Staback
Carlson	Hagarty	Micozzie	Stairs
Carn	Haluska	Miller	Steighner
Cawley	Hasay	Moehlmann	Stuban
Cessar	Hayden	Mowery	Taylor, E. Z.
Chadwick	Hayes	Mrkonic	Taylor, F.
Civera	Heckler	Murphy	Taylor, J.
Clark	Herman	Nahill	Telek
Clymer	Hershey	Noye	Tigue
Colafella	Hess	O'Brien	Trello
Cole	Honaman	O'Donnell	Van Horne
Cornell	Howlett	Olasz	Veon
Corrigan	Hughes	Oliver	Wambach
Cowell	Itkin	Perzel	Wass
Coy	Jackson	Petrarca	Wogan
DeLuca	Jadlowiec	Petrone	Wozniak
DeVerter	Johnson	Phillips	Wright, D. R.
DeWeese	Josephs	Piccola	Wright, J. L.
Daley	Kasunic	Pjevsky	Yandrisevits
Davies	Kennedy	Pistella	
Dawida	Kenney	Pitts	Irvis,
Dempsey	Kosinski	Pressmann	Speaker
Dietterick	Kukovich		

NAYS—0

NOT VOTING—4

Cohen	Jarolin	Wiggins	Wright, R. C.
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EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

* * *

The SPEAKER. The clerk will read the next resolution.

The following resolution was read:

House Resolution No. 264**A RESOLUTION**

Recognizing April 29, 1988, as Arbor Day; promoting public participation in the celebration; and further recognizing the value of trees to our environment.

WHEREAS, The tree has proved to be a valuable component of our environment by providing us with natural aesthetics for landscaping, a biological tool to control water and wind erosion, a renewable source of food, fuel and lumber for man, a habitat for birds and wildlife, and a natural producer of oxygen and water through the process of transpiration; and

WHEREAS, Arbor Day has been designated by many states as a time to recognize the importance of trees to our environment; and

WHEREAS, The original Arbor Day was observed with the planting of more than a million trees; and

WHEREAS, Arbor Day is now celebrated throughout the United States and in countries around the world; and

WHEREAS, The last Friday in April is commonly held to be the day to celebrate Arbor Day; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania hereby designates April 29, 1988, as Arbor Day; and be it further

RESOLVED, That the House of Representatives ask that citizens and communities throughout this Commonwealth, individually and collectively, engage in the celebration of Arbor Day by planting trees in appropriate public places as a source of future enjoyment and civic pride; and be it further

RESOLVED, That a copy of this resolution be conveyed to the Governor and the Senate of this Commonwealth to solicit their support of this designation.

Arthur D. Hershey
 Samuel W. Morris
 Peter R. Vroon
 Joseph R. Pitts
 Elinor Z. Taylor
 Paul J. Angstadt
 John E. Barley
 Fred Belardi
 Andrew Billow, Jr.
 Michael E. Bortner
 Raymond Bunt, Jr.
 Edgar A. Carlson
 Mario J. Civera, Jr.
 Paul I. Clymer
 Mark B. Cohen
 Anthony M. DeLuca
 Thomas W. Dempsey
 Scott Dietterick
 James T. Distler
 Donald W. Dorr
 Howard L. Fargo
 Elaine F. Farmer
 Roger Raymond Fischer
 Jon D. Fox
 Richard A. Geist
 Leonard Q. Gruppo
 Fred C. Noye
 Dick L. Hess
 June N. Honaman
 George W. Jackson
 Kenneth M. Jadlowiec
 Edwin G. Johnson
 James R. Merry
 Connie G. Maine
 Paul McHale
 Anthony J. Melio
 Richard D. Olasz
 Joseph A. Petrarca
 Ronald C. Raymond
 Robert D. Robbins
 George E. Saurman
 Jere W. Schuler
 Carmel Sirianni
 Bruce Smith
 Edward G. Staback
 Thomas M. Tigue
 Fred A. Trello
 John N. Wozniak
 James L. Wright, Jr.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—180

Acosta	Dombrowski	LaGrotta	Preston
Angstadt	Donatucci	Langtry	Punt
Argall	Dorr	Lashinger	Raymond
Arty	Duffy	Leh	Reber
Barley	Durham	Lescovitz	Reinard
Battisto	Evans	Letterman	Richardson
Belardi	Fargo	Levdansky	Rieger
Belfanti	Farmer	Linton	Ritter
Billow	Fattah	Livengood	Robbins
Birmelin	Fee	Lloyd	Roebuck
Black	Flick	Lucyk	Ryan
Blaum	Foster	McCall	Rybak
Book	Fox	McClatchy	Saloom
Bowley	Freeman	McHale	Saurman
Bowser	Gallen	McVerry	Scheetz
Boyes	Gamble	Maiale	Schuler
Brandt	Gannon	Maine	Semmel
Broujos	Geist	Manderino	Serafini
Bunt	George	Manmiller	Showers
Burd	Gladeck	Markosek	Smith, B.
Burns	Godshall	Mayernik	Smith, S. H.
Bush	Gruitza	Melio	Snyder, D. W.
Caltagirone	Gruppo	Merry	Snyder, G.
Cappabianca	Hagarty	Michlovic	Staback
Carlson	Haluska	Micozzie	Stairs
Carn	Hasay	Miller	Steighner
Cessar	Hayden	Moehlmann	Stuban
Chadwick	Hayes	Mowery	Taylor, E. Z.
Civera	Heckler	Mrkonic	Taylor, F.
Clark	Herman	Murphy	Taylor, J.
Clymer	Hershey	Nahill	Telek
Colafella	Hess	Noye	Tigue
Cole	Honaman	O'Brien	Trello
Cornell	Howlett	O'Donnell	Van Horne
Corrigan	Hughes	Olasz	Veon
Cowell	Itkin	Oliver	Wambach
Coy	Jackson	Perzel	Wass
DeLuca	Jadlowiec	Petrarca	Wogan
DeVerter	Jarolin	Petrone	Wozniak
DeWeese	Johnson	Phillips	Wright, D. R.
Daley	Josephs	Piccola	Wright, J. L.
Davies	Kasunic	Pievsky	Yandrisevits
Dawida	Kennedy	Pistella	
Dempsey	Kenney	Pitts	Irvis,
Dietterick	Kosinski	Pressmann	Speaker
Distler	Kukovich		

NAYS—0

NOT VOTING—4

Cawley	Cohen	Wiggins	Wright, R. C.
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EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

WELCOME

The SPEAKER. The Chair is particularly delighted to welcome to the hall of the House, as the guest of the Chair, Mrs. Walker, who has brought with her a returnee - Reverend

Walker, who served on the floor of the House in the early 1860's. Oh, I thought it was 1800. 1963 to 1968, was it not? Please rise. We are delighted to have you here. He mentioned the fact that when he was on the floor, it was a lot more holy. I am not quite sure how he spells the word. But we are delighted to have you back. Those of you who remember him from the 1960's—and there are not many of us around who remember that far back—will remember some of the defenses he made of civil liberties in this country, and they were magnificent.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2112, PN 2894**, entitled:

An Act designating certain bridges crossing the Susquehanna River at Sunbury as the Thomas A. Edison Bridge and the Joseph Priestley Bridge.

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—181

Acosta	Distler	Kukovich	Preston
Angstadt	Dombrowski	LaGrotta	Punt
Argall	Donatucci	Langtry	Raymond
Arty	Dorr	Lashinger	Reber
Barley	Duffy	Leh	Reinard
Battisto	Durham	Lescovitz	Richardson
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdansky	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fattah	Livengood	Roebuck
Black	Fee	Lloyd	Ryan
Blaum	Flick	Lucyk	Rybak
Book	Foster	McCall	Saloom
Bowley	Fox	McClatchy	Saurman
Bowser	Freeman	McHale	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Gamble	Maiale	Semmel
Broujos	Gannon	Maine	Serafini
Bunt	Geist	Manderino	Showers
Burd	George	Manmiller	Smith, B.
Burns	Gladeck	Markosek	Smith, S. H.
Bush	Godshall	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Melio	Snyder, G.
Cappabianca	Gruppo	Merry	Staback
Carlson	Hagarty	Michlovic	Stairs
Carn	Haluska	Micozzie	Steighner
Cawley	Hasay	Miller	Stuban
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkonic	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Colafella	Hess	Noye	Trello
Cole	Honaman	O'Brien	Van Horne
Cornell	Howlett	O'Donnell	Veon
Corrigan	Hughes	Olasz	Wambach
Cowell	Itkin	Oliver	Wass

Coy	Jackson	Perzel	Wogan
DeLuca	Jadlowiec	Petrarca	Wozniak
DeVerter	Jarolin	Petrone	Wright, D. R.
DeWeese	Johnson	Phillips	Wright, J. L.
Daley	Josephs	Piccola	Yandrisevits
Davies	Kasunic	Pievsky	
Dawida	Kennedy	Pistella	Irvis,
Dempsey	Kenney	Pitts	Speaker
Dietterick	Kosinski	Pressmann	

NAYS—0

NOT VOTING—3

Cohen	Wiggins	Wright, R. C.
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EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

* * *

The House proceeded to third consideration of **HB 2163, PN 2819**, entitled:

An Act designating the Route 56 By-Pass in Westmoreland County, Pennsylvania as the Pennsylvania War Veterans Memorial Highway.

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—181

Acosta	Distler	Kukovich	Preston
Angstadt	Dombrowski	LaGrotta	Punt
Argall	Donatucci	Langtry	Raymond
Arty	Dorr	Lashinger	Reber
Barley	Duffy	Leh	Reinard
Battisto	Durham	Lescovitz	Richardson
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdanský	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fattah	Livengood	Roebuck
Black	Fee	Lloyd	Ryan
Blaum	Flick	Lucyk	Rybak
Book	Foster	McCall	Saloom
Bowley	Fox	McClatchy	Saurman
Bowser	Freeman	McHale	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Gamble	Maiale	Semmel
Broujos	Gannon	Maine	Serafini
Bunt	Geist	Manderino	Showers
Burd	George	Manmiller	Smith, B.
Burns	Gladeck	Markosek	Smith, S. H.
Bush	Godshall	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Melio	Snyder, G.
Cappabianca	Gruppo	Merry	Staback
Carlson	Hagarty	Michlovic	Stairs
Carn	Haluska	Micozzie	Steighner

Cawley	Hasay	Miller	Stuban
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkonc	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Colafrilla	Hess	Noye	Trello
Cole	Honaman	O'Brien	Van Horne
Cornell	Howlett	O'Donnell	Veon
Corrigan	Hughes	Olasz	Wambach
Cowell	Itkin	Oliver	Wass
Coy	Jackson	Perzel	Wogan
DeLuca	Jadlowiec	Petrarca	Wozniak
DeVerter	Jarolin	Petrone	Wright, D. R.
DeWeese	Johnson	Phillips	Wright, J. L.
Daley	Josephs	Piccola	Yandrisevits
Davies	Kasunic	Pievsky	
Dawida	Kennedy	Pistella	Irvis,
Dempsey	Kenney	Pitts	Speaker
Dietterick	Kosinski	Pressmann	

NAYS—0

NOT VOTING—3

Cohen	Wiggins	Wright, R. C.
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EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

* * *

The House proceeded to third consideration of **HB 1338, PN 1549**, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law," increasing the maximum amount for which authorities may contract or purchase without bids.

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—161

Acosta	Dempsey	Johnson	Pistella
Angstadt	Dietterick	Josephs	Pitts
Argall	Distler	Kasunic	Preston
Arty	Dombrowski	Kennedy	Punt
Barley	Donatucci	Kenney	Raymond
Battisto	Dorr	Kosinski	Reber
Belardi	Duffy	Kukovich	Reinard
Billow	Durham	Langtry	Richardson
Birmelin	Evans	Lashinger	Rieger
Black	Fargo	Leh	Ritter
Blaum	Farmer	Lescovitz	Robbins
Book	Fattah	Letterman	Roebuck
Bowser	Fee	Linton	Ryan
Boyes	Flick	Lucyk	Saloom

Brandt	Foster	McClatchy	Saurman
Broujos	Fox	McVerry	Scheetz
Bunt	Gallen	Maiale	Schuler
Burd	Gamble	Maine	Semmel
Burns	Gannon	Manderino	Showers
Bush	Geist	Manmiller	Smith, B.
Caltagirone	George	Markosek	Smith, S. H.
Cappabianca	Gladeck	Mayernik	Snyder, D. W.
Carlson	Godshall	Melio	Snyder, G.
Carn	Gruitza	Merry	Stairs
Cessar	Gruppo	Michlovic	Steighner
Chadwick	Hagarty	Micozzie	Taylor, E. Z.
Civera	Haluska	Miller	Taylor, F.
Clark	Hasay	Moehlmann	Taylor, J.
Clymer	Hayden	Mowery	Telek
Colafella	Hayes	Mrkoncic	Trello
Cole	Heckler	Nahill	Van Horne
Cornell	Herman	Noye	Wambach
Corrigan	Hershey	O'Brien	Wass
Cowell	Hess	Olasz	Wogan
Coy	Honaman	Oliver	Wozniak
DeLuca	Howlett	Perzel	Wright, D. R.
DeVerter	Hughes	Petrarca	Wright, J. L.
DeWeese	Itkin	Petrone	
Daley	Jackson	Phillips	Irvis,
Davies	Jadlowiec	Piccola	Speaker
Dawida	Jarolin	Pievsky	

NAYS—20

Belfanti	Levdansky	Murphy	Staback
Bowley	Livengood	O'Donnell	Stuban
Cawley	Lloyd	Pressmann	Tigue
Freeman	McCall	Rybak	Veon
LaGrotta	McHale	Serafini	Yandrisevits

NOT VOTING—3

Cohen	Wiggins	Wright, R. C.	
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EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

ADDITIONS OF SPONSORS

The SPEAKER. We passed the resolution called Barrier Awareness Week unanimously last year. The Chair does not see anything on this which would disturb any one of the members. The sponsor has asked that he be permitted to add all the names of the members on this resolution, HR 262. The Chair instructs the clerk to add the names of all the current members on the floor of the House, unless a current member insists that his name or her name not be added.

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

Mr. FOX. Mr. Speaker, would it be possible also on HR 261 dealing with autism, that that be made unanimous?

The SPEAKER. The same instructions are given to the clerk: Unless an individual member says do not put my name on that, all names will be added.

Mr. FOX. Thank you, Mr. Speaker.

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1071, PN 3019**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act imposing powers and duties on the Pennsylvania Historical and Museum Commission with respect to the observance of naval and maritime history celebrations; establishing an official arboretum of Pennsylvania; establishing an official flagship for the Commonwealth; and providing for interagency cooperation.

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

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski. Are you prepared to answer?

Mr. DOMBROWSKI. Thank you, Mr. Speaker.
I would urge a concurrence in Senate amendments.

The Senate amended the bill to designate Morris Arboretum of the University of Pennsylvania as the official arboretum of the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

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—181

Acosta	Distler	Kukovich	Preston
Angstadt	Dombrowski	LaGrotta	Punt
Argall	Donatucci	Langtry	Raymond
Arty	Dorr	Lashinger	Reber
Barley	Duffy	Leh	Reinard
Battisto	Durham	Lescovitz	Richardson
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdansky	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fattah	Livengood	Roebuck
Black	Fec	Lloyd	Ryan
Blaum	Flick	Lucyk	Rybak
Book	Foster	McCall	Saloom
Bowley	Fox	McClatchy	Saurman
Bowser	Freeman	McHale	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Gamble	Maiale	Semmel
Broujos	Gannon	Maine	Serafini
Bunt	Geist	Manderino	Showers
Burd	George	Manmiller	Smith, B.
Burns	Gladeck	Markosek	Smith, S. H.
Bush	Godshall	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Melio	Snyder, G.
Cappabianca	Gruppo	Merry	Staback
Carlson	Hagarty	Michlovic	Stairs
Carn	Haluska	Micozzie	Steighner
Cawley	Hasay	Miller	Stuban
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkoncic	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Colafella	Hess	Noye	Trello
Cole	Honaman	O'Brien	Van Horne
Cornell	Howlett	O'Donnell	Veon

Corrigan	Hughes	Olasz	Wambach
Cowell	Itkin	Oliver	Wass
Coy	Jackson	Perzel	Wogan
DeLuca	Jadlowiec	Petrarca	Wozniak
DeVerter	Jarolin	Petrone	Wright, D. R.
DeWeese	Johnson	Phillips	Wright, J. L.
Daley	Josephs	Piccola	Yandrisevits
Davies	Kasunic	Pievsky	
Dawida	Kennedy	Pistella	Irvis,
Dempsey	Kenney	Pitts	Speaker
Dietterick	Kosinski	Pressmann	

NAYS—0

NOT VOTING—3

Cohen Wiggins Wright, R. C.

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 426, PN 1942**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. MANDERINO called up for consideration the following Report of the Committee of Conference on **SB 426, PN 1942**, entitled:

An Act providing that attorney trust funds may be placed in interest-bearing accounts and that the interest generated on such accounts be used to provide legal services for the indigent; and establishing a mechanism for the funding.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. KUKOVICH. Mr. Speaker, I would ask for a concurrence vote. This is the IOLTA (Interest on Lawyer Trust Account) bill which passed the House overwhelmingly earlier.

The conference committee made some changes, two changes. One, they broadened the eligibility requirements from the House version so that all those who currently receive legal services would still be eligible.

Secondly, with work between Legal Services, the Pennsylvania Catholic Conference, and the conferees, some abortion

language was left in which was not as broad as the House version but has been agreed to by the Catholic Conference.

All the groups that are involved with this legislation - the Catholic Conference, Legal Services, and the Banking Association - have agreed to the language. You have probably received mail regarding it. I do not believe it is controversial at this point, and I would ask for a concurrence vote.

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

Mr. GANNON. Mr. Speaker, I would like to interrogate the sponsor.

The SPEAKER. You mean Mr. Kukovich?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. All right. Mr. Kukovich will stand for interrogation. You may proceed.

Mr. GANNON. Mr. Speaker, there is some language in this report that on one hand specifically prohibits the use of any of these funds to "...directly or indirectly, to support activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body...." Am I correct in reading that that language would prohibit the use of these funds for lobbying the legislature on the defeat or passage of an amendment or any legislation?

Mr. KUKOVICH. That is correct.

Mr. GANNON. Later on in the language of the report, it states "except," so as I read it, it makes an exception to that above language. A qualified recipient, which I read from the definition of "qualified recipient" to be an organization of lawyers that are a nonprofit entity, tax exempt, which would act on the behalf of those who would be eligible for legal assistance— But at any rate, "A qualified recipient...may engage in such activities in response to a request from a governmental agency, legislative body, committee, member or staff thereof made to the qualified recipient, consistent with the Code of Professional Responsibility."

Now, could you give me an example of where that provision would come into play?

Mr. KUKOVICH. An example might be if a State legislator wanted some information regarding the program or regarding something that has to do with the business of this House. Upon request, they could provide that.

Mr. GANNON. You are saying that if that language was not in here, that that legislator would not be able to receive that information?

Mr. KUKOVICH. I think they probably could, but the purpose was to try to clarify this and avoid any blurring of those people's activities. It has been similar to what happened at the Federal level with some changes in regulations that the Reagan administration promulgated about 6, 7 years ago.

Mr. GANNON. Suppose I wanted a piece of legislation to be passed by the House. Could I as a member contact this organization and say, look, would you please go lobby Allen

Kukovich to persuade him to support this legislation that I want and you can use the funds from IOLTA for the purpose of accomplishing that?

Mr. KUKOVICH. The purpose of the legislative language is to try to garner information and not to encourage lobbying.

Mr. GANNON. Well, why would you have language to the effect of "...support activities intended to influence the issuance, amendment or revocation of any executive...order...or to influence the introduction, amendment, passage or defeat of any legislation..."? Now, does that seem— Is that not a little bit beyond request for information?

Mr. KUKOVICH. No. It has to be consistent with the Code of Professional Responsibility. I do not see that there is any problem with that.

Mr. GANNON. I know you do not see any problem with it. You are asking for concurrence, but I am trying to get some clarification here and specifically wanted to know whether, for example, if I was interested in the passage of a piece of legislation, under this bill would I be able to call upon the qualified recipient and say, look, I think you guys ought to get up here and start lobbying for this bill; the only way we are going to get it passed is if you start calling on these members personally and send out the troops; and do not worry about who is going to pay for it; it is going to come out of this IOLTA fund. Now, that is the way I read the language, and you seem to say I am misreading it. Where in the bill does it clarify that and say, no, you cannot use this for lobbying; you can use it just to get information? Because the language I read says lobbying, and that is what I want to get some clarification on.

Mr. KUKOVICH. To the best of my knowledge, that is boilerplate language that this House has passed before and has been included in Federal regulations.

Mr. GANNON. Well, that does not answer the question. That simply says somebody else did it, too, so it is okay for us to do it. I have not seen any boilerplate language.

Mr. KUKOVICH. And also, to the best of my knowledge, there have been no examples of what you have raised pursuant to the other language that has been passed previously.

Mr. GANNON. Well, we have never had this fund before.

Now, suppose I called the qualified recipient or I had a member of my staff call or a member of my staff on their own—it does not say in this legislation that the staff member has to have the authority or permission of the member. I do not see that in here—but suppose I would call the qualified recipient and say, look, I want you to come up here and lobby for this bill for me; there is an exception in this language that says you can come up here and lobby and I want you to do it.

Mr. D. R. WRIGHT. Point of order, Mr. Speaker.

Mr. GANNON. Would they be required to do that?

POINT OF ORDER

The SPEAKER. Just a moment. Just a moment.

The Chair recognizes the gentleman from Clarion, Mr. Wright. What is the gentleman's point of order?

Mr. D. R. WRIGHT. Mr. Speaker, I wonder if the gentleman is discussing the amendments that were made by the Senate in conference and the House in conference or whether he is discussing what was already in the bill?

Mr. GANNON. I am discussing the conference report, Mr. Speaker.

The SPEAKER. You are the expert on this, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, this language has been passed before in the chamber, and the language that was placed in by the conference committee were the two sections that I discussed previously regarding client eligibility and the abortion language.

The SPEAKER. Is it your opinion—and the Chair is incapable of making a ruling because the Chair is not following the language—is it your opinion that the questioning has been on the points?

Mr. KUKOVICH. This language was in the bill which was passed in the House and was not changed by the conference committee.

The SPEAKER. In that case you are questioning about language which is not part of the conference committee, Mr. Gannon. Mr. Dorr is shaking his head to the negative.

All right. Mr. Gannon, proceed with the questioning and we will check on it. Proceed with your questioning.

Mr. GANNON. My question, very briefly, was, could the qualified recipient refuse to lobby for me if I asked him to do so on a—

The SPEAKER. Excuse me, Mr. Gannon. The Chair has been advised by the Parliamentarian and by Mr. Ryan that the committee of conference adopted the entire language. Therefore, you are right to question anything in the language, and you may continue.

Mr. GANNON. Thank you, Mr. Speaker.

I am sorry, Mr. Speaker. My question was, could the qualified recipient, if asked to engage in influencing the introduction of legislation or an amendment, influencing the passage or defeat of legislation, if that qualified recipient was asked to do so by any member of this legislative body, which, according to this language, he or she would have the right to do, could that qualified recipient refuse to do so?

Mr. KUKOVICH. Yes. The language is "may" language.

Mr. GANNON. So that it would be a very subjective decision on the part of that qualified recipient as to whether or not they would want to honor that request to influence introduction, passage, or defeat of legislation or an amendment.

Mr. KUKOVICH. It looks that way.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to address the floor.

The SPEAKER. The gentleman has the floor. He may proceed.

Mr. GANNON. Mr. Speaker, this language is very troubling to me. It seems that what we have here is an appropriation by the legislature for selective lobbying. We are going to take funds; we are going to appropriate them. It is not public money; it is private money. We are going to make it available for public use, but it is going to be a very selective public use

so that if I or any member of this House, if he or she had a piece of legislation that they felt they wanted to have this qualified recipient lobby on, it would basically be at the discretion of that legal services group as to whether or not they in fact would want to honor that request. So we are here appropriating money, and it is not discretionary; it is mandatory. This money will be appropriated, and this little pot of money is going to be set aside and used to selectively lobby the State legislature, and because of the exception, it would also apply to the Federal Congress, and the simple triggering mechanism for that lobbying effort will be a request, if you want to take it to its lowest level, by a staff member. So not only any one of these House members but any staff member who would be attached to a House member or a committee could simply make the request and the legal services corporation would not even have to honor that request. They could decide whether or not they were going to engage in that effort.

So I am very troubled by that language that is in this report, Mr. Speaker, and on that basis I would urge a nonconcurrency.

The SPEAKER. On the question, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I will vote for concurrence on this conference report, but I want to set the record straight for myself. I do not approve of any of the abortion restriction language, and I am sorry that it is in this bill.

I, however, do urge concurrence, because I believe that overall this bill will help all of our constituents in this State. Thank you, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

Would Mr. Kukovich stand for brief interrogation?

The SPEAKER. The answer is he will stand. You are in order, and you may proceed.

Mr. REBER. Mr. Speaker, I will direct your attention to page 9 of the bill, lines 1 through 6 specifically. Was this new language inserted as a result of the conference committee, Mr. Speaker?

Mr. KUKOVICH. Yes, sir.

Mr. REBER. Mr. Speaker, I think the language that is confusing, troublesome, objectionable is the ultimate result from that language as contained in the first sentence, lines 1 through 3 on that page, that language being, "Nothing contained in this subsection shall be construed to prevent the rendering of advice to a client with respect to that client's legal rights." My question is, Mr. Speaker, suppose in the course of rendering the advice to that client it is deemed that in the client's best interest or that that client has the constitutionally protected right, as I understand is the case under the current state of the law, to in fact necessitate legal assistance in the form of initiation of a litigious proceeding. How in fact can that be carried out in light of the prohibitory language as contained on page 8 in lines 22 through 25? There seems to be some ambiguity in the ends-to-the-means situation. I am just

wondering if the committee on conference and the drafters of this legislation worked out what appears to be an ambiguity there that would, in essence, render a nullity the totalization of advising a client through the end result, which may wind up being a litigious situation, and it would seem by language in the bill that you are prohibited from accomplishing that end result.

Mr. KUKOVICH. Let me respond by explaining— First of all, the conference committee did not address that directly. Let me explain how the language was—

Mr. REBER. Mr. Speaker, can I just interrupt you? Is that statement of mine correct or incorrect?

Mr. KUKOVICH. My interpretation is that it is generally correct. I believe it was inserted by the Pennsylvania Catholic Conference to address the problem of prohibiting free speech. My interpretation of that is that if an entity received those funds, they would be free to provide advice, legal advice relating to abortion, but if you take the first part of that section, I would interpret it as saying they could not represent them or represent that issue.

So that being said, I think that concurs with the statement that you made, and I think it does, as usual with abortion-related language, cause a problem.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, if I could just be recognized for a brief moment on the bill.

The SPEAKER. The gentleman may proceed.

Mr. REBER. Mr. Speaker, I find it very troublesome when we are dealing with something as sensitive as right to counsel to the indigent to in fact be placing upon that class of our society that going in has a very, very serious hand down on the situation. I think what we are doing here is establishing precedent throughout this legislation - in essence, attempting to help the indigent, which this speaker on numerous occasions has attempted to do through direct General Fund appropriations, but in so doing establish a precedent where we are putting restrictions on the type of advice an indigent is allowed to have, the type of representation an indigent is allowed to have, the manner and the degree of effective right to counsel that an indigent is allowed to have in the Commonwealth of Pennsylvania. Now, I say "in the Commonwealth of Pennsylvania" in a very, very guarded fashion only because the Commonwealth of Pennsylvania, to my knowledge and to the knowledge that has been conveyed to me by staff, is the only State that puts limitation language such as this into indigent-funding devices.

I would say, Mr. Speaker, this is not an area that I am proud to be in the vanguard of, and for that reason, I think we should vote in the negative on Conference Report 426. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski, on the report.

Mr. KOSINSKI. Thank you, Mr. Speaker.

The last time Mr. Kukovich and I parried on this bill, we were adversaries. Today, if you pardon the pun, we are comrades.

I just want to let everybody know that we have worked out all the problems that the prolife groups had with this legislation. I would like to thank all parties involved and would ask for your affirmative vote. Thank you.

The SPEAKER. Mr. Kukovich, are you ready to deny the comradeship?

Mr. KUKOVICH. No. I am proud to be a comrade of Representative Kosinski's on this issue.

I would like to say as to the arguments of Mr. Gannon, I realize he might have a problem with the language, but I think in reality there is really no problem. As to the remarks of Mr. Reber, I would agree, and I do have a problem with that, but let us have a dose of reality here again. If you care about legal services to poor people and if you care about a program such as this, which is one of the things I think we are trying to do in this chamber, if we want to help poor people and we do not want to raise taxes or take any more money from the taxpayer, we have got to begin to come up with some of these creative ways of raising funds. This is a way that does it; this is a way that many States have done it very successfully. I cannot imagine being opposed to this on the basis of the pragmatic results of what we can do with this kind of legislation. I might have some problems with some of the language, too, but what I do know is that if we are going to continue to help poor people get the legal rights that they are entitled to and we are not willing to pay for it, this is a way to at least supplement that, to at least provide some assistance.

For that reason, again I would encourage the members to vote to concur, because I think this is the only type of bill that we are going to be able to pass and reach a compromise among all of the parties involved, and again I would ask for a "yes" vote.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask Mr. Kukovich two questions, if I may.

The SPEAKER. The gentleman indicates he will stand for further interrogation. You may proceed.

Mr. GANNON. My first question is this, a hypothetical: Suppose I wanted to have taken out of the law this language that deals with the issue of abortion; I wanted to have it removed. Is there anything in here that would prohibit me or would prohibit Legal Services from, at my request, lobbying the members of the legislature to support a bill or an amendment that would remove the abortion restrictions from this law?

Mr. KUKOVICH. I think pursuant to the interpretations of similar language in different jurisdictions, the prohibition on the bottom of page 7 under subsection (c) would do that irrespective of what subsection (c)(1) says.

Mr. GANNON. Now, Mr. Speaker, you have also indicated that this was boilerplate language and that other jurisdictions have gone the same route to use these moneys. I have read several of the statutes that have been enacted in other States and I have also taken a look at some States where they

have done it through their court system. I do not have any recollection of seeing any language that permitted these funds to be used for lobbying or carving out an exception for lobbying that we have carved out here. Perhaps you could tell me which States have either enacted by legislation or through their court system, through court order or court rule, permitting exactly what we are permitting here, and I mean permitting legal services to lobby the legislature if it is requested by a member or staff or committee or some governmental agency. What States have enacted language that does exactly that?

Mr. KUKOVICH. I do not have a list of the specific language of each specific State that has enacted IOLTA.

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—146

Acosta	Dombrowski	Lescovitz	Preston
Angstadt	Donatucci	Letterman	Richardson
Argall	Duffy	Levdansky	Rieger
Arty	Durham	Linton	Ritter
Barley	Evans	Livengood	Robbins
Battisto	Fargo	Lloyd	Roebuck
Belardi	Fattah	Lucyk	Ryan
Belfanti	Fee	McCall	Rybak
Billow	Foster	McClatchy	Saloom
Black	Fox	McHale	Saurman
Blaum	Freeman	McVerry	Schuler
Bowley	Gamble	Maiale	Semmel
Boyes	Gannon	Maine	Serafini
Broujos	Geist	Manderino	Showers
Burns	George	Manmiller	Snyder, D. W.
Bush	Gruitza	Markosek	Staback
Caltagirone	Gruppo	Mayernik	Stairs
Cappabianca	Haluska	Melio	Steighner
Carlson	Hasay	Merry	Suban
Carn	Hayden	Michlovic	Taylor, F.
Cawley	Hayes	Micozzie	Taylor, J.
Cessar	Herman	Miller	Telek
Clark	Hess	Mowery	Tigue
Cohen	Howlett	Mrkonic	Trello
Colafella	Hughes	Murphy	Van Horne
Cole	Itkin	Nahill	Veon
Corrigan	Jackson	O'Brien	Wambach
Cowell	Jadlowiec	O'Donnell	Wass
Coy	Jarolin	Olasz	Wogan
DeLuca	Johnson	Oliver	Wozniak
DeVerter	Josephs	Perzel	Wright, D. R.
DeWeese	Kasunic	Petrarca	Wright, J. L.
Daley	Kenney	Petrone	Wright, R. C.
Davies	Kosinski	Phillips	Yandrisevits
Dawida	Kukovich	Pievsky	
Dempsey	LaGrotta	Pistella	Irvis,
Dietterick	Lashingier	Pressmann	Speaker

NAYS—36

Birmelin	Cornell	Heckler	Pitts
Book	Distler	Hershey	Punt
Bowser	Dorr	Honaman	Raymond
Brandt	Farmer	Kennedy	Reber
Bunt	Flick	Langtry	Scheetz
Burd	Gallen	Leh	Smith, B.
Chadwick	Gladeck	Moehlmann	Smith, S. H.
Civera	Godshall	Noye	Snyder, G.
Clymer	Hagarty	Piccola	Taylor, E. Z.

NOT VOTING—2

Reinard Wiggins

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon. Why do you rise?

Mr. GANNON. Mr. Speaker, I was engaged in conversation during the vote on the Committee of Conference Report on SB 426. I erroneously voted "yes." I would like my vote to be recorded in the negative.

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

SENATE MESSAGE

HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 838, PN 1951**.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 903, PN 1936**.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1254, PN 3070**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CONSIDERATION OF HB 2261 CONTINUED

DECISION OF CHAIR RESCINDED

The SPEAKER. Turn back to page 4. We passed over temporarily HB 2261. Without objection, the Chair now rescinds its announcement that the bill was agreed to on third consideration. The Chair hears no objection.

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. FOX offered the following amendment No. A1789:

Amend Bill, page 2, line 19, by striking out all of said line and inserting

Section 2. It shall be the duty of the Department of Health, within 30 days after the effective date of this section, to send a written notice to each duly licensed physician, dentist, veterinarian and other practitioner licensed in this Commonwealth to write prescriptions intended for the treatment or prevention of disease in man or animals, hereinafter referred to as a prescriber, informing the prescriber of the provisions of this amendatory act, and informing the prescriber that the enactment of this amendatory act does not preclude a prescriber from prescribing a brand name drug if, in the opinion of the prescriber, the use of the brand name drug is in the best medical interest of the patient.

Section 3. This act shall take effect as follows:

(1) Section 2 and this section shall take effect immediately.

(2) Section 1 shall take effect in 60 days.

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

MOTION TO TABLE

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

Mr. FOX. Mr. Speaker, would it be in order for me to make a move to table the bill?

The SPEAKER. That motion is acceptable, yes.

Mr. FOX. I would like to make a move to table the bill, and I will give you the basis, Mr. Speaker.

I believe the legislation as it is presently constituted does not set out for the public—

The SPEAKER. It is not debatable, Mr. Fox. Your motion is acceptable but the debate is not.

Mr. FOX. —as to how the statements will be for the senior citizens.

The SPEAKER. You have moved to table HB 2261. The House must now decide whether or not it should be tabled. The floor leaders may debate any motion, if they choose; you may not.

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I have had a brief opportunity to meet with the gentleman, Mr. Fox, to get his ideas as to why he was prompted to move to table this particular bill. After having had that brief meeting, I concur in his thinking, and simply put, Mr. Speaker, I think the reasoning goes like this.

This is probably as important a piece of legislation as we will handle certainly this year, the balance of this year, in connection with the welfare of the senior citizens of Pennsylvania. It is a bill that has been back and forth over the years. We have all seen it from time to time. But this particular bill has only this week come out of committee. There were discussions here yesterday and this morning indicating that this bill

would not run. I know there are a number of people visiting here in Harrisburg who are looking for an opportunity to meet with the elected officials—those of us who are elected to represent our constituents, both pro and con on this bill—desirous of meeting with us in order to explain their various positions as to why the bill is a good bill or the bill is a bad bill. I know I saw a number of these people in the cafeteria myself this morning, and they told me that the bill was not going to be run and that they had wanted to speak to me but did not find it necessary because we were going to adjourn for the election recess without considering it.

Under all the circumstances, Mr. Speaker, together with the idea that the bill as drafted has a 60-day effective date—So we are not talking about a time problem. If it is a time problem, we can handle this bill in 2 weeks, make the effective date 45 days as far as that goes, if that is what we are concerned with. I believe that it is in the best interest of all of us, and most importantly, it is in the best interest of the senior citizens of Pennsylvania, that we understand what we are doing, either to their health or for their pocketbooks, as the case may be. Under all of those circumstances, I concur with the gentleman, Mr. Fox, that this bill should be laid on the table to give all of us an opportunity over the next 2 weeks to look it over, to talk with our respective experts - our own doctors, our own physicians, the people that we put faith and trust in - to see just whether this bill is right or is wrong for the people of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise to ask the House not to take action that will table this bill this afternoon.

I do not believe that I have received more mail on any single subject than I have received on this particular piece of legislation, and each piece of mail that I received came from the senior citizens of Pennsylvania and senior citizen groups in Pennsylvania. This bill is favored by the AARP (American Association of Retired Persons), by the AFL-CIO, the Steelworkers, the Secretary of Health, the Secretary of Welfare, the Secretary of Aging, many of the larger pharmaceutical companies. The people that are against it are some of the smaller pharmaceutical companies.

The bill deals with generic drugs. The Federal Government has passed regulations in the medicaid program that say, unequivocally, that if we do not do what this bill purports to do, we will begin losing money for prescription drugs for the medical assistance recipients. We will lose at the Commonwealth level \$8 1/2 million each and every year - no ands, ifs, or buts about it. They will no longer pay for drugs that are written with a prescription that is not in conformity with the legislation that I am asking you not to table.

In addition to that, our PACE (Pharmaceutical Assistance Contract for the Elderly) program in Pennsylvania is tailored to follow the rules and regulations of the medicaid program, and the financial consequences in the PACE program, if this legislation is not enacted, in dollars is almost four times what our loss will be in Federal funds. It will cost the PACE

program in excess of \$30 million to continue doing what this bill will prohibit.

Mr. Speaker, the senior citizens who receive the benefits from the PACE program know what this bill is all about. They are well familiar with the provisions of this bill, and that is why I have some 3,000 letters on my desk asking me to please move this bill. That is why the major senior citizen organization, AARP, is so strong for this bill, and that is why labor and the Steelworkers and those heads of departments in the Commonwealth who deal with this problem are indicating to us that we should pass this bill.

The PACE program in this Commonwealth under our lottery program is under stress. In the Thornburgh administration there was every indication that the \$4 copay was being left at a \$4 figure although the costs were outstripping that figure. In this administration we have the same indication. The administration now in the Governor's mansion has indicated that they would rather do cost-containment measures in the PACE program than raise the copay. I think that is a wise decision. I think our senior citizens are entitled that we keep that copay where it is, where it began, as long as we can, and perhaps forever, even if it means measures that contain costs, even if it means transferring back out of the Lottery Fund those things that in the last administration were tacked onto the Lottery Fund to put more of a strain on the existing programs there.

I do not think there is any question that the senior citizens of Pennsylvania know what this bill does, I do not think there is any question that the senior citizens who are affected want this bill to pass, and I do not think there is any question that those who work closely with the programs related to this legislation think that this legislation is a very desirable piece of legislation.

For all of those reasons, I would ask us not to make the mistake of tabling this bill. Let us send it to the Senate. The Senate is working next week. They can pass it next week, and we can get this item behind us. Thank you, Mr. Speaker.

The SPEAKER. On the question, shall the House table HB 2261, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, while the gentleman, Mr. Manderino, was making his argument, it was called to my attention that part of his statement—and I know it was not intentional—was misleading, if not false, and that is based on my staff people saying that it is not so that we will not lose, we will not lose Federal dollars; that this administration has, through the department and through departmental regulations, addressed the issue of the Federal regulations dealing with cost savings, and there is every reason to believe that the law today has been met—the Federal law, that is, has been met—and there will be no Federal reductions.

I think that this particular legislation and all legislation dealing with generic drugs is very important. I do not know that it is so important that we address it, that we cannot wait for 2 weeks to give everyone an opportunity to go back and check it out. It has only been on our calendar for 2 days. Yesterday afternoon it was not so important that it could not be

held over until after the recess. I see no reason why it still cannot be held over.

There are very important considerations. The people who receive drugs under the PACE program are not affected unless it is cost that runs it up. The people who are affected are the people who today are used to getting brand name X, colored green and white pills, and who at a later date get generic purple and white pills and do not know what in the world they are taking, and that has happened to every one of us, I suspect. I know it has happened to me.

The dangers inherent in these bills are such that I think they deserve full debate. I believe that everyone here wants to address this issue, but it is too soon. If Mr. Manderino's concern is that we are making an undue delay of the bill, then the easy thing to do is to simply amend the effective date. We can pick up the 2 weeks by simply changing it from the 60 days that is in the bill right now to 45 days, and the effective date of whatever happens has not really changed if we do that. So the time pressure is not the reason that you can hang your hat on for not delaying this. There has to be some other reason, and I am suggesting that there are no good reasons that would allow us to risk the health and safety of our senior citizens for the sake of just passing something today.

Thank you, Mr. Speaker, and again I would ask that this bill be tabled. Notice, we are not saying, send it back to committee; we are saying, table it. It is not going to go away; it is simply going on the table for the 2 weeks that we are off during the election recess. Thank you, Mr. Speaker.

The SPEAKER. Only the leaders may debate the motion to table.

On the question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I do not deliberately go to the microphone to mislead anyone, and I think Mr. Ryan knows that.

I will read to you from a letter from the director of the Department of Health & Human Services at the Federal level, the Division of Alternative Reimbursement Systems, where he says that the system that we use in Pennsylvania today does not comply: "This is to respond to your request"—it is a letter to Mr. Itkin—"regarding clarification of the Medicaid rules on certification of brand name drugs. Please be advised that the use of a dual line prescription form"—and that is what we have now in Pennsylvania—"does not meet the Federal Medicaid requirements set forth in 42 CFR 447.331(c)."

Mr. Speaker, what I have said to the House this afternoon and what I have quoted in part from the letter indicate that we are not in compliance and we are going to lose money, and not only are we going to lose Federal dollars and are we going to lose eligibility in the medicaid program, but we are going to jeopardize the PACE program in Pennsylvania because of the additional costs that we place there and the burdens that we can relieve.

Mr. Speaker, my letters to move this bill from the senior citizens and the Association of Retired Persons group did not occur yesterday and the day before. I have been receiving

letters that this bill move for some time and some number of months. The time to act is now. The bill is out of committee; the bill is on our calendar; the bill is on third reading. It was indicated originally that the bill would move today. I am not really surprising anybody. I did indicate yesterday when the Senate was not going to be in that we could wait to move the bill until we return, but the Senate is going to be in next week. They will be able to handle the bill.

I would ask that we vote the bill today and vote negative on the motion to table.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—72

Argall	Distler	Jackson	Pitts
Arty	Dorr	Jadlowiec	Punt
Barley	Durham	Johnson	Reber
Belardi	Fargo	Kennedy	Richardson
Birmelin	Farmer	Kenney	Robbins
Black	Flick	Langtry	Ryan
Book	Fox	Lashingier	Saurman
Bowser	Gannon	Leh	Schuler
Brandt	Geist	McClatchy	Semmel
Bunt	Gladeck	Manmiller	Serafini
Burd	Godshall	Miller	Smith, B.
Bush	Gruppo	Moehlmann	Snyder, D. W.
Carlson	Hayes	Mowery	Stairs
Cessar	Heckler	Nahill	Taylor, E. Z.
Chadwick	Herman	Noye	Taylor, J.
Cornell	Hershey	O'Brien	Wass
DeVerter	Hess	Perzel	Wogan
Dempsey	Honaman	Piccola	Wright, J. L.

NAYS—107

Acosta	Dietterick	Lloyd	Reinard
Angstadt	Dombrowski	Lucyk	Rieger
Battisto	Donatucci	McCall	Ritter
Belfanti	Duffy	McHale	Roebuck
Billow	Evans	McVerry	Rybak
Blaum	Fattah	Maiale	Saloom
Bowley	Fee	Maine	Scheetz
Boyes	Foster	Manderino	Showers
Broujos	Freeman	Markosek	Smith, S. H.
Burns	Gallen	Mayernik	Snyder, G.
Caltagirone	Gamble	Melio	Staback
Cappabianca	George	Merry	Steighner
Carn	Hagarty	Michlovic	Stuban
Cawley	Haluska	Micozzie	Taylor, F.
Civera	Hasay	Mrkonic	Telek
Clark	Hayden	Murphy	Tigue
Clymer	Howlett	O'Donnell	Trello
Cohen	Itkin	Olasz	Van Horne
Colafella	Jarolin	Oliver	Veon
Cole	Josephs	Petrarca	Wambach
Corrigan	Kasunic	Petrone	Wozniak
Cowell	Kosinski	Phillips	Wright, D. R.
Coy	LaGrotta	Pievsky	Wright, R. C.
DeLuca	Lescovitz	Pistella	Yandrisevits
DeWeese	Letterman	Pressmann	
Daley	Levdansky	Preston	Irvis,
Davies	Livengood	Raymond	Speaker
Dawida			

NOT VOTING—5

Gruitza	Kukovich	Linton	Wiggins
Hughes			

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

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

Mr. FOX. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, is consistent with the legislation. It has been discussed with Department of Welfare officials and the Secretary of Aging. It involves proper disclosure to physicians in the Commonwealth properly explaining that they still have the right to recommend either a generic or brand-name drug, whatever is in the best interest of their patient, and whether you are a legislator or a senior citizen, it seems to me, Mr. Speaker, that you would want the best medical attention that you could possibly get while still respecting the fact that there are not unlimited funds in this Commonwealth or this country.

I believe that the amendment as before you is consistent with the legislation, and I ask for an affirmative vote.

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

Mr. ITKIN. Mr. Speaker, Mr. Fox's amendment is agreed to. We support it.

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

Mr. RICHARDSON. No, Mr. Speaker. I would like to speak to—

The SPEAKER. Do you want to hold until final passage?

Mr. RICHARDSON. I will hold until final passage.

The SPEAKER. All right.

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

The following roll call was recorded:

YEAS—181

Acosta	Dietterick	Kukovich	Punt
Angstadt	Distler	LaGrotta	Raymond
Argall	Dombrowski	Langtry	Reber
Arty	Donatucci	Lashinger	Reinard
Barley	Dorr	Leh	Richardson
Battisto	Duffy	Lescovitz	Rieger
Belardi	Durham	Letterman	Ritter
Belfanti	Evans	Levdansky	Robbins
Billow	Fargo	Linton	Roebuck
Birmelin	Farmer	Livengood	Ryan
Black	Fattah	Lloyd	Rybak
Blaum	Fee	Lucyk	Saloom
Book	Flick	McCall	Saurman
Bowley	Foster	McClatchy	Scheetz
Bowser	Fox	McHale	Schuler
Boyes	Freeman	McVerry	Semmel
Brandt	Gallen	Maiale	Seraffini
Broujos	Gamble	Maine	Showers
Bunt	Gannon	Manderino	Smith, B.
Burd	Geist	Manmiller	Smith, S. H.

Burns	George	Markosek	Snyder, D. W.
Bush	Gladeck	Mayernik	Snyder, G.
Caltagirone	Godshall	Melio	Staback
Cappabianca	Gruppo	Merry	Stairs
Carlson	Hagarty	Michlovic	Steighner
Carn	Haluska	Micozzie	Stuban
Cawley	Hasay	Miller	Taylor, E. Z.
Cessar	Hayden	Moehlmann	Taylor, F.
Chadwick	Hayes	Mowery	Taylor, J.
Civera	Heckler	Murphy	Telek
Clark	Herman	Nahill	Tigue
Clymer	Hershey	Noye	Trello
Cohen	Hess	O'Brien	Van Horne
Colafella	Honaman	O'Donnell	Veon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Itkin	Perzel	Wogan
Cowell	Jackson	Petrarca	Wozniak
Coy	Jadlowiec	Petrone	Wright, D. R.
DeLuca	Jarolin	Phillips	Wright, J. L.
DeVerter	Johnson	Piccola	Wright, R. C.
DeWeese	Josephs	Pievsky	Yandrisevits
Daley	Kasunic	Pistella	
Davies	Kennedy	Pitts	Irvis,
Dawida	Kenney	Pressmann	Speaker
Dempsey	Kosinski	Preston	

NAYS—0

NOT VOTING—3

Gruitza	Mrkonic	Wiggins
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EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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?

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

Mr. Speaker, I tried to rise under tabling of this bill, because I felt that it was important to try to set the record straight.

Number one, as the chairman of the Health and Welfare Committee, I want to reiterate that this bill was not in fact in front of us, but a bill similar to this, HB 495, was. In fact, it was on the tabled calendar, was taken off the calendar today, is now on second reading, and would have been in place to be voted on when we came back from the recess break.

Originally, one of the members of our subcommittee, the chairman of that subcommittee, held a public hearing to try to vote HB 495 out, and under the rules of this House of Representatives under reasonable time, we were able to call up HB 495 yesterday and report that bill—

The SPEAKER. Mr. Richardson, we are on final passage. You are restricted to support or oppose final passage. You may not give us a history of some other bill which may or may not be before us. On final passage only.

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

Then in that regard, Mr. Speaker, I would indicate that this matter that is before us has had a very peculiar kind of circumstance surrounding it, and as a result of that, I would only indicate to the members that are in fact listening that I am only trying to protect the integrity of the committee process and the fact that the reason why it has—

The SPEAKER. Mr. Richardson, it is very noble of you to protect the committee system and sometime you may be in order. Right now you are out of order. Make the argument on the bill in front of us on final passage.

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. RICHARDSON. In that regard, Mr. Speaker, then let me say it this way: I would like to make a motion, Mr. Speaker.

The SPEAKER. What is the motion?

Mr. RICHARDSON. I would like to make a motion to place HB 2261 on the postponed calendar and would like to know whether or not that is debatable.

The SPEAKER. The motion is acceptable and has been accepted by the Chair, and it is debatable.

The gentleman, Mr. Richardson, has moved—and it is for the floor of the House to decide—that HB 2261, as amended by Mr. Fox, be placed on the final passage postponed calendar. That motion is debatable.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman from Philadelphia, Mr. Richardson, wish to be heard on the motion?

Mr. RICHARDSON. I would like to, Mr. Speaker.

I tried very hard to explain to this House of Representatives that the reason for the motion to place on the postponed calendar has something to do with the integrity of the committee process of our House of Representatives, and I in no way, shape, or form want to buck the leadership of this House or others who see this as a very important measure, but I see it as an important measure also.

I think the reasons stemming around this have indicated that there is a push and need to deal with this issue that is presently before us, and the senior citizens in this Commonwealth need to know that we are concerned with their interests and their welfare and that we are not playing games with them.

I asked whether or not there was a need to push this to the point that something was going to take place before the budget process was over and whether or not we want to be placed in the position of recognizing that what is in front of us is not going to change one way or the other in terms of this week or next week, but at least the bill that presently exists

that is similar should at least be considered since it did come through our Health and Welfare Committee. The subcommittee chair worked extremely hard on that, and as a result of that, that process did not go forward, but we attempted to do so under the rules of this House of Representatives.

The only thing I want to say, Mr. Speaker, is that I feel that there is no need to push this today and that the other measure that is presently before us is the measure that should be considered, because that is where it originally came from, and that the persons who are involved in this issue have debated this issue back and forth, and in fact, there have even been some meetings to even try to move to a compromise to deal with this particular issue.

Mr. GALLEN. Mr. Speaker?

Mr. RICHARDSON. For those reasons, Mr. Speaker, I would ask that—

The SPEAKER. Just a moment, Mr. Richardson.

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

Mr. GALLEN. I do not think the gentleman is talking to the subject, Mr. Speaker.

The SPEAKER. No, the Chair disagrees with you. I think the gentleman was out of order when he was making that argument on the prior subject matter. Now he is saying, we have a bill which I think is better, and if we postpone this one, then our bill can be brought up. That is not a specious argument, but it is at least an argument.

You may finish, Mr. Richardson.

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

For those reasons, Mr. Speaker, I ask that this bill be placed on the postponed calendar and that we consider the other matter that is presently already on second consideration and will be in proper order when we return from the recess.

The SPEAKER. Mr. Manderino, do you wish to debate the current motion to postpone?

Mr. MANDERINO. Mr. Speaker, yes.

For all of the reasons on the motion to table given, I would ask members to vote against the motion to postpone or to place on final passage postponed. Thank you, Mr. Speaker.

The SPEAKER. Those in favor of postponing will vote "aye"; those in favor of proceeding will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—48

Argall	Distler	Honaman	Oliver
Arty	Dorr	Kennedy	Pitts
Belardi	Durham	Kenney	Punt
Birmelin	Farmer	Langtry	Richardson
Book	Flick	Lashingier	Ryan
Bowser	Fox	Leh	Saurman
Bunt	Gannon	Miller	Semmel
Burd	Gladeck	Moehlmann	Serafini
Chadwick	Godshall	Mowery	Snyder, D. W.
Cornell	Heckler	Nahill	Stairs
DeVerter	Herman	Noye	Taylor, J.
Dempsey	Hershey	O'Brien	Wright, J. L.

NAYS—130

Acosta	Dawida	Levdansky	Reinard
Angstadt	Dietterick	Linton	Rieger
Barley	Dombrowski	Livengood	Ritter
Battisto	Donatucci	Lloyd	Robbins
Belfanti	Duffy	Lucyk	Roebuck
Billow	Fargo	McCall	Rybak
Black	Fattah	McClatchy	Saloom
Blaum	Fee	McHale	Scheetz
Bowley	Foster	McVerry	Schuler
Boyes	Freeman	Maiale	Showers
Brandt	Gallen	Maine	Smith, B.
Broujos	Gamble	Manderino	Smith, S. H.
Burns	George	Manmiller	Snyder, G.
Bush	Gruppo	Markosek	Staback
Caltagirone	Hagarty	Mayerzik	Steighner
Cappabianca	Haluska	Melio	Stuban
Carlson	Hasay	Merry	Taylor, E. Z.
Carn	Hayden	Michlovic	Taylor, F.
Cawley	Hayes	Micozzie	Telek
Cessar	Hess	Mrkonic	Tigue
Civera	Howlett	Murphy	Trello
Clark	Itkin	O'Donnell	Van Horne
Clymer	Jackson	Olasz	Veon
Cohen	Jadlowiec	Perzel	Wambach
Colafella	Jarolin	Petrarca	Wass
Cole	Johnson	Petrone	Wogan
Corrigan	Josephs	Phillips	Wozniak
Cowell	Kasunic	Piccola	Wright, D. R.
Coy	Kosinski	Pievsky	Wright, R. C.
DeLuca	Kukovich	Pistella	Yandrisevits
DeWeese	LaGrotta	Pressmann	
Daley	Lescovitz	Preston	Irvis,
Davies	Letterman	Raymond	Speaker

NOT VOTING—6

Evans	Gruitza	Reber	Wiggins
Geist	Hughes		

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianne	Weston
Freind	Morris		

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 York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I am a strong proponent of health-care cost containment. I do not think there is any doubt about that in this chamber, and I think that this chamber has responded admirably to the need for health-care cost containment. I am also a supporter of responsible use of generic drugs, Mr. Speaker, and I think that there are many members of this House who agree with me on both of those issues and yet have difficulty with regard to this bill.

When you strip this bill down to its bare necessities, this bill is an effort—an effort—to promote savings by either fooling our constituents' physicians or by assuming that they are too lazy and disinterested in the health of our constituents to write the prescriptions that they otherwise would.

Present law gives the prescribers—whether that is a doctor or a dentist or whomever it may be—gives them an easy way

to make a choice. I believe that most make that choice based on the health of their patients. What this bill does is to deliberately make it harder for that physician to choose brand-name prescriptions. Proponents say this is because they want to save money in the PACE and medicaid programs. If they believe that this bill will save money, they are assuming that the doctors consciously have been using the "do not substitute" line for reasons other than the health of their patients and that they will now fail to write in the necessary words on the prescription just because it is harder or it takes longer. I doubt that this will happen, Mr. Speaker. I think doctors make this decision based on the health of their patients, and I think they will continue to do that. If that is not the case, I would worry about the health of Pennsylvanians. I want doctors to choose generics when they believe they are safe and effective. I want them to choose brand names when they think they are not.

There are valid health reasons, there are valid health reasons why doctors might choose against a generic. First, the government's equivalency tests allow approximately a 20-percent variance from chemical equivalents. Second, different binders and fillers are used in each drug and may cause a risk of adverse consequences of varying degrees. Third, different absorption rates are permitted, leading to potentially different effects on the body and on the illness being treated. The doctor may believe that the consistency of drug packaging and presentation is important to the particular patient.

All of these, Mr. Speaker, are reasons why a doctor might choose to prescribe a brand-name drug. Just one bad result from the prescription or from the lack of prescription of a brand name and the use of a generic drug instead, just one bad result for any of those reasons resulting in a hospitalization will make up in costs for a lot of the projected savings under this legislation. Cost savings are therefore very, very illusory.

Cost-saving estimates presented by the proponents of this legislation are vastly overestimated. They appear to be based on the assumption that 85 percent of the prescriptions now written on the "do not substitute" line will henceforth, after this bill passes, be written so that generics must be prescribed. This is the figure used in literature distributed by Representative Itkin in today's mail and was a figure cited by Secretary Rhodes in committee. However, other mail received today from the advocates of this legislation cites the case of Georgia with figures dramatically under those above noted, and the study done there is based on data skewed to show a higher generic use.

Mr. Speaker, we should be promoting cost savings in the PACE program and in the medicaid program by strong anti-fraud enforcement. We should be finding out why the average PACE recipient in Pennsylvania receives more than 50 percent more prescriptions each year than a similar person receives in New Jersey. We should be promoting the use of generics with strong and effective education and marketing techniques. These are the ways to achieve the results desired by the proponents of this bill, and they would be achieved

without adopting legislation which, by its very nature, assumes and encourages less professional judgment in the system, substituting instead the medical opinion of the legislature and the executive branch of government for the health professionals of the Commonwealth.

Mr. Speaker, I ask the members to give serious thought not only to the pocketbooks of Pennsylvania senior citizens and all of our citizens of Pennsylvania but also to the health of those citizens. I recommend a negative vote, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I would like to have a brief opportunity to rebut the gentleman from York's remarks.

This issue is not an issue of safety. This issue is not an issue of health. This is an issue of dollars. This is an issue of who gets the dollars. Do the dollars go into the pockets of the drug manufacturers, or do they go into the pockets of the drug consumers of Pennsylvania? That is the issue.

We have had a generic law in Pennsylvania since 1976. And I ask the previous speaker, how many legal suits have happened, lawsuits have been filed, with respect to generic drugs? Twenty-seven States, twenty-seven States now have a one-line prescription program, which is what Pennsylvania wants to copy, become a one-line State.

The average cost of a brand-name drug filled under the PACE program is \$17.16. The average price of a generic is \$5.20. There can be \$1.44 million in the PACE program saved by increasing by 1 percent the generic substitution.

Now, Mr. Dorr would let you think that somehow if we are going to go to this generic substitution, we are going to risk the general public. First of all, the responsibility is borne by the physician. He elects to decide whether or not his patient shall have the generic or not have the generic. We want him to think about it before he just takes his pen and signs his name. That is all.

The FDA (Food and Drug Administration) has an orange book, and in that orange book, it puts in all its generically equivalent drugs that it believes are safe, and most States in this country accept verbatim what is in that orange book. Pennsylvania even goes a step further. We have our own formulary, which does not necessarily accept outright a generic drug. We then reconsider what is in the orange book and then adopt our formulary after the fact.

The Secretary of Health, who happens to be a very distinguished physician, has come out and said that generics are good and he supports them. The Secretary of the Department of Welfare says it is important because of the medicaid program, and we will save \$8 million this year. The Secretary of the Department of Aging needs this bill because of the pressures and stresses under the cost of the PACE program that is going to drive us to a consideration of raising that copay, and if this bill becomes the law, we will save some \$30 million annually because of it and the need for increasing the copay becomes less acute.

So in the final analysis, it is whether you want to encourage the physicians of Pennsylvania to think, not to use but to

think, about their patients in respect to issuing a generic drug and then just writing on that pad "brand necessary." That is all. We do not require a major effort on his part. All he has to write on that script is "brand necessary," and the brand will be issued. But we find out that in States that have this particular requirement, there are substantial savings. New York has already saved \$100 million; Massachusetts, \$55 million; and even a smaller State like Georgia, \$15 million.

We hope that we can provide for our constituents a cheaper way of procuring high-quality drugs in Pennsylvania. As all of us know, the costs of drugs are escalating, and this is one major step toward bringing those costs under containment. I urge my colleagues on the House floor today to support HB 2261. Thank you.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I simply rise to ask my colleagues to support HB 2261. The arguments that have been presented by the past speaker certainly indicate the need for this legislation. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak for two reasons. One is a piece of information that I received in the mail which indicated 1.7 million people of an organization are anxiously waiting for this. I just want to state that as a member of that organization, that number should be reduced by one at least, and that I am aware that no polling of that membership was ever made and yet we are expected to believe that the entire membership is in agreement with that letter. Also, that letter indicates that billions of dollars will be saved to our people. Let me say that the prescription drug program in this State runs about \$2 million, the PACE program, so it will take several years before that billions of dollars that is claimed as a savings will be realized.

Let me go one step further. I have in my hand a prescription form from my doctor. It is a two-line prescription form. At the bottom left-hand side, it says "do not substitute." At the bottom right-hand side, it says "substitutions permissible." All the doctor has to do is to write his name or initial either of those two. That is what it takes to prescribe or to allow the use of a generic under the present two-line system. What we are saying is that the doctor will now have to stop and think before he writes anything, that he is to write the words "do not substitute" in order that this will not happen that the generics are automatically substituted.

When the PACE program went in, I stood before this Assembly and requested that an educational program be instituted in our medical colleges and schools so that there would be a better understanding of gerontology, because there was no acknowledgment of the difference in the biochemical makeup of our senior citizens and prescriptions were written for a children's dosage. We are talking about a difference in makeup of the water chemistry of senior citizens, and we are

not making any recognition of that when we say that this 20-percent tolerance, which has been described in generics, is now going to be allowed for the majority or supposedly for the majority of the citizens who are going to be receiving this medication. We are saying that there are going to be billions of dollars saved because the doctor is now going to forget to make that difference in the statement, and so because of his negligence or because he forgets, more generics are going to be issued, more generics are going to be sold or permitted.

I think that the former speaker indicated that we are trying to take away the medical profession's right to determine which of these substances should be given to their patients. We are trying to say, doctor, unless you are very, very careful, then we are going to substitute something that you may not want. We are putting an additional onus on doctors who have waiting rooms full of patients—and if you have been in one of them, it is a long time between patients—and that doctor now is going to have to take additional time and work additionally in order to do this. It is my feeling that he still will do that, he or she, recognizing the need, but we as a General Assembly—and Mr. Itkin put it in great words—we are not talking about safety; we are talking about dollars. We are going to save money for the PACE program. A lot of people are then, however, going to be getting generics who really wanted to have brand-name drugs, if in fact the theory is right that this change in the form is going to make this great difference. So whatever the differential is, it will have to be multiplied by thousands upon thousands of negligent actions on the doctor's part in order to recognize these savings.

I think we make a statement in the wrong direction to our seniors when we say, we are going to let your medication up to chance, because in the past the doctor either had to sign to the left or to the right, and if he did not want substitutions, he had to sign to the left, which is the abnormal place to sign, because when we sign a letter, we sign at the bottom right-hand corner. So he has to stop and think of where he is going to put his name, and he has done that, but now we are going to make it more difficult for him to designate.

Mr. Speaker, I think that we have asked on two occasions to postpone action on this bill to look at it more carefully. Since that is not possible, I would ask that we would vote this bill down. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Mr. Speaker, very quickly.

There were a couple points made that I have to address.

First of all, we have to realize the kind of money we are saving, and I know Mr. Dorr mentioned these are only estimates, and that is true. They are projections that have been made, but projections have been made in other States. In New York, for example, they have projected a savings of about \$100 million. Well, that is not the case. After 7 months of the program, Governor Cuomo has announced that the State has saved \$95 million already in 7 months. In a State like Massachusetts, they have already saved \$55 million, and even in Georgia, which is a much smaller State, they have already

saved \$15 million. So we are going to save a lot of money, but there is more to this than that. We are not only going to save money, and not just for PACE and not just for medicaid, but the general consumers of this State are going to save more than the State or more than anybody else, probably in excess of \$50 million a year. Apart from that, we are also going to prevent the State from losing money, because if we do not do something to save funds, we are going to go over the Federal cap that has been placed on the States and then we are going to lose Federal dollars for these State programs.

I would also suggest there is another issue, and that is if seniors or anybody who is not covered by the PACE program or the medicaid program cannot afford a drug that is marked up 100 percent, they are not going to buy it; then they are going to end up in the hospital, and the State might end up spending even more money. There are all sorts of ways that we have not even calculated that we are going to save money.

I would also suggest that experts from the AARP and other groups have said that one of the primary causes of costly hospitalizations and overall morbidity of older people is the underuse of prescription drugs. If we do not do something to cut back on the cost, we are going to have more underuse of these drugs.

I would also suggest that someone who has a Ph.D. in gerontology like our Secretary of Aging, Linda Rhodes, would not be pushing for a program such as this if she did not think generics did an excellent job. She is more of an expert on this issue than anybody in this chamber.

I would also suggest, according to the testimony of the AARP only 7 days ago, that without switching to this one-line item in Representative Itkin's bill, according to the AARP testimony, 50 to 60 percent of the time doctors, by force of habit, do not prohibit substitution of the generic. According to other expert testimony of the AARP, 90 percent of the time, just with seniors, a generic drug is a substitution that is medically sound.

I think for all those reasons, I can see no other choice but to vote "yes" on HB 2261.

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

Mr. DORR. Mr. Speaker, I really admire my colleague and my classmate and friend, Ivan Itkin, because he remembered a lesson that we sometimes, unfortunately, have to learn around here, and that is that in order to get the attention of the House on a day like this, you have to shout.

Mr. Speaker, I am a supporter of generic drugs. I think they do a good job. But I want my doctor to tell me when it is appropriate to take a generic drug, and all of the Pennsylvanians who need prescriptions, I want their doctors to tell them when they do and when they do not need a generic drug, and I want them to make that decision advertently, not to just forget it and therefore let that senior citizen or that Pennsylvanian, whoever he or she may be, walk out into the pharmacy and receive something that the doctor really should have thought twice about.

Why have there not been any lawsuits? We have not permitted any lawsuits. Mr. Speaker, the Pennsylvania law says that you may not sue the doctor and you may not sue the pharmacist for the substitution of a generic drug. No wonder there have not been any lawsuits. That is another reason that we ought to be very, very careful, Mr. Speaker, about this kind of legislation, because our law says that substitution must be made if there is not direction otherwise. Many of the laws that are being cited do not say must be made; they say can be made. They are permissible States, not mandatory States.

Mr. Speaker, what I am concerned about is the health of those senior citizens who are being told by their organization, which stands to make millions and millions of dollars by the use of generic drugs because they are a large purveyor of drugs, that they ought to support this bill. I am concerned about their health as much as I am concerned, as I indicated before, about cost containment in this State. And I think we ought to be thinking twice, three times, and again about the passage of this kind of legislation in a State where we mandate substitution, we take the doctor and the pharmacist off the hook for liability, and then we say to the doctor, oh, it is okay if you just forget it; in fact, that is good for our PACE and our medicaid programs, so we are going to make it easier for you to just forget about the health of your senior citizens; and see that they get that way; we will see that they get generic drugs.

I support them, Mr. Speaker, where they are appropriate and where the doctor believes they ought to be given, but I think that decision has to be made advertently, and I do not think the legislature ought to be playing doctor like we are in this bill.

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

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Dorr, in his opposition to the bill before us, indicates that he is a supporter of generic drugs, that he believes that they are safe, but he wants the doctors of Pennsylvania to tell the patients when substitution can be made and when it cannot. That is all we are asking. We are saying to the users of prescription drugs that are medically necessary that we are not going to allow you to be charged on the average three times what it would cost you if it were a generic drug that you were taking instead of a brand name; we are not going to let you be charged three times over for that medically necessary drug or prescription unless the doctor will write those two words, "brand necessary," or "brand medically necessary." That is all we are asking. We are saying, if he does not write that across the face of the prescription, "brand medically necessary" or "brand necessary," in his handwriting, that you will not be charged for the higher cost of that brand name because it is not necessary. Now, that is reasonable. We are not trying to fool anybody. We are simply telling the doctor that if you really feel that the brand name is medically necessary, write it on that prescription, because your patient is going to pay on the average three times as much for that prescription and he ought to have the right to see that you think it is medically necessary in your own handwriting. It is as simple as that.

I think we ought to vote for this bill on final passage, 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—166

Acosta	Dempsey	LaGrotta	Punt
Angstadt	Dieterick	Langtry	Raymond
Argall	Distler	Lashingier	Reber
Barley	Dombrowski	Lescovitz	Reinard
Battisto	Donatucci	Letterman	Richardson
Belardi	Duffy	Levdansky	Rieger
Belfanti	Durham	Linton	Ritter
Billow	Evans	Livengood	Robbins
Black	Fargo	Lloyd	Roebuck
Blaum	Farmer	Lucyk	Rybak
Book	Fattah	McCall	Saloom
Bowley	Fee	McHale	Scheetz
Bowser	Foster	McVerry	Schuler
Boyes	Fox	Maiale	Semmel
Brandt	Freeman	Maine	Showers
Broujos	Gallen	Manderino	Smith, B.
Bunt	Gamble	Manmiller	Smith, S. H.
Burd	Gannon	Markosek	Snyder, D. W.
Burns	Geist	Mayernik	Snyder, G.
Bush	George	Melio	Staback
Caltagirone	Gruitza	Merry	Stairs
Cappabianca	Gruppo	Michlovic	Steighner
Carlson	Hagarty	Micozzie	Stuban
Carn	Haluska	Miller	Taylor, E. Z.
Cawley	Hasay	Moehlmann	Taylor, F.
Cessar	Hayden	Mowery	Taylor, J.
Civera	Hayes	Mrkonic	Telek
Clark	Herman	Murphy	Tigue
Clymer	Hershey	Nahill	Trello
Cohen	Hess	Noye	Van Horne
Colafella	Howlett	O'Donnell	Veon
Cole	Hughes	Olasz	Wambach
Cornell	Itkin	Oliver	Wass
Corrigan	Jackson	Perzel	Wogan
Cowell	Jadlowiec	Petrarca	Wozniak
Coy	Jarolin	Petrone	Wright, D. R.
DeLuca	Johnson	Phillips	Wright, J. L.
DeVerter	Josephs	Piccola	Wright, R. C.
DeWeese	Kasunic	Pievsky	Yandrisevits
Daley	Kennedy	Pistella	
Davies	Kosinski	Pressmann	Irvis,
Dawida	Kukovich	Preston	Speaker

NAYS—17

Arty	Gladeck	Kenney	Pitts
Birmelin	Godshall	Leh	Ryan
Chadwick	Heckler	McClatchy	Saurman
Dorr	Honaman	O'Brien	Serafini
Flick			

NOT VOTING—1

Wiggins

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

SB 803 RECONSIDERED

The SPEAKER. The Chair has before it a motion to reconsider the vote by which SB 803 was passed on this the 13th day of April 1988.

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

The following roll call was recorded:

YEAS—178

Acosta	Dempsey	Kenney	Punt
Angstadt	Dietterick	Kosinski	Reber
Argall	Distler	Kukovich	Reinard
Arty	Dombrowski	LaGrotta	Richardson
Barley	Donatucci	Langtry	Rieger
Battisto	Dorr	Lashingier	Ritter
Belardi	Duffy	Leh	Robbins
Belfanti	Durham	Lescovitz	Roebuck
Billow	Fargo	Letterman	Ryan
Birmelin	Farmer	Levdansky	Rybak
Black	Fattah	Linton	Saloom
Blaum	Fee	Livengood	Saurman
Book	Flick	Lloyd	Scheetz
Bowley	Foster	Lucyk	Schuler
Bowser	Fox	McCall	Semmel
Boyes	Freeman	McClatchy	Serafini
Brandt	Gallen	McHale	Showers
Broujos	Gamble	McVerry	Smith, B.
Bunt	Gannon	Maine	Smith, S. H.
Burd	Geist	Manderino	Snyder, D. W.
Burns	George	Manmiller	Snyder, G.
Bush	Gladeck	Markosek	Staback
Caltagirone	Godshall	Mayernik	Stairs
Cappabianca	Gruitza	Melio	Steighner
Carlson	Gruppo	Merry	Stuban
Carn	Hagarty	Michlovic	Taylor, E. Z.
Cawley	Haluska	Miller	Taylor, F.
Cessar	Hasay	Moehlmann	Taylor, J.
Chadwick	Hayden	Mowery	Telek
Civera	Hayes	Mrkonic	Tigue
Clark	Heckler	Murphy	Trello
Clymer	Herman	Nahill	Van Horne
Cohen	Hershey	Noye	Veon
Colafella	Hess	O'Brien	Wambach
Cole	Honaman	O'Donnell	Wass
Cornell	Howlett	Oliver	Wiggins
Corrigan	Hughes	Perzel	Wogan
Cowell	Itkin	Petrarca	Wozniak
Coy	Jackson	Petrone	Wright, D. R.
DeLuca	Jadlowiec	Phillips	Wright, J. L.
DeVerter	Jarolin	Piccola	Wright, R. C.
DeWeese	Johnson	Pievsky	Yandrisevits
Daley	Josephs	Pitts	
Davies	Kasunic	Pressmann	Irvis,
Dawida	Kennedy	Preston	Speaker

NAYS—0

NOT VOTING—6

Evans	Micozzie	Pistella	Raymond
Maiale	Olasz		

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

On the question recurring,
Shall the bill pass finally?

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

Mr. BROUJOS. Mr. Speaker, upon review of SB 803, when you read the language, lines 14 on, where it indicates that any practitioner or physician shall, prior to referral of a patient to any facility, disclose any financial interests, you may have these scenarios: Number one, a doctor may have a very small share of stock in Peoples or Rexall or some other drugstore or in any facility that provides any of those services. It could be an infinitesimal share and yet it could be a financial interest or a partial ownership, in a sense, as a shareholder in the facility such as a drugstore.

I think the practical application of this may be vague and relatively unenforceable. It may be difficult to determine when ownership in fact occurs or exists. Ownership is not defined. It does not say the amount of ownership.

I think that this bill is very defective, despite the commendable objective. It may well have occurred because some doctor consistently referred every day a patient to a rehabilitation center that he owned without telling the patient that he owned it, and there may be other abuses.

This only illustrates the principle that bad cases make bad law, and I personally will vote "no" on it, and I ask for a "no" vote on reconsideration.

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

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, I ask for a positive vote on this bill. This bill is to allow the consumer to know, when he is being informed to go from one medical facility to another, whether or not the person who is doing the referral has a financial interest in that medical facility. I think it is something the consumers should know about.

I ask for a positive vote. The hour is late.

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—182

Acosta	Distler	Kukovich	Punt
Angstadt	Dombrowski	LaGrotta	Raymond
Argall	Donatucci	Langtry	Reber
Arty	Dorr	Lashingier	Reinard
Barley	Duffy	Leh	Richardson
Battisto	Durham	Lescovitz	Rieger
Belardi	Evans	Letterman	Ritter
Belfanti	Fargo	Levdansky	Robbins
Billow	Farmer	Linton	Roebuck
Birmelin	Fattah	Livengood	Ryan
Black	Fee	Lloyd	Rybak
Blaum	Flick	Lucyk	Saloom
Book	Foster	McCall	Saurman
Bowley	Fox	McClatchy	Scheetz
Bowser	Freeman	McHale	Schuler
Boyes	Gallen	McVerry	Semmel
Brandt	Gamble	Maine	Serafini

Bunt	Gannon	Manderino	Showers
Burd	Geist	Manmiller	Smith, B.
Burns	George	Markosek	Smith, S. H.
Bush	Gladeck	Mayernik	Snyder, D. W.
Caltagirone	Godshall	Melio	Snyder, G.
Cappabianca	Gruitza	Merry	Staback
Carlson	Gruppo	Michlovic	Stairs
Carn	Hagarty	Micozzie	Steighner
Cawley	Haluska	Miller	Stuban
Cessar	Hasay	Moehlmann	Taylor, E. Z.
Chadwick	Hayden	Mowery	Taylor, F.
Civera	Hayes	Mrkonic	Taylor, J.
Clark	Heckler	Murphy	Telek
Clymer	Herman	Nahill	Tigue
Cohen	Hershey	Noye	Trello
Colafella	Hess	O'Brien	Van Horne
Cole	Honaman	O'Donnell	Veon
Cornell	Howlett	Olasz	Wambach
Corrigan	Hughes	Oliver	Wass
Cowell	Itkin	Perzel	Wiggins
Coy	Jackson	Petrarca	Wogan
DeLuca	Jadlowiec	Petrone	Wozniak
DeVerter	Jarolin	Phillips	Wright, D. R.
DeWeese	Johnson	Piccola	Wright, J. L.
Daley	Josephs	Pievsky	Wright, R. C.
Davies	Kasunic	Pistella	Yandrisevits
Dawida	Kennedy	Pitts	
Dempsey	Kenney	Pressmann	Irvis,
Dietterick	Kosinski	Preston	Speaker

NAYS—1

Broujos

NOT VOTING—1

Maiale

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Prior to going to the supplemental calendar, I advised the Speaker that I wanted to make inquiry with respect to SB 123 dealing with the repeal of the CAT Fund (Catastrophic Loss Trust Fund). A number of members from my side of the aisle and at least one from the other side of the aisle have inquired as to what is happening with respect to SB 123. SB 123, as you recall, is a bill that we sent back to the Senate earlier this week or last week—and, frankly, I do not remember just when it was—that repealed the CAT Fund and made certain other amendments.

It is my understanding that the bill was sent back from the Senate with the Senate's concurrence in repealing the CAT Fund, the Senate's concurrence in requiring that medical benefit coverage be available up to \$1 million, that the

seatbelt violations were concurred in, that the requirement that the Insurance Commissioner submit a report on unfunded liabilities was concurred in, that the amendment dealing with the extension of compulsory arbitration provisions to 2-A counties be concurred in, and that after that they nonconcurred in the insurance sticker provision, the industrywide pool for extraordinary medical benefit coverage, and did not concur in the cancellation and termination reports and the revocation of operating privileges. I have abbreviated the amendments that I understand the Senate concurred in and nonconcurred in.

I also have been advised by you, Mr. Speaker, that the report of the Senate has not been accepted by you as Speaker, so that this particular action by the Senate is effectively not before the House. I, frankly, am unable to explain that, and I would appreciate it if the Chair would explain to the members of the House how a communication from the Senate that includes both concurrence and nonconcurrence can be rejected by this chamber, assuming that it, of course, complies with our rules and their rules, and I guess that is the nature of the parliamentary inquiry I am making of the Speaker.

I did forewarn you that I was going to do this. I am not doing this out of the blue, for the benefit of the others. Thank you, Mr. Speaker.

The SPEAKER. In brief, the Senate sent to us an action which, in the opinion of the Chair, the House has no rule to handle. The Senate sent to us shreds of amendments which it approved of, shreds of amendments it did not approve of. The Chair would suggest that the Senate would have been better off and the House could have handled the question better if the House had insisted on its amendments and the Senate had rejected the amendments and then the committee of conference could have addressed the differences between the two Houses.

It was the opinion of the Chair, on looking at the message from the Senate, that the machinery of the House was incapable of handling the message as it was sent from the Senate. The Chair took the same position for the House that the Senate takes for the House messages sent over to the Senate. When we send to them a bill amended without being printed, the Senate rejects it and says it will not accept it. When the Senate sent to this House a partial rejection, a partial acceptance, the Speaker rejected it and said it had not been delivered.

Now, if the majority leader wishes to add to that, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, as I understand the action of the Senate regarding SB 123, we have seen in the past where the Senate has rejected amendments put in by the House in part. If we put amendments in that might have been seven in number, we have seen where they rejected items 1, 2, 3 that we put in and maybe accepted 4, 5, 6, 7. What we are seeing perhaps for the first time—at least in my memory I do not recall—is they are taking amendments 1, 2, 3 and saying, as to amendment 1, we accept this part of it but we do not

accept this part of it, and as to amendment 3, this part and that part. You can change the entire meaning of the amendment, the entire meaning of what was sent to them in doing this. What you are really doing is adding a different amendment completely, and they did not do it through the amendment process. They did it by some sort of a resolution that we have never seen before.

Mr. Speaker, I think the Speaker was right in rejecting what the Senate sent to us. I can conjure up so much mischief that can occur with this kind of a process, especially in the budget process. Can you imagine the budget process where you can pick and choose each separate line item, change a number, change a word, change a phrase but leave the rest of it alone. We will be here forever sending the bill back and forth and amending it, because certainly if they would begin doing it, we are going to do it, and I do not think this portends well for cooperation between the two bodies.

I think the Speaker was right in what he did, and I support the Speaker's action.

The SPEAKER. Now can we go to the Supplemental B House calendar?

**SUPPLEMENTAL CALENDAR B
BILL WITH HOUSE AMENDMENTS
NONCONCURRED IN BY THE SENATE**

The House proceeded to consideration of **SB 838, PN 1951**, entitled:

An Act providing for the reimbursement of the Department of Transportation by Executive authorization of the Governor for certain costs incurred in processing certain documents.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended so that the House may amend amendments nonconcurrent in by the Senate and amend the title of SB 838 and amend whatever body the bill retains.

The SPEAKER. This is on the motion to suspend the rules, not on the substance and the argument.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—183

Acosta	Distler	Kukovich	Preston
Angstadt	Dombrowski	LaGrotta	Punt
Argall	Donatucci	Langtry	Raymond
Arty	Dorr	Lashinger	Reber
Barley	Duffy	Leh	Reinard
Battisto	Durham	Lescovitz	Richardson
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdansky	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fattah	Livengood	Roebuck
Black	Fee	Lloyd	Ryan
Blaum	Flick	Lucyk	Rybak
Book	Foster	McCall	Saloom

Bowley	Fox	McClatchy	Saurman
Bowser	Freeman	McHale	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Gamble	Maiale	Semmel
Broujos	Gannon	Maine	Serafini
Bunt	Geist	Manderino	Showers
Burd	George	Manmiller	Smith, B.
Burns	Gladeck	Markosek	Smith, S. H.
Bush	Godshall	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Melio	Snyder, G.
Cappabianca	Gruppo	Merry	Staback
Carlson	Hagarty	Michlovic	Stairs
Carn	Haluska	Micozzie	Steighner
Cawley	Hasay	Miller	Stuban
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkonic	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tighe
Cohen	Hess	Noye	Trello
Colafella	Honaman	O'Brien	Van Horne
Cole	Howlett	O'Donnell	Veon
Cornell	Hughes	Olasz	Wambach
Corrigan	Itkin	Oliver	Wass
Cowell	Jackson	Perzel	Wogon
Coy	Jadlowiec	Petrarca	Wozniak
DeLuca	Jarolin	Petrone	Wright, D. R.
DeVerter	Johnson	Phillips	Wright, J. L.
DeWeese	Josephs	Piccola	Wright, R. C.
Daley	Kasunic	Pievsky	Yandrisevits
Davies	Kennedy	Pistella	
Dawida	Kenney	Pitts	Irvis,
Dempsey	Kosinski	Pressmann	Speaker
Dietterick			

NAYS—0

NOT VOTING—1

Wiggins

EXCUSED—14

Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

Mr. MANDERINO offered the following amendments No. A1817:

Amend Title, page 1, lines 4 through 6, by striking out all of said lines and inserting

Amending the act of July 3, 1987 (P.L.459, No.9A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987; to provide appropriations from the Lottery Fund, the Pennsylvania Economic Revitalization Fund and the Energy Conservation and Assistance Fund to the Executive Department; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987; itemizing appropriations required from the Motor License Fund for the fiscal year July 1, 1987, to June 30, 1988, for the proper operation of the several departments of

the Commonwealth authorized to spend Motor License Fund moneys; and to further provide from the General Fund for the expenses of the Executive Department and Judicial Department of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986," increasing certain appropriations relating to AIDS and energy conservation.

Amend Bill, page 2, lines 14 through 22, by striking out all of said lines and inserting

Section 1. As much of the Federal appropriation for AIDS in section 215 of the act of July 3, 1987 (P.L.459, No.9A), known as the General Appropriation Act of 1987, is amended to read:

Section 215. Department of Health.—The following amounts are appropriated to the Department of Health:

*** Federal State

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for AIDS training:

(1) AIDS training for personnel who work with AIDS patients.

[Federal appropriation..... 1,003,000]
Federal appropriation..... 2,403,000

Section 2. Section 502 of the act is amended to read:
Section 502. Department of Public Welfare.—The following amounts are appropriated to the Department of Public Welfare:

For supplemental assistance under the Energy Conservation and Assistance Act.

[State appropriation..... 31,874,000]
State appropriation..... 41,970,000

Section 3. This act shall take effect immediately.

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

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

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment I offer today is a deficiency amendment. On February 8, 1988, some months ago, the House passed a supplemental appropriation bill and sent it to the Senate in HB 1715. At that time many amendments were added on the floor of the House, but in substance, when the bill was released from the Appropriations Committee, it contained, among other things, two amendments to the budget that have now become critical.

LIHEAP (Low-Income Home Energy Assistance Program) energy assistance in the amount of \$10 million is needed by that program from Federal funds, and unless appropriated by this General Assembly, we are told that the program will close down in the next several days.

Mr. Speaker, there is also a Federal allocation to Pennsylvania of about \$1.4 million additional funds in the area of assistance for AIDS (acquired immune deficiency syndrome) education, prevention, and training. Mr. Speaker, my understanding is that these funds will be lost completely if not allo-

cated at this time by the General Assembly. We do not have the luxury of waiting on these two critical items or the Senate to act on HB 1715 that was sent over there in February.

I would have opted for a complete resolution of all the deficiency problems that last year's budget faces, but, Mr. Speaker, I think that we must take this action this afternoon on at least these two critical matters since we are unable to resolve all of the matters in deficiency at this time.

I ask for an affirmative vote on the amendment, and then I would ask that we pass the bill to the Senate so that these programs will not discontinue and the Federal funds will not be lost in the AIDS education, prevention, and training program.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I join with the majority leader in asking that this amendment be accepted and the bill as amended be passed back over to the Senate. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—183

Table with 4 columns of names: Acosta, Angstadt, Argall, Arty, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Black, Blaum, Book, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeVerter, DeWeese, Daley, Davies, Dawida, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Farmer, Fattah, Fee, Flick, Foster, Fox, Freeman, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Honaman, Howlett, Hughes, Itkin, Jackson, Jadlowiec, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kukovich, LaGrotta, Langtry, Lashinger, Leh, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Maiale, Maine, Manderino, Manmiller, Markosek, Mayernik, Melio, Merry, Michlovic, Micozzie, Miller, Moehlmann, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Preston, Punt, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robbins, Roebuck, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Showers, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stuban, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Tigue, Trello, Van Horne, Veon, Wambach, Wass, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis.

Dempsey	Kosinski	Pressmann	Speaker
Dietterick			
NAYS—0			
NOT VOTING—1			
Wiggins			
EXCUSED—14			
Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

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

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

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

YEAS—183

Acosta	Distler	Kukovich	Preston
Angstadt	Dombrowski	LaGrotta	Punt
Argall	Donatucci	Langtry	Raymond
Arty	Dorr	Lashingier	Reber
Barley	Duffy	Leh	Reinard
Battisto	Durham	Lescovitz	Richardson
Belardi	Evans	Letterman	Rieger
Belfanti	Fargo	Levdansky	Ritter
Billow	Farmer	Linton	Robbins
Birmelin	Fattah	Livengood	Roebuck
Black	Fee	Lloyd	Ryan
Blaum	Flick	Lucyk	Rybak
Book	Foster	McCall	Saloom
Bowley	Fox	McClatchy	Saurman
Bowser	Freeman	McHale	Scheetz
Boyes	Gallen	McVerry	Schuler
Brandt	Gamble	Maiale	Semmel
Broujos	Gannon	Maine	Serafini
Bunt	Geist	Manderino	Showers
Burd	George	Manmiller	Smith, B.
Burns	Gladeck	Markosek	Smith, S. H.
Bush	Godshall	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Melio	Snyder, G.
Cappabianca	Gruppo	Merry	Staback
Carlson	Hagarty	Michlovic	Stairs
Carn	Haluska	Micozzie	Steighner
Cawley	Hasay	Miller	Stuban
Cessar	Hayden	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkonic	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Cohen	Hess	Noye	Trello
Colafella	Honaman	O'Brien	Van Horne
Cole	Howlett	O'Donnell	Veon
Cornell	Hughes	Olasz	Wambach
Corrigan	Itkin	Oliver	Wass
Cowell	Jackson	Perzel	Wogan
Coy	Jadlowiec	Petrarca	Wozniak
DeLuca	Jarolin	Petrone	Wright, D. R.
DeVerter	Johnson	Phillips	Wright, J. L.
DeWeese	Josephs	Piccola	Wright, R. C.
Daley	Kasunic	Pievsky	Yandrisevits
Davies	Kennedy	Pistella	
Dawida	Kenney	Pitts	
Dempsey	Kosinski	Pressmann	Irvis,
Dietterick			Speaker

NAYS—0			
NOT VOTING—1			
Wiggins			
EXCUSED—14			
Bortner	Harper	Rudy	Sweet
Dininni	Hutchinson	Seventy	Vroon
Fischer	Kitchen	Sirianni	Weston
Freind	Morris		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed as amended.

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.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from York, Mr. Dorr, rise?

Mr. DORR. To correct the record, Mr. Speaker.

Mr. Speaker, I was recorded incorrectly on two votes today. I would like to be recorded in the affirmative on the Conference Committee Report on SB 426. And I was not recorded on HR 262. I would also like to be recorded in the affirmative on that vote.

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

Why does the gentleman from Philadelphia, Mr. Kenney, rise?

Mr. KENNEY. Mr. Speaker, I would like to correct the record.

I would like to correct the record in support of our senior citizens and consumers throughout the Commonwealth by having my vote recorded in the affirmative in support of HB 2261.

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

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

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

My vote on the Conference Committee Report on SB 426 was incorrect. I was recorded in the negative. I should have been recorded in the affirmative. Thank you.

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

BILL REREPORTED FROM COMMITTEE

SB 528, PN 1963 (Amended)

By Rep. GEORGE

An Act providing for planning for the processing and disposal of municipal waste; requiring counties to submit plans for municipal waste management systems within their boundaries; authorizing grants to counties and municipalities for planning, resource recovery and recycling; imposing and collecting fees; establishing certain rights for host municipalities; requiring municipalities to

implement recycling programs; requiring Commonwealth agencies to procure recycled materials; imposing duties; granting powers to counties and municipalities; authorizing the Environmental Quality Board to adopt regulations; authorizing the Department of Environmental Resources to implement this act; providing remedies; prescribing penalties; establishing a fund; and making repeals.

CONSERVATION.

BILLS SIGNED BY SPEAKER

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

HB 1071, PN 3019

An Act imposing powers and duties on the Pennsylvania Historical and Museum Commission with respect to the observance of naval and maritime history celebrations; establishing an official arboretum of Pennsylvania; establishing an official flagship for the Commonwealth; and providing for interagency cooperation.

SB 903, PN 1936

An Act authorizing and directing the Department of General Services, with the approval of the Department of Transportation and the Governor, to sell and convey a tract of land situate in Fairview Township, York County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to release from certain reverter limitation a tract of land situate in Westtown Township, Chester County, in return for the imposition of similar reverter limitations on lands purchased by Westtown Township.

BILLS AND RESOLUTION PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's regular session of the House, the Chair recognizes the lady from Crawford, Ms. Maine.

Ms. MAINE. Mr. Speaker, I move that this House do now adjourn until Monday, May 2, 1988, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:37 p.m., e.d.t., the House adjourned.