

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 19, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 81

HOUSE OF REPRESENTATIVES

The House convened at 11:10 a.m., e.s.t.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, though we do not say it often enough, we are very grateful for Your choosing us to be *members of this distinguished legislature*. We are one of a very select number. Out of the millions of citizens of this great Commonwealth, You chose us to represent Your people. And ours is the privilege of serving the best people of this Nation; yea, the world.

Lord, it is easy to be arrogant and to somehow believe that we were selected on our own merit, but we know better. It was You; not us. It was Your providence; not our ability. It was Your graciousness; not our importance.

Lord, when we become insulated and arrogant, teach us *true humility* that we might better represent Your people.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, November 18, 1991, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2196 By Representatives HAYDEN, DeWEESE, BOWLEY, EVANS and DONATUCCI

An Act amending the act of January 8, 1960 (1959 P. L. 2119, No. 787), known as the "Air Pollution Control Act," adding and amending certain definitions; further providing for the powers and duties of the Department of Environmental Resources, the

Environmental Quality Board and the Environmental Hearing Board; further providing for plans and permits; providing for certain fees and civil penalties, for acid control and for hazardous air pollutants; further providing for certain procedures; providing for compliance; establishing the Compliance Advisory Panel and providing for its powers and duties; further providing for enforcement, for criminal and civil penalties and for the abatement and restraint of violations; and making editorial changes.

Referred to Committee on CONSERVATION, November 19, 1991.

No. 2200 By Representatives LLOYD, FARGO, ANGSTADT, ARMSTRONG, MARKOSEK, PETRARCA, TIGUE, STEIGHNER, HERMAN, SALOOM, FAIRCHILD, STABACK, HASAY, VEON, BIRMELIN, NICKOL, LAUGHLIN, LEE, BILLOW, GEIST, WOZNIAK, ITKIN, HARLEY, FLEAGLE, B. SMITH, S. H. SMITH, E. Z. TAYLOR, JOSEPHS, FAJT, VROON, NOYE, BELARDI, LEH, TRELLO, MELIO and THOMAS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for issuance and content of driver's license.

Referred to Committee on TRANSPORTATION, November 19, 1991.

No. 2201 By Representatives LLOYD, PISTELLA, DeWEESE, BILLOW, TRICH, HALUSKA, PETRARCA, MELIO, GERLACH, DERMODY, DeLUCA, LAUGHLIN, BATTISTO, STABACK, JOSEPHS, MAIALE, HARPER, SCRIMENTI, TIGUE, COLAIZZO, TRELLO, VEON, JAMES, BELARDI, KING, CAPPABIANCA and COLAFELLA

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," further defining "health care facility"; and adding a definition for cancer treatment center.

Referred to Committee on HEALTH AND WELFARE, November 19, 1991.

No. 2202 By Representatives TRICH, MIHALICH, FREEMAN, COLAIZZO, BILLOW, SCRIMENTI, SALOOM, DALEY, BLAUM, KUKOVICH, STABACK, ROBINSON,

MELIO, FAJT, VEON, CARONE,
DERMODY, STEIGHNER and KOSINSKI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further regulating utility rates.

Referred to Committee on CONSUMER AFFAIRS, November 19, 1991.

No. 2203 By Representatives FAIRCHILD, PHILLIPS, DEMPSEY, BUSH, GERLACH, SERAFINI, TIGUE, NICKOL, S. H. SMITH, SCHEETZ, McHALE, MELIO, FOX, ARMSTRONG, TOMLINSON, HARLEY and CLARK

An Act amending the act of September 30, 1961 (P. L. 1778, No. 712), known as the "Lobbying Registration and Regulation Act," further providing for penalties; and making an editorial change.

Referred to Committee on STATE GOVERNMENT, November 19, 1991.

No. 2204 By Representatives SCHEETZ, FAIRCHILD, HERSHEY, SCHULER, VROON, JOHNSON, COLAIZZO, TIGUE, BARLEY, ARMSTRONG, FARGO, NOYE, HAGARTY, SEMMEL, STURLA and TRELLO

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," further providing for prohibited policy provisions; and providing for deductibles.

Referred to Committee on INSURANCE, November 19, 1991.

No. 2205 By Representatives STISH, JAROLIN, STUBAN and ROBINSON

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), known as the "Mental Health and Mental Retardation Act of 1966," further providing for the duties of the county mental health and mental retardation administrator.

Referred to Committee on HEALTH AND WELFARE, November 19, 1991.

No. 2206 By Representative HERMAN

An Act establishing certain criteria for funding of State-related universities.

Referred to Committee on APPROPRIATIONS, November 19, 1991.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 223
(Concurrent) By Representatives SAURMAN, JOHNSON and BUNT

A Concurrent Resolution directing the Joint State Government Commission to study the feasibility of mandating the voting privilege.

Referred to Committee on RULES, November 19, 1991.

BILLS REMOVED FROM TABLE

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

- HB 1243;
- HB 1538; and
- HB 2029.

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

ACTUARIAL NOTES

The SPEAKER. The Chair acknowledges receipt of four actuarial notes on HB 994, HB 1366, HB 1148, and HB 1697, which will be submitted for the record.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Itkin for leaves of absence.

Mr. ITKIN. Mr. Speaker, I have no requests for leaves at the current time.

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. I request a leave for the lady from Delaware County, Mrs. DURHAM, for the week.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Acosta	Fairchild	Laughlin	Rudy
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Stuban

Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	Wright, R. C.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Evans	Langtry	Roebuck	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Anderson Durham

SENATE MESSAGE

**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate
November 18, 1991

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 25, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 25, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 624, PN 689**, entitled:

An Act providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold or priced by weight; providing for certain powers and duties of the Department of Agriculture; imposing penalties; 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. DeWEESE. Mr. Speaker, I move that HB 624 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 1781, PN 2723**, entitled:

An Act providing for the protection of agriculture and horticulture from plant pests, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or their products; revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; establishing and funding special testing and certification procedures and programs; providing penalties; and making a repeal.

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

BILL RECOMMENDED

The **SPEAKER**. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1781 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 2002, PN 2493**, entitled:

An Act amending the act of December 1, 1965 (P. L. 988, No. 368), known as the "Weights and Measures Act of 1965," further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, testing and for the sale and packaging of certain commodities.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2002 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **SB 2, PN 1668**, entitled:

An Act providing for the issuance and sale of certain bonds; and further providing for duties of the Pennsylvania Higher Education Assistance Agency.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 2 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 1129, PN 2724**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for increased penalties for shooting at, causing injury to or killing another person.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1129 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **SB 819, PN 871**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 819 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **SB 748, PN 1379**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 748 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 127, PN 124**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring reports relating to burn injuries.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 127 be recommitted to the Appropriations Committee.

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

* * *

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

SB 969, PN 1670; HB 1338, PN 2729; and HB 1608, PN 1890.

* * *

The House proceeded to second consideration of **SB 306**, **PN 316**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 306 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **SB 465**, **PN 1402**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of juvenile matters, for informal hearings and for disposition of dependent children.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 465 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 597**, **PN 2725**, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), referred to as the "Forest Reserves Municipal Financial Relief Law," increasing the amount paid by the Commonwealth.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 597 be recommitted to the Appropriations Committee.

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

Motion was agreed to.

* * *

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

HB 595, **PN 661**.

* * *

The House proceeded to second consideration of **HB 600**, **PN 2726**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," further providing for the payment of workmen's compensation premiums.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 600 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 601**, **PN 667**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for personal income valuation for taxing; and imposing duties on the Department of Revenue.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 601 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 604**, **PN 670**, entitled:

An Act amending the act of December 20, 1967 (P. L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967," further providing for enforcement of laborer's claims and for financial security of contractors and bidders.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 604 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

HB 602, PN 668; HB 923, PN 2727; and HB 1997, PN 2481.

* * *

The House proceeded to second consideration of **SB 1173, PN 1605**, entitled:

An Act designating the bridge on which Central Avenue crosses over the Tookany Creek in Cheltenham Township, Montgomery County, as the Edward F. Drach Bridge.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that SB 1173 be recommitted to the Appropriations Committee.

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 **HB 79, PN 1696**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding a definition of "newborn child"; further providing for procedures and other matters relating to adoptions; and providing for certain investigations and reports.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask if I could interrogate the sponsor of the bill, please.

The SPEAKER. The lady, Mrs. Hagarty, indicates she is willing to be interrogated. The gentleman may proceed.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to preface my questions saying that I cannot really say I am opposed to this bill, but there are a number of questions which have come up which I cannot answer. For instance, in the bill we require the courts to prepare a list of qualified counselors and we are going to do this with a \$75 fee. What cost, if any, will the counties incur?

Mrs. HAGARTY. Mr. Speaker, counseling lists are now supposed to be provided by each county to the hospital so that it can be made available to the woman who intends to place her child for adoption.

Mr. TIGUE. Okay.

Mrs. HAGARTY. Let me add to that, though, something to make it even simpler. Generally, the counties use county agencies which are designated anyway, really, to deal with the whole host of adoption issues that arise.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, in the bill there is a \$75 filing fee related to the fund. How is that supposed to be used and where in the bill does it say what the counseling is supposed to do?

Mrs. HAGARTY. The counseling fund provision is on pages 8 and 9 of the bill. The— One minute.

Mr. Speaker, the intention of counseling— And I will have to see whether it is spelled out in the bill. It seems clear to me and to everyone involved in adoptions that the purpose of counseling is the counseling of the natural mother and perhaps the natural father in assisting them with any questions which they may have as to whether or not they wish to place the baby for adoption.

Mr. TIGUE. Okay, Mr. Speaker.

Another question that has arisen has to do with the retaining of the parental rights by the biological parents. How does this change what current law is?

Mrs. HAGARTY. Mr. Speaker, current law allows for the termination of parental rights to occur in two ways, either voluntarily or involuntarily. This section makes very few changes to the termination of parental rights. It does provide, though, three new grounds to involuntarily terminate. It provides that where the baby is conceived as a result of rape, where the baby is conceived as a result of incest, that the putative father's rights may be terminated. It also adds a new definition to the adoption code of a newborn baby in recognition of the particular importance that newborn babies bond with their permanent family as soon as possible. And it provides that in the case of a newborn baby—who is defined as a baby younger than 6 months at the time of the filing of the petition—that where there is a putative father who has not attempted to contact the baby, has not provided support, does not reside with the mother, has not married the mother, and other enumerated criteria, that instead of waiting the 6 months—which is now the period for abandonment under the involuntary termination grounds—that that putative father's rights could be terminated at 4 months only in those instances where the court is clear that this is not a father who intends to parent the child, the purpose being that that young baby could be freed for adoption hopefully at some time shortly after 4 months

instead of lingering in foster care for an uninterested parent to simply have to go through it an additional 2 months.

They are the new grounds that this bill adds for termination of parental rights.

Mr. TIGUE. One last question which will be somewhat of a general question. What cost increase would counties, and more specifically children and youth agencies, incur as a result of this bill?

Mrs. HAGARTY. They will incur no additional costs.

This bill is an effort to make private adoptions, and the bulk of this bill is geared to correct abuses that now occur in private adoptions, and in the correcting of those abuses we require intermediaries to file more specific reports; we require the preplacement investigation to be done at an earlier time. We do a number of things to better insure a safer home for a baby in a private adoption.

It really will have no impact on the county, because there is no agency adoption now, I believe, in which counseling does not occur. The only section of potential cost in here is the counseling, and the only time that counseling does not occur now, at least in my experience in working with all of our adoption agencies in the Commonwealth, is that in private instances where the goal is to rush a baby, via a lawyer or a doctor, to a new home, there is a hesitancy to counsel the mother because she might change her mind.

So all we are doing in this bill is setting up a \$75 fee to insure that the court has a way to provide for counseling in that private adoption situation where he has concerns that the mother has not received counseling.

Mr. TIGUE. Mr. Speaker, in section 2530 of the bill, you mention the preplacement report as well as the home study, and based on your previous answer, are you saying that the counties will be required to do this but there will be no cost?

Mrs. HAGARTY. They are now required to perform a home study. The change that this makes is, currently, Mr. Speaker, when a baby is— What very frequently happens in a private adoption is the baby leaves the hospital with the potentially adoptive parent. They do that without the home having been reviewed by the county agency. Instead of creating a potential as occurred in a horrendous New York case where an attorney took a baby home and abused the baby for a period of time before that child was placed in a home, this will simply provide that the home study must be done in advance of the baby being in that home unless there is a situation where it cannot be done, and then if certain criteria are met, the baby can be placed on an interim basis. But I do not believe that the county should incur additional costs by doing the same thing that they are doing now simply at an earlier time.

Mr. TIGUE. Okay. Thank you, Mr. Speaker.

MOTION TO TABLE

Mr. TIGUE. Mr. Speaker, based on the questions that have arisen and some of which the sponsor answered to my satisfaction, there still remain a number of questions which I

think, at least in my mind, have not been properly addressed by me, and not that it has not been answered; I just have too many questions.

Therefore, I would ask that we table the bill until we can get some questions answered, Mr. Speaker.

The SPEAKER. The gentleman is in order.

The gentleman, Mr. Tigie, has moved to table HB 79.

Mr. TIGUE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. This is not a debatable motion.

MOTION WITHDRAWN

Mr. TIGUE. Okay. Then I would like to withdraw the motion.

The SPEAKER. The gentleman is in order. The motion is withdrawn.

FILMING PERMISSION

The SPEAKER. The Chair gives permission to Tom Herdman of the House Democratic Broadcast Services for 10 minutes of footage on the House floor.

CONSIDERATION OF HB 79 CONTINUED

The SPEAKER. The Chair recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

May I interrogate the maker of the bill, Mr. Speaker?

Mrs. HAGARTY. Yes.

The SPEAKER. The lady is in order. The lady indicates she is willing to be interrogated. The lady may proceed.

Ms. JOSEPHS. Thank you.

Before I start this interrogation, I would like to say something about the fact that few people are listening to what is happening on the floor today. I think that most of you do not realize that this bill has the potential of getting us in the same kind of trouble—and I think I will bring this out in my questioning—as our tax bill did that we passed in the summer.

If you will recall, we were not altogether aware of what was in the tax bill, as it turned out, when it passed. We did not know the implications of that bill thoroughly, and we did not know what the Department of Revenue was going to do when it interpreted that tax bill.

I think that my colleague, Mr. Tigie, and I have brought—and I will—have brought out some very hidden and important fiscal questions that your counties are going to be concerned about and that you are going to be sorry you did not hear if you do not hear them when we come to the vote. So I will ask the Speaker, Mr. Speaker, if we can have some order during this interrogation so that all of the members may become aware of how important this is and what the implications for their counties might be.

Mr. Speaker, may I ask for some order? Mr. Speaker, I would like to ask for some order, please.

The SPEAKER. The members and staff are urged to clear the aisles. Please return to your seats.

The lady may proceed.

Ms. JOSEPHS. Thank you.

Mr. Speaker, on page 7 of your bill, in section 2505, the courts are required to prepare a list of qualified counselors and counseling services to counsel parents contemplating relinquishment and then to make such lists available upon request to agencies and intermediaries in hospitals. Are you aware of how the courts are implementing this section presently?

Mrs. HAGARTY. No, I am not aware. I have worked for 2 years on this legislation, though, and have had input from, I believe, every adoption agency in the Commonwealth as well as many of the county agencies. I have heard of no problems with preparing this list and providing it to the hospitals.

The only concern I have heard is the concern that in private adoptions, there is often not counseling, and therefore, the baby ends up being transported from one home to another. It is current law now that this list must be prepared, that it must go to the hospital. I have not had a single county or agency objection to this law.

Ms. JOSEPHS. So far as I know, the counties have not been asked to testify on this bill, and my information tells me, Mr. Speaker, that in both Allegheny and Philadelphia Counties, the courts do not provide such a list. They seem to feel they are not in a position of determining who should be qualified, and they look towards the Department of Public Welfare or the Department of Health.

Mrs. HAGARTY. Is this a question, Mr. Speaker, or a statement?

Ms. JOSEPHS. I will ask you a question.

Mrs. HAGARTY. Thank you.

Ms. JOSEPHS. Are you aware of how hospitals are handling the counseling under section 2505(a) of the current law? Are these lists of counselors and agencies being distributed? Have you asked anyone how it is working?

Mrs. HAGARTY. Mr. Speaker, I have not specifically asked the question. Let me explain that this bill was not an attempt to revisit problems that do not exist with current law. If we wanted to correct or look into every issue in law in which there is no problem, it would be an unusual undertaking.

This bill is an effort to correct problems that were identified in the adoption process. It is certainly not an effort to correct problems which do not exist.

Secondly, let me suggest to you that to suggest that no counties have testified, this bill has been through the Judiciary Committee twice and was subject to a full public hearing. It was introduced last session and again this session. It has been widely disseminated with an opportunity for all to make their views known. I have had significant input throughout this Commonwealth, the result of which was many amendments which are now incorporated in a product which I believe that everyone involved in the adoption process believes will make it a better process for children and puts children first.

Ms. JOSEPHS. Thank you.

Where in the bill does it say how the \$75 filing fee, which is related to the counseling fund, is supposed to be used?

I am looking for something that gives us a mechanism that the counties can understand which gets that \$75 from the court when it is paid, in addition to other filing fees by adoptive parents, to the counties so that they can hold it in some way and pay it to counselors.

Mrs. HAGARTY. The entire section, Mr. Speaker, deals with the topic of counseling. The bill specifically provides for the filing fee to be paid into a segregated fund established by the county, and it is clear that it is to be used for the purpose of counseling. It says "All costs of counseling provided pursuant to subsection (c) or (d)..." and goes on to speak about counseling.

It is clear that it is segregated money, it is clear that it is for counseling, and it is clear that application can be made for this. And further, the bill specifies that the court may upon its interrogation determine, if a woman has not had counseling, to order counseling.

Ms. JOSEPHS. Where in the bill, Mr. Speaker, does it say what the county is to do if the fee is more than \$75?

Mrs. HAGARTY. The county does not need to do anything. This is not earmarked for a specific case. This is paid into a fund so in the instance where it is needed, it will be available. There is no provision and there may not be anything charged greater than \$75. In fact, it may be less if it is a special needs adoption or if the individual who is receiving the adopted baby indicates financial hardship.

Ms. JOSEPHS. I think I perhaps did not ask you my question as artfully as I might have. What I meant was, what if the aggregate amount of counseling all of those who need it is larger than the aggregate amount in any one county that that county has collected through the \$75 fees? What is the county to do? Is there a cap on this fund?

Mrs. HAGARTY. We will revisit the issue. But let me tell you that I think it is unlikely that this money will even be used.

The reason I suggest that it is unlikely is let me explain the typical case where counseling does not occur. Let us keep in mind that in all agency adoptions, which are the vast bulk of adoptions in this Commonwealth, counseling occurs. It is the private adoption. Typically what happens in those instances is the doctor refers the case to an attorney. The attorney is going to make a fee on being the intermediary in the adoption case and put together the adoptive parent with the natural mother. It is in that instance in which the natural mother very rarely gets counseling, because it is in the interest of the attorney to close the deal. Those cases are not hardship cases. I suggest that what will happen is that attorney is not going to take that case into court without counseling. So what is going to happen, typically, is the mother is going to receive counseling. Therefore, if anything, I think this fund is going to be underutilized, not overutilized.

More importantly, Mr. Speaker, let me suggest to you that to be quibbling over counseling seems to me to be a misdirection of what is important in this bill, and what is important is that when a baby is placed in a home with a family, that they stay there, because when mothers do not have counseling, what happens—

Ms. JOSEPHS. Excuse me, Mr. Speaker. Are you answering a question?

Mrs. HAGARTY. Yes.

What happens now when mothers do not receive counseling is sometimes a year later we go through the terrible scenario of a child who is loved and the child who has grown to love that family ends up having to be ordered by the court back to the natural parent because she changes her mind.

Ms. JOSEPHS. Mr. Speaker, if it is true, as you say, that this \$75 will only go to counseling for private adoptions, how can we justify collecting that from every person who files a fee and why is it needed?

Mrs. HAGARTY. *It is needed because we cannot come up with a mechanism since the court struck down several years ago a provision which allowed the adoptive parent, in this specific instance, to pay for counseling in their particular adoption.*

If you can come up with a better way, I welcome it. We have had 2 years on the Judiciary Committee to consider how we can insure that these babies do not go from one home to another, and counseling is that way. If there is another suggestion as to how to provide counseling and to provide a fee for that, I am open and welcome to hear it and have been.

Ms. JOSEPHS. Mr. Speaker, does the bill require that a list of counselors and agencies be given to a maternity patient *when she is in the hospital to deliver?*

Mrs. HAGARTY. No. It requires, as I recollect the law—and that is current law—that only when the hospital is aware that the woman is going to place the baby for adoption. That is current law.

Ms. JOSEPHS. That is not what it says, but I will bring that up when we get to my statement. I am going to proceed asking you questions based on the fact that that is not what it says.

Do you believe this is an appropriate time, when the woman is in the hospital to deliver, to approach her with this kind of information?

Mrs. HAGARTY. Frankly, I would love it if there were a prior time, but in private adoptions, we do not have an opportunity because there is no way of knowing prior to that. An adoption agency surely counsels much earlier. No, it is the last possible time, and the last possible time is better than no time.

Ms. JOSEPHS. In point of fact, Mr. Speaker, your bill says that a hospital or facility providing maternity care must provide a list of counselors and counseling services to its maternity patients known to be considering relinquishment or termination of parental rights. How would the hospital know if the woman is considering giving up her right unless the hospital asks each patient, and which patients are to be asked?

Mrs. HAGARTY. That does not occur. What occurs in a hospital is, normally, in a private adoption, the baby is not seen even by the mother, and so when the baby is going to be leaving and the adoptive couple is going to arrive to receive the baby, of course the mother tells the hospital, because she is not going to be taking the baby home. That is the way this works in private adoptions, and we are talking about private

adoptions. Obviously, if you are not going to take your baby home with you, you have to tell the hospital who is taking the baby home, and they know therefore that she is considering relinquishment. There certainly is not a need to ask a mother that.

Ms. JOSEPHS. Unfortunately, your bill does not say when the mother has notified the hospital that she is not taking the baby home. The bill says when she is considering giving up her baby, and that is not my language, Mr. Speaker; that is yours.

The SPEAKER. Will the lady suspend.

There is some danger that the exchange will fall into the nature of debate and away from interrogation. The lady is urged to confine her remarks to interrogation.

Ms. JOSEPHS. I apologize.

Can you tell me what the cost of a home study is?

Mrs. HAGARTY. No, I cannot. The county agency does those in the course of being the designated agency for the county, and I would doubt that anyone specifically breaks it down. It is a normal function of the county children and youth agency to provide home studies.

Ms. JOSEPHS. Who pays for them now?

Mrs. HAGARTY. It is my understanding that it is simply a function of county government. This provides no greater burden than now occurs, where a home study is done in every case.

Ms. JOSEPHS. I would like you to look at page 12 of your bill, line 26. The language reads, "The...home study shall be conducted by a local public child-care agency, an adoption agency or a licensed social worker designated by the court to perform such...study." I draw your attention to the word "shall." If we are to assume that a public child-care agency is a county agency, are we not indeed changing current law and putting on the counties obligations that they perhaps do not have now?

Mrs. HAGARTY. Mr. Speaker, as I understand current law, the home study must be performed to the satisfaction of the court. I do not know whether every single county uses its own county agency or not. There is no child, unless it is a relative adoption, in the Commonwealth now—and God forbid there ever would be—who is placed in a home for adoption without a home study being done.

Ms. JOSEPHS. On line 26, the same page, page 12, the bill says licensed social workers are listed as eligible to do home studies. Does our State regulate such individuals with respect to their being able to do home studies? Does DPW regulate them? Does the board of social workers? Are they qualified to do these?

Mrs. HAGARTY. *This would be up to the court, and clearly, if the court were to designate a licensed social work agency, it would have to comply with DPW standards.*

The SPEAKER. Will the lady, Ms. Josephs, indicate to the Chair approximately how much more time may be involved in the interrogation.

Ms. JOSEPHS. I am bringing it to a close. I am sorry that I have—I am not sorry, actually, that I have taken this time, because I think it is very important.

The SPEAKER. So there is no misunderstanding, I am not attempting to cut off debate; I am just trying to attempt to schedule. This was somewhat anticipated, and I was just looking for an indication, not attempting to curtail debate in any way.

Ms. JOSEPHS. I want to end this with a number of questions on the grounds for involuntary termination. I have been raising these problems and I want to put it in the form of questions because I am concerned about parents' rights to their biological children.

Page 10, line 15, section 2511, subsection (6). Mr. Speaker, it seems to me we could have a hypothetical where a newborn child was born. The father may or may not know of the pregnancy. The father does not reside with the child because the mother does not wish that or the father is not available to be free in choosing his place of residence. He has not married the child's other parent because the child's other parent does not wish that. He has failed for a period of 4 months immediately preceding the filing of the petition to maintain substantial and continuing contact with the child, perhaps because he does not know there is a child or perhaps because the other parent does not allow him to do it or perhaps because he is in jail or in the military, and he has not managed to support that child within the 4 months preceding the filing of the petition because he does not have the money, because the other parent will not take the money, because he is in jail, because he is in the military.

Do you not think it is unfair to deprive that father of rights to his natural child?

Mrs. HAGARTY. Mr. Speaker, that father would not, under any circumstances, be deprived of rights to his natural child. This section makes it clear, number one, that the father must know or have reason to know of the birth of the child. Secondly, case law is abundantly clear that incarceration or other obstacles to parenting a child are clearly not grounds for termination. There are no circumstances as Ms. Josephs has described that would result in a termination of parental rights under this section.

Ms. JOSEPHS. I think I am down to my last question, Mr. Speaker.

On page 11, line 2, I would like to know the reason for directing the court not to consider any efforts by the parent to remedy the conditions described therein, which are those conditions which would terminate parental rights, which were first initiated subsequent to the giving of notice of the filing of the petition.

Mrs. HAGARTY. Mr. Speaker, the reason for this section is our Superior Court, in a decision which I thought was tremendously detrimental to children, decided that the court, when looking at termination under the grounds of abandonment, could look at efforts by a parent to begin contact after the period of time had passed. The potential for disruption in a child's life of a parent coming along simply every time a petition is filed in court to terminate, the parent then does some minor gesture toward the child, it is considered and it is not terminated - it is enormously disruptive to children.

What this bill attempts to do is to recognize that it is children's interests that must be put first, and therefore, it is important that consistent with parenting and with the right of biological parents to parent their child when they actually wish to do so, that that child be able to know and that family be able to know with certainty that the relationship that they develop is permanent.

So the reason for this section is to avoid disruption which is not in any way real parenting but simply for the purpose of thwarting a petition for termination.

Ms. JOSEPHS. Thank you.

Mr. Speaker, may I make a statement?

The SPEAKER. The lady is in order and may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I regret to say that none of the answers that were given to me during this interrogation helped me look at this bill more favorably, nor did it lead me to believe that it directs counties in any way which is reasonable for them in terms of their fiscal and public policy directions that we are giving them in those matters.

In the first place, I am quite disturbed about this fund which we are establishing with the \$75 fee. What is to happen? What are your counties to do if the counseling that they are providing in the aggregate is more expensive than the \$75 which we are collecting in the aggregate? The answer to the interrogation was, I think, broadly stated that the maker of these words had not really seriously considered that that would happen.

We are in a situation where our counties are constantly complaining to us about mandates without money. I think this bill is a mandate without provision. There is no cap on this bill, and I think counties may find themselves in a position of paying money, and as I said, they have not been testifying at any of the hearings that I was at, and I think we need to allow them their place at the table in this very-important-for-them fiscal bill.

I am disturbed that hospitals, under this bill, will be asking women whether or not they are considering putting their children up for adoption. I am concerned that they will not be asking the middle-class woman who is white and comes with her husband, but they will be asking the poor woman who is minority and who may not have a man in sight. I think at an emotional time of childbirth, this is no time to approach people and ask them whether they are considering giving up their baby.

The bill requires that the maternity patient sign a release showing that she has gotten a list of counselors before she leaves the hospital. This is not the time to approach women with those kinds of decisions.

I am also worried about what home studies may cost these counties. By linking "public agency," the word "public agency," with "social worker" in the section that I pointed out, following a mandatory "shall," I fear that counties may be stuck with a cost of maybe \$750 to \$2,500 for each placement. I am not against placement studies. I am not against making sure that adoptive babies are going into homes where

they will be treated correctly, but I am worried that we are going to be able to fund the services and the counties are going to be able to support them.

I am very disturbed about the easy way it is to terminate parental rights under this bill. If it is true, as the maker of this bill said, that no court would terminate the parental rights of the father who I hypothetically put before you - the man whose sexual partner does not allow him to marry her, support the child, live with him, and he has no money - then I do not know why we need this section. We should rely on case law, and we should delete this section from the bill. I think this section is clearly there to terminate the parental rights of fathers who, under ordinary circumstances, without this section, would not have their rights terminated, and I am very concerned about that.

I am also concerned about not allowing parents the credit for the efforts that they make to come in contact with their child in the months before adoptive petitions are filed. I am sure there are some abuses, but I am sure there are many more parents who suddenly realize that they may lose rights to their child, and then they decide that that is something they do not want to do; they love their child, and they reassert themselves into the child's life. It is not fair to direct the court to discredit the person for that effort.

And finally, I make a motion— No, I think finally I want to say that I am very concerned that children not be jerked around. I do not want children to be put in homes where they form bonds and then be jerked out by their biological parents because the parent has some other agenda. But I do not think that we can guarantee that by forcing the counties into perhaps awkward positions and terminating parental rights of biological parents when we should not be doing that. This is a very delicate balance. There is much misery on the side of adoptive parents who lose their child or who fear to lose their child. There is as much misery on the side of parents who give up their children or who are pressured into giving up their children. I think this is a crude and blunt instrument, and it does not address that problem.

Finally, I think we are letting ourselves in for something, if we vote for this bill, that we do not know what the consequences are, and I myself do not want to do that.

MOTION TO TABLE

Ms. JOSEPHS. So I now make a motion to table this bill so we can clean it up, and I would like the attention of the desk to acknowledge my motion to table this bill.

The SPEAKER. The lady is in order. The motion before the House is a motion to table HB 79. It is not debatable.

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

The following roll call was recorded:

YEAS—41

Acosta	Gruitza	Lloyd	Scrimanti
Arnold	Hagarty	McCall	Steelman
Bishop	Harper	McNally	Stuban
Butkovitz	Hughes	Maiale	Sturla

Cappabianca	Itkin	Mrkonic	Surra
Carn	James	Mundy	Thomas
Carone	Josephs	Oliver	Tigue
Corrigan	Kaiser	Richardson	
Fee	Kosinski	Robinson	O'Donnell,
Freeman	Krebs	Roebuck	Speaker
George	Levdansky	Rudy	

NAYS—160

Adolph	Dermody	Langtry	Ritter
Allen	Donatucci	Laughlin	Ryan
Angstadt	Evans	Lawless	Saloom
Argall	Fairchild	Lee	Saurman
Armstrong	Fajt	Leh	Scheetz
Barley	Fargo	Lescovitz	Schuler
Battisto	Farmer	Linton	Semmel
Belardi	Fleagle	Lucyk	Serafini
Belfanti	Flick	McGeehan	Smith, B.
Billow	Foster	McHale	Smith, S. H.
Birmelin	Fox	McHugh	Snyder, D. W.
Black	Freind	Markosek	Snyder, G.
Blaum	Gallen	Marsico	Staback
Bowley	Gamble	Mayernik	Stairs
Boyes	Gannon	Melio	Steighner
Broujos	Geist	Merry	Stetler
Brown	Gerlach	Michlovic	Stish
Bunt	Gigliotti	Micozzie	Strittmatter
Bush	Gladeck	Mihalich	Tangretti
Caftagirono	Godshall	Murphy	Taylor, E. Z.
Carlson	Gruppo	Nahill	Taylor, F.
Cawley	Haluska	Nailor	Taylor, J.
Cessar	Hanna	Nickol	Telek
Chadwick	Harley	Noye	Tomlinson
Civera	Hasay	Nyce	Trello
Clark	Hayden	O'Brien	Trich
Clymer	Hayes	Olasz	Tulli
Cohen	Heckler	Perzel	Uliana
Colafella	Herman	Pesci	Van Horne
Colaizzo	Hershey	Petrarca	Vance
Cole	Hess	Petrone	Veon
Cornell	Jadlowiec	Phillips	Vroon
Cowell	Jarolin	Piccola	Wambach
Coy	Johnson	Pistella	Williams
DeLuca	Kasunic	Pitts	Wilson
DeWeese	Kenney	Preston	Wogan
Daley	King	Raymond	Wozniak
Davies	Kruszewski	Reber	Wright, D. R.
Dempsey	Kukovich	Reinard	Wright, M. N.
Dent	LaGrotta	Rieger	Wright, R. C.

NOT VOTING—0

EXCUSED—2

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

On the question recurring,
Shall the bill pass finally?

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise because a lot of the members have come to me and questioned the contents of this piece of legislation. I think there are a lot of unknown factors in there. We saw the discussion on the floor, and I would like to move that this bill be recommitted to the Aging and Youth Committee so we can answer these questions.

The SPEAKER. The gentleman, Mr. Stuban, is in order and moves that HB 79 be recommitted to the Committee on Aging and Youth.

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

The following roll call was recorded:

YEAS—63

Acosta	Haluska	Lucyk	Saloom
Arnold	Hanna	McCall	Scrimenti
Battisto	Harper	McNally	Stelman
Billow	Hayden	Maiale	Stetler
Bishop	Hughes	Mayernik	Stish
Butkovitz	Itkin	Melio	Stuban
Cappabianca	James	Mihalich	Sturla
Carn	Jarolin	Mundy	Surra
Carone	Josephs	Oliver	Taylor, F.
Cohen	Kasunic	Pesci	Thomas
Colafella	Krebs	Richardson	Tigue
Corrigan	Kruszewski	Rieger	Williams
Daley	Kukovich	Ritter	Wright, D. R.
Fee	Laughlin	Robinson	
Freeman	Lescovitz	Roebuck	O'Donnell,
George	Lloyd	Rudy	Speaker
Gruitza			

NAYS—136

Adolph	Dent	King	Reinard
Allen	Dermody	Kosinski	Ryan
Angstadt	Donatucci	LaGrotta	Saurman
Argall	Evans	Langtry	Scheetz
Armstrong	Fairchild	Lawless	Schuler
Barley	Fajt	Lee	Semmel
Belardi	Fargo	Leh	Serafini
Belfanti	Farmer	Levdansky	Smith, B.
Birmelin	Fleagle	Linton	Smith, S. H.
Black	Flick	McGeehan	Snyder, D. W.
Blaum	Foster	McHale	Snyder, G.
Bowley	Fox	McHugh	Staback
Boyes	Freind	Markosek	Stairs
Broujos	Gallen	Marsico	Steighner
Brown	Gamble	Merry	Strittmatter
Bunt	Gannon	Michlovic	Tangretti
Bush	Geist	Micozzie	Taylor, E. Z.
Caltagirone	Gerlach	Mrkonic	Taylor, J.
Carlson	Gigliotti	Nahill	Telek
Cawley	Gladeck	Nailor	Tomlinson
Cessar	Godshall	Nickol	Trello
Chadwick	Gruppo	Noye	Trich
Civera	Hagarty	Nyce	Tulli
Clark	Harley	O'Brien	Uliana
Clymer	Hasay	Olasz	Van Horne
Colaizzo	Hayes	Perzel	Vance
Cole	Heckler	Petrarca	Veon
Cornell	Herman	Petrone	Vroon
Cowell	Hershey	Phillips	Wambach
Coy	Hess	Piccola	Wilson
DeLuca	Jadlowiec	Pitts	Wogan
DeWeese	Johnson	Preston	Wozniak
Davies	Kaiser	Raymond	Wright, M. N.
Dempsey	Kenney	Reber	Wright, R. C.

NOT VOTING—2

Murphy Pistella

EXCUSED—2

Anderson Durham

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—177

Adolph	Donatucci	Laughlin	Saloom
Allen	Evans	Lawless	Saurman
Angstadt	Fairchild	Lee	Scheetz
Argall	Fajt	Leh	Schuler
Armstrong	Fargo	Lescovitz	Semmel
Barley	Farmer	Levdansky	Serafini
Battisto	Fee	Linton	Smith, B.
Belardi	Fleagle	Lucyk	Smith, S. H.
Belfanti	Flick	McGeehan	Snyder, D. W.
Billow	Foster	McHale	Snyder, G.
Birmelin	Fox	McHugh	Staback
Bishop	Freind	Maiale	Stairs
Black	Gallen	Markosek	Stelman
Blaum	Gamble	Marsico	Steighner
Bowley	Gannon	Melio	Stetler
Boyes	Geist	Merry	Stish
Broujos	George	Michlovic	Strittmatter
Brown	Gerlach	Micozzie	Sturla
Bunt	Gigliotti	Mihalich	Surra
Bush	Gladeck	Mrkonic	Tangretti
Butkovitz	Godshall	Murphy	Taylor, E. Z.
Caltagirone	Gruppo	Nahill	Taylor, F.
Cappabianca	Hagarty	Nailor	Taylor, J.
Carlson	Haluska	Nickol	Telek
Cawley	Hanna	Noye	Tomlinson
Cessar	Harley	Nyce	Trello
Chadwick	Harper	O'Brien	Trich
Civera	Hasay	Olasz	Tulli
Clark	Hayden	Perzel	Uliana
Clymer	Hayes	Pesci	Van Horne
Cohen	Heckler	Petrarca	Vance
Colafella	Herman	Petrone	Veon
Colaizzo	Hershey	Phillips	Vroon
Cole	Hess	Piccola	Wambach
Cornell	Jadlowiec	Pistella	Williams
Corrigan	Jarolin	Pitts	Wilson
Cowell	Johnson	Preston	Wogan
Coy	Kaiser	Raymond	Wozniak
DeLuca	Kasunic	Reber	Wright, D. R.
DeWeese	Kenney	Reinard	Wright, M. N.
Daley	King	Rieger	Wright, R. C.
Davies	Kosinski	Ritter	
Dempsey	Kruszewski	Roebuck	O'Donnell,
Dent	LaGrotta	Rudy	Speaker
Dermody	Langtry	Ryan	

NAYS—24

Acosta	Hughes	Lloyd	Richardson
Arnold	Itkin	McCall	Robinson
Carn	James	McNally	Scrimenti
Carone	Josephs	Mayernik	Stuban
Freeman	Krebs	Mundy	Thomas
Gruitza	Kukovich	Oliver	Tigue

NOT VOTING—0

EXCUSED—2

Anderson Durham

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.

REPUBLICAN CAUCUS

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

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus at 1:30. Thank you.

**PROFESSIONAL LICENSURE
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, there will be an immediate meeting of the Professional Licensure Committee in the rear of the hall of the House; Professional Licensure Committee, *immediately in the rear of the House.*

The SPEAKER. The Chair thanks the gentleman.

Is there any further business to be brought before the House before the recess?

RECESS

The SPEAKER. The House will now recess until 2:15.

AFTER RECESS

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

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

HB 315, PN 331 By Rep. COWELL

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, placing limitations on investments in companies doing business in or with Northern Ireland.

EDUCATION.

HB 1305, PN 1503 By Rep. HARPER

An Act amending the act of June 25, 1895 (P. L. 275, No. 188), referred to as the "City Classification Law," changing the population requirements for cities of the second class, second class A and third class.

URBAN AFFAIRS.

HB 1307, PN 1505 By Rep. HARPER

An Act amending the act of December 20, 1967 (P. L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967," providing for contracts where the contracting body is a city of the second class.

URBAN AFFAIRS.

HB 2112, PN 2641 By Rep. GEORGE

An Act amending the act of December 19, 1984 (P. L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," exempting from licensing and permitting a person who mines a certain quantity of flagstone.

CONSERVATION.

HB 2113, PN 2642 By Rep. GEORGE

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," exempting from permits and fees persons who mine a certain quantity of flagstone.

CONSERVATION.

SB 950, PN 1722 (Amended)

By Rep. F. TAYLOR

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; further providing for acquisitions of the stock of a savings association; revising proxy rules; further providing for number and qualification of directors; and making repeals.

BUSINESS AND COMMERCE.

SB 1051, PN 1162

By Rep. GEORGE

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

CONSERVATION.**SENATE CONCURRENT REGULATORY
REVIEW RESOLUTION
REPORTED FROM COMMITTEE**

SCRRR 2

By Rep. GEORGE

In the House, November 19, 1991.

Disapproving Environmental Quality Board regulations controlling volatile organic compound emissions from gasoline dispensing facilities.

CONSERVATION.**VOTE CORRECTION**

The SPEAKER. For what purpose does the lady, Mrs. Hagarty, rise?

Mrs. HAGARTY. To correct the record, Mr. Speaker.

The SPEAKER. The lady is in order and may proceed.

Mrs. HAGARTY. On HB 79, on the motion to table, I should have been recorded "no," and I was not. I would like to be recorded "no" on the motion to table on HB 79. Thank you.

The SPEAKER. The remarks of the lady will be spread upon the record.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that House rule 30 be suspended to permit HB 219, PN 2754, to go immediately to the calendar and not to the Rules Committee.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—201

Acosta	Fairchild	Laughlin	Rudy
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Suban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	Wright, R. C.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Evans	Langtry	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

Anderson Durham

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.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 219, PN 2754**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1797, PN 2150**, entitled:

An Act amending the act of December 15, 1982 (P. L. 1266, No. 287), entitled "An act conferring limited residency status on military personnel and their dependents assigned to an active duty station in Pennsylvania," further providing for rates of tuition for certain military personnel and their dependents.

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—199

Acosta	Fairchild	Laughlin	Rudy
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Suban
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mrkonic	Tangretti
Cappabianca	Harley	Mundy	Taylor, E. Z.
Carlson	Harper	Murphy	Taylor, F.
Carn	Hasay	Nahill	Taylor, J.
Carone	Hayden	Nailor	Telek
Cawley	Hayes	Nickol	Thomas
Cessar	Heckler	Noye	Tigue
Chadwick	Herman	Nyce	Tomlinson
Civera	Hershey	O'Brien	Trello
Clark	Hess	Olasz	Trich
Clymer	Hughes	Oliver	Tulli
Cohen	Itkin	Perzel	Uliana
Colafella	Jadlowiec	Pesci	Van Horne
Colaizzo	James	Petrarca	Vance

Cole	Jarolin	Petrone	Veon
Cornell	Johnson	Phillips	Vroon
Corrigan	Josephs	Piccola	Wambach
Cowell	Kaiser	Pistella	Williams
Coy	Kasunic	Pitts	Wilson
DeLuca	Kenney	Preston	Wogan
DeWeese	King	Raymond	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	Wright, R. C.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Evans			

NAYS—0

NOT VOTING—2

Gannon Reber

EXCUSED—2

Anderson Durham

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 2000, PN 2511**, entitled:

An Act reestablishing the Pennsylvania Public Utility Commission.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREEMAN offered the following amendments No. A2908:

Amend Title, page 1, line 1, by striking out all of said line and inserting

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the election of commission members.

Amend Bill, page 1, lines 4 through 14; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting

Section 1. Section 301 of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 301. Establishment, members, qualifications and chairman.

(a) [Appointment] Election and terms of members.—The Pennsylvania Public Utility Commission, established by the act of March 31, 1937 (P.L.160, No.43), as an independent administrative commission, is hereby continued as such. [Prior to the third Tuesday in January of 1987, the commission shall consist of five members who shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, for a term of ten years, provided that the term of any member appointed to fill a vacancy existing on the effective date of this amendatory act and prior to the third Tuesday in January of 1987 shall expire on March 31, 1987. Vacancies on April 1, 1987, shall be filled as follows: One term shall be until April 1, 1990, and one term shall be until April 1, 1992. Confirmation of such gubernatorial appointees shall be by a majority of the members of the Senate. If other vacancies occur between the effective date of this amendatory act and April 1, 1987, the term shall be the balance of the term to which the predecessor had been appointed. Vacancies after April 1, 1987, shall be filled for the

balance of the term to which a predecessor had been appointed. Thereafter, the commission shall consist of five members appointed by the Governor, by and with the advice and consent of a majority of the members of the Senate, for a term of five years. The Governor may submit the nomination to the Senate within 60 days prior to the expiration of the term or the effective date of the resignation of the member whom the nominee would replace and shall submit that nomination no later than 90 days after the expiration of the term or the effective date of the resignation. A commissioner may continue to hold office for a period not to exceed six months beyond the expiration of his term if his successor has not been duly appointed and qualified according to law.] The commission shall consist of five elected members.

(b) Qualifications and restrictions.—Each commissioner, at the time of his [appointment] election and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his [appointment] election, and shall also be not less than 25 years of age. No person shall be [appointed] elected a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau or office director and every administrative law judge elected, employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility subject to the rules and regulations of the commission for a period of one year, and every commissioner is prohibited from appearing before the commission on behalf of any public utility subject to the rules and regulations of the commission for a period of three years, after terminating employment or

service with the commission. If any person elected, employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him.

(c) Chairman.—A member designated by the [Governor] commissioners shall be the chairman of the commission during such member's term of office[, except that within 120 days following the third Tuesday in January 1987, and, every four years thereafter, the Governor shall designate a chairman. The commissioners shall annually elect a member to serve as the vice chairman of the commission]. The chairman shall designate a member to serve as vice chairman of the commission at the pleasure of the chairman. When present, the chairman shall preside at all meetings, but in his absence the vice chairman or, in his absence, a member, designated by the chairman, shall preside and shall exercise, for the time being, all the powers of the chairman. The chairman shall have such powers and duties as authorized by the commission as provided in section 331(b) (relating to powers of commission and administrative law judges).

(d) Quorum.—A majority of the members of the commission serving in accordance with law shall constitute a quorum and such majority, acting unanimously, shall be required for any action, including the making of any order or the ratification of any act done or order made by one or more of the commissioners. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

(e) Compensation.—Each of the commissioners shall receive an annual salary of \$55,000, except the chairman, who shall receive an annual salary of \$57,500.

(f) Open proceedings.—The proceedings of the commission shall be conducted in accordance with the provisions of the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(g) Monitoring cases.—Each commissioner shall be responsible for monitoring specified cases as shall be assigned to him in a manner determined by the commission. All proceedings properly before the commission shall be assigned immediately upon filing.

Section 2. Title 66 is amended by adding a section to read:
§ 301.1. Districts and elections.

(a) Public Utility Commissioner Districts.—The Commonwealth shall be divided into five Public Utility Commissioner Districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each district shall elect one commissioner. Unless absolutely necessary, no county, city, incorporated town, borough, township or ward shall be divided in forming a district. Apportionment shall be conducted by the Legislative Reapportionment Commission in the manner provided by law for the apportionment of legislative districts.

(b) Election.—Commissioners shall be elected in even-numbered years beginning in 1994. The term of office shall begin on the second Monday of the January following election and shall continue for four years. However, for the first election of public utility commissioners, commissioners from odd-numbered districts shall be elected to a term of four years and commissioners from even-numbered districts shall be elected to a term of two years. Thereafter, all terms shall be for four years.

(c) Vacancies.—In the event of a vacancy, the Governor shall appoint a person to serve for the remainder of the term in cases where less than two years of service remain in the term that became vacant. In cases where more than two years of service remain in a vacated term, the Governor shall appoint a person to fill the vacancy until the next general election to be held that is more than 90 days after the vacancy occurs, at which time a commissioner shall be elected to fill the vacancy for the remainder of the term. A commissioner so elected shall assume his office 30

days after being elected, at which time the term of service of the commissioner appointed by the Governor to fill the vacancy shall end.

(d) Initial districts.—Initial districts shall be established by the General Assembly following the criteria in section 301.1(a). Thereafter, the Legislative Reapportionment Commission shall apportion districts, as provided in section 301.1(a).

(e) Nominations.—Candidates for nomination to the office of commissioner shall present a nominating petition containing 2,000 signatures of registered and enrolled members of the appropriate party and district. The filing fee shall be \$100, payable as provided in section 913(b.1) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

Section 3. In the general election of the first even-numbered year following the effective date of this act, all five public commissioners will be elected.

Section 4. Terms of public utility commissioners appointed before the date when commissioners elected under this act assume office shall terminate at noon of the second Monday of January following the first general election in which commissioners are elected.

Section 5. This act, with respect to the Pennsylvania Public Utility Commission, constitutes the legislation required to reestablish that agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 6. The Pennsylvania Public Utility Commission shall continue, together with its statutory functions and duties, until December 31, 1997, when it shall terminate and go out of existence unless reestablished or continued by the General Assembly for an additional ten years. Evaluation and review, termination, reestablishment and continuation of the agency beyond December 31, 1997, and every tenth year thereafter, shall be conducted pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 7. If this act takes effect after December 31, 1991, it shall apply retroactively to December 31, 1991.

Section 8. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the amendment I am offering today to the PUC (Public Utility Commission) sunset bill would provide for the direct election of public utility commissioners.

Mr. RYAN. Mr. Speaker, would the gentleman yield?

The SPEAKER. Will the gentleman yield?

Mr. FREEMAN. Provided I have not given up my right to continue.

The SPEAKER. The gentleman agrees to yield. The minority leader may proceed.

Mr. RYAN. I wonder if we might just have a moment so I can speak to the majority leader's staff person.

The SPEAKER. Will the House suspend.

BILL PASSED OVER

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, we did not caucus on this subject, and I would appreciate it if the matter was held over for a day or held over until we have had an opportunity to caucus.

The SPEAKER. HB 2000 will be over for today. The members are requested to retain possession of amendment 2908, which is likely to be offered tomorrow.

VOTE CORRECTION

The SPEAKER. For what purpose does the lady, Mrs. Harper, rise?

Mrs. HARPER. I would like to correct a vote, Mr. Speaker.

The SPEAKER. The lady is in order and may proceed.

Mrs. HARPER. On final passage of HB 79, I would like to be recorded in the negative. Thank you.

The SPEAKER. The remarks of the lady will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2185, PN 2685**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the apportionment of this Commonwealth into congressional districts.

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

Mr. HAYES offered the following amendment No. A2933:

Amend Sec. 3 (Sec. 1801-A), page 10, line 18, by inserting after "Bethel,"

Cold Spring,

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

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

Of all the amendments which have been flowing across our desks, this is probably the one that will not cause any controversy whatsoever. The drafters of the bill left out one municipality in the county of Lebanon, and this amendment will restore it. It does nothing more than that, and I urge its adoption. Thank you.

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

The following roll call was recorded:

YEAS—199

Acosta	Fairchild	Langtry	Rudy
Adolph	Fajt	Laughlin	Ryan
Allen	Fargo	Lawless	Saloom
Angstadt	Farmer	Lee	Saurman
Argall	Fee	Leh	Scheetz
Armstrong	Fleagle	Lescovitz	Schuler
Arnold	Flick	Levdansky	Scrimenti
Barley	Foster	Linton	Semmel
Battisto	Fox	Lloyd	Serafini
Belardi	Freeman	Lucyk	Smith, B.
Belfanti	Freind	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback

Black	Geist	McNally	Stairs
Blaum	George	Maiale	Stelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, F.
Carn	Harper	Nailor	Taylor, J.
Carone	Hasay	Nickol	Telek
Cawley	Hayden	Noye	Thomas
Cessar	Hayes	Nyce	Tigue
Chadwick	Heckler	O'Brien	Tomlinson
Civera	Herman	Olasz	Trello
Clark	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Tulli
Cohen	Hughes	Pesci	Uliana
Colaella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Johnson	Pistella	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	Wright, R. C.
Dent	Kruszewski	Ritter	
Dermody	Kukovich	Robinson	O'Donnell,
Donatucci	LaGrotta	Roebuck	Speaker
Evans			

NAYS—1

Mrkonic

NOT VOTING—1

Micozzie

EXCUSED—2

Anderson Durham

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

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

Mr. FREEMAN offered the following amendments No. A2855:

Amend Sec. 3 (Sec. 1801-A), page 4, line 12, by striking out "Hereford,"

Amend Sec. 3 (Sec. 1801-A), page 5, lines 1 and 2, by striking out "Lower Pottsgrove," and inserting

Douglass,

Amend Sec. 3 (Sec. 1801-A), page 5, lines 2 and 3, by striking out "Borough of Pottstown" and inserting

Boroughs of Pottstown and Royersford

Amend Sec. 3 (Sec. 1801-A), page 6, lines 12 through 25, by striking out all of said lines and inserting

(8) The Eighth District is composed of all of Bucks County; and part of Montgomery County consisting of the Townships of Lower Moreland and Salford and the Boroughs of Bryn Athyn, Hatboro and Telford (Montgomery County portion).

Amend Sec. 3 (Sec. 1801-A), page 8, line 26, by striking out "Lower Moreland," and inserting

Lower Pottsgrove,

Amend Sec. 3 (Sec. 1801-A), page 8, line 27, by inserting after "Montgomery,"

New Hanover,

Amend Sec. 3 (Sec. 1801-A), page 8, line 28, by striking out "Salford,"

Amend Sec. 3 (Sec. 1801-A), page 8, line 29, by striking out "Upper Gwynedd," and inserting

Upper Frederick, Upper Gwynedd, Upper Hanover,

Amend Sec. 3 (Sec. 1801-A), page 9, lines 1 and 2, by striking out "Bryn Athyn,"

Amend Sec. 3 (Sec. 1801-A), page 9, line 2, by striking out "Hatboro," and inserting

East Greenville, Green Lane,

Amend Sec. 3 (Sec. 1801-A), page 9, line 3, by inserting after "North Wales,"

Pennsburg, Red Hill,

Amend Sec. 3 (Sec. 1801-A), page 9, line 4, by striking out "Royersford,"

Amend Sec. 3 (Sec. 1801-A), page 9, lines 4 and 5, by striking out "Telford (Montgomery County portion),"

Amend Sec. 3 (Sec. 1801-A), page 9, line 15, by inserting after "Greenwich,"

Hereford,

Amend Sec. 3 (Sec. 1801-A), page 9, lines 17 through 30; page 10, lines 1 and 2, by striking out "part of Bucks County consisting of the" in line 17, all of lines 18 through 30, page 9, all of lines 1 and 2, page 10 and inserting

all of Lehigh County; and all of Northampton County.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I am offering today, along with my colleagues from the Lehigh Valley and most of the colleagues, our colleagues, from Bucks County, although not all, would seek to change the plan we have before us in order to maintain the regional identities of the Lehigh Valley and of Bucks County.

I should point out to the members of the House that this amendment really has no ripple effect throughout other parts of the State. Its impact is really in the 15th District, which is currently the Lehigh Valley, and the 8th District, which is basically Bucks County. There are some minor alterations that are made to the 5th and the 13th but really not of a significant nature, and in fact my amendment gives more of the Montgomery County municipalities back to the Montgomery County-based district of the 13th Congressional District.

Let me explain very quickly what my amendment would do. Under the current plan that is before the House, the Lehigh Valley is split. Bethlehem and Easton, which are very much tied to the Lehigh Valley, Bethlehem and Easton, which are part of the A-B-E of the Lehigh Valley - Allentown, Bethlehem, and Easton - would be split off from the Lehigh Valley and placed in the Eighth Congressional District, a district which is based primarily in Bucks County.

In essence, the plan that is before the House splits the Lehigh Valley, as I said. Under my amendment we would bring the valley back together. We would make it whole

again, as it belongs to be, because it is a distinct region of the State, it is a distinct region that is identified across the State as the Lehigh Valley region.

Under my amendment, Lehigh and Northampton Counties in their entirety would be included in the 15th District. Those portions of Berks County, which under the plan that is before us would have gone to the 15th, stay with the 15th. However, we add one municipality from Berks, Hereford Township, in order to make the proper level of population that is essential to make sure all the districts are roughly equal in population.

For Bucks County, the Eighth District, what we do is we restore all of Bucks County back to the Eighth District. We make that district whole again. The Eighth District has for many, many years been a Bucks County district. All of Bucks County has been included in it, and what we do with my amendment is restore all of Bucks County to the Eighth District.

We then add a handful of municipalities along the border of Bucks County from Montgomery County in order to allow for the Eighth District to reach the population figures that are required under reapportionment. Lower Moreland Township and Bryn Athyn, two communities in Montgomery County which currently are in the Eighth District, currently a part of that Bucks County-based district, would continue to stay as part of the Eighth District. The borough of Hatboro, which 10 years ago was part of the Eighth District, would once again become part of the Eighth District. The Montgomery County portion of Telford would become part of the Eighth District. And for the information of the members, Telford is a small borough, half of which is in Bucks County, half of which is in Montgomery County. We are simply making sure that Telford can be all within the same congressional district. It is a very tiny borough. It should not be split. And then finally, the township of Salford would be included with the Bucks County Eighth District. These communities are only being put into the Eighth District because either they have a history with that district or because they meet the population requirements under reapportionment.

We then add in Montgomery County the township of Douglass and the borough of Royersford to the Fifth District. We take out of the original plan Lower Pottsgrove Township and give it back to the 13th in Montgomery County. We add to the 13th New Hanover Township, which is in Montgomery County, and we return to the 13th those communities in the northern tier of Montgomery County which under the plan would have gone into the 15th District. We return Upper Frederick; we return Upper Hanover; we return East Greenville; we return Green Lane, Pennsburg, and Red Hill to the Montgomery County-based district of the 13th Congressional District.

In essence, my amendment would keep the Lehigh Valley whole. It would keep Lehigh and Northampton Counties together. It would keep Bucks County together in the same congressional district as it has been for many, many years, I believe for over 20 years, basically keeping intact what the current Congressman represents from that district, and we

would restore more of Montgomery County back to the Montgomery County-based district of the 13th Congressional District.

As I mentioned, the Lehigh Valley is a very distinct region. It is the third largest metropolitan area of the State. It deserves to have its own congressional district. And frankly, I am appalled by the plan that is before us this afternoon, because this plan, as it applies to the 15th District and the 8th District, flies in the face of trying to make sure congressional districts represent the regions of our State. In many respects this plan that is before us is one of the worst cases of gerrymandering I have ever seen, particularly as it applies to the 15th and 8th Congressional Districts.

I would urge my colleagues to please restore the A, the B, and the E to the Lehigh Valley. Keep us whole. Do not divide us. We have key interests, *interests of our own*. We deserve our own Congressman, our own congressional district.

It should be noted for the record that the current 15th District, which is basically Lehigh and Northampton Counties, and the current 8th District, which is basically Bucks County, are just about perfect on the basis of population to continue as districts. The small amount of communities that have to be added, which I add and which is in keeping with the regional base of those districts, will make them reach the population figures that are required.

In the final analysis, no one here can make any rational argument why the regions of the Lehigh Valley and of Bucks County should not continue to be within their own congressional districts. There is not a single rational reason that can be made to carve up the Lehigh Valley or that can be made to carve up Bucks County. The only reason for such a plan is incumbent protection on the part of both Congressmen and to make a mockery of the concept of legislative districts representing distinct regions, areas of our State.

I urge the membership of this House to please support my amendment and to keep the Lehigh Valley whole. Thank you.

The SPEAKER. The Chair recognizes Mr. Uliana.

Mr. ULIANA. Thank you, Mr. Speaker.

I join in strong support with my colleague from Easton, Pennsylvania, Representative Freeman, and the entire Lehigh Valley delegation, the entire Bucks County Republican delegation in supporting this amendment. You know, the Lehigh Valley takes lots of shots in this State. We become part of the tourist map for suburban Philadelphia. We are not recognized. We are not given our true due in this State.

One of the things we hold onto and one of the things that we really hold dear is our Congressman and our congressional seat. And I would hope that everyone out there realizes and understands that a congressional seat is important to a community, important to a homogeneous entity, and is really necessary and the lifeblood of our area. I suggest to you people that if your Congressman was being taken away, you would fight, too, and that is what we are doing.

I would hope that each and every one of you will consider this amendment, look at it on its merits, and will please vote in support of the Freeman-Uliana amendment. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

Let me first say that I sympathize with my colleagues from Lehigh County. The plan that we have before us today is not a perfect plan, and I am sure if I were drawing the plan or if Mr. Freeman were drawing the plan, that plan would be something different. The plan as it is does carve up Lehigh County, but I must say that the Freeman amendment does not make the plan a better plan. It makes the plan a worse plan.

The ideal situation would be, Mr. Speaker, to have Bucks County whole, and I certainly endorse that proposal, but the only way you can make Bucks County whole is to take a part of Lehigh County or a small part of Montgomery County. Depending on what side of the table you are sitting depends on where you would go with this reapportionment if you could in fact leave Bucks County whole.

This debate is probably going to be decided in a conference committee. So if you are sitting on one side of the table and you could have Bucks County whole, you would probably do that and take a very small part of Lehigh County. If you were sitting on the other side of the table and you could have Bucks County whole, you would take a part of Montgomery County. Unfortunately, we are not in a position to do that. We are in a position to vote on a plan that is fouled, a plan that we do not have control over except for the Freeman amendment.

I rise, Mr. Speaker, to oppose the Freeman amendment. I understand that there are going to be amendments offered later on today that are going to offer Bucks County a piece of Philadelphia County, which I am also going to rise to oppose.

The plan is fouled. The plan is not perfect. The Freeman amendment makes the plan worse than it is now.

I ask my colleagues in the House to take a look at this situation and vote "no" on the Freeman amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. McHale.

Mrs. McHALE. Mr. Speaker, I rise in very strong support of the Freeman amendment. I believe that there has never been a clearer choice between good public policy and politics as usual. This plan purports to help only two people, two incumbent Congressmen, while it hurts over 1 million citizens by diluting their regional identity and diluting their voices in Congress.

If you have even a glimmer of idealism left, you will support the Freeman amendment. The Lehigh Valley is a single metropolitan area with like economic, social, and cultural values and goals.

If this redistricting plan is approved, driving a knife through the heart of the Lehigh Valley, we will be doing a grave disservice to the people that I represent, and further, we will be sending a message to the people of the Commonwealth, a message that, yes, their worst opinions of this body are accurate, that we care more for politics than policy and care more for politicians than people.

I call upon my colleagues to reject this cynical view, to stand for the public good, and to send out a clear message that we are motivated by the public good and not the politically expedient. If you care about good government at all, you will join me in voting "aye" on the Freeman amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Melio.

Mr. MELIO. Mr. Speaker, I just want to correct the record. My colleague on the other side of the aisle says this amendment has the full support of the Lehigh and Bucks County delegates on both sides of the aisle. I want to make it clear that Tom Corrigan and myself oppose this amendment, and I ask my colleagues to please vote "no."

The SPEAKER. The Chair thanks the gentleman, Mr. Melio.

The Chair recognizes the gentleman, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

I have to thank Lehigh Valley for the consideration they have given to Montgomery County. While we are keeping Lehigh whole, we are taking Montgomery County and putting part of it in Montana and the rest out in California. It is the most incredible plan I have ever seen in my entire life, and I tell you I protest. I protest. We all protest. We will not stand for this. We have five Congressmen in Montgomery County, which is more than six States have, and Lehigh Valley is worried about being whole. What is Montgomery County? What is it? A bunch of Swiss cheese?

We have always, we have always had two or three Congressmen, but I am telling you when you give us five and you tell me to keep Bucks County whole and the Lehigh Valley whole, I say baloney. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder.

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

Mr. Speaker, it has been 10 years since a cry has gone through this chamber the last time to keep Bucks County whole. I recall back in 1981 when that was the key issue of the congressional reapportionment. Mr. Speaker, I do not know what has happened in 10 years to have some Bucks County Representatives stand here now and say that we would like to see Bucks County divided and we would like to see them be extended into other regions that do not have the same community of interest.

It is also interesting, Mr. Speaker, to hear Montgomery County concerned about the redistricting of the Lehigh Valley when the original plan is their concern and this does not alter at all their position. Certainly Montgomery County will have the opportunity on this floor also to provide their solution to their problem, and hopefully they will be looking for our support to address their regional needs.

Mr. Speaker, my colleague from the Lehigh Valley has already noted that this is not a reapportionment plan that serves the communities of interest of northeastern Pennsylvania. It is a blatant political gerrymander on the part of both parties of our congressional delegation. It is our responsibility, Mr. Speaker, to represent the people of our districts and to do what is best for them.

I know that a majority of the members of this House are not affected by this, but the overall reapportionment plan does impact on all of us, and these amendments that are coming up, Mr. Speaker, each one will have passionate pleas from Representatives from those areas with the same concerns that we are now asking you, the members outside the Lehigh Valley and Bucks County areas, to consider.

We all realize that this plan is going to go to a conference committee. We recognize that what comes out of this House is not going to be the final plan, but yet we need to send a strong message to the conferees that regional interests are important and that we do want to maintain our communities of interest. The Freeman plan does that. It addresses the concerns of Bucks Countians, of Lehigh Countians and Northampton Countians, and has very little ripple effect outside those three counties.

We would ask for your consideration, from the members outside our region, just as you are going to be asking for our consideration of your amendments later. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

I rise to echo the support of my colleagues for the Freeman amendment because I have received personally many contacts regarding this reapportionment and the obvious political implications that have been presented by it.

The Lehigh Valley is the fourth largest area in this State and as such deserves to have adequate representation consistent with the makeup of the demographics and the people who live in the Lehigh Valley.

Therefore, I urge all of my colleagues to vote in favor of this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I would ask if the gentleman, Mr. Corrigan, would stand for a brief interrogation.

The SPEAKER. The gentleman, Mr. Corrigan, indicates he is willing to be interrogated. The gentleman may proceed.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, I recall that you made comment a few moments ago that the Freeman plan, which would amend HB 2185, is flawed and is, as I understood your comments, worse than the bill as it stands. I wonder if you could tell us how the Freeman amendment is worse than the bill as it is before the House.

Mr. CORRIGAN. I think that I made myself clear, and I said that depending on which side of the table you are sitting on would depend on whether or not you agree with the Freeman amendment. If you are sitting on one side of the table and you are interested in a part of Montgomery County and that would obviously be a part that you would be interested in, of course you would want a part of Montgomery County. If you are sitting on the other side of the table, I would think that you would be interested in something in Lehigh County. I think that was my statement.

Mr. HECKLER. But the plan as it is represented by HB 2185 substantially divides both Northampton and Bucks Counties. The Freeman amendment restores the integrity of both of those counties, and I am just wondering if you can tell us why you feel that is undesirable.

Mr. CORRIGAN. I think again, depending on which side of the table you are sitting, the plan as it is presented does not have Montgomery County in it. The Freeman plan has Montgomery County in it, so I think that is quite clear. I tried to make myself clear anyway.

And I must say that I am not a candidate and I am not interested in the outcome of this plan for any of my personal, you know, aggrandizement.

Mr. HECKLER. No. I am sure. I think we can both make Sherman statements that neither of us propose to run for Congress either in the 8th District or in the 15th District, as I would reside in under the bill as it stands.

Mr. CORRIGAN. But if the Freeman plan is adopted, there may be a Senate seat vacant in Bucks County, and you are prominently mentioned as a candidate for the State Senate, so there is a vested interest.

Mr. HECKLER. Well, I am certainly glad to hear that there is some interest in my candidacy.

The question remains, what is worse from the standpoint of Bucks County, which we represent, from the standpoint of Northampton County, which is the other county primarily affected by this bill, what is worse about the Freeman amendment than the bill as it stands?

Mr. CORRIGAN. What I think I said or what I did say in my remarks is that the plan is not a good plan; that if you and I or Bobby Freeman were drafting a plan, it would not look like the plan that we are going to vote on today. And I can almost bet on that. We would draft a much better plan and one that would look out for Bucks, and I am sure that Representative Freeman would come up with a better plan that would satisfy his needs. If we could keep Bucks County whole, that would be fine.

When the conferees get this plan, we hope—I am sure that we all hope—that they do something with it that will go in that direction. Whether or not that will happen, I do not think either one of us knows that.

Mr. HECKLER. One other question. Mr. Speaker, we have discussed my potential candidacy, which is remote at best. I am wondering if your views reflect the views of anyone who is or will be a candidate for the Eighth Congressional District seat.

Mr. CORRIGAN. For the Eighth Congressional District seat? I do not talk with Mr. Greenwood that often, so I—

Mr. HECKLER. How about the other potential candidate?

Mr. CORRIGAN. I have not discussed it with Mr. Greenwood, if that is your question.

Mr. HECKLER. How about the other potential candidate?

Mr. CORRIGAN. Well, I have not discussed the Freeman amendment with Senator Greenwood. I have discussed the plan with Representative Kostmayer, if that is your question.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. CORRIGAN. Could I ask you a question?

Mr. HECKLER. At the appropriate time, I will be happy. If I could make some remarks about the bill.

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

Mr. HECKLER. Thank you, Mr. Speaker.

This is the rankest, most cynical gerrymander that you will see anywhere in the plan that is before us today and probably in the recent annals of Pennsylvania history.

It was relatively easy for Representative Freeman to draw a corrective amendment without much ripple effect, because this redrawing of districts was not driven by any changes in population or the unfortunate loss of congressional seats that our Commonwealth has experienced. It was drawn by the desire of one Congressman to get to more population of his registration, which happened to be located in another county, and the accommodations from the other side. We simply want to put the boundaries back where they were, back where they belong by any reasonable standard.

We all recognize that to some degree this is a political process. Let us at least bring some straightforward integrity to that process. Let us recognize the boundaries that exist. Let us keep Bucks County whole, which was certainly, as has been pointed out, a major cry of both parties 10 years ago. Let us keep Northampton County as it belongs. Let us keep the Lehigh Valley whole and adopt the Freeman amendment.

The SPEAKER. The Chair recognizes Mr. Tomlinson.

Mr. TOMLINSON. Mr. Speaker, I rise to support the Freeman amendment, and I would like to reiterate Representative Heckler's point of view that this is one of the worst cases of gerrymandering that has been seen in the House. This is our job to draw these lines; it is not the Congressman's job to draw these lines.

Our Congressman in the past said that he wanted Bucks kept whole. I want to hold him to that word. I want Bucks kept whole. I do not want this district to be drawn up into Lehigh County, and I believe and I understand the wishes of the people from Lehigh County that they do not want our congressional district drawn up there.

Anybody who does not support the Freeman amendment is ignoring the people. The people have given us a clear message that they do not want gerrymandering done, that they want fair representation and they want fair access to their Congressman, and if you do not vote for this Freeman amendment, you are ignoring the people and you are ignoring their wishes.

To vote for this bill, HB 2185, in its present form is a terrible slap in the face to the public. The people have a right to be represented by a Bucks County Representative and the Lehigh County people have a right to be represented by a Lehigh County Representative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I urge my colleagues to support the Freeman amendment. It is the right thing to do.

Clearly the Lehigh Valley delegation, both Republican and Democrat alike, support this amendment, because it is good government. It maintains the integrity of the Lehigh Valley and also Bucks County.

I hope that my colleagues in Bucks County, all my colleagues in Bucks County, both Republican and Democrat, can support this amendment. Without this amendment the Lehigh Valley will be raped and so will Bucks County.

I think this is the right thing to do. I urge all my colleagues to support the Freeman amendment so that the people of the Lehigh Valley and Bucks County can still maintain their trust in our institution of government. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Melio.

Mr. MELIO. Mr. Speaker, it is nice to hear the rhetoric coming from the other side of the aisle about a good bill and keeping Bucks County whole and all the good things that could happen with this amendment. I am looking at an amendment by one of the people from the other side of the aisle, and it is signed by about 12 people from the other side of the aisle, and this amendment would put Bensalem Township of Bucks County in Philadelphia.

So I do not want to hear this stuff about keeping Bucks County whole. It is political bull crap. I mean, if you guys want to be sincere and honest, fine. But do not go singing the song over there about keeping Bucks County whole and then coming across with an amendment that is going to knock half of the lower end of Bucks County into another area.

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

The following roll call was recorded:

YEAS—97

Adolph	Fargo	McHale	Serafini
Allen	Farmer	McHugh	Smith, B.
Argall	Fleagle	Marsico	Smith, S. H.
Armstrong	Foster	Merry	Snyder, D. W.
Arnold	Freeman	Mrkonic	Snyder, G.
Barley	Freind	Nickol	Stairs
Battisto	Gallen	Noye	Steelman
Belardi	Gannon	Nyce	Strittmatter
Belfanti	Geist	O'Brien	Sturla
Birmelin	Gerlach	Perzel	Taylor, E. Z.
Black	Gruppo	Pesci	Taylor, J.
Boyes	Hasay	Phillips	Telek
Brown	Hayes	Piccola	Tigue
Butkovitz	Heckler	Pistella	Tomlinson
Cappabianca	Herman	Pitts	Trich
Carlson	Hershey	Raymond	Tulli
Cawley	Hess	Reinard	Uliana
Chadwick	Jadlowiec	Ritter	Vance
Civera	Johnson	Robinson	Wambach
Clark	Kenney	Ryan	Wilson
Clymer	King	Scheetz	Wogan
Daley	Krebs	Schuler	Wright, D. R.
Davies	Lee	Scrimenti	Wright, M. N.
Dent	McCall	Semmel	Wright, R. C.
Fairchild			

NAYS—102

Acosta	Fajt	LaGrotta	Preston
Angstadt	Fee	Laughlin	Reber
Billow	Flick	Lawless	Richardson
Bishop	Fox	Leh	Rieger
Blaum	Gamble	Lescovitz	Roebuck

Bowley	George	Levdansky	Rudy
Broujos	Gigliotti	Linton	Saloom
Bunt	Gladeck	Lloyd	Saurman
Bush	Godshall	Lucyk	Staback
Caltagirone	Gruitza	McGeehan	Steighner
Carn	Hagarty	McNaily	Stetler
Carone	Haluska	Maiale	Stish
Cessar	Hanna	Markosek	Stuban
Cohen	Harley	Mayernik	Surra
Colafella	Harper	Melio	Tangretti
Colaizzo	Hayden	Michlovic	Taylor, F.
Cole	Hughes	Micozzie	Thomas
Cornell	Itkin	Mihalich	Trello
Corrigan	James	Mundy	Van Horne
Coy	Jarolin	Murphy	Veon
DeLuca	Josephs	Nahill	Vroon
DeWeese	Kaiser	Nailor	Williams
Dempsey	Kasunic	Olasz	Wozniak
Dermody	Kosinski	Oliver	
Donatucci	Kruszewski	Petrarca	O'Donnell,
Evans	Kukovich	Petrone	Speaker

NOT VOTING—2

Cowell	Langtry
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EXCUSED—2

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

On the question recurring,

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

Mr. D. R. WRIGHT offered the following amendments No. A2954:

Amend Sec. 3 (Sec. 1801-A), page 5, lines 5 through 12, by striking out all of lines 5 through 11 and "Troutville and Wallacetown;" in line 12 and inserting part of Centre County consisting of the Townships of Benner, Burnside, College, Curtin, Ferguson, Gregg, Haines, Harris, Howard, Liberty, Marion, Miles, Patton, Penn, Potter, Snow Shoe, Spring and Walker and the Boroughs of Bellefonte, Centre Hall, Howard, Millheim, Snow Shoe and State College; all of Clarion County; all of Clearfield County;

Amend Sec. 3 (Sec. 1801-A), page 6, lines 27 through 30; page 7, line 1, by striking out "part of Clearfield County consisting of the" in line 27 and all of lines 28 through 30, page 6, and "West-over;" in line 1, page 7, and inserting part of Centre County consisting of the Townships of Boggs, Halfmoon, Huston, Rush, Taylor, Union and Worth and the Boroughs of Milesburg, Philipsburg, Port Matilda, South Philipsburg and Unionville;

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

The SPEAKER. On that question, the Chair recognizes Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, this is a simple amendment. I offer it on behalf of myself and Representative George.

The intent of the amendment is to make Clearfield County whole, and it does no violence to any other district.

I would ask for an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—53

Belardi	Fee	McCall	Serafini
Birmelin	Freeman	McHale	Smith, S. H.
Blaum	George	Markosek	Staback
Bowley	Godshall	Mayernik	Stairs
Cappabianca	Gruitza	Melio	Steelman
Carone	Haluska	Mrkonich	Steighner
Cohen	Hasay	Olasz	Surra
Colafiglia	Jadlowiec	Pesci	Tigue
Colaizzo	LaGrotta	Phillips	Trello
Cowell	Langtry	Pistella	Trich
Dermody	Laughlin	Robinson	Tulli
Evans	Lee	Saloom	Veon
Fairchild	Lucyk	Scrimenti	Wright, D. R.
Farmer			

NAYS—146

Acosta	Dent	Kosinski	Rieger
Adolph	Donatucci	Krebs	Ritter
Allen	Fajt	Kruszewski	Roebuck
Angstadt	Fargo	Kukovich	Rudy
Argall	Fleagle	Lawless	Ryan
Armstrong	Flick	Leh	Saurman
Arnold	Foster	Lescovitz	Scheetz
Barley	Fox	Levdansky	Schuler
Battisto	Freind	Linton	Semmel
Belfanti	Gallen	Lloyd	Smith, B.
Billow	Gamble	McGeehan	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Stetler
Boyes	Gerlach	Maiale	Stish
Broujos	Gigliotti	Marsico	Strittmatter
Brown	Gladeck	Merry	Stuban
Bunt	Gruppo	Michlovic	Sturla
Bush	Hagarty	Micozzie	Tangretti
Butkovitz	Hanna	Mundy	Taylor, E. Z.
Caltagirone	Harley	Murphy	Taylor, F.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hayden	Nailor	Telek
Cawley	Hayes	Nickol	Thomas
Cessar	Heckler	Noye	Tomlinson
Chadwick	Herman	Nyce	Uliana
Civera	Hershey	O'Brien	Van Horne
Clark	Hess	Oliver	Vance
Clymer	Hughes	Perzel	Vroon
Cole	Itkin	Petrarca	Wambach
Cornell	James	Petrone	Williams
Corrigan	Jarolin	Piccola	Wilson
Coy	Johnson	Pitts	Wogan
DeLuca	Josephs	Preston	Wozniak
DeWeese	Kaiser	Raymond	Wright, R. C.
Daley	Kasunic	Reber	
Davies	Kenney	Reinard	O'Donnell,
Dempsey	King	Richardson	Speaker

NOT VOTING—2

Mihalich Wright, M. N.

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. LUCYK offered the following amendments No. A2942:

Amend Sec. 3 (Sec. 1801-A), page 7, line 18, by striking out "all of Columbia County;"

Amend Sec. 3 (Sec. 1801-A), page 7, line 20, by striking out "East Cameron"

Amend Sec. 3 (Sec. 1801-A), page 7, lines 23 through 29, by striking out all of said lines and inserting Townships of Barry, Blythe, Branch, Butler, Cass, Delano, East Brunswick, East Norwegian, East Union, Eldred, Foster, Frailey, Kline, Mahanoy, New Castle, North Manheim, North Union, Norwegian, Pine Grove, Porter, Reilly, Rush, Ryan, Schuylkill, South Manheim, Tremont, Union, Walker, Washington, Wayne, West Brunswick, West Mahanoy, West Penn and the Boroughs of Ashland, Auburn, Coaldale, Cressona, Deer Lake, Frackville, Gilberton, Girardville, Gordon, Landingville, Mahanoy City, McAdoo, Mechanicsville, Middleport, Minersville, Mt. Carbon, New Philadelphia, New Ringgold, Orwigsburg, Palo Alto, Pine Grove, Port Carbon, Port Clinton, Ringtown, Schuylkill Haven, Shenandoah, St. Clair, Tamaqua, Tower City and Tremont.

Amend Sec. 3 (Sec. 1801-A), page 10, line 16, by inserting after "of" where it appears the second time

Columbia County; all of

Amend Sec. 3 (Sec. 1801-A), page 11, lines 5 through 11, by striking out "Barry, East Brunswick," in line 5, all of lines 6 through 11 and inserting

Hegins, Hubley and Upper Mahantongo;

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

My amendment restores Schuylkill County to one unit by moving the whole county into the 11th Congressional District and placing all of Columbia County in the 17th.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Argall.

Mr. ARGALL. Just briefly, Mr. Speaker.

Under the current plan, we did some research, and Schuylkill County would be divided for the first time into more than one congressional district since its formation in 1811. Representative Lucyk's amendment is a major step in the right direction.

While according to my quick reading it unites about 98 percent of the population of the county into one district, I would ask for everyone's support so that hopefully we can get this into the bill, and then perhaps later, with some further assistance, we can work on those remaining three townships to keep the entire county whole.

But this is a major, major step in the right direction. I think on both sides of the aisle we can support an amendment like this.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. It is another one of those gerrymandering deals here, so I would appreciate your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—53

Allen	Chadwick	Jadlowiec	Perzel
Angstadt	Cohen	Kenney	Phillips
Argall	Cole	Langtry	Ritter
Armstrong	Davies	Lee	Saloom
Barley	Dent	Lucyk	Schuler
Battisto	Farmer	McCall	Scrimenti
Birmelin	Foster	McHale	Snyder, D. W.
Black	Gallen	McHugh	Snyder, G.
Boyes	Geist	Mihalich	Strittmatter
Caltagirone	Godshall	Mrkonic	Taylor, J.
Cappabianca	Harley	Mundy	Trich
Carone	Hershey	Nickol	Wogan
Cawley	Hess	O'Brien	Wright, D. R.
Cessar			

NAYS—147

Acosta	Fox	Lescovitz	Scheetz
Adolph	Freeman	Levdansky	Semmel
Arnold	Freind	Linton	Serafini
Belardi	Gamble	Lloyd	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Billow	George	McNally	Staback
Bishop	Gerlach	Markosek	Stairs
Blaum	Gigliotti	Marsico	Steelman
Bowley	Gladeck	Mayermik	Steighner
Broujos	Gruitza	Melio	Stetler
Brown	Gruppo	Merry	Stish
Bunt	Hagarty	Michlovic	Stuban
Bush	Haluska	Micozzie	Sturla
Butkovitz	Hanna	Murphy	Surra
Carlson	Harper	Nahill	Tangretti
Carn	Hasay	Nailor	Taylor, E. Z.
Civera	Hayden	Noye	Taylor, F.
Clark	Hayes	Nyce	Telek
Clymer	Heckler	Olasz	Thomas
Colaella	Herman	Oliver	Tigue
Colaizzo	Hughes	Pesci	Tomlinson
Cornell	Itkin	Petrarca	Trello
Corrigan	James	Petrone	Tulli
Cowell	Jarolin	Piccola	Uliana
Coy	Johnson	Pistella	Van Horne
DeLuca	Josephs	Pitts	Vance
DeWeese	Kaiser	Preston	Veon
Daley	Kasunic	Raymond	Vroon
Dempsey	King	Reber	Wambach
Dermody	Kosinski	Reinard	Williams
Donatucci	Krebs	Richardson	Wilson
Evans	Kruszewski	Rieger	Wozniak
Fairchild	Kukovich	Robinson	Wright, M. N.
Fajt	LaGrotta	Roebuck	Wright, R. C.
Fargo	Laughlin	Rudy	
Fee	Lawless	Ryan	O'Donnell,
Fleagle	Leh	Saurman	Speaker
Flick			

NOT VOTING—1

Maiale

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. DALEY offered the following amendments No. A2950:

Amend Sec. 3 (Sec. 1801-A), page 3, lines 12 through 30; page 4, lines 1 through 7, by striking out all of said lines on said pages and inserting

(4) The Fourth District is composed of part of Allegheny County consisting of the Townships of East Deer, Fawn, Frazer, Harrison and Springdale and the Boroughs of Brackenridge, Cheswick, Monroeville, Pitcairn, Plum, Springdale, Tarentum and Turtle Creek; all of Beaver County; part of Butler County consisting of the Townships of Adams, Buffalo, Clinton, Cranberry, Jefferson, Middlesex, Penn, Summit and Winfield and the Boroughs of Callery, East Butler, Mars, Saxonburg, Seven Fields, Valencia and Zelenople; part of Lawrence County consisting of the City of New Castle and the Townships of Little Beaver, Mahoning, North Beaver, Perry, Pulaski, Shenango, Taylor, Union and Wayne and the Boroughs of Bessemer, Ellport, Ellwood City, Enon Valley, New Beaver, Snpj, South New Castle and Wampum; part of Mercer County consisting of the Cities of Farrell and Sharon and the Township of Shenango and the Boroughs of Sharpsville, West Middlesex and Wheatland; and part of Westmoreland County consisting of the Cities of Arnold, Lower Burrell and New Kensington and the Townships of Allegheny, Bell, Penn, Salem, Upper Burrell and Washington and the Boroughs of Avonmore, Delmont, East Vandergrift, Export, Hyde Park, Manor, Murrysville, Oklahoma, Penn, Vandergrift and West Leechburg.

Amend Sec. 3 (Sec. 1801-A), page 5, line 23, by inserting after "County" where it appears the second time

(except the Townships of Cherrytree, Jackson and Plum and the Borough of Cooperstown)

Amend Sec. 3 (Sec. 1801-A), page 7, line 30; page 8, lines 1 through 19, by striking out all of said lines on said pages and inserting

(12) The Twelfth District is composed of all of Armstrong County; all of Cambria County; part of Fayette County consisting of the Cities of Connellsville and Uniontown and the Townships of Bullskin, Connellsville, Dunbar, Franklin, Henry Clay, Jefferson, Lower Tyrone, North Union, Saltlick, South Union, Springfield, Stewart, Upper Tyrone and Wharton and the Boroughs of Dawson, Dunbar, Everson, Markleysburg, Ohiopyle, South Connellsville and Vanderbilt; part of Indiana County consisting of the Townships of Armstrong, Blacklick, Brush Valley, Buffington, Burrell, Center, Conemaugh, East Wheatfield, Pine, West Wheatfield, White and Young and the Boroughs of Armagh, Blairsville, Homer City, Indiana, Jacksonville, Saltsburg and Shelocta; all of Somerset County; and part of Westmoreland County consisting of the Townships of Cook, Derry, Donegal, East Huntingdon, Fairfield, Ligonier, Loyalhanna, Mt. Pleasant, St. Clair and Unity and the Boroughs of Bolivar, Derry, Donegal, Latrobe, Laurel Mountain, Ligonier, Mt. Pleasant, New Alexandria, New Florence, Scottsdale, Seward and Youngstown.

Amend Sec. 3 (Sec. 1801-A), page 9, lines 6 through 13, by striking out all of said lines and inserting

(14) The Fourteenth District is composed of part of Allegheny County consisting of the City of Pittsburgh and the Townships of Baldwin, Kennedy, Neville, Penn Hills Wards 1, 2, 3 (Districts 3 and 5), 4 (Districts 2 and 4) and 9 (District 5), Reserve, Stowe and Wilkins and the Boroughs of Avalon, Bellevue, Braddock, Braddock Hills, Brentwood, Chalfont, Edgewood, Etna, Forest Hills, Homestead, Ingram, McKees Rocks, Millvale, Mt. Oliver, Munhall, Rankin, Sharpsburg, Swissvale, West Homestead, West Mifflin, Whitaker and Wilkinsburg.

Amend Sec. 3 (Sec. 1801-A), page 11, lines 13 through 29, by striking out all of said lines and inserting

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Townships of Aleppo, Collier, Crescent, Findlay, Hampton, Harmar, Indiana, Kilbuck, Leet, McCandless, Marshall, Moon, Mt. Lebanon, North Fayette, O'Hara, Ohio, Penn Hills Wards 3 (Districts 1, 2, 4 and 6), 4 (Districts 1, 3 and 5), 5, 6, 7, 8 and 9 (Districts 1, 2, 3 and 4), Pine, Richland, Robinson, Ross, Scott, Shaler, South Fayette, South Park, Upper St. Clair and West Deer and the Boroughs of Aspinwall, Baldwin, Bell Acres, Ben Avon, Ben Avon Heights, Bethel Park, Blawnox, Bradford Woods, Bridgeville, Carnegie, Castle Shannon, Churchill, Coraopolis, Crafton, Dormont, Edgeworth, Emsworth, Fox Chapel, Franklin Park, Glenfield, Green Tree, Haysville, Heidelberg, Jefferson, Leetsdale, McDonald, Oakdale, Oakmont, Osborne, Pennsbury Village, Pleasant Hills, Rosslyn Farms, Sewickley, Sewickley Heights, Sewickley Hills, Thornburg, Verona, West View and Whitehall; and part of Washington County consisting of the Township of Peters.

Amend Sec. 3 (Sec. 1801-A), page 12, lines 7 through 30; page 13, lines 1 through 8, by striking out all of said lines on said pages and inserting

(20) The Twentieth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne and McKeesport and the Townships of Elizabeth, Forward, North Versailles and South Versailles and the Boroughs of Dravosburg, East McKeesport, East Pittsburgh, Elizabeth, Glassport, Liberty, Lincoln, North Braddock, Port Vue, Trafford, Versailles, Wall, West Elizabeth, White Oak and Wilmerding; part of Fayette County consisting of the Townships of Brownsville, Georges, German, Luzerne, Menallen, Nicholson, Perry, Redstone, Springhill and Washington and the Boroughs of Belle Vernon, Brownsville, Fairchance, Fayette City, Masontown, Newell, Perryopolis, Point Marion and Smithfield; all of Greene County; all of Washington County (except Peters Township); and part of Westmoreland County consisting of the Cities of Greensburg, Jeannette and Monessen and the Townships of Hempfield, North Huntingdon, Rostraver, Sewickley and South Huntingdon and the Boroughs of Adamsburg, Arona, Hunker, Irwin, Madison, New Stanton, North Belle Vernon, North Irwin, Smithton, South Greensburg, Southwest Greensburg, Sutersville, Trafford, West Newton and Youngwood.

Amend Sec. 3 (Sec. 1801-A), page 13, lines 9 through 21, by striking out all of said lines and inserting

(21) The Twenty-first District is composed of part of Butler County consisting of the Townships of Allegheny, Brady, Center, Cherry, Clay, Clearfield, Concord, Donegal, Fairview, Franklin, Marion, Mercer, Muddycreek, Oakland, Parker, Slippery Rock, Venango, Washington, Winfield and Worth and the Boroughs of Bruin, Cherry Valley, Chicora, Eau Claire, Fairview, Harrisville, Karns City, Petrolia, Portersville, Prospect, Slippery Rock, West Liberty and West Sunbury; all of Crawford County; all of Erie County; part of Lawrence County consisting of the Townships of Hickory, Neshannock, Plain Grove, Scott, Slippery Rock, Washington and Wilmington and the Boroughs of New Wilmington and Volant; and part of Mercer County consisting of the City of Hermitage and the Townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findlay, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, MillCreek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, Worth and the Boroughs of Clark, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro; and part of Venango County consisting of the Townships of Cherrytree, Jackson and Plum and the Borough of Cooperstown.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Today we are going to hear from each area that there are no good proposals, there are just a series of bad proposals that are being placed before all of us for consideration.

I present to you an amendment that was drafted in a bipartisan fashion by members of both sides of the aisle in southwestern Pennsylvania to realign and correct something that was blatantly unfair that was done in the original HB 2185. It addresses itself to five congressional seats in southwestern Pennsylvania. Those five congressional seats, under the present proposal, would place three Congressmen at risk, one of which is in the 22d Congressional District in which he has lost 470,000 constituents by this plan, and it places an incumbent seventh-term Congressman in a district in which he only has 15,000 of his former district.

We feel this is a fair plan. This is an equitable plan. This proposal addresses the Fourth Congressional District in which it combines Allegheny, all of Beaver County, 60,000 people in Butler County, 73,000 in Lawrence, 35,000 in Mercer, and 111,000 in Westmoreland for a total of 566,000 constituents. That is presently held by Congressman Kolter. Congressional District 12, which is identical to HB 2185, places Congressional District 12, which is Congressman Murtha, in all of Armstrong County, which is 73,000, and 163,000 in Cambria County, 88,000 in Fayette County, 63,000 in Indiana County, 78,000 in all of Somerset County, and 99,000 in Westmoreland County. The 14th Congressional District is Allegheny County, in which there are 564,968 people, and is presently held by Congressman Walgren. The 18th Congressional District, which is presently held by Congressman Santorum, places 551,420 in Allegheny County and 14,467 in Washington County. The 20th Congressional District, as our proposal, presently held by Congressman Murphy, places 120,000 in Allegheny County, 56,000 in Fayette County, 39,000 in Greene County, all of Washington County except Peters Township, which is 190,000, and 159,000 in Westmoreland County.

We are offering this as a bipartisan effort to be fair to all the people in southwestern Pennsylvania, those people in Washington and Greene, Fayette, Butler, Lawrence, Allegheny, Westmoreland, and Somerset Counties, and I ask for your support on this amendment.

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

For the same reasons spoken of by my friend, Representative Daley, I urge the members on this side of the aisle to give this amendment some consideration.

I think that the original bill as written and drafted put one of the Congressmen from Allegheny County, Representative Santorum, in a position where his seat would not be competitive, and we offer this amendment in fairness, in fairness for the opportunity for this enlightened young freshman Congressman to have an opportunity to run in a district which is competitive.

Mr. Speaker, I urge all members on this side of the aisle to support this amendment so that we can insure that there will be two districts in Allegheny County which are competitive. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this plan.

For the last 10 years Westmoreland County has been suffering, I believe, under the schizophrenia of so many Representatives, and we finally have the chance to have a Westmoreland-based congressional district, and I think a county as large as Westmoreland, as diverse as Westmoreland, needs to have that opportunity. As a member of a former congressional staff, I think it is imperative, and I speak from knowledge and experience.

I would ask all members to vote against this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, reapportionment is a delicate balance. It is a balance between the interests of those of us here who have careers and ambitions. It is a balance between the congressional delegation who seek to further their careers. It is a balance among the constituents in the various counties and towns across the Commonwealth of Pennsylvania. To achieve that balance, you have to have people working together to forge, to forge compromises and forge plans that make sense and that a majority will support.

If this amendment is passed, I can guarantee you that balance will be broken and all heck will break loose. The reason it will be broken is because essentially what the Daley amendment does is provide the loss of two Democratic seats in the Commonwealth of Pennsylvania and no Republican seats. If that happens, there are going to be amendments that will change this whole plan and change it dramatically to meet that balance. This vote is going to probably be the critical vote on this whole bill, and it is very important that you oppose it, because that balance has been attained.

Now, one of my colleagues on the other side of the aisle talked about Allegheny County and that one seat not being competitive. It certainly is competitive, but the advantage on that seat is a Democratic advantage. The advantage in the eastern end where another seat is going out is going to be a Republican advantage, and that is part of the balance. If you destroy that balance, you are going to change the dynamics of the whole plan and there is going to be a dramatically different plan. That is why the majority of the congressional delegation are supportive of the plan that is in HB 2185. They are supportive of it because of that negotiation that has already taken place.

I ask everybody, I urge everybody to oppose the Daley-Cessar amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak to this plan's impact on Mercer County.

In Mercer County this plan commits two sins: one is a venal sin and one is a mortal sin. The venal sin is it divides the county in half, and the mortal sin is it divides the Shenango Valley in half.

I urge a "no" vote.

The SPEAKER. Is the gentleman, Mr. Daley, seeking recognition?

Mr. DALEY. Yes, Mr. Speaker. Thank you.

Just to respond to Representative Michlovic's comments. He wants you to believe that all heck will break loose if you pass this amendment, as if the sky would be falling if you would pass this amendment. But is it not kind of ironic that the balance that Mr. Michlovic was talking about, that delicate balance, did not take into consideration any of the areas outside of Allegheny County. As long as Allegheny County was balanced, the rest of southwestern Pennsylvania was fine. Well, it does not work that way, Mr. Speaker. In a society like we have, we all work together. The balance was shifted to Allegheny County, and all we are trying to do is provide some fairness.

And he was talking about the congressional support, the support that was offered by all of the Congressmen. Well, I will tell you right now, Congressman Kolter, Congressman Murphy, and Congressman Santorum support this amendment. They ask us to support this amendment and run this amendment because of the unfair balance that Allegheny County has, and all he is talking about is the 18th Congressional District.

I will tell you how far it is out of balance. Congressman Santorum represents a district, and under our plan, 41 percent of those he represents are Republicans and 59 percent are Democrats, and he accepts that. But Representative Michlovic wants to tell you the balance is not fair.

I offer to you a compromise amendment, a balance of true partisan effort for all of southwestern Pennsylvania, not just those select few that were involved in the negotiations on this proposal.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—119

Adolph	Fox	Leh	Semmel
Allen	Freeman	Lescovitz	Serafini
Angstadt	Freind	Lucyk	Smith, B.
Argall	Gallen	McHale	Smith, S. H.
Armstrong	Gamble	McHugh	Snyder, D. W.
Barley	Gannon	Marsico	Snyder, G.
Battisto	Geist	Merry	Stairs
Birmelin	George	Mrkonic	Steelman
Black	Gerlach	Nahill	Steighner
Boyes	Gladeck	Nailor	Stish
Brown	Godshall	Nickol	Strittmatter
Bunt	Gruppo	Noye	Surra
Cappabianca	Hagarty	Nyce	Taylor, E. Z.
Carone	Hanna	O'Brien	Taylor, F.
Cessar	Harley	Olasz	Taylor, J.
Chadwick	Hasay	Perzel	Telck
Civera	Hayes	Petrone	Tomlinson
Clark	Heckler	Phillips	Trello
Clymer	Herman	Piccola	Trich

Colaella	Hershey	Pitts	Tulli
Colaizzo	Hess	Raymond	Uliana
Daley	Jadlowiec	Reber	Vance
Davies	Johnson	Reinard	Veon
Dent	Kasunic	Ritter	Vroon
Fairchild	Kenney	Robinson	Wilson
Farmer	LaGrotta	Ryan	Wogan
Fee	Langtry	Saurman	Wright, D. R.
Fleagle	Laughlin	Scheetz	Wright, M. N.
Flick	Lawless	Schuler	Wright, R. C.
Foster	Lee	Scrimenti	

NAYS—80

Acosta	DeWeese	Kruszewski	Preston
Arnold	Dempsey	Kukovich	Richardson
Belardi	Dermody	Levdansky	Rieger
Belfanti	Donatucci	Linton	Roebuck
Billow	Evans	Lloyd	Rudy
Bishop	Fajt	McCall	Saloom
Blaum	Fargo	McGeehan	Staback
Bowley	Gigliotti	McNally	Stetler
Broujos	Gruitza	Markosek	Stuban
Bush	Haluska	Mayernik	Sturla
Butkovitz	Harper	Melio	Tangretti
Caftagirone	Hayden	Michlovic	Thomas
Carlson	Hughes	Micozzie	Tigue
Carn	Itkin	Mihalich	Van Horne
Cawley	James	Mundy	Wambach
Cohen	Jarolin	Murphy	Williams
Cole	Josephs	Oliver	Wozniak
Corrigan	Kaiser	Pesci	
Cowell	King	Petrarca	O'Donnell,
Coy	Kosinski	Pistella	Speaker
DeLuca	Krebs		

NOT VOTING—2

Cornell Maiale

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

The SPEAKER. Does the gentleman, Mr. Veon, have an amendment?

Does the gentleman, Mr. Nahill, have an amendment?

Mr. NAHILL. Mr. Speaker, the amendment had some problems with it, and we are having it redrafted right now, and we will get it down to the House floor as soon as we can.

The SPEAKER. Does the gentleman, Mr. Gallen, have an amendment?

Mr. GALEN. Mr. Speaker, staff worked until 2 o'clock this morning on this amendment, and it was to the Reference Bureau early this morning, and I still have not gotten it. I am waiting for it.

The SPEAKER. Does the gentleman, Mr. Kukovich, have an amendment?

Is the gentleman, Mr. Pitts, offering an amendment?

Mr. PITTS. Mr. Speaker, I have one, but it is not down from Reference Bureau. It has been there all day.

The SPEAKER. What time did the gentleman submit the amendment?

Mr. PITTS. Yesterday, I believe.

The SPEAKER. The Chair thanks the gentleman.

The Chair requests the attention of the members.

On the question of amending the bill that is before us on reapportionment, the Chair is getting increasing notice of proposed amendments by members, some of which have been submitted as late as 2 o'clock this afternoon. It is impossible for the House to process amendments that are thought of after a bill reaches the floor.

The second problem at hand is that some of the amendments take locations out of a congressional district and do not put them anywhere.

The third problem is that some of the amendments eliminate sections of the bill which later amendments seek to amend.

Now, to render this process more orderly, we will put off further consideration of this bill, take up other matters, return to this issue, and if the Chair is in possession of any amendments which have been produced by that time, the amendments are available to be considered by the House, and if we are not in possession of amendments at that time, the Chair's inclination would be to consider the bill as it stands at that time.

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I would hope that that is not the last word on that subject, that the Chair will make a decision that we will just go ahead and run a bill finally despite the fact that members have ordered amendments as much as 24 hours ago. I mean, I cannot imagine that the Chair really intends to do that, and I am wondering what the Chair is really saying.

The SPEAKER. In 17 years here, the Chair is really saying that I have never seen any subject on which the last word was spoken. However, there is the need to render this process orderly, and the creative impulses that are let loose by the debate on the House floor which suggest further amendment ad infinitum simply are intolerable.

The Chair is advising the members of the beginning of a closure on the amendment process.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 2185 will be passed over temporarily. The Chair hears no objection.

* * *

The House proceeded to third consideration of **HB 2017, PN 2504**, entitled:

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mrs. TAYLOR offered the following amendments No. A2696:

Amend Sec. 3, page 3, line 12, by inserting after "licensed" or certified

Amend Sec. 3, page 3, line 14, by inserting after "profession."

The term includes personnel recognized under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

Amend Sec. 3, page 3, by inserting between lines 24 and 25

"Medical command physician." A licensed physician who is authorized to give medical command under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

Amend Sec. 13, page 10, line 30; page 11, lines 1 through 3, by striking out "the" in line 30, page 10, and all of lines 1 through 3, page 11, and inserting

(1) an original declaration, signed by the declarant or other authorized person, is presented to the emergency medical services personnel. The emergency medical services personnel must immediately notify the medical command physician of the presence of the declaration; or

(2) the medical command physician, based on prior notification by the attending physician or other health care provider that a valid and operative declaration exists, directs the emergency medical service personnel according to the provisions of the declaration.

(c) Uncertainty regarding validity of declaration.—Emergency medical services personnel confronted with any conflicting information regarding the patient's wishes for life-sustaining treatment shall act according to the accepted treatment protocols and standards appropriate to their level of certification.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, there were two amendments circulated, and I would advise the members that this is amendment 2696.

This amendment would only be triggered after sections 5 and 8 of the bill became operative. In other words, this amendment applies only after the following conditions: One, that a copy of the living will has been provided to the family physician, to EMS (emergency medical services) personnel, and that the individual is in a terminal condition or a state of permanent unconsciousness; or two, the medical command physician, based on prior notification that a valid living will exists, therefore directs EMS personnel according to the conditions of the living will. Further, any uncertainty, any situation where there is conflicting information, the EMS personnel shall act according to accepted treatment protocol and according to their certification.

As I understand this, Mr. Speaker, this is an agreed-to amendment, and I offer it as a way to clarify the language that is in the bill and to also protect EMS and clarify to EMS personnel the intent of our living will legislation. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Fairchild	Laughlin	Rudy
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimanti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayermik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Stuban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	Wright, R. C.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Evans	Langtry	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

Anderson Durham

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

On the question,

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

Mr. VEON offered the following amendments No. A2892:

Amend Table of Contents, page 1, line 16, by striking out "terminal"

Amend Sec. 3, page 4, by inserting between lines 3 and 4

“Probable gestation age of the fetus.” The age of an unborn child carried by a declarant, who is diagnosed to be in a terminal condition or to be permanently unconscious, determined with a reasonable degree of medical certainty after completion of the procedure required by section 8(b).

Amend Sec. 4, page 6, lines 3 through 13, by striking out all of said lines and inserting

(6) If I have been diagnosed as pregnant and that diagnosis is known to my attending physician and the fetus is of 24 or more weeks gestational age, this declaration shall have no force and effect during the course of the remainder of my pregnancy. If the fetus is less than 24 weeks gestational age, (choose one):

() I direct that this declaration shall have no force and effect during the course of the pregnancy.

() I direct that this declaration be carried out.

() I hereby delegate to (name), who is designated as my surrogate, the authority to decide whether this declaration should be carried out during the course of my pregnancy.

Amend Sec. 5, page 7, line 16, by striking out “and”

Amend Sec. 5, page 7, line 19, by removing the period after “unconsciousness” and inserting
; and

(3) in the case of a pregnant declarant, the attending physician has determined, as provided in section 8, that the fetus is less than 24 weeks gestational age.

Amend Sec. 8, page 8, line 17, by striking out “terminal”

Amend Sec. 8, page 8, line 18, by inserting before “For”

(a) General rule.—

Amend Sec. 8, page 8, by inserting between lines 25 and 26

(b) Determination of probable gestational age of fetus.—

For the purposes of section 5, an attending physician, without delay after the diagnosis that the declarant is in a terminal condition or in a state of permanent unconsciousness and is pregnant, shall make a determination of the probable gestational age of the fetus. In making the determination, the physician shall make such inquiries of the declarant’s medical records or family members and perform or cause to be performed such medical examinations and tests as a prudent physician would consider necessary to make or perform in effecting an accurate diagnosis with respect to gestational age. A written record of the type of inquiries made and the type of examinations and tests utilized to determine the gestational age of the fetus and the basis for the diagnosis with respect to gestational age shall be included in the declarant’s medical file. This written report shall be provided to the second physician prior to his or her examination of the patient as provided in subsection (a).

On the question,

Will the House agree to the amendments?

The SPEAKER. Is the gentleman, Mr. Freind, seeking recognition?

Mr. FREIND. Is the sponsor going to speak on it?

The SPEAKER. One assumes. I thought that the gentleman was going to offer a motion.

PARLIAMENTARY INQUIRY

Mr. FREIND. Two questions, Mr. Speaker. Point of parliamentary inquiry.

Number one, if this amendment passes and then amendment 2613 passes, what is the end effect?

The SPEAKER. Is 2613 the amendment offered by the gentleman, Mr. Freind?

The effect of the adoption of 2613 after 2892 would be that 2613 would take precedence.

Mr. FREIND. Thank you, Mr. Speaker.

The second question is, is it permissible to move to pass over an amendment?

The SPEAKER. A motion to postpone an amendment is in order.

Mr. FREIND. Thank you, Mr. Speaker.

Is it appropriate— I mean, I do not want to steal the gentleman’s thunder if he wants to debate the issue first, and then later on I will come up with the appropriate motion.

The SPEAKER. Well, it occurs to the Chair that it does not make a lot of sense to debate the substance of something and then try and postpone it. So if the gentleman wishes, the motion to postpone is in order.

MOTION TO POSTPONE CONSIDERATION OF AMENDMENT A2892

The SPEAKER. Does the gentleman wish to make that motion at this time?

Mr. FREIND. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order. The matter before the House is a motion to postpone consideration of amendment 2892, offered by the gentleman, Mr. Veon.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

The amendment by the gentleman, Mr. Veon, may be very well intentioned. It is, however, an extremely bad idea. Let me say, with respect to the term “prolife,” that prolife does not just mean to oppose abortion—

POINT OF ORDER

Mr. VEON. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. VEON. Mr. Speaker, I appreciate what the gentleman is attempting to do. The point of order is, is it appropriate to debate the content of the amendment or the motion to postpone?

The SPEAKER. The debate on the motion to postpone shall be confined to the question of postponement and shall not include the discussion of the main question. The gentleman is so advised.

And obviously, to preempt the next level of inquiry, postponing it because it is a bad idea and therefore discussing the merits of why it is a bad idea is an inappropriate bridge. The question at hand is whether or not the issue should be postponed.

MOTION WITHDRAWN

Mr. FREIND. Thank you, Mr. Speaker.

In that case, however, momentarily, for the moment, I will withdraw my motion. The gentleman, Mr. Veon, will obviously discuss it, and then I will debate on the issue of the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman's withdrawing that motion, and I am certain he will offer that at the appropriate time, and we ought to have this debate at this time.

Mr. Speaker, this amendment clearly is an attempt on our part to strike a compromise on a very emotional issue; to strike some middle ground, if that is possible, on a very emotional issue.

I think most important to understand, for the members of this House, is that the language in my amendment conforms with the Abortion Control Act of 1989, which I voted for and clearly the majority of this House voted for. Other members who voted for the Abortion Control Act of 1989 will support this amendment and have offered their support for this amendment already.

It is most important to understand that this language is consistent with the most important provisions of the Abortion Control Act of 1989, and it is important to note, as we all understand, that the language in that act was recently upheld in the Third Circuit Court of Appeals as being constitutional. So I think that this amendment gives us an opportunity to move forward on an important issue like living will, which almost everyone in this chamber supports, by striking what I hope to be a middle ground on this important part of it.

In essence, the language in this amendment would do the following: If a woman is pregnant with a fetus of 24 weeks or more gestational age, her living will shall have no force and effect in State law in Pennsylvania. If the woman is pregnant with a fetus of less than 24 weeks, then the woman can direct that her living will be carried out, that her living will be voided, or that someone else be designated as her surrogate to make the decision for her.

Mr. Speaker, I think this is a fair compromise; I think this is a middle ground, and I would ask members from both sides of the debate. Clearly, the prochoice activists are not completely happy with the language in this amendment. Clearly, the prolife activists in the State will not be completely happy with the language in this amendment. I hope that that points out to the members of the House that this is in fact a compromise, is in fact a moderate position, and would ask the members for their affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

The problem with this amendment is that it is misguided. This issue has nothing whatsoever to do with abortion. The issue of a living will is to whether or not individuals shall have the right to leave instructions with respect to what medical procedures should be used when they are terminal. In essence, what a living will is asking—and no one opposes that; we need living will legislation—but a living will is asking society in general and the medical profession in particular to cooperate with those wishes. Because of that request, it is only appropriate, Mr. Speaker, that there be certain guidelines and certain limitations.

Now, this issue has nothing to do with abortion, and let me point out that the term "prolife" does not just mean to be against abortion; it is to defend the sanctity of all human life from conception until natural death.

So the issue here is, if you have a pregnant woman who is terminally ill by the definition of the act—and that is in the last stages of a terminal condition—and who is either unconscious or incompetent, should there be a provision that says that life-sustaining treatment shall be kept going if the doctor certifies that the woman can be kept alive long enough to give birth to a baby; if (b) by keeping those procedures, you do not cause the woman any pain; and if (c) by doing this, you are not adding to any physical harm to the mother, which by definition you cannot since she is terminal. So the issue therefore is, you know one person is going to die; so the only question is whether or not you want one or two deaths.

The Abortion Control Act, which Mr. Veon referenced, has a provision after 24 weeks on abortion only because of the Supreme Court rulings, which rulings, in the near future, are probably going to be nothing but a sad chapter in our history. But notwithstanding this, think of the illogic of the amendment. At 24 weeks, for the most part, there is a good chance that the baby can be delivered anyway. What we need are life-sustaining treatments continued at a much younger stage of the unborn baby. What this amendment would do would be shorten the potential life by maybe 70 or 75 years, in return to shorten the life of the mother by only several months.

Now, the point of the matter is, legislation passed by the Senate, as the result of negotiations and signed off by every major organization, had this protection. This bill does not have it right now, but the following amendment cosponsored by almost 70 members on both sides of the aisle will have that protection.

CONSIDERATION OF AMENDMENT A2892 POSTPONED

Mr. FREIND. Because this is confusing and may put members of good faith to a tough and confusing vote on this amendment and because I believe that the vast majority of this membership which has previously voted in favor of our position last November wants to vote that same way, I am going to now move that we postpone the consideration of this amendment so that we can bring up the next amendment, which clearly deals with the problem in an appropriate fashion, and I so move, Mr. Speaker.

The SPEAKER. The gentleman is in order.

The motion is to postpone consideration of the amendment. The matter therefore before the House is the gentleman's motion.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes Mr. Veon.

Mr. VEON. Mr. Speaker, obviously I would oppose this motion.

I appreciate where the gentleman, Mr. Freind, is coming from, and I appreciate the advocacy he brings to this issue, but as to what is appropriate for the House to consider and when the House ought to consider it, all I have tried to do here is offer a compromise, offer something that is different from what Mr. Freind has to offer, and I would say that it is very clearly appropriate to offer that right now, have a vote on that right now, and Mr. Freind would be in order then to offer his amendment following mine. I think that would be a logical way to proceed and would ask the members to oppose the motion to postpone.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—105

Adolph	Dempsey	Kaiser	Pitts
Allen	Donatucci	Kasunic	Raymond
Angstadt	Fairchild	Kenney	Reber
Argall	Fargo	King	Reinard
Armstrong	Farmer	Kosinski	Robinson
Arnold	Fee	LaGrotta	Ryan
Barley	Fleagle	Laughlin	Saurman
Birmelin	Foster	Lawless	Scheetz
Black	Freind	Lec	Schuler
Blaum	Gallen	Leh	Serimenti
Boyes	Gamble	Lloyd	Serafini
Brown	Gannon	McCall	Smith, S. H.
Bunt	Geist	McHugh	Snyder, G.
Bush	Gerlach	Markosek	Stairs
Butkovitz	Gigliotti	Marsico	Strittmatter
Carlson	Gladeck	Mayernik	Taylor, E. Z.
Cawley	Godshall	Melio	Taylor, F.
Cessar	Gruitza	Micozzie	Taylor, J.
Chadwick	Gruppo	Mrkonic	Telek
Civera	Hasay	Noye	Tomlinson
Clark	Hayes	O'Brien	Trello
Clymer	Herman	Olasz	Tulli
Colaizzo	Hershey	Perzel	Uliana
Cole	Hess	Petrone	Vroon
Coy	Jadlowiec	Phillips	Wogan
DeLuca	Johnson	Piccola	Wright, M. N.
Daley			

NAYS—95

Acosta	Freeman	McNally	Staback
Battisto	George	Maiale	Steelman
Belardi	Hagarty	Merry	Steighner
Belfanti	Haluska	Michlovic	Stetler
Billow	Hanna	Mihalich	Stish
Bishop	Harley	Mundy	Stuban
Bowley	Harper	Murphy	Sturla
Broujos	Hayden	Nahill	Surra
Caltagirone	Heckler	Nailor	Tangretti
Cappabianca	Hughes	Nickol	Thomas
Carn	Itkin	Nyce	Tigue

Carone	James	Pesci	Trich
Cohen	Jarolin	Petrarca	Van Horne
Colafella	Josephs	Pistella	Vance
Cornell	Krebs	Preston	Veon
Corrigan	Kruszewski	Richardson	Wambach
Cowell	Kukovich	Rieger	Williams
DeWeese	Langtry	Ritter	Wilson
Davies	Lescovitz	Roebuck	Wozniak
Dent	Levdansky	Rudy	Wright, D. R.
Dermody	Linton	Saloom	Wright, R. C.
Evans	Lucyk	Semmel	
Fajt	McGeehan	Smith, B.	O'Donnell,
Flick	McHale	Snyder, D. W.	Speaker
Fox			

NOT VOTING—1

Oliver

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. FREIND offered the following amendments No. A2613:

Amend Bill, page 1, lines 1 through 19; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting Establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; providing for pregnancy; and providing penalties.

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- Section 1. Short title.
- Section 2. Legislative findings and intent.
- Section 3. Definitions.
- Section 4. Declaration.
- Section 5. When declaration becomes operative.
- Section 6. Revocation.
- Section 7. Liability.
- Section 8. Duty of physician to confirm terminal condition.
- Section 9. Unwillingness to comply; transfer of declarant.
- Section 10. Effect on suicide and life insurance.
- Section 11. Declaration optional.
- Section 12. Preservation of existing rights.
- Section 13. Emergency medical services.
- Section 14. Pregnancy.
- Section 15. Penalties.
- Section 16. Severability.
- Section 17. Effective date.

Amend Bill, page 2, lines 8 through 30; pages 3 through 10, lines 1 through 30; page 11, lines 1 through 27, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Advance Directive for Health Care Act.

Section 2. Legislative findings and intent.

(a) Findings.—The General Assembly finds that all competent adults have a qualified right to control decisions relating to their own medical care. This right is subject to certain interests of society, such as the maintenance of ethical standards in the medical profession and the preservation and protection of human

life. Modern medical technological procedures make possible the prolongation of human life beyond natural limits. The application of some procedures to an individual suffering a difficult and uncomfortable process of dying may cause loss of patient dignity and secure only continuation of a precarious and burdensome prolongation of life.

(b) Intent.—Nothing in this act is intended to condone, authorize or approve mercy killing, euthanasia or aided suicide, or to permit any affirmative or deliberate act or omission to end life other than as defined in this act. Furthermore, this act shall create no presumption concerning the intent of any person who has not executed a declaration to consent to the use or withholding of life-sustaining procedures in the event of a terminal condition or a state of permanent unconsciousness.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Attending physician.” The physician who has primary responsibility for the treatment and care of the declarant.

“Declarant.” A person who makes a declaration in accordance with this act.

“Declaration.” A written document, voluntarily executed by the declarant in accordance with this act.

“Health care provider.” A person who is licensed by the laws of this Commonwealth to administer health care in the ordinary course of business or practice of a profession.

“Incompetent.” The lack of sufficient capacity for a person to make or communicate decisions concerning himself.

“Life-sustaining treatment.” Any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying or to maintain the patient in a state of permanent unconsciousness. Life-sustaining treatment shall include nutrition and hydration administered by gastric tube or intravenously or any other artificial or invasive means if the declaration of the qualified patient so specifically provides.

“Permanently unconscious.” A medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term includes without limitation a persistent vegetative state or irreversible coma.

“Person.” An individual, corporation, partnership, association, or Federal, State or local government or governmental agency.

“Qualified patient.” A person who has executed a declaration and who has been determined to be in a terminal condition or to be permanently unconscious.

“Terminal condition.” An incurable and irreversible medical condition in an advanced state caused by injury, disease or physical illness which will, in the opinion of the attending physician, to a reasonable degree of medical certainty, result in death regardless of the continued application of life-sustaining treatment.

Section 4. Declaration.

(a) Execution.—An individual of sound mind who is 18 years of age or older or who has graduated from high school or has married may execute at any time a declaration governing the initiation, continuation, withholding or withdrawal of life-sustaining treatment. The declaration must be signed by the declarant, or by another on behalf of and at the direction of the declarant, and must be witnessed by two individuals each of whom is 18 years of age or older. A witness shall not be the person who signed the declaration on behalf of and at the direction of the declarant.

(b) Form.—A declaration may but need not be in the following form and may include other specific directions including,

but not limited to, designation of another person to make the treatment decision for the declarant if the declarant is incompetent and is determined to be in a terminal condition or to be permanently unconscious.

DECLARATION

I, _____, being of sound mind, willfully and voluntarily make this declaration to be followed if I become incompetent. This declaration reflects my firm and settled commitment to refuse life-sustaining treatment under the circumstances indicated below.

I direct my attending physician to withhold or withdraw life-sustaining treatment that serves only to prolong the process of my dying, if I should be in a terminal condition or in a state of permanent unconsciousness.

I direct that treatment be limited to measures to keep me comfortable and to relieve pain, including any pain that might occur by withholding or withdrawing life-sustaining treatment.

In addition, if I am in the condition described above, I feel especially strong about the following forms of treatment:

I () do () do not want cardiac resuscitation.

I () do () do not want mechanical respiration.

I () do () do not want tube feeding or any other artificial or invasive form of nutrition (food) or hydration (water).

I () do () do not want blood or blood products.

I () do () do not want any form of surgery or invasive diagnostic tests.

I () do () do not want kidney dialysis.

I () do () do not want antibiotics.

I realize that if I do not want specifically indicate my preference regarding any of the forms of treatment listed above, I may receive that form of treatment.

Other instructions:

I () do () do not want to designate another person as my surrogate to make medical treatment decisions for me if I should be incompetent and in a terminal condition or in a state of permanent unconsciousness. Name and address of surrogate (if applicable):

Name and address of substitute surrogate (if surrogate designated above is unable to serve):

I made this declaration on the _____ day of _____ (month, year).

Declarant's signature:

Declarant's address:

The declarant or the person on behalf of and at the direction of the declarant knowingly and voluntarily signed this writing by signature or mark in my presence.

Witness's signature:

Witness's address:

Witness's signature:

Witness's address:

(c) Invalidity of specific direction.—Should any specific direction in the declaration be held to be invalid, the invalidity shall not offset other directions of the declaration which can be effected without the invalid direction.

(d) Medical record.—A physician or other health care provider who is furnished a copy of the declaration shall make it a part of the declarant's medical record and, if unwilling to comply with the declaration, promptly so advise the declarant.

Section 5. When declaration becomes operative.

A declaration becomes operative when:

(1) a copy is provided to the attending physician; and

(2) the declarant is determined by the attending physician to be incompetent and in a terminal condition or in a state of permanent unconsciousness.

When the declaration becomes operative, the attending physician and other health care providers shall act in accordance with its provisions or comply with the transfer provisions of section 9.

Section 6. Revocation.

(a) General rule.—A declaration may be revoked at any time and in any manner by the declarant, without regard to the declarant's mental or physical condition. A revocation is effective upon communication to the attending physician or other health care provider by the declarant or a witness to the revocation.

(b) Medical record.—The attending physician or other health care provider shall make the revocation a part of the declarant's medical record.

Section 7. Liability.

(a) General rule.—No physician or other health care provider who, consistent with this act, causes or participates in the initiating, continuing, withholding or withdrawal of life-sustaining treatment from a qualified patient who is incompetent shall, as a result thereof, be subject to criminal or civil liability, or be found to have committed an act of unprofessional conduct, if the attending physician has followed the declarant's wishes as expressed earlier by the declarant in the form of a declaration executed pursuant to this act.

(b) Absence of declaration.—The absence of a declaration by a patient shall not give rise to any presumption as to the intent of the patient to consent to or to refuse the initiation, continuation or termination of life-sustaining treatment.

Section 8. Duty of physician to confirm terminal condition.

For purposes of section 5, an attending physician shall, without delay after the diagnosis that the declarant is in a terminal condition or in a state of permanent unconsciousness, certify in writing that the declarant is in a terminal condition or in a state of permanent unconsciousness and arrange for the physical examination and confirmation of the terminal condition or state of permanent unconsciousness of the declarant by a second physician.

Section 9. Unwillingness to comply; transfer of declarant.

(a) Attending physician or health care provider.—If an attending physician or other health care provider cannot in good conscience comply with a declaration or if the policies of the health care provider preclude compliance with a declaration, the attending physician or health care provider shall so inform the declarant, or if the declarant is incompetent, shall so inform the declarant's surrogate, or if a surrogate is not named in the declaration, shall so inform the family, guardian or other representative of the declarant. The attending physician or health care provider shall make every reasonable effort to assist in the transfer of the declarant to another physician or health care provider who will comply with the declaration.

(b) Employee or staff member of health care provider.—An employee or staff member of a health care provider shall not be required to participate in the withholding or withdrawal of life-sustaining treatment. It shall be unlawful for an employer to discharge or in any other manner to discriminate against an employee or staff member who informs the employer that he does not wish to participate in the withholding or withdrawal of life-sustaining treatment. The employer may require the employee or staff member to express his wishes in writing.

(c) Liability.—If transfer under subsection (a) is not possible, the provision of life-sustaining treatment to a declarant shall not subject a health care provider to criminal or civil liability or administrative sanction for failure to carry out the provisions of a declaration.

Section 10. Effect on suicide and life insurance.

(a) Criminal effect.—The withholding or withdrawal of life-sustaining treatment from a qualified patient in accordance with the provisions of this act shall not, for any purpose, constitute suicide or homicide.

(b) Life insurance.—The making of, or failure to make, a declaration in accordance with this act shall not affect in any manner the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be

legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured patient, notwithstanding any term of the policy to the contrary.

Section 11. Declaration optional.

No physician or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability insurance, self-insured employee welfare benefit plan, nonprofit hospital plan or Federal, State or local government-sponsored or operated program shall:

(1) require any person to execute a declaration as a condition for being insured for, or receiving, health care services; or

(2) charge any person a different rate or fee whether or not the person executes or has executed a declaration.

Section 12. Preservation of existing rights.

The provisions of this act shall not impair or supersede any existing rights or responsibilities not addressed in this act.

Section 13. Emergency medical services.

(a) Care given prior to declaration taking effect.—Nothing in this act shall be construed to make the provisions of a declaration apply to care given to a patient by emergency medical services personnel prior to the declaration's becoming operative under sections 5 and 8.

(b) Care given after declaration takes effect.—The provisions of a declaration shall apply to care given to a patient by emergency medical services personnel after the declaration becomes operative under sections 5 and 8 only if the attending physician or other health care provider has furnished a copy of the declaration with instructions to the emergency medical services personnel.

Section 14. Pregnancy.

(a) General rule.—Notwithstanding the existence of a declaration or direction to the contrary, life-sustaining treatment, nutrition and hydration must be provided to a pregnant woman who is incompetent and has a terminal condition or who is permanently unconscious unless, to a reasonable degree of medical certainty as certified on the patient's medical record by the attending physician and an obstetrician who has examined the patient, life-sustaining treatment, nutrition and hydration:

(1) will not maintain the pregnant woman in such a way as to permit the continuing development and live birth of the unborn child;

(2) will be physically harmful to the pregnant woman; or

(3) would cause pain to the pregnant woman which cannot be alleviated by medication.

(b) Pregnancy test.—Nothing in this section shall require a physician to perform a pregnancy test unless the physician has reason to believe that the woman may be pregnant.

Section 15. Penalties.

Any person who willfully conceals, cancels, defaces, obliterates or damages the declaration of another without the consent of the declarant commits a felony of the third degree. Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of a revocation as provided in section 6, with the intent to cause a withholding or withdrawal of life-sustaining treatment contrary to the wishes of the declarant and, because of such an act, directly causes life-sustaining treatment to be withheld or withdrawn and death to be hastened, shall be subject to prosecution for criminal homicide as provided in 18 Pa.C.S. Ch. 25 (relating to criminal homicide). Any person who willfully, by undue influence, fraud or duress, causes a person to execute a declaration pursuant to this act commits a felony of the third degree.

Section 16. Severability.

The provisions of this act are severable, and, if any word, phrase, clause, sentence, section or provision of the act is for any reason held to be unconstitutional, the decision of the court shall

not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional word, phrase, clause, sentence, section or provision thereof not been included herein. Section 17. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the subject, the Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I think everyone agrees that living will legislation is needed. It is also needed quickly because of the Federal law which goes into effect on December 1 which says that as of December 1, at every health care institution, the patient has to be advised of his or her wishes and also be advised of the state of the law. Pennsylvania is one of only two States that does not have living will legislation; Nebraska is the other one.

The Senate acted a number of months ago, after many negotiations not only with House members but also with all of the interested groups, including the Hospital Association, the Pennsylvania Medical Society, the Bar Association, and the seniors. That legislation was, in my opinion, outstanding; provided people the choice as to how they wish their life to end under appropriate guidelines while protecting the sanctity of human life. Inexplicably that bill was not reported out of committee, even if it were to be amended. A separate bill was reported out. This amendment will gut this entire bill and replace it word for word with the provisions of SB 3.

There are two major changes. This bill presently makes no reference whatsoever as to what you have happen when there is a pregnant woman who is terminal. If this amendment passes, the bill would now say that when you have a pregnant woman, whether or not she has executed a living will, who is terminally ill and when the doctor certifies that she can be kept alive long enough to give birth to a baby, when the doctor also certifies that by continuing the medical treatment, you will cause her no pain, and when he further certifies that by continuing the medical treatment, you will do no harm to the mother, no physical harm, then the mother must continue to have life-sustaining treatment given to her in an attempt to save the baby.

I have seen the memos. I have seen the hype from those who oppose this, and one thing is abundantly clear: they are not prochoice; they are not proabortion; they are prodeath, because that is what we are talking about.

Now, let us think about the logic here. If by definition you have a pregnant woman who is terminal and if by the provisions of this amendment no harm can come to her, how can you not try to save the baby? How can you not try to save the baby? The issue gets down to this: Do you want one death or two?

Remember that with living will we are asking the medical community to cooperate. By doing so it is only appropriate to have certain guidelines. This is a medical community that has been sworn to uphold human life. We are not talking about

the right to an abortion. We are talking about a woman who is now terminal and is either unconscious or incompetent. Let us try to save her baby. Let us try to have one life come out of this.

Forty-eight States have living wills; 32 of them have an exception for the pregnant woman; 22 have exceptions that are more stringent than this amendment. In 22 States a pregnant woman is disqualified, is not considered, is not considered someone whose living will can be given any effect whatsoever.

So that is the first and major change. If no harm is going to come to the mother, try to save the baby at any stage.

Now, the question is, what if the woman is only 2 or 3 weeks pregnant? If the woman has been diagnosed as being pregnant and is 2 or 3 weeks pregnant and the doctor says it is possible to keep her alive long enough to save the baby and she is not going to have any pain caused to her and it will not increase medical harm, then do it. Logic dictates you do it.

There is a second change. Under the present bill, the people who can execute a living will are those who come under the medical consent law of 1970. The medical consent law of 1970 says the following people can give consent to medical treatment: someone who is 18 years of age or older, fine, or someone who has graduated from high school, fine, or someone who has been married, fine, or someone who has been pregnant, and that is what this bill right now says. So think about it.

A 13-year-old girl who gets pregnant and who has an abortion without her parents even being notified can turn around and execute a living will which takes effect regardless of the desires of the parent. If a month later she becomes terminal or is considered to be terminal, the parents have no say whatsoever. That is ludicrous. That is illogical. The law says that parents have a legal responsibility to attend to the health and well-being of their children until they are at least 18 years of age.

So those are the two changes, Mr. Speaker. We take out that one section about pregnancy as to who can give consent, and we also say— And incidentally, there can be no compromise when you are talking about life. When there is a chance to save an innocent human life where by definition no harm comes to the mother, for God's sake, let us do it.

I strongly ask for support of this legislation, the same support you overwhelmingly gave last November. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. VEON. Mr. Speaker, a number of members expressed their confusion upon Mr. Freind's first motion to postpone. In order to add to that confusion, I would like to ask whether it would be appropriate for me to offer a motion to postpone

Mr. Freind's amendment in order that my amendment can in fact go first or at least be considered first so that that vote could be more clear to members of this caucus, if that is at all possible.

The SPEAKER. I hope the record does not reflect an observation of an intention to further confuse the situation. If the inquiry is, can you postpone this amendment, the answer is yes.

Mr. VEON. Thank you, Mr. Speaker.

MOTION TO POSTPONE CONSIDERATION OF AMENDMENT A2613

Mr. VEON. Mr. Speaker, I would like to make that motion and explain the reason for doing that, if I could, very briefly.

The SPEAKER. The gentleman is in order.

Mr. VEON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Veon, moves that consideration of amendment 2613 be postponed. That is the matter before the House.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. On that subject, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, one other parliamentary inquiry.

The SPEAKER. The gentleman is in order.

Mr. VEON. It is my understanding that a motion to reconsider Mr. Freind's motion would be out of order, that you cannot reconsider a procedural vote. Is that in fact true?

The SPEAKER. The general practice in American legislative bodies appears to be to permit the motion to reconsider to be applied to a vote on the motion to postpone indefinitely.

Mr. VEON. All right. Now that we have clearly confused the members of the House, Mr. Speaker, I would like to attempt to explain. Several members who voted for Mr. Freind's motion to postpone in fact came up to me after that vote and suggested that they in fact thought they were voting for the amendment. I am certain that it was confusing on both sides. So if we could, Mr. Speaker, I would like to make a motion to postpone Mr. Freind's amendment. Some members on both sides of the aisle and some members who are supporting my position on this amendment feel strongly that we ought to consider my amendment first, and I would like to give them a very clear opportunity to do so.

The SPEAKER. The Chair recognizes Mr. Freind.

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

Number one, the members of the House have already spoken. But you have heard the explanation of both amendments, and it is very clear, given the substance of both amendments, the appropriate placement of the timing should have been the Freind amendment sponsored by 66 other members running first anyway merely because of the substance because it is far more encompassing than the Veon amendment.

Let us get this done. Let us deal with this problem. Let us vote "no" on the motion to postpone and then take up the Freind amendment. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. WAMBACH. It is my understanding, Mr. Speaker, that the motion to postpone is either a motion to postpone indefinitely or a motion to postpone to a certain other time. With the last two motions to postpone on the two amendments, I have not heard whether they are indefinite postponements or they are in fact postponed to a certain time in the future. Now, is there an explanation from the Chair on the parliamentary inquiry as to what we are postponing, I know what we are postponing, but to what length of time we are talking about?

The SPEAKER. Neither of the motions mentioned any time. It is therefore indefinite.

Mr. WAMBACH. So it is an assumption of the Chair that both postponements will be indefinite postponements?

The SPEAKER. It is not an assumption. The record does not reflect any definite time being offered by either of the movers on the amendments. Therefore, it not being definite, it is indefinite.

Mr. WAMBACH. Well, on the Veon amendment postponement, the motion made by Mr. Freind, does that necessarily mean that we will not see the Veon amendment again because it was an indefinite postponement or that we will see the Veon amendment again?

The SPEAKER. It is hard for me to predict what you are going to see next.

Mr. WAMBACH. Well, under the rules, Mr. Speaker—

The SPEAKER. Let me see if I can explain the situation.

Mr. WAMBACH. Under rules of order, I am saying, under rules of order, the postponement motion comes in two forms. You either postpone indefinitely or you postpone to a certain day, which means another time, and I have not heard that with either motion, and I would just like to know if we are going to revisit the Freind amendment upon a postponement or we are going to revisit the Veon amendment upon postponement or are they both indefinite postponements?

The SPEAKER. The Chair missed the last part of the gentleman's inquiry. If you could just state the last sentence.

Mr. WAMBACH. My inquiry is based on, Mr. Speaker, Robert's Rules, and I believe it is true in Mason's as well, that the postponement is either indefinite or the postponement is for a certain time. What I am saying is—

The SPEAKER. So far so good.

Mr. WAMBACH. What I am saying is, with the adoption by this House of the Veon amendment to postpone, was that an indefinite postponement or—

The SPEAKER. Yes.

Mr. WAMBACH. Okay. With the maker of the motion on the Freind amendment, is that an indefinite postponement?

The SPEAKER. Yes.

Mr. WAMBACH. So upon declaration of this House on its feeling on the Freind amendment, we will know whether or not we are going to revisit this amendment under a postponement or not.

The SPEAKER. No.

Mr. WAMBACH. You are saying we will not revisit it.

The SPEAKER. No.

Mr. WAMBACH. Thank you very much.

Just to explain to the members, Mr. Speaker. It is a very fine point on the rules regarding rules of order. I think it is a crucial point to understand whether or not we are simply postponing one amendment until another one is considered or we are postponing the amendment indefinitely, and I think you answered the fact that we are postponing the amendment indefinitely.

The SPEAKER. For the information of the members, just to point out the following conclusions: If the Freind amendment is adopted first, the Veon amendment cannot be considered. Because of the way the amendments are drafted, the language that is removed from the bill by the Freind amendment is no longer available for amendment by the gentleman, Mr. Veon. If the Veon amendment is adopted first, the Freind amendment can still be considered but would preempt the language of the Veon amendment. The postponement of the Freind amendment makes it available for consideration at a later time. That time has not been established and is therefore available to the members of this House to be called up at the convenience of the Chair or at the convenience of the members.

The motion to postpone the Veon amendment, when that was adopted, put off consideration of the Veon amendment to an indefinite time and is therefore available to the House to be called up at any time subject to the limitation that I just mentioned about which one would have to be considered first.

Are there any other parliamentary inquiries?

The gentleman, Mr. Olasz.

Mr. OLASZ. No. I just wanted to make a comment, Mr. Speaker, if it is in order.

The SPEAKER. The gentleman is not yet in order, unless the gentleman is addressing the motion to postpone.

Mr. OLASZ. In a way it is addressing the motion to postpone.

The SPEAKER. In a way.

Well, is there anyone on the floor seeking recognition to address the motion to postpone the consideration of the Freind amendment?

Mr. OLASZ. It can be construed, Mr. Speaker, my comments.

The SPEAKER. The gentleman, Mr. Strittmatter, is recognized.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to oppose the motion to postpone. I believe the Senate gave us this bill in June. We have had enough delaying

tactics. I would like to get on with this living will legislation. Thank you.

The SPEAKER. The gentleman, Mr. Olasz, on the motion to postpone.

Mr. OLASZ. Mr. Speaker, I do not have to make my standard statement to think about it because the previous two speakers have thrown enough eloquence on it.

I agree with the speaker. Let us get on with the show. This game is not going to be postponed because of rain or inclement weather. The show is here. You have got to do your thing now. So I move that we all support Representative Freind and let us get this thing moving.

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

I just would like to again point out to the members of the House that Speaker O'Donnell's point about my amendment not being able to be considered if in fact Mr. Freind's amendment passes is the reason that it is important to postpone this and consider my amendment first. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—70

Acosta	Flick	Linton	Robinson
Belfanti	Fox	McHale	Roebuck
Billow	Freeman	McNally	Rudy
Bishop	Hagarty	Maiale	Smith, B.
Bowley	Harley	Melio	Steelman
Broujos	Harper	Michlovic	Stetler
Butkovitz	Hayden	Mihalich	Sturla
Carn	Heckler	Mundy	Tangretti
Carone	Hughes	Murphy	Thomas
Cohen	Itkin	Nailor	Van Horne
Cowell	James	Nickol	Vance
DeWeese	Jarolin	Oliver	Veon
Daley	Josephs	Pistella	Wambach
Davies	Krebs	Preston	Williams
Dent	Kukovich	Reinard	Wright, D. R.
Dermody	Lee	Richardson	
Evans	Lescovitz	Rieger	O'Donnell,
Fajt	Levdansky	Ritter	Speaker

NAYS—130

Adolph	Donatucci	Kruszewski	Saurman
Allen	Fairchild	LaGrotta	Scheetz
Angstadt	Fargo	Langtry	Schuler
Argall	Farmer	Laughlin	Scrimenti
Armstrong	Fee	Lawless	Semmel
Arnold	Fleagle	Leh	Serafini
Barley	Foster	Lloyd	Smith, S. H.
Battisto	Freind	Lucyk	Snyder, D. W.
Belardi	Gallen	McCall	Snyder, G.
Birmelin	Gamble	McGeehan	Staback
Black	Gannon	McHugh	Stairs
Blaum	Geist	Markosek	Steighner
Boyes	George	Marsico	Stish
Brown	Gerlach	Mayernik	Strittmatter
Bunt	Gigliotti	Merry	Stuban
Bush	Gladeck	Micozzie	Surra
Caltagirone	Godshall	Mrkonic	Taylor, E. Z.
Cappabianca	Gruitza	Noye	Taylor, F.
Carlson	Gruppo	Nyce	Taylor, J.
Cawley	Haluska	O'Brien	Telek
Cessar	Hanna	Olasz	Tigue
Chadwick	Hasay	Perzel	Tomlinson

Civera	Hayes	Pesci	Trello
Clark	Herman	Petrarca	Trich
Clymer	Hershey	Petrone	Tulli
Colafrilla	Hess	Phillips	Uliana
Colaizzo	Jadlowiec	Piccola	Vroon
Cole	Johnson	Pitts	Wilson
Cornell	Kaiser	Raymond	Wogan
Corrigan	Kasunic	Reber	Wozniak
Coy	Kenney	Ryan	Wright, M. N.
DeLuca	King	Saloom	Wright, R. C.
Dempsey	Kosinski		

NOT VOTING—1

Nahill

EXCUSED—2

Anderson Durham

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

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

The SPEAKER. The Chair recognizes the lady, Mrs. Harley.

Mrs. HARLEY. Thank you, Mr. Speaker.

Mr. Freind says that a life will come out of this and the woman will not be harmed. Well, I want to read a couple of sentences from Dr. Henry Cornman, a physician from Bryn Mawr, which relates to this condition of the fetus held captive in the body of a woman who is otherwise dead. "The outcome of pregnancy in otherwise well diabetic women in the 1940's was 85% stillbirths due to nutritional and hormonal imbalances such as might be seen with I.V. nutrition under the incubator conditions proposed. Even then the newborn infants showed evidence of anoxia and were treated with oxygen which caused retrolental fibroplasia and blindness indicating the sort of unpredictable problems which might result from trying to produce a child by using an otherwise dead woman for an incubation."

Mr. Freind also gave us an example of a 13-year-old girl having a living will and it being carried out without her parents' permission. Well, what about what happens to the family when, if his amendment passes, a family - a mother, a father, sisters, brothers, a husband, if it is a married woman - all will be forced to watch their loved one perform the act of being a human incubator? What about the rights of the family then, Mr. Speaker? What?

A woman from Rohrerstown wrote to me. "It is incredible to me that in this day and age legislation is being passed by men and women who are pious church members who believe in the sanctity of the family and then turn around and pass laws that destroy the family's rights."

Is this a reasonable amendment presented by Representative Freind or is this an outrage against the rights of families - husbands, mothers, and fathers? Should we as legislators make these decisions for a woman and her family against her and her family's wishes? Is it reasonable that a woman should slip into an irreversible coma to attempt to save a fetus that is clearly not viable? Is it reasonable that a woman should slip into an irreversible coma and leave born children motherless?

Is it reasonable that the woman, her husband, and her family have no say? Is it reasonable that a woman should be forced by a group of legislators to become a human incubator and become the property of the State?

If this legislative body passes this amendment and takes away a woman's right to control her own body, if this legislative body passes this amendment and takes away her husband's and her physician's, her mother's and her father's rights to protect her as they see most humane, then I hope that you here in this chamber never experience the pain and helplessness resulting from the State taking control of your wife or your daughter or your daughter-in-law only to watch your daughter or the torment of your son or son-in-law as the State force-feeds your precious loved one.

I urge you to vote "no" on this murderous amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Mr. Speaker, I would like to discuss the medical aspects of keeping the mother alive. We talk a great deal about no physical harm to the mother, but I ask you to consider what harm is being done to the fetus by the medication that is being used to keep her comfortable.

First, if the expectant mother's present vegetative state was caused by an accident and if she did not breathe for several minutes during this time, you may have a severely compromised fetus, one likely to have cerebral palsy or severe neurological deficits.

Secondly, I believe we need to examine just what kind of scenario we are establishing. If we keep this mother alive, particularly if it is against her previously expressed written wishes and those of her family, we may at the end of this pregnancy have a man who has not only lost his wife but has a severely deformed child. Would this family be forced to fund something to which they object strongly? Will the hospital pay or will society pay? A drug, even one such as a strong antihistamine, is not given until after the 18th week of pregnancy when the lip is fused. You are setting up cleft palate, harelip, and this is just with an antihistamine. What are you going to be doing with a strong pain medication? Parents make surrogate decisions for their children all the time - what shots they will take for which illnesses, decisions involving every area of their lives - but the government wishes to take away this most basic privilege.

The percent of pregnant women needing to utilize a living will is very minute. The vast majority of our senior citizens want and deserve this legislation. Modern medicine has given us wondrous technology. It is up to each individual to decide if this technology is being used to preserve life or prolong death.

I ask that you do not vote for this amendment.

The SPEAKER. The Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. I rise to speak on this issue from a perspective I hope most of you avoid, that of watching at the bedside of a dying woman being maintained on life-support systems.

Last August my mother suffered a stroke. For 2 weeks she was hospitalized. During that time she never responded to light or voices or to either gentle or intense physical stimuli, stimuli that would cause considerable pain to a conscious person. She only responded when, in response to indications that her lungs were filling up with fluid and mucus, the attending nurse used a vacuum aspirator to draw the fluid out of her respiratory system. Then she wept and weakly moved her hand. When I talked about this to my friends, I heard anecdotal reports of people who had had their lungs aspirated while they were conscious and who had begged to be allowed to die instead.

This essentially, an excruciatingly painful procedure, may not be necessary for every comatose pregnant woman whose advance directive for health care would be abrogated by this amendment, but it would be necessary in some cases. If these women are comatose, the physicians attending them and their families may not even recognize what they are suffering. It could be argued that these women can be given painkillers, but I think Representative Vance has already spoken cogently to the problems that are presented by the administration of strong medication over perhaps an extended period of time to pregnant women.

I do not believe that the Commonwealth of Pennsylvania should either mandate potentially the torture of dying women or fetal experimentation, and therefore, I hope that we will reject this amendment.

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, rarely have I seen an amendment that is as potentially cruel as this amendment. I, too, have had the experience of living with two people very close to me who have had to go on life-support systems. It is not something I wish for any family or any member of this House to have to go through. But to deny those who are most loved and are most closely involved with that individual the ability to make any decision at all is simply cruel, cruel.

Think about what you are doing here. You are in every instance, in every instance, in many unpredictable situations, saying that it is a legislative requirement that this pregnant woman be kept on a life-support system. You are denying the mother or the father or the husband, the children the opportunity to make or to be involved in that decision. That is cruel, cruel to do to any family. So do not glibly believe that you are prolife or prochoice because you are going to vote for this amendment. What you are doing is condemning families in this Commonwealth in future years to months of anguish, of having to face one of the most difficult decisions that families will have to make in denying them the opportunity to make a reasonable decision.

Mr. Freind makes some outrageous statements in this amendment. He suggests that we will know when keeping the woman alive will be harmful to her, and he suggests that we will know when there will be no pain caused by keeping the woman alive. How do we know that if that pregnant woman is unconscious? We do not know that. Mr. Freind takes an

amazing leap of faith in those statements. He assumes what science does not know.

And it is for these reasons that I suggest that you do not believe that you need to vote on Mr. Freind's amendment to be prolife. I ask that you consider what you are doing, because what you are doing in voting for this amendment is putting families in this Commonwealth in the position of having to face the cruelest decision of their lives without the ability to make a decision.

Please vote "no" for this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I want to comment on a couple of statements made by my colleagues, one most recently that science does not know what the woman feels. But I will tell you what anyone who has ever had a pregnant wife or seen a pregnant person does know: That certainly is not a wart growing in that womb. It is a human being with eyes, with a brain, and a heart, something that is not being displayed here today; a heart.

Just a few weeks ago medical science was astounded by the fact that a baby at birth that had weighed less than 2 pounds is now on the verge of being able to be taken home. Who is the predictor in here who can say that baby should not survive? You are talking about the cruelty to the mother. How about the cruelty to the baby in the womb?

I stated before in the last session, and for the benefit of these women who did not hear me, most people, married couples, if that woman is 5 months pregnant, that is an indication she wants that baby, and how many of those people ever signed a living will at that age in life? They are probably thinking my life expectancy will be 60 or 65 years of age, so they are going out that night. She slips on the steps and that renders her comatose. In my opinion, the mere fact that she has carried that baby for 5 months is an indication that she wants that baby. And if, God forbid, that would have happened to my wife, that is the last thing my dear wife could give me was that baby, and for the rest of my life that is what I am going to remember, her last gesture was to give me that baby, a constant reminder of her love and my love.

I cannot understand the callousness of people who tell me about the cruelty to the individual. Do we ever consider the cruelty to that baby? I mean, you talk about modern science, sonograms. Everything that we have today shows that that is a life. People have said, when does life begin? I have used the argument before, when does a football game begin? The minute that foot hits the ball, the clock starts to turn, and to me that is when life begins.

But think about that baby in the womb. Forget all this other show business. This is not a matter of abortion. This is a living will, and that baby in that womb is living. Think about it.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to vote against the Freind amendment, and I appreciate these women that have the courage to stand up and tell the truth.

I went through this agony 3 years ago with my husband. My husband had a heart attack, and we talked about if either one of us should become terminally ill and the doctor asked him or me to be placed on life support, and both of us said no, we would not like to have that done to us. Unfortunately, the doctor came to me and asked me to place my terminally ill husband on life support, and I said, oh no, doctor, do not do that to me. And he said, yes, you must make the decision. And I said to the doctor, will this help him to survive? And he said, I do not think so, but it will probably prolong life. I sat there, I agonized, and finally I said, give him a chance; put him on it to see what will happen. Sure enough, he placed my husband on life support for 2 days, and I watched. Then on the third day the doctor said to me, we need a stronger life support, and I said, no, I will not put him through this.

So I would never, never vote for this type of amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Ms. Carone.

Ms. CARONE. Mr. Speaker, I rise in opposition to the Freind amendment.

I think we are forgetting one major part of this issue, and that is that the woman, when she makes her living will, is intelligent; she is wise; she is moral; she has her own conscience. We are suggesting that women cannot make a decision that will impact on their whole life and also on their religious beliefs. Instead, we as politicians are deciding for them.

I am embarrassed to believe that we cannot trust the female gender to make this decision. I do not care if it is a 25-year-old woman, a 35-year-old woman. It is a sad day in Pennsylvania that we will make that decision for her.

I seek a vote against the Freind amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, a parliamentary inquiry concerning the absence of a fiscal note on this amendment.

Mr. FREIND. Mr. Speaker, if I may?

The SPEAKER. Is the gentleman in possession of a fiscal note?

Mr. FREIND. Yes, I am, Mr. Speaker.

The SPEAKER. Was the note circulated?

Mr. FREIND. I requested that it be circulated, yes. If it has not been circulated, I would be happy to make copies.

The SPEAKER. Would you instruct a page to give a copy of that note to the gentleman, Mr. Sturla. If the gentleman would simply share the fiscal note with the Chair.

Under date of November 18, 1991, a letter was submitted by Representative Dwight Evans to Representative Freind indicating that there was no fiscal cost associated with this amendment.

Mr. STURLA. Mr. Speaker, if I could make a comment?

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

Mr. STURLA. I am concerned that there is no fiscal impact on this amendment and yet the fiscal notes that accompany

other proposed amendments put the number somewhere at \$1,820,000 to sustain someone after birth, the point being that if, as the maker of this amendment proposes, someone would be forced to bring a pregnancy to term, if that person is a single parent and has no family, that child then becomes a ward of the State. When that child becomes a ward of the State, my sense is that the fiscal impact would be the same as the other amendments that were proposed.

The SPEAKER. The Chair is in possession of a letter dated November 19 from Representative Evans to Representative McNally discussing the fiscal impact of his amendment, and it would appear that the Appropriations chairman confined himself to the specific provisions of the McNally amendment. Using that as an example, the Chair is not in a position to explain any differences in any fiscal notes, but the Appropriations Committee has rendered a note on the Freind amendment which indicates no cost.

Mr. STURLA. Under the circumstances, could I ask for a reevaluation of that fiscal note?

The SPEAKER. There is no provision in the rules for such a reevaluation. If the gentleman seeks more information, either informally or formally from the chairman of the Appropriations Committee, perhaps an interrogation is in order, but there is no reevaluation in the rules.

Mr. STURLA. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

The case for supporting the Freind amendment can be stated very succinctly, and I would ask you, if you were standing on a storm-swept pier and saw a mother and child dashed into those stormy waters and you were standing there with 50 feet of rope in your hand and watched as the mother drifted 60, 70, 80, 100 feet out to sea, far beyond any means you had of rescuing her, would you then turn your back and say, oh, forget the child; if the mother is gone, it is no use saving the child either. None of us is so bereft of logic as that.

Therefore, I would say to you, support the Freind amendment. Save the life that can be saved. If you cannot save two lives, at least save one. Save the life of the child. And in the words of the country song, "It's a natural thing to do."

The SPEAKER. The Chair recognizes the lady, Mrs. Hagarty.

Mrs. HAGARTY. Thank you.

Mr. Speaker, I rise to express concern with two, I guess, very specific concerns I have about this amendment. The first is one that has not been touched on before.

The Freind amendment makes it a requirement under subject of criminal penalties to fail to provide life-sustaining treatment to a pregnant woman. The reason this gives me concern is, as I think of a hospital with limited resources and limited life-sustaining equipment, we may have a competing situation.

Suppose a 12-year-old is rushed to the hospital in a critical condition and is in need of the same life-sustaining equipment as the comatose woman who has executed a living will and whose family concurs should not be kept alive. The hospital is

going to be under a mandate, very clearly, to provide first for the comatose woman who is pregnant, regardless of how early or how improbable this pregnancy would result in a live birth. That gives me great concern, but I think that in very difficult circumstances, that is the choice that the hospital must make. We do not otherwise penalize a hospital's decision with regard to life-sustaining measures by criminal conduct, and this in fact makes it a criminal law to fail to provide to that pregnant woman the life-sustaining treatment. That provision gives me great concern.

The second thing that concerns me very specifically and I think we have to talk about is this amendment does not provide, as the Veon amendment did, for a woman to designate, for example, her husband to make that choice.

The reason it gives me such great concern is it seems to me that if a husband's wife is comatose, tragically, perhaps they have two or three children, and it is a very early pregnancy, and she has indicated while she is living that she wants her husband to make that choice. This has to be the most difficult decision that a husband would ever have to make. It is a decision that he will make based on what our society puts first, and that is a family decision and what is best for the family. It is he who must decide whether he wants to jeopardize the family, that already may be only fragilely existing because they have lost their mother, with a new child; a new child who more than likely, if even able to be sustained, will not be born normally. And so we further interfere tremendously in the family when we conclude that a husband cannot determine, even though that was his wife's will, what is to be done with his now comatose wife who has a very early pregnancy.

I think it is a terrible thing not to allow the family to make this decision, and it is clear that the Freind amendment would not allow that to occur. So I urge defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

I rise on this issue somewhat reluctantly, both, first, because this is a long debate and I do not mean to prolong it, and secondly, because I have never risen on a prolife or prochoice issue before. But I think the question has to be asked here today which really has not been asked on this issue or many of the other health-related areas that we address here in the House, and the question is, how much is it going to cost our society to keep this poor woman alive until she can deliver this baby? \$100,000? \$200,000? \$500,000? I do not know, but the question I want to ask each member of this Assembly is, might that amount of money be better spent in some other way? How many children could we save from prenatal death if we spent that \$500,000 on a prenatal care program? Or how many children could we save from dying from terrible diseases if we put that money into the immunization program? Or how many people could we save, as Representative Hagarty mentioned, if we kept that life-support equipment available at the hospital? I think it is a very serious question. It is a question of how we are going to allocate our health resources.

I do not mean to impose my judgment on this issue upon the rest of the House, but in my opinion, I think these

resources could best be devoted in other areas to save more lives, and so I would move to defeat this amendment so these poor women can die in peace. Thank you very much.

The SPEAKER. The Chair recognizes Mrs. Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

My concern is this: the pain to the pregnant woman, the mother. Representative Freind's amendment, of which I am a cosponsor, addresses the issue of pain to the pregnant woman. Life-sustaining treatment could be withdrawn or withheld if it could cause pain to the pregnant woman which cannot be alleviated by medication. All this talk of how cruel it is to keep a pregnant woman, the mother, under treatment for a few additional months is double speaking. The cruelty is the deliberate taking of the life of this small young child when preserving this life causes no substantial pain to the unconscious woman.

I ask my colleagues to vote for life.

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

Let us not forget what we are about today, and that is the passage of living will legislation in this Commonwealth. We are not just dealing with the Freind amendment, Mr. Speaker; we are dealing with the language that has been passed in SB 3 by the Senate with the support of many various groups with compromise language. While we can show today concern and compassion for the pregnancy portion of this legislation, let me tell you that I stand for women who may not be pregnant. This is far more reaching in numbers than just the concentration on the pregnant woman.

So on behalf of all women in the Commonwealth who support the pregnancy exclusion, strongly support it, and so that we can offer women who happen not to be pregnant a living will, I ask for support by this body for the language that was in and was passed by the Senate in SB 3.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman suspend.

The Chair recognizes Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

The sponsor pleaded on trying to save a 3-week-old fetus which is clearly unable to survive on its own by any known establishment of medical science. Another of the supporters asked us the logic of throwing a rope to a woman who cannot see that rope and also to a fetus of, let us say, less than 24 weeks, which again cannot survive under any known medical experiences.

Again, we are having a masculine dominated legislature making these decisions for, of course, women, and again I feel the frailty and the failures of this legislation.

I oppose the amendment.

The SPEAKER. The Chair recognizes Mr. Sturla.

Mr. STURLA. May I please interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates that he is willing to be interrogated. The gentleman may proceed.

Mr. STURLA. Mr. Speaker, in the case of an unmarried pregnant woman with no known family to assume responsibility for a child that may result as a result of this amendment, who is responsible for the costs of raising that child?

Mr. FREIND. Mr. Speaker, if there were no one to take care of that baby, no relatives, the State would assume the responsibility very briefly, but as we both know, since the adoption lines are 10 miles long, where babies are going for \$50,000 and \$100,000 on the black market, that is really not going to be a problem, is it, Mr. Speaker? And if it were, the day we put a dollar sign on a human life is the day we cease to exist as a civilization.

Mr. STURLA. Mr. Speaker, if I could follow up on that. It very briefly does entail some time and some expense, I would assume, and when you say that those lines are very long waiting for adoption, are they very long waiting for adoption for children that are severely deformed?

Mr. FREIND. Do you want to know something, Mr. Speaker? I met a woman last night who has been trying for 12 years to adopt a Down's syndrome baby; 12 years.

Mr. STURLA. And there are none available in any adoption agency?

Mr. FREIND. She has tried for 12 years; that is correct.

Now, even if that were not the case, once again, you do not put a dollar sign on a human life.

Mr. STURLA. To get back to the question though, does that brief time cost any money?

Mr. FREIND. If you are saying there are no relatives available, sure.

Mr. STURLA. It costs money?

Mr. FREIND. Sure.

Mr. STURLA. My question then again is, could I raise the question again about the fiscal note? The maker of the amendment just admitted that his amendment costs money to the State and the fiscal note says it does not. I would respectfully request that we get a fiscal note that somehow aligns with the statements of the speaker.

The SPEAKER. To preempt further discussion of this, the relevant judgment about a fiscal note first resides with the chairman of the Appropriations Committee, and that judgment has been that there is no fiscal impact.

The second question is whether or not the House rules have been violated by the action of the amendment or the action of the chairman of the Appropriations Committee, and in that regard, the decision is with the Chair. The Chair believes that on its face, the chairman of the Appropriations Committee has acted within his discretion, and therefore, the matter has been disposed of.

There are other motions available to the gentleman, some of which have been exercised already, to move this amendment out of consideration by the House, but the fiscal note issue is substantially resolved.

Mr. STURLA. Thank you.

The SPEAKER. Is there anyone else seeking recognition on this amendment?

The Chair recognizes the gentleman, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not I can interrogate the prime sponsor of the amendment?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, I think that evidently a time is being reserved for you to be the last person to speak, and my question on this amendment is that the members of the House Health and Welfare Committee, in its attempt to try to deal with this issue, tried very strongly to recognize that the issue primarily before us was living wills. And as a result of that, we tried to make sure that we would not cloud this issue with an abortion issue to be raised as an opportunity to cloud where we are on the issue of living wills. My question is, in that regard, is there any time at all in your mind that you will feel or consider that a person who may be pregnant, who may have signed a living will, should have the right to allow to have her request carried out as a result of her own pregnancy in her death?

Mr. FREIND. The amendment speaks to that, Mr. Speaker. The amendment says that if there is a pregnant woman who has executed a living will, her wishes will be carried out if (a) she cannot be kept alive long enough to give birth to a live baby, if the doctor says that; or (b) if the doctor says by keeping her alive it will cause her pain; or (c) that the doctor certifies that by keeping her alive it will increase physical harm to her.

Mr. RICHARDSON. But in that regard it still does not clarify the specific points, Mr. Speaker, around the fact that this person does not need a doctor or anyone else to clarify or determine for her what has already been written. Is not the written document enough without having to qualify what somebody else may interpret as their interpretation of what you are adding as two extra clauses?

Mr. FREIND. Mr. Speaker, to once again— And incidentally, you mentioned your committee. Your committee received a bill that overwhelmingly passed the Senate with this in it that was signed off by all of the organizations. We begged you for months to move it. We begged you to move it in August when we had nothing more to do waiting around for the budget. You did not, even though December 1 is the Federal deadline. So do not pin that on us.

But to answer your question, Mr. Speaker, once again, a living will is asking society in general, and the health care profession in particular, to cooperate. Because you are asking for that cooperation, clearly it is appropriate to have some guidelines. And when in fact by definition, as the amendment makes clear, no harm can come, as certified by a doctor, to the mother, then you at least try to save one life. A pregnant woman is different from anyone else in that there is not one life involved, there are two.

Mr. RICHARDSON. Yes, and that is why we are raising the point. You keep on— Excuse me, Mr. Speaker. I would like to be in order. I have no further interrogation.

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

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the Freind amendment. I want to clarify a couple of points that evidently Mr. Freind is not aware of.

Number one, we sent him a letter indicating that all of the groups did not sign on to this, and there were a number of persons that indicated their strong opposition to SB 3. As a result, we reported out a clean bill. Regardless of what your position may be with respect to SB 3 coming unanimously out of the Senate or not does not negate the fact that this House of Representatives can make its own mind up and its own decisions and does not necessarily have to be swayed by what the Senate has done. Therefore, I do not buy the argument that was raised under interrogation, do not blame this on us. I am blaming it on you. I did not say anything about us.

But it is very clear that the issue of where we stand on raising abortion every opportunity we can to confuse the minds of those in this House through a very condescending way hurts a number of women out there in our community who say, golly, can you not leave us alone for once and allow us an opportunity to make a decision on our own body even if we are dying, and the answer to that is no. You will not allow them to have that opportunity. Your intervention in every case, barring none, says that we do not allow women to choose to make their own minds up, and this again goes to the whole philosophical point of where people stand on the choice issue, which is why this is such a very powder keg situation to many people who are here today, because now it gets into the area of whether or not it is going to be in favor of the Catholic Conference's position or whether or not it is going to be in favor of right versus wrong.

Living will, if it is a mandate from the Federal Government to do something on living wills, does not have to raise the question of abortion, nor should it infer a question of abortion. It should only refer to the fact that in this case situation, a woman has taken an opportunity, good sound mind, to sign a living will saying that I have a right to die in the manner that I wish to die and I do not want any interference from government telling me how I should die, regardless of whether I am pregnant or not.

Unfortunately, it seems to me that while there is no real issuing of points today where people are listening, because there are a lot of minds already set in terms of which way they will vote, it is clear to me that this is an infringement upon those individual members who wanted to see a different point of view. Just because it was decided by the Senate that their bill was what they saw, it was decided in our committee that that is not the way everybody's view was, and therefore, people voted accordingly. I think that you cannot superimpose your will or the power of yourself on everybody else just because it is your issue and everybody should follow your line.

Therefore, I believe, Mr. Speaker, that if we are really going to be serious about living will, we will reject the Freind amendment, we will give an opportunity to the Veon amend-

ment, allow people an opportunity to see that there is a middle ground and a middle road to where we are going on this, and it should not always be predicated around the fact that women cannot make decisions and choices for themselves.

It really galls me that we have to stand on the floor and debate an issue like this that should be very simple legislation - whether we support living will for people in this Commonwealth or not. But it always gets clouded when it comes down to this issue, and I think that people are sick and tired of seeing the kind of negativism that always comes about when there is an opportunity for there to be political hay being made on those individual persons who cannot defend and fight for themselves.

Mr. Speaker, in conclusion I would like to say that I think we owe the citizens of this Commonwealth and particularly our women an opportunity to know that we are strong men and women and do not have to be forced, hoodwinked, scared to death, or used scare tactics on to push an amendment that we really in our hearts and minds do not want to be in favor of, but we are using this as an opportunity because we know that we may get some bad press against those individuals who would do the right thing. I take a phrase from one of the members: Let us do the right thing this time. Let us vote the Freind amendment down and give women a chance in the Commonwealth of Pennsylvania.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Very briefly to recap some of the arguments which I have heard.

Representative Ritter and Representative Harley indicated medical studies that say there may be a chance that, because of the life-sustaining devices to the mother, the unborn baby, when born, may not be perfect. Their argument, which fails of logic, says, so let us make it certain and let us kill that unborn baby, and in making that argument, they call the mothers incubators. Is the mother of a child ever an incubator, Mr. Speaker? Is that what we think about the birth process, the only process that assures the continuation of the human race?

Representative Steelman talks about a relative, I believe a mother or father, with respect to pain; so does Representative Murphy. Remember what the amendment says: If the doctor certifies it will cause pain, then life-sustaining devices do not continue. And, Mr. Speaker, it is not Mr. Freind who said about pain. I am not making that determination; I am not making that determination about harm. The doctors are. If you will recall, I played doctor once a few years ago, and I will never do it again, Mr. Speaker.

With respect to Representative Sturla, he talks about after-birth expenses. According to that argument, if you walk down the street and see a father brutalizing his son or daughter and you stop him from killing that son or daughter, we are now obligated to pay the expenses of that saved child all the way through college and for the rest of his life. Once again, that fails for logic.

Representative Hagarty talks about hospitals' procedures. Representative Hagarty says that this would require a hospital to give preference to a terminally ill pregnant woman. Not true, Mr. Speaker. Nothing in this law affects the normal triage procedures of any hospital.

Mr. Lee says that the money we save by letting these babies die can be better used in other places. Well, that is true, Mr. Speaker. I guess, under that argument, rather than saving a coal miner trapped in a coal mine, we could use the money elsewhere. We spend a lot of money on MEDIVAC for people involved in terrible automobile accidents. Could we spend it better elsewhere? We went up and spent millions of dollars a couple years ago, up in the North, to save three whales, Mr. Speaker. How can you use money any better than to save a human life?

Finally, we hear the argument from Mr. Richardson that we are dragging our feet and that this is a question of abortion once again. We are not asking this House to do anything differently than it did last November, when it overwhelmingly, overwhelmingly, passed this amendment. We are not treating women as incubators. This has nothing to do with abortion. All we are saying, Mr. Speaker, is, when there is a terminally ill pregnant woman who will not be harmed in any way, then keep her alive until the baby can be born. If one person is going to die and the question is one or two, let us have only one death; let us try to save that baby.

And one other thing, I have heard some remarks personalizing this. Every one of you know that I am where I am on this issue whether it is right now, whether it is yesterday, or whether it is 15 years ago. This House has always stood up for the sanctity of human life, and I hope it continues to do so by overwhelmingly passing this amendment. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

It is a fairly well known convention of the House that the author of the bill or the author of the amendment is usually given the opportunity to speak first and then to speak last on the matter. It is not in the rules, but it is a fairly well known convention of the House. Now, if a member is at the microphone, it is not the Chair's intention to cut off debate in any way, but it would be useful, in terms of the orderliness of debate, if members would respect that convention.

The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

My apology, but I was at the mike, and for whatever reason, I guess, the button would not go on. So it was not my intent to be disruptive.

I do have to say though that Representative Freind's attempt to summarize and then rationalize his position on this very important matter is illogical in and of itself. There is

nothing logical about a man deciding what a dying mother should provide; nothing logical about that. Human nature, as well as animal nature, provides that the mother instinctively is protective of the life that is borne within her. Certainly a male has to participate in that process, but he does not contain a womb; he cannot birth a child; and most frequently in this society, he is not there to raise it, as we are all testimony of that tonight because we are here doing the work and someone else is probably watching our kids.

The other part is, this discussion this evening apparently borders on the issue of abortion, and for whatever illogical reason, people are presuming that a dying mother who would draft her own will would choose to discontinue the life of that fetus. That is not only absurd and ridiculous but it is an abominable assumption on women in our society today. Frankly, I think that most dying women, provided that they had normalized tests and were concerned about their child and their family and could afford it, would certainly allow their body to be used to further the life of that child. Those who decide not to are certainly not seeking an abortion. If they chose to seek an abortion, I am sure they would do that. What they are choosing to do is to decide something about their family, circumstances which are beyond our presumption this evening and certainly sensitive to that individual and not an audience of this environment, this chamber, or this State.

And in closing, I would hope that Mr. Freind, as well as those who are considering this legislation, would extract this conversation about abortion and consider the individual family, the individual family, not just that individual person but the individual family, as I stand in support of this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I would like to interrogate the author of the amendment, but before I do, I would like to comment on one thing that was just said, and that is, had that woman wanted to choose to abort under those conditions within the first 24 weeks, she could have so stated had the Veon amendment passed or had even been given the opportunity to be considered.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. MIHALICH. Mr. Speaker, there is some confusion in my mind, and perhaps you could quickly straighten me out.

Should a woman become involved in an accident and she is put on a life-support system for a couple of months, her condition further deteriorates, and thereafter she succumbs despite the life-support system, and an autopsy reveals that she was pregnant, and then hypothetically, no approach was made or nothing was done to maintain the life of that fetus, would that doctor, who did not—and I am assuming a doctor would not under those conditions because a woman herself may not have realized she was pregnant—would that doctor be subject to a malpractice suit?

Mr. FREIND. Mr. Speaker, I refer you to page 6, subsection (b), "Pregnancy test.—Nothing in this section shall require a physician to perform a pregnancy test unless the physician has reason to believe that the woman may be pregnant."

Mr. MIHALICH. That does not answer my question.

Mr. FREIND. It certainly does.

Mr. MIHALICH. No; it may answer it in your mind. My question is, if a pregnancy test is not done and the woman is determined to be pregnant later, would that doctor be subject to a malpractice suit?

Mr. FREIND. Well, number one, Mr. Speaker, as you know, on anything under the sun, anything, whether it is this or any other issue, you can sue, so that is not the issue.

Mr. MIHALICH. Well, then your answer is yes, and you have answered my question. Thank you.

Mr. FREIND. No, no, no. No, no. I think what you are asking is, would that suit prevail? And the only—

Mr. MIHALICH. That is not what I asked.

Mr. FREIND. Well, Mr. Speaker, then obviously anyone can sue for any reason whatsoever. If it is a malicious abuse of process, you can be countersued. The standard that we are using, Mr. Speaker—

Mr. MIHALICH. Well, your answer was yes, I think, Mr. Speaker—

Mr. FREIND. Excuse me; I am finishing my answer, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Mr. MIHALICH. Mr. Speaker, he has answered my question.

The SPEAKER. Will the gentleman yield. Will the gentleman state his question succinctly.

Mr. MIHALICH. I have done so twice.

The SPEAKER. Would you do it one more time, please.

Mr. MIHALICH. Mr. Speaker, if a woman is not given a pregnancy test and it is later determined— Mr. Speaker, why do I have to do this for you? He was the one I was interrogating. You should have been paying attention, and he has answered my question, and I thank you.

The SPEAKER. Has the gentleman completed his interrogation?

Mr. MIHALICH. I have completed my interrogation.

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—129

Adolph	Dempsey	Kosinski	Ryan
Allen	Donatucci	Kruszewski	Saloom
Angstadt	Fairchild	LaGrotta	Scheetz
Argall	Fargo	Langtry	Schuler
Armstrong	Farmer	Laughlin	Scrimenti
Arnold	Fee	Lawless	Semmel
Barley	Fleagle	Leh	Serafini
Battisto	Foster	Lescovitz	Smith, S. H.
Belardi	Freind	Lloyd	Snyder, G.
Belfanti	Gallen	Lucyk	Staback
Billow	Gamble	McCall	Stairs
Birmelin	Gannon	McGeehan	Steighner

Black	Geist	McHugh	Stish
Blaum	George	McNaily	Strittmatter
Boyes	Gerlach	Maiale	Stuban
Brown	Gigliotti	Markosek	Surra
Bunt	Gladeck	Marsico	Tangretti
Bush	Godshall	Mayernik	Taylor, E. Z.
Caltagirone	Gruitza	Melio	Taylor, F.
Cappabianca	Gruppo	Merry	Taylor, J.
Carlson	Hanna	Micozzie	Telek
Cawley	Hayes	Mrkonic	Tigue
Cessar	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clark	Hess	Perzel	Trich
Clymer	Jadlowiec	Pesci	Tulli
Colaifella	Jarolin	Petrarca	Uliana
Colaizzo	Johnson	Petrone	Vroon
Cole	Kaiser	Phillips	Wogan
Corrigan	Kasunic	Pitts	Wozniak
Coy	Kenney	Raymond	Wright, D. R.
DeLuca	King	Rieger	Wright, M. N.
Daley			

NAYS—71

Acosta	Freeman	Michlovic	Rudy
Bishop	Hagarty	Mihalich	Saurman
Bowley	Haluska	Mundy	Smith, B.
Broujos	Harley	Murphy	Snyder, D. W.
Butkovitz	Harper	Nahill	Steelman
Carn	Hasay	Nailor	Stetler
Carone	Hayden	Nickol	Sturla
Chadwick	Heckler	Nyce	Thomas
Cohen	Hughes	Oliver	Van Horne
Cornell	Itkin	Piccola	Vance
Cowell	James	Pistella	Veon
DeWeese	Josephs	Preston	Wambach
Davies	Krebs	Reber	Williams
Dent	Kukovich	Reinard	Wilson
Dermody	Lee	Richardson	Wright, R. C.
Evans	Levdansky	Ritter	
Fajt	Linton	Robinson	O'Donnell,
Flick	McHale	Roebuck	Speaker
Fox			

NOT VOTING—1

Noye

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A2799:

Amend Sec. 4, page 3, lines 13 and 14 (A2613), by striking out "may but need not be in the following form and"

Amend Sec. 4, page 3, lines 19 through 59; page 4, lines 1 through 8 (A2613), by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was suggested to me by an attorney friend of mine who was quite concerned about the

language of the living will bill, and I would like to read this excerpt from his letter.

He said it

...deals with the detail found in the recommended but not required form. It has been my experience that the law tends to interpret recommended but not mandated forms as having substantive significance. I think it is far too detailed, when it lists seven matters concerning which one may opt. Especially, when it states that if one of the items is not specifically indicated, then the person will be subject to that form of treatment. I am wondering what this does to the hundreds of thousands of Living Wills which have been written for Pennsylvania residents both before and after Cruzan, which stated desires in a much more general fashion.

My second objection to a form which sets forth detail is that there are medical procedures being invented today or tomorrow which may have even more ghastly life-extending capabilities than those enumerated.

Mr. Speaker, my amendment is very simple. It just takes out that section which specifies or specifically spells out an example. The language is quite clear.

I would ask for your support.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment, and I know the gentleman, Mr. Saurman, is introducing it in good faith. I think what is interesting, however, is the fact that a lawyer suggested this.

This legislation, signed off by AARP (American Association of Retired Persons), has a sample living will to help particularly senior citizens. You can write your own living will, but the reason why this sample is in here is to permit senior citizens of limited means to use it rather than to have to go out and get hit by a big fat legal fee. That is why we are doing this.

To support the Saurman amendment would, Mr. Speaker, in my opinion, be a disservice particularly to those senior citizens of limited means.

For that reason I ask for the rejection of this amendment.

The SPEAKER. Is the gentleman, Mr. Saurman, seeking recognition?

Mr. SAURMAN. Mr. Speaker, I would only say that I agree that an example is a desired thing, something that is a sample for the seniors to use, but by putting it into the law itself, I think that that is what this gentleman is saying is undesirable and that it is possible that because of it being there, it can in fact do danger to many existing living wills.

Once again I would ask for support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—23

Acosta	Harley	Krebs	Ritter
Bowley	Harper	Langtry	Saurman
Carn	Hayden	Mundy	Smith, B.
Farmer	Hughes	Murphy	Sturla
Fox	James	Nahill	Williams
Freeman	Josephs	Richardson	

NAYS—176

Adolph	Dermody	Lee	Saloom
Allen	Donatucci	Leh	Scheetz
Angstadt	Evans	Lescovitz	Schuler
Argall	Fairchild	Levdansky	Scrimenti
Armstrong	Fajt	Lloyd	Semmel
Arnold	Fargo	Lucyk	Serafini
Barley	Fee	McCall	Smith, S. H.
Battisto	Fleagle	McGeehan	Snyder, D. W.
Belardi	Flick	McHale	Snyder, G.
Belfanti	Foster	McHugh	Staback
Billow	Freind	McNally	Stairs
Birmelin	Gallen	Maiale	Steelman
Bishop	Gamble	Markosek	Steighner
Black	Gannon	Marsico	Stetler
Blaum	Geist	Mayernik	Strish
Boyes	George	Melio	Strittmatter
Broujos	Gerlach	Merry	Stuban
Brown	Gigliotti	Michlovic	Surra
Bunt	Gladeck	Micozzie	Tangretti
Bush	Godshall	Mihalich	Taylor, E. Z.
Butkovitz	Gruitza	Mrkonic	Taylor, F.
Caltagirone	Gruppo	Nailor	Taylor, J.
Cappabianca	Hagarty	Nickol	Telek
Carlson	Haluska	Nyce	Thomas
Carone	Hanna	O'Brien	Tigue
Cawley	Hasay	Olasz	Tomlinson
Cessar	Hayes	Oliver	Trello
Chadwick	Heckler	Perzel	Trich
Civera	Herman	Pesci	Tulli
Clark	Hershey	Petrarca	Uliana
Clymer	Hess	Petrone	Van Horne
Cohen	Itkin	Phillips	Vance
Colafella	Jadlowiec	Piccola	Veon
Colaizzo	Jarolin	Pistella	Vroon
Cole	Johnson	Pitts	Wambach
Cornell	Kaiser	Preston	Wilson
Corrigan	Kasunic	Raymond	Wogan
Cowell	Kenney	Reber	Wozniak
Coy	King	Reinard	Wright, D. R.
DeLuca	Kosinski	Rieger	Wright, M. N.
DeWeese	Kruszewski	Robinson	Wright, R. C.
Daley	Kukovich	Roebuck	
Davies	LaGrotta	Rudy	O'Donnell,
Dempsey	Laughlin	Ryan	Speaker
Dent	Lawless		

NOT VOTING—2

Linton Noye

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. McNALLY offered the following amendment No. A2960:

Amend Sec. 14, page 6, by inserting between lines 27 and 28(A2613)

(c) Payment of expenses by Commonwealth.—

(1) In the event that treatment and nutrition and hydration are provided to a pregnant woman under subsection (a), the Commonwealth shall pay that portion of usual and reasonable expenses directly and indirectly incurred by the pregnant woman, subsequent to a determination of the woman's terminal condition or state of permanent unconsciousness and confirmation thereof by a second physician,

and which is not covered by third party health insurance or any other plan which covers medical costs or any other insurance policy.

(2) No health care policy, insurance contract, or other program, plan or contract which provides for payment of expenses for medical services or care shall exclude or limit coverage for a pregnant woman for whom treatment, nutrition and hydration are provided under subsection (a), if coverage for such expenses would otherwise be provided under the policy, plan or contract to a pregnant woman.

(3) The expenditures incurred on behalf of the pregnant woman shall constitute a grant and no lien shall be placed upon the property of the pregnant woman, her estate or her heirs.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I rise to ask the House to support amendment 2960.

We have discussed at some length the circumstance that arises when a woman who is pregnant is required to receive treatment, nutrition, and hydration pursuant to the Freind amendment. It is an amendment which I supported and which passed with the majority of this House.

This amendment would simply provide that the Commonwealth of Pennsylvania would provide for the expenses that would be incurred as a result of that treatment, nutrition, and hydration. It is a rather broad benefit which this amendment would provide, because this is, as I understand it, a rare occurrence. It happens infrequently, yet it is a rather severe hardship in terms of the length of time, the very nature of the circumstances, and even the nature of the medical expenses and medical care which such a woman would receive.

The expenditures which would be incurred on behalf of the pregnant woman would constitute a grant. There would be no lien placed upon her property or the property of her estate or her heirs, and furthermore, the Commonwealth would have a right of subrogation for any moneys paid on behalf of that woman by a third-party insurer - a Blue Cross-Blue Shield health insurance policy, for example - or, for that matter, any other moneys that might be recovered by the woman.

So this is really sort of an umbrella type of coverage for any woman who finds herself in these circumstances, and I would ask the House to support this amendment. I think that given the very nature of the kind of situation that this amendment addresses, it would say a great deal about the spirit of generosity and compassion if we were to adopt this amendment, that spirit on behalf of the House. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Harley.

Mrs. HARLEY. Thank you, Mr. Speaker.

Last week I introduced an amendment to provide that the Commonwealth pay for the medical costs incurred by a pregnant, comatose woman placed in this position. Now a nearly identical amendment is being presented to us by Representative McNally. The powers that be have obviously chosen to pass over my previously filed amendment and present Repre-

sentative McNally's version. I am new here, but if this is the way things are done here, then I guess I understand why we have trouble working together.

However, the substance is important. Therefore, I support the amendment to provide families - husbands, fathers, mothers, and children - who find themselves in the tragic position of being forced by the State to subject their loved one to being a human incubator. If we are going to mandate that a comatose, pregnant woman be force-fed and hydrated, reducing her to a human incubator and stripping her and her family of their rights to carry out her own living will, then the Commonwealth should pay for the expenses incurred to keep her in this condition. Since this is the will of the majority in this legislative body, I believe we should show concern for the families placed in this tragic position.

Please remember, these are families placed in this position against their will. These are families who will be forced to not only watch their loved one perform the act of being a human incubator but will also be asked by us, the legislature, to incur the exorbitant financial devastation that this amendment we just passed demands.

To give you some idea of the cost to families across this Commonwealth of what we have just done today, I would like to read a part of the fiscal note attached to my amendment, which I believe is the same: "Based on an actual case from a medium size city hospital, the per diem for this type of care is \$6500." That is per day. "These expenditures could occur for a maximum of 40 weeks, i.e. a maximum expenditure per case of \$1,820,000." This is for a family to pay. Mr. Speaker, this is what we are asking the people, the families in Pennsylvania, to do against their will.

Also, I wish to read a part of a letter from a physician from Bryn Mawr Hospital, Dr. Henry Cornman. The cost of keeping a comatose woman alive "...would surely bankrupt any young family. Insurance to cover such a risk would likewise be too expensive for most families or employers. If borne by the state, as one of the executives at our hospital said," quote, "It will cost unknown millions for a handful of babies of unknown quality."

I know that none of you want the families in Pennsylvania to suffer this kind of emotional and financial devastation. It is just too much to ask of the families in Pennsylvania.

I ask for your support of this amendment.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

While I do not believe that the language of this amendment is nearly as sweeping as Representative Harley would indicate, I certainly support this amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I, first of all, would like to thank the lady, Mrs. Harley, for her elaboration on this measure. I would like to just point out to the House that I have in front of me an amendment 2724, and then I have the lady, Mrs. Harley's amendment 2789 and amendment 2925, and I will let the House judge whose amendment was placed first. I have always believed that if we

do not care who gets the credit, it is amazing what we can accomplish, and I certainly would not have any reservation about allowing any member of this House the credit for this idea or the passage of this measure. Certainly, I could not accomplish it by myself.

I would like to say just one thing in response to the gentleman, Mr. Freind's comments. The intent of this amendment is a broad and liberal construction of this benefit. I can imagine circumstances in which a woman's family may incur some extraordinary expenses other than medical expenses, and it is in a spirit of generosity and good will and compassion that this amendment is adopted. I hope that it is in that spirit that the House approves this amendment, and for future interpretation and consideration in the courts, I hope that they will use this statement of legislative intent accordingly.

So once again I would ask the House for its approval and support of this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Olasz.

Mr. OLASZ. Just a quick comment, Mr. Speaker.

My colleague, Mrs. Harley, said about bankruptcy. I wish she would advise me of what medical procedure in a hospital does not put most families on the verge of bankruptcy today.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Acosta	Fairchild	Laughlin	Rudy
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Stuban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafrella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach

Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	Wright, R. C.
Dent	Kruszewski	Ritter	
Dermody	Kukovich	Robinson	O'Donnell,
Donatucci	LaGrotta	Roebuck	Speaker
Evans	Langtry		

NAYS—0

NOT VOTING—1

Pitts

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. STURLA offered the following amendments No. A2951:

Amend Sec. 14, page 6, line 22 (A2613), by striking out "or"

Amend Sec. 14, page 6, line 24 (A2613), by removing the period after "medication" and inserting

; or

(4) would result, or medication under paragraph (3) would result, in the prenatal development problems leading to birth defects or the birth of a child who is other than normal and healthy.

Amend Sec. 14, page 6, line 27 (A2613), by inserting after "pregnant."

The fact that a woman is considered to be of childbearing age may not constitute reason to believe that a woman is pregnant under this section. A woman who tests negative for pregnancy may not be required to undergo a second pregnancy test.

Amend Sec. 15, page 6, line 43 (A2613), by inserting after "degree."

Any person who willfully conceals a woman's pregnancy in a manner consistent with a woman's declaration or direction does not commit a criminal act under this section.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, this amendment simply adds another qualification to those three already outlined in the Freind amendment. Basically, number (4), if the pregnancy would result, or medication under paragraph (3) would result, in the prenatal development problems leading to birth defects or the birth of a child who is other than normal or healthy, then the doctor could also decide to remove life support.

Essentially, this is something that is guaranteed to most families. In some cases, pregnant women will endure great amounts of pain in order not to have the effect of medication on the fetus. Without this, we will be mandating that that medication be applied.

It goes on further to say that a pregnancy test not be required of every woman who is of childbearing age, that childbearing age cannot be construed as a means to undergo a pregnancy test. Thank you.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to adamantly oppose this amendment. It stands for a proposition that this House has rejected time and time again. It stands for the proposition that life is reserved for the planned, the privileged, and the perfect. If a baby might not be, quote, "normal," unquote, kill him or kill her. And you know, Mr. Speaker, whenever I hear the word "normal," I ask two questions: What is normal, and who is keeping score? The baby may have a cleft palate; kill him or kill her. The baby may be Down's syndrome; kill. The baby may have red hair; kill. At other times other civilizations have tried to clean up society, and we have seen the results.

I hope that we continue the precedent that we have always had here by rejecting this proposition and rejecting this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, perhaps Mr. Freind misconstrues what this amendment would do. This is not saying that if, without medication being applied, the fetus develops in a manner that would have birth defects, that the doctor should then terminate. What it says is that as a result of medication. What we are talking about here is not what occurs naturally. What we are talking about here is someone forcibly being required to take medication that deforms a fetus. I do not want any woman in this State to be forced to take medication that deforms a fetus.

I would urge support of this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—47

Acosta	Fajt	Kukovich	Reber
Bishop	Fox	Lee	Richardson
Bowley	Freeman	Linton	Ritter
Butkovitz	Hagarty	Michlovic	Roebuck
Carn	Harley	Mihalich	Smith, B.
Carone	Harper	Mundy	Steelman
Cohen	Heckler	Murphy	Stetler
Cowell	Hughes	Nahill	Sturla
DeWeese	Itkin	Nickol	Vance
Davies	James	Oliver	Wambach
Dent	Josephs	Piccola	Williams
Dermody	Krebs	Preston	

NAYS—153

Adolph	Fairchild	Lawless	Schuler
Allen	Fargo	Leh	Scrimenti
Angstadt	Farmer	Lescovitz	Semmel
Argall	Fee	Levdansky	Serafini
Armstrong	Fleagle	Lloyd	Smith, S. H.
Arnold	Flick	Lucyk	Snyder, D. W.
Barley	Foster	McCall	Snyder, G.
Battisto	Freind	McGeehan	Staback
Belardi	Gallen	McHale	Stairs
Belfanti	Gamble	McHugh	Steighner
Billow	Gannon	McNally	Stish
Birmelin	Geist	Maiale	Strittmatter

Black	George	Markosek	Stuban
Blaum	Gerlach	Marsico	Surra
Boyes	Gigliotti	Mayernik	Tangretti
Broujos	Gladeck	Melio	Taylor, E. Z.
Brown	Godshall	Merry	Taylor, F.
Bunt	Gruitza	Micozzie	Taylor, J.
Bush	Gruppo	Mrkonic	Telek
Caltagirone	Haluska	Nailor	Thomas
Cappabianca	Hanna	Noye	Tigue
Carlson	Hasay	Nyce	Tomlinson
Cawley	Hayden	O'Brien	Trello
Cessar	Hayes	Olasz	Trich
Chadwick	Herman	Perzel	Tulli
Civera	Hershey	Pesci	Uliana
Clark	Hess	Petrarca	Van Horne
Clymer	Jadlowiec	Petrone	Veon
Colaella	Jarolin	Phillips	Vroon
Colaizzo	Johnson	Pistella	Wilson
Cole	Kaiser	Pitts	Wogan
Cornell	Kasunic	Raymond	Wozniak
Corrigan	Kenney	Reinard	Wright, D. R.
Coy	King	Robinson	Wright, M. N.
DeLuca	Kosinski	Rudy	Wright, R. C.
Daley	Kruszewski	Ryan	
Dempsey	LaGrotta	Saloom	O'Donnell,
Donatucci	Langtry	Saurman	Speaker
Evans	Laughlin	Scheetz	

NOT VOTING—1

Rieger

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mrs. TAYLOR offered the following amendments No. A2800:

Amend Sec. 3, page 2, line 30 (A2613), by inserting after "licensed"

or certified

Amend Sec. 3, page 2, line 32 (A2613), by inserting after "profession."

The term includes personnel recognized under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

Amend Sec. 3, page 2, by inserting between lines 42 and 43 (A2613)

"Medical command physician." A licensed physician who is authorized to give medical command under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

Amend Sec. 13, page 6, lines 5 through 8 (A2613), by striking out "the" in line 5, all of lines 6 through 8 and inserting

(1) an original declaration, signed by the declarant or other authorized person, is presented to the emergency medical services personnel. The emergency medical services personnel must immediately notify the medical command physician of the presence of the declaration; or

(2) the medical command physician, based on prior notification by the attending physician or other health care provider that a valid and operative declaration exists, directs the emergency medical service personnel according to the provisions of the declaration.

(c) Uncertainty regarding validity of declaration.—Emergency medical services personnel confronted with any conflicting

information regarding the patient's wishes for life-sustaining treatment shall act according to the accepted treatment protocols and standards appropriate to their level of certification.

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

The SPEAKER. On that question, the Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, earlier today the House unanimously passed an amendment which was deleted upon the passage of the Freind amendment, so again I am offering the identical amendment on behalf of the EMS personnel.

The amendment of course, as I said before, is triggered only after sections 5 and 8 of the bill become operative, and in other words, this amendment applies only after a copy of the living will has been provided to the family physician and to EMS personnel and the person is in a terminal condition or a state of permanent unconsciousness.

I just ask again— I know that this amendment is approved by both sides of the aisle, and I will thank you again for your consideration.

The SPEAKER. The Chair recognizes Mr. Freind.
Mr. FREIND. Thank you, Mr. Speaker.
I strongly support this amendment.

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

The following roll call was recorded:

YEAS—200

Acosta	Fairchild	Laughlin	Roebuck
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Suban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkoncic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon

Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	Wright, R. C.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Evans	Langtry		

NAYS—0

NOT VOTING—1

Rudy

EXCUSED—2

Anderson Durham

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, this bill will be over temporarily.

CONSIDERATION OF HB 2185 CONTINUED
AMENDMENT A2950 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which amendment 2950 to HB 2185, PN 2685, was passed today.

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

The following roll call was recorded:

YEAS—200

Acosta	Fairchild	Laughlin	Rudy
Adolph	Fajt	Lawless	Ryan
Allen	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Suban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.

Carlson	Harley	Nahill	Taylor, F.
Carn	Harper	Nailor	Taylor, J.
Carone	Hasay	Nickol	Telek
Cawley	Hayden	Noye	Thomas
Cessar	Hayes	Nyce	Tigue
Chadwick	Heckler	O'Brien	Tomlinson
Civera	Herman	Olasz	Trello
Clark	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Tulli
Cohen	Hughes	Pesci	Uliana
Colafrella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Johnson	Pistella	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	Wright, R. C.
Dent	Kruszewski	Ritter	
Dermody	Kukovich	Robinson	O'Donnell,
Donatucci	LaGrotta	Roebuck	Speaker
Evans	Langtry		

NAYS—0

NOT VOTING—1

Mrkonic

EXCUSED—2

Anderson Durham

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A2950:

Amend Sec. 3 (Sec. 1801-A), page 3, lines 12 through 30; page 4, lines 1 through 7, by striking out all of said lines on said pages and inserting

(4) The Fourth District is composed of part of Allegheny County consisting of the Townships of East Deer, Fawn, Frazer, Harrison and Springdale and the Boroughs of Brackenridge, Cheswick, Monroeville, Pitcairn, Plum, Springdale, Tarentum and Turtle Creek; all of Beaver County; part of Butler County consisting of the Townships of Adams, Buffalo, Clinton, Cranberry, Jefferson, Middlesex, Penn, Summit and Winfield and the Boroughs of Callery, East Butler, Mars, Saxonburg, Seven Fields, Valencia and Zelienople; part of Lawrence County consisting of the City of New Castle and the Townships of Little Beaver, Mahoning, North Beaver, Perry, Pulaski, Shenango, Taylor, Union and Wayne and the Boroughs of Bessemer, Ellport, Ellwood City, Enon Valley, New Beaver, Snpj, South New Castle and Wampum; part of Mercer County consisting of the Cities of Farrell and Sharon and the Township of Shenango and the Boroughs of Sharpsville, West Middlesex and Wheatland; and part of Westmoreland County consisting of the Cities of Arnold, Lower Burrell and New Kensington and the Townships of Allegheny, Bell, Penn, Salem, Upper Burrell and Washington and the Boroughs of Avonmore, Delmont, East Vandergrift, Export, Hyde Park, Manor, Murrysville, Oklahoma, Penn, Vandergrift and West Leechburg.

Amend Sec. 3 (Sec. 1801-A), page 5, line 23, by inserting after "County" where it appears the second time

(except the Townships of Cherrytree, Jackson and Plum and the Borough of Cooperstown)

Amend Sec. 3 (Sec. 1801-A), page 7, line 30; page 8, lines 1 through 19, by striking out all of said lines on said pages and inserting

(12) The Twelfth District is composed of all of Armstrong County; all of Cambria County; part of Fayette County consisting of the Cities of Connellsville and Uniontown and the Townships of Bullsken, Connellsville, Dunbar, Franklin, Henry Clay, Jefferson, Lower Tyrone, North Union, Saltlick, South Union, Springfield, Stewart, Upper Tyrone and Wharton and the Boroughs of Dawson, Dunbar, Everson, Markleysburg, Ohiopyle, South Connellsville and Vanderbilt; part of Indiana County consisting of the Townships of Armstrong, Blacklick, Brush Valley, Buffington, Burrell, Center, Conemaugh, East Wheatfield, Pine, West Wheatfield, White and Young and the Boroughs of Armagh, Blairsville, Homer City, Indiana, Jacksonville, Saltsburg and Shelocta; all of Somerset County; and part of Westmoreland County consisting of the Townships of Cook, Derry, Donegal, East Huntingdon, Fairfield, Ligonier, Loyalhanna, Mt. Pleasant, St. Clair and Unity and the Boroughs of Bolivar, Derry, Donegal, Latrobe, Laurel Mountain, Ligonier, Mt. Pleasant, New Alexandria, New Florence, Scottdale, Seward and Youngstown.

Amend Sec. 3 (Sec. 1801-A), page 9, lines 6 through 13, by striking out all of said lines and inserting

(14) The Fourteenth District is composed of part of Allegheny County consisting of the City of Pittsburgh and the Townships of Baldwin, Kennedy, Neville, Penn Hills Wards 1, 2, 3 (Districts 3 and 5), 4 (Districts 2 and 4) and 9 (District 5), Reserve, Stowe and Wilkins and the Boroughs of Avalon, Bellevue, Braddock, Braddock Hills, Brentwood, Chalfont, Edgewood, Etna, Forest Hills, Homestead, Ingram, McKees Rocks, Millvale, Mt. Oliver, Munhall, Rankin, Sharpsburg, Swicksvale, West Homestead, West Mifflin, Whitaker and Wilkinsburg.

Amend Sec. 3 (Sec. 1801-A), page 11, lines 13 through 29, by striking out all of said lines and inserting

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Townships of Aleppo, Collier, Crescent, Findlay, Hampton, Harmar, Indiana, Kilbuck, Leet, McCandless, Marshall, Moon, Mt. Lebanon, North Fayette, O'Hara, Ohio, Penn Hills Wards 3 (Districts 1, 2, 4 and 6), 4 (Districts 1, 3 and 5), 5, 6, 7, 8 and 9 (Districts 1, 2, 3 and 4), Pine, Richland, Robinson, Ross, Scott, Shaler, South Fayette, South Park, Upper St. Clair and West Deer and the Boroughs of Aspinwall, Baldwin, Bell Acres, Ben Avon, Ben Avon Heights, Bethel Park, Blawnox, Bradford Woods, Bridgeville, Carnegie, Castle Shannon, Churchill, Coraopolis, Crafton, Dormont, Edgeworth, Emsworth, Fox Chapel, Franklin Park, Glenfield, Green Tree, Haysville, Heidelberg, Jefferson, Leetsdale, McDonald, Oakdale, Oakmont, Osborne, Pennsbury Village, Pleasant Hills, Rosslyn Farms, Sewickley, Sewickley Heights, Sewickley Hills, Thornburg, Verona, West View and Whitehall; and part of Washington County consisting of the Township of Peters.

Amend Sec. 3 (Sec. 1801-A), page 12, lines 7 through 30; page 13, lines 1 through 8, by striking out all of said lines on said pages and inserting

(20) The Twentieth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne and McKeesport and the Townships of Elizabeth, Forward, North Versailles and South Versailles and the Boroughs of Dravosburg, East McKeesport, East Pittsburgh, Elizabeth, Glassport, Liberty, Lincoln, North Braddock, Port Vue, Trafford, Versailles, Wall, West Elizabeth, White Oak and Wilmerding; part of Fayette County consisting of the Townships of Brownsville, Georges, German, Luzerne, Menallen, Nicholson, Perry, Redstone, Springhill and Washington and the Boroughs of Belle Vernon, Brownsville, Fairchance, Fayette City, Masontown, Newell, Perriopolis, Point Marion and Smithfield; all of Greene County; all

of Washington County (except Peters Township); and part of Westmoreland County consisting of the Cities of Greensburg, Jeannette and Monessen and the Townships of Hempfield, North Huntingdon, Rostraver, Sewickley and South Huntingdon and the Boroughs of Adamsburg, Arona, Hunker, Irwin, Madison, New Stanton, North Belle Vernon, North Irwin, Smithton, South Greensburg, Southwest Greensburg, Sutersville, Trafford, West Newton and Youngwood.

Amend Sec. 3 (Sec. 1801-A), page 13, lines 9 through 21, by striking out all of said lines and inserting

(21) The Twenty-first District is composed of part of Butler County consisting of the Townships of Allegheny, Brady, Center, Cherry, Clay, Clearfield, Concord, Donegal, Fairview, Franklin, Marion, Mercer, Muddy Creek, Oakland, Parker, Slippery Rock, Venango, Washington, Winfield and Worth and the Boroughs of Bruin, Cherry Valley, Chicora, Eau Claire, Fairview, Harrisville, Karns City, Petrolia, Portersville, Prospect, Slippery Rock, West Liberty and West Sunbury; all of Crawford County; all of Erie County; part of Lawrence County consisting of the Townships of Hickory, Neshannock, Plain Grove, Scott, Slippery Rock, Washington and Wilmington and the Boroughs of New Wilmington and Volant; and part of Mercer County consisting of the City of Hermitage and the Townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findlay, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, Worth and the Boroughs of Clark, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro; and part of Venango County consisting of the Townships of Cherrytree, Jackson and Plum and the Borough of Cooperstown.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Once again we are revisiting this amendment, and what I am asking you for once again is an affirmative vote.

What has been happening, probably for your own information and many of you obviously know this, there has been an overt attempt by certain individuals among us who have leverage placed upon you for your vote by our Congressmen and a number of outside interests to get you to change your mind.

To the Democrats on this side of the aisle, let us clarify one position that has been articulated by Mr. Michlovic in terms of losing two Democratic members in Congress. I can say categorically that that will not happen with this amendment. This amendment simply will put us in the same position as the bill, and the bill calls for the elimination of one Congressman, an incumbent Congressman in southwestern Pennsylvania, at the expense of either Congressman Kolter or Congressman Murphy. We think that is simply unfair.

This amendment is a balance, and we ask again for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

It just seems to me, Mr. Speaker, that the House of Representatives in the Commonwealth of Pennsylvania has spoken on this amendment, and they have spoken rather clearly that it is the sense of the elected members of this chamber from Pennsylvania who are writing this legislation for congressional reapportionment. And, Mr. Speaker, we all know full well that the congressional delegation from Pennsylvania in Washington is actively working to preserve their own districts, and I submit to you, Mr. Speaker, that is fair on their part, but I think we ought to send them all a message that this body and the other chamber will be the deciding force in creating this legislation which will dictate who will serve in the House of Representatives for the next decade.

Mr. Speaker, I implore and ask each and every member who voted for this amendment to stay with us. We are the people here in Pennsylvania, elected by Pennsylvanians, who will make that decision who is going to represent us in Washington.

Mr. Speaker, I ask that we vote for the Daley-Cessar amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

I rise again to vehemently oppose this amendment. While many members on our side of the aisle may see this as an innocuous or an agreed-to situation, in fact it is not.

The county that I represent, Mercer County, would effectively be disenfranchised if this amendment is passed. It will divide Mercer County nearly in half. It would in effect in my legislative district place me in a congressional district where the rest of my legislative district is in a separate congressional district.

Mercer County is not a large county, a population of about 128,000, and for us to have some influence in Congress, to have some influence on our elections, I think we need to be held whole and enter into a district in one piece, and this particular situation here carves us up and makes us the stepchildren of two different congressional districts.

So I would urge the colleagues on both sides to defeat this amendment in fairness to the voters that I represent and all the voters in Mercer County and the people of Mercer County. This plan breaks up the Shenango Valley area. It takes a community that is very homogeneous in nature and draws a line through the middle of it creating two congressional districts, one on one side of a street and one on another. That is absurd. The plan as originally adopted is much better for us, and I feel that this plan is questionable, even in terms of its legality, in the way that it cuts across the county line and through the area that is really very much akin to a single city by coming right literally down a city street to divide one community from the next.

So I ask for a "no" vote.

The SPEAKER. The Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Once again I must reiterate some of the comments—I wish to yield if Mr. Michlovic is going to speak, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Is the gentleman, Mr. Michlovic, seeking recognition?

Mr. MICHLOVIC. Yes, Mr. Speaker.

The SPEAKER. Is there anyone else seeking recognition on the Daley amendment?

Not hearing anything, the Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am under the understanding that amendment 2950 does not comply with the requirement that you had indicated earlier that you had wanted to achieve. This amendment takes townships from the 6th Congressional District and places them in the 21st and does not replace any of that population, and the townships, I believe, are in Venango County, the townships of Cherrytree, Jackson, Plum, and the borough of Cooperstown, and there is nothing else placed in the 6th District in that amendment. My point is that you have changed the population of a congressional district on the State level and you have not replaced population in that other district.

The SPEAKER. The gentleman is making remarks against the amendment. Correct?

Mr. MICHLOVIC. That is correct.

I am not sure procedurally if that makes the amendment null and void, because it does not appropriately distribute population across the congressional districts in the State.

The SPEAKER. The Chair takes the gentleman's remarks in part as a parliamentary inquiry?

Mr. MICHLOVIC. Yes.

The SPEAKER. The amendment on its face is not defective. The effect in terms of population is not knowable in terms of whether or not it would violate the Constitution. That cannot be ascertained from the face of the amendment. The gentleman has moved, it would appear, certain townships from one congressional district and has provided that they are put in another congressional district. The impact of that is not apparent to the Chair, so it is not amenable to being ruled out of order.

Mr. MICHLOVIC. I would like to speak on the amendment then.

The SPEAKER. The gentleman is in order and may continue.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

As I have indicated, there are deficiencies in this amendment in terms of the overall map of the State, and I want to remind the members of the House that the congressional district is different from legislative redistricting in a sense that it is much tighter, in terms of population variances, from district to district. As I understand it, the variance is only 600 population on either side of a median number, whereas in the legislative districts, our own districts, for example, that number was 2,500, yet the congressional district is 10 times as large. So when you start taking towns out of one district and not replacing any population, the amendment is certainly deficient, and it would mean that we would be passing a plan that we do not know how it is going to ripple out across the

rest of the State. I think that is a very dangerous practice for us to establish here.

For that reason plus the reasons I mentioned earlier about the impact across the State of having an imbalance of loss of representation from the two parties, I think we ought to oppose this amendment and oppose it strongly. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to interrogate the majority leader, please.

The SPEAKER. The majority leader?

Mr. STRITTMATTER. Yes.

The SPEAKER. The gentleman has indicated a desire to interrogate the majority leader. The Chair does not note any enthusiasm.

The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Mr. Speaker, is it your intent, if this amendment passes again, to still continue with consideration of the bill and to bring the bill up for final consideration tonight, or is it your intent that if this amendment would pass again, that this would then go onto the final passage postponed calendar, or will you pass over the bill for the rest of the day?

The SPEAKER. It is hard for the Chair to see the germaneness of this to the merits of the Daley amendment, but if the majority leader is inclined to respond, he may, but it is certainly off the topic.

Mr. DeWEESE. Mr. Speaker, I would prefer that you rule on the germaneness of the question.

The SPEAKER. Well, the gentleman is disinclined to be interrogated and that is entirely consistent with the rules. I mean, the matter before the House is the Daley amendment.

Does the gentleman seek recognition on the substance of the amendment?

Mr. STRITTMATTER. Yes, Mr. Speaker.

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

Mr. STRITTMATTER. On the amendment, Mr. Speaker, the reason I was asking the question of the majority leader is I think it is pertinent. Since this bill was of such importance that we had to consider it out of committee within 1 day to get the process moving, I would hate to see this bill for reconsideration. Obviously it is being brought up, you know, for some reason since it was accepted. I would hope that if the amendment still does pass, that that does not jeopardize our timely consideration of this bill and moving this bill tonight over to the Senate, and that is the reason I would ask people, you know, to please, in consideration of this amendment— That is why I was asking the majority leader. Since he is not going to give us any direction, obviously it does not clear up any point, you know, to my mind, but I just wanted to let the House know that is the reason I was asking for the interrogation of the majority leader. Thank you.

The SPEAKER. Is there anyone else seeking recognition on this amendment? The Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I think it is quite ironic that Mr. Michlovic would like to point out to you the minor deficiencies in this amendment, a deficiency that is also in the bill. When we talked to the people who printed up this amendment, they have agreed that there are these types of deficiencies that do exist. We acknowledge that. But they exist in this bill the way it stands, and those types of problems are corrected as the process continues. This is done and this is the way it has always been done. So do not be fooled by that little red flag that Representative Michlovic is putting up saying that there is a major flaw as a deficiency here.

And also he is talking about a balance. Just remember, the balance was not a fair balance. Now we have changed it and made it more fair and more equitable. The balance they are talking about is a balance that is a plan that was devised by a few people through all of us. It was not fair. This plan is fair. It is fair to the Republicans; it is fair to the Democrats, and it is a shame it does not provide fairness to certain people in Allegheny County.

All we want is fairness. All we want is not to lose two Congressmen in Pennsylvania, because under this plan if adopted, under the Kukovich proposal and the Michlovic proposal, what we are going to do is we are going to sacrifice a seven-term incumbent member of Congress for a freshman Congressman, and I do not think we want to do that.

I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—97

Adolph	Flick	Laughlin	Robinson
Allen	Foster	Lawless	Ryan
Angstadt	Fox	Lee	Saloom
Argall	Freeman	Leh	Saurman
Birmelin	Freind	Lescovitz	Scheetz
Black	Gallen	McHale	Semmel
Boyes	Gamble	McHugh	Smith, B.
Brown	Gannon	Marsico	Smith, S. H.
Bunt	Gerlach	Micozzie	Snyder, D. W.
Bush	Gladeck	Mrkonic	Stairs
Carone	Godshall	Nahill	Steighner
Cessar	Gruppo	Nailor	Taylor, E. Z.
Chadwick	Hagarty	Nickol	Taylor, F.
Civera	Harley	Noye	Taylor, J.
Clymer	Hayes	Nyce	Tomlinson
Colaella	Heckler	O'Brien	Trich
Colaizzo	Herman	Perzel	Tulli
Cornell	Hershey	Phillips	Uliana
Daley	Jadlowiec	Piccola	Vance
Davies	Kasunic	Pitts	Vroon
Dempsey	Kenney	Raymond	Wilson
Dent	Krebs	Reber	Wogan
Fairchild	LaGrotta	Reinard	Wright, M. N.
Farmer	Langtry	Ritter	Wright, R. C.
Fee			

NAYS—103

Acosta	Donatucci	Levdansky	Rudy
Armstrong	Evans	Linton	Schuler
Arnold	Fajt	Lloyd	Scrimenti
Barley	Fargo	Lucyk	Serafini
Battisto	Fleagle	McCall	Staback
Belardi	Geist	McGeehan	Steelman

Belfanti	George	McNally	Stetler
Billow	Gigliotti	Maiale	Stish
Bishop	Gruitza	Markosek	Strittmatter
Blaum	Haluska	Mayernik	Stuban
Bowley	Hanna	Melio	Sturla
Broujos	Harper	Merry	Surra
Butkovitz	Hasay	Michlovic	Tangretti
Caltagirone	Hayden	Mihalich	Telek
Cappabianca	Hess	Mundy	Thomas
Carlson	Hughes	Murphy	Tigue
Carn	Itkin	Olasz	Trelio
Cawley	James	Oliver	Van Horne
Clark	Jarolin	Pesci	Veon
Cohen	Johnson	Petrarca	Wambach
Cole	Josephs	Petrone	Williams
Corrigan	Kaiser	Pistella	Wozniak
Cowell	King	Preston	Wright, D. R.
Coy	Kosinski	Richardson	
DeLuca	Kruszewski	Rieger	O'Donnell,
DeWeese	Kukovich	Roebuck	Speaker
Dermody			

NOT VOTING—1

Snyder, G.

EXCUSED—2

Anderson Durham

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

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

AMENDMENT A2855 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which amendment 2855 to HB 2185, PN 2685, was defeated today. That is the amendment offered by the gentleman, Mr. Freeman.

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

The following roll call was recorded:

YEAS—198

Acosta	Fairchild	Langtry	Rudy
Adolph	Fajt	Laughlin	Ryan
Allen	Fargo	Lawless	Saloom
Angstadt	Farmer	Lee	Saurman
Argall	Fee	Leh	Scheetz
Armstrong	Fleagle	Lescovitz	Schuler
Arnold	Flick	Levdansky	Scrimenti
Barley	Foster	Linton	Semmel
Battisto	Fox	Lloyd	Serafini
Belardi	Freeman	Lucyk	Smith, B.
Belfanti	Freind	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mrkonic	Taylor, E. Z.

Carlson	Harley	Mundy	Taylor, F.
Carn	Harper	Murphy	Taylor, J.
Carone	Hasay	Nahill	Telek
Cawley	Hayden	Nailor	Thomas
Cessar	Hayes	Nickol	Tigue
Chadwick	Heckler	Noye	Tomlinson
Civera	Herman	Nyce	Trello
Clark	Hershey	O'Brien	Trich
Clymer	Hess	Olasz	Tulli
Cohen	Hughes	Perzel	Uliana
Colaella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Cowell	Johnson	Pistella	Wambach
Coy	Josephs	Pitts	Williams
DeLuca	Kaiser	Preston	Wilson
DeWeese	Kasunic	Raymond	Wogan
Daley	Kenney	Reber	Wozniak
Davies	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	Wright, M. N.
Dent	Krebs	Rieger	Wright, R. C.
Dermody	Kruszewski	Ritter	
Donatucci	Kukovich	Robinson	O'Donnell,
Evans	LaGrotta	Roebuck	Speaker

NAYS—1

Corrigan

NOT VOTING—2

Oliver Petrarca

EXCUSED—2

Anderson Durham

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

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

The clerk read the following amendments No. A2855:

Amend Sec. 3 (Sec. 1801-A), page 4, line 12, by striking out "Hereford,"

Amend Sec. 3 (Sec. 1801-A), page 5, lines 1 and 2, by striking out "Lower Pottsgrove," and inserting

Douglass,

Amend Sec. 3 (Sec. 1801-A), page 5, lines 2 and 3, by striking out "Borough of Pottstown" and inserting

Boroughs of Pottstown and Royersford

Amend Sec. 3 (Sec. 1801-A), page 6, lines 12 through 25, by striking out all of said lines and inserting

(8) The Eighth District is composed of all of Bucks County; and part of Montgomery County consisting of the Townships of Lower Moreland and Salford and the Boroughs of Bryn Athyn, Hatboro and Telford (Montgomery County portion).

Amend Sec. 3 (Sec. 1801-A), page 8, line 26, by striking out "Lower Moreland," and inserting

Lower Pottsgrove,

Amend Sec. 3 (Sec. 1801-A), page 8, line 27, by inserting after "Montgomery,"

New Hanover,

Amend Sec. 3 (Sec. 1801-A), page 8, line 28, by striking out "Salford,"

Amend Sec. 3 (Sec. 1801-A), page 8, line 29, by striking out "Upper Gwynedd," and inserting

Upper Frederick, Upper Gwynedd, Upper Hanover,

Amend Sec. 3 (Sec. 1801-A), page 9, lines 1 and 2, by striking out "Bryn Athyn,"

Amend Sec. 3 (Sec. 1801-A), page 9, line 2, by striking out "Hatboro," and inserting

East Greenville, Green Lane,
Amend Sec. 3 (Sec. 1801-A), page 9, line 3, by inserting after "North Wales,"

Pennsburg, Red Hill,

Amend Sec. 3 (Sec. 1801-A), page 9, line 4, by striking out "Royersford,"

Amend Sec. 3 (Sec. 1801-A), page 9, lines 4 and 5, by striking out "Telford (Montgomery County portion),"

Amend Sec. 3 (Sec. 1801-A), page 9, line 15, by inserting after "Greenwich,"

Hereford,

Amend Sec. 3 (Sec. 1801-A), page 9, lines 17 through 30; page 10, lines 1 and 2, by striking out "part of Bucks County consisting of the" in line 17, all of lines 18 through 30, page 9, all of lines 1 and 2, page 10 and inserting

all of Lehigh County; and all of Northampton County.

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

The SPEAKER. On the amendment, the Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, again for the information of the members, what my amendment attempts to do is to keep the Lehigh Valley whole. The Lehigh Valley has been in one congressional district, the 15th, for many, many years now. It is a distinct region of the State. It deserves its own congressional district.

My amendment also seeks to make Bucks County whole. Bucks County has been within the same congressional district for many, many years. It has its own identity and deserves its own congressional district.

In essence, my amendment keeps the status quo. The changes that are made are minor and only necessary to keep the population levels within the realm of what has to be done for reapportionment. There is no ripple effect. It is simply a trade between the 15th and the 8th with some minor changes in the 13th and 5th in order to make the population figures meet what they have to.

Bethlehem and Easton have far more in common with the city of Allentown than they do with Bristol and Doylestown. I ask the membership of this House to recognize that basic fact, to recognize the fact that if this amendment does not go in, we have carved up the Lehigh Valley like a Christmas turkey. I urge you to support efforts to keep the valley together, to keep Bucks County together.

Now, there is a rumor floating around that somehow my amendment is going to give the Eighth District 6,000 more Republicans. That is simply not true. My amendment returns the Eighth District to what it currently is, with one or two minor changes that have no major impact. That is a fact.

There has also been concern raised by the gentleman from Montgomery County that somehow we will be taking more of Montgomery County out if we add another congressional district. I appreciate his concern about the number of congressional districts that come into Montgomery County. However, we are not adding a new congressional district to Montgomery County, because we return those portions of

Montgomery County that were originally to go to the 15th District back to the 13th and to the 5th Districts. So we are in essence just swapping one congressional district for another.

Again, I urge the membership to support my amendment. Let us keep the Lehigh Valley whole. Let us keep Bucks County whole. Let us give both those Congressmen the same districts they represent now in Congress. That is all we are asking for with this, and I urge a "yes" vote.

The SPEAKER. The Chair recognizes Mr. Snyder.

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

Mr. Speaker, I will not belabor the point other than the fact to make and reemphasize just a few points.

Number one, we are not creating new congressional districts in the northeast area that this amendment affects, nor are we creating any significant changes. What we are asking to do is maintain the status quo, not to make the changes that are proposed in this plan but to allow the status quo to remain.

Also, Mr. Speaker, our colleagues from Bucks County who are opposed to this amendment bring up the fact that they want to see Bucks County kept whole. This amendment does that, Mr. Speaker, but I think what their concern is is that instead of taking predominantly Republican areas out of Montgomery County to reach the necessary number of population, they would prefer to see those perhaps come out from Philadelphia County where there is a higher Democratic proportion of voters. That kind of fine tuning, Mr. Speaker, can be done in conference committee if that is the will of the majority of the voters. However, Mr. Speaker, those who are opposing and those supporting this amendment from Bucks County agree in principle that we should keep Bucks County whole. This amendment will do that. If you vote against this amendment and keep the present proposal that is right now on the table for consideration, you will not be serving your constituents in your county of Bucks, because Bucks County will be split up and will not be representing your constituents well. We ask that you support this proposal.

Finally, Mr. Speaker, I know we do not have the attention of everybody, but many of us walked around this floor a couple of hours ago and asked for consideration by the members. We received commitments from those members and we hope that you will stay with us. Your vote is very important to us, and we do appreciate it. Thank you.

The SPEAKER. The Chair recognizes Mr. Melio.

Mr. MELIO. Mr. Speaker, I just want to say to my colleagues, it was crap the first time. It does not smell any better this time.

I ask for a "no" vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Freeman amendment. I was here 10 years ago when there were voices both inside and outside Harrisburg that said to keep Bucks County whole when there was a hint that there may be a split, and at that time those voices prevailed that we indeed keep Bucks County whole. This is the will of the people who live in my legislative

district. They want to see the county remain whole, and I urge the members here today, very respectfully, that we indeed keep Bucks County whole and allow Lehigh County and Northampton County to have their Congressmen.

So, Mr. Speaker, I trust that this will prevail and that there will be a majority vote for the Freeman amendment. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

Unless I am missing something, by keeping Bucks County whole, I would consider that to mean that there would be no part of Montgomery County in Bucks County, and that is not the case.

As I said before, we have three things on the table where we should have two. We are talking about the reapportionment commission's plan and the Freeman amendment and not the district as it is today, and I think there is a lot of confusion on the floor about that particular item. We are not talking about the district as it is today. We are talking about the reapportionment plan, and we are talking about the Freeman amendment. If we could make Bucks County whole, I am sure we would do that, but we are not voting on that. We are voting on the plan or the Freeman amendment. In my judgment, the Freeman amendment makes this situation much worse.

I would ask for a "no" vote on the Freeman amendment. I think some people are saying that it is okay if we extend Bucks County into Montgomery County, but it is not okay if we extend it into Lehigh County. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Uliana.

Mr. ULIANA. Mr. Speaker, I rise again in support of this amendment, and I also rise to make a few geographic corrections on the previous speaker.

The extension of the Eighth Congressional District will be into Northampton County. In fact, there was speculation a while ago about political intent, accusations made about people's future course in political office. Well, I could have the opportunity to run for Congressman Kostmayer's seat by moving about 100 yards down the road, so there would be a congressional seat opening, and Representative Len Gruppo would then be in Representative Kostmayer's seat. He could run for Congress. So I guess we are supporting this plan because we want to run for Congress.

No. If we really wanted to be political about this, Representative Freeman and myself would have never sat down, the Lehigh Valley delegations would have never sat down, because Representative Freeman, a Democrat, would have had a Democratic Congressman representing himself and I still would have a Republican Congressman representing myself who would have the substantial Republican majority. But, no, we wanted to do the right thing, to do the fair thing, and I would ask each and every person in this body to do the right and fair thing. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mrs. McHale.

Mrs. McHALE. Thank you, Mr. Speaker.

I rise again in strong support of the Freeman amendment. I think it is important to recognize that what we are faced with

here is two clear choices: do we split up two counties - Bucks County and Northampton County - or do we keep them together? And that is the choice that we have. The Freeman amendment preserves the status quo in those counties, keeps them together, serves the best interest of the voters and the citizens of those two counties, and is clearly the right thing to do.

I urge all of my Democratic colleagues to stay with us on this and vote for the Freeman amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

On amendment 2855 I certainly want to ask for a "yes" vote defining socioeconomic reasons of preserving the generally Lehigh Valley area as it is defined. Thank you.

The SPEAKER. The Chair recognizes Mr. Tomlinson.

Mr. TOMLINSON. Mr. Speaker, I rise again to support the Freeman amendment, and I appreciate the comments from Representatives from Montgomery County and their concerns on this, because they, too, want to keep their county whole. However, I do not understand and I cannot appreciate the comments of my friends, Representative Corrigan and Representative Melio, when they say that they want to keep Bucks County whole but they cannot. I do enlist their support. I do realize that I will have a fight with Montgomery County, and I do enlist their support, but I again plead with you to keep Bucks County whole in this fight to protect the northern borders as I will plead with you to keep Bucks County whole to support the lower borders.

It does not make sense to me to want Bucks County whole and to support this plan. It only makes sense to keep Bucks County whole by supporting Mr. Freeman's amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

As was mentioned earlier on the floor on this debate, Montgomery County currently has three Congressmen. If this bill and this amendment as currently being debated is adopted, we are going to have five. Montgomery County does not need, does not deserve, and does not want five Congressmen. Please vote against this amendment.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

We would certainly agree that Montgomery, we are sure they do not want five Congressmen and I will take my colleague's word for it that they do not deserve five Congressmen.

This amendment does not make their situation better or worse. The bill, the gerrymander that is represented in the bill we are trying to amend, is what causes Montgomery County's problems and it is what we are trying to address, at least so far as the Lehigh Valley and Bucks County.

We have a fundamental choice today. Are we going to both keep the status quo and do what we know to be right, or are we going to do what some of the incumbent congressional delegation from Pennsylvania want us to do, simply to preserve their seats even if it means gerrymandering existing districts

across county lines. We cannot do that. It is the wrong thing to do. I am confident that we will not do that. The first step to not doing that is to adopt the Freeman amendment.

The SPEAKER. The Chair recognizes Ms. Ritter.

Ms. RITTER. Mr. Speaker, I also respect my colleagues from Bucks County on the Democratic side of the aisle who are opposed to this amendment, but I would tell you, from the Lehigh Valley's point of view, this amendment is very important to us.

I would echo the words of my colleague, Mr. Freeman. To have the Lehigh Valley split in this way and also to split the Bucks County area is not good for the people of those areas. We have to decide, are we here to do what is best for the two Congressmen that represent these areas or are we here to do what is best for the citizens who live in those areas? I would suggest that our job is to do what is best for the people of the Lehigh Valley and of Bucks County, and that is to vote for this amendment to restore these districts to nearly the way they have been and to allow those Congressmen to run in the districts in which they have run primarily and to allow the people of those areas to continue to be represented in the correct fashion. Thank you.

The SPEAKER. The Chair recognizes Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I again urge my colleagues to support the Freeman amendment, as I stated earlier. Let us keep the Lehigh Valley and Bucks County whole. Thank you very much.

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

The following roll call was recorded:

YEAS—101

Adolph	Dempsey	King	Scheetz
Allen	Dent	Krebs	Schuler
Angstadt	Fairchild	Langtry	Semmel
Argall	Fargo	Lee	Smith, B.
Armstrong	Farmer	Lescovitz	Smith, S. H.
Arnold	Fleagle	McCall	Snyder, D. W.
Barley	Flick	McHale	Snyder, G.
Battisto	Foster	McHugh	Stairs
Belardi	Freeman	Marsico	Steelman
Birmelin	Freind	Merry	Steighner
Black	Gallen	Micozzie	Strittmatter
Boyes	Gannon	Nailor	Taylor, E. Z.
Broujos	Geist	Nickol	Taylor, J.
Brown	Gerlach	Noye	Telek
Bush	Gruppo	Nyce	Tigue
Butkovitz	Harper	O'Brien	Tomlinson
Caltagirone	Hasay	Perzel	Trich
Cappabianca	Hayes	Phillips	Tulli
Carlson	Heckler	Piccola	Uliana
Cessar	Herman	Pistella	Vance
Chadwick	Hershey	Pitts	Vroon
Civera	Hess	Raymond	Wilson
Clark	Jadlowiec	Reinard	Wogan
Clymer	Johnson	Ritter	Wright, M. N.
Daley	Kenney	Ryan	Wright, R. C.
Davies			

NAYS—100

Acosta	Gamble	Linton	Roebuck
Belfanti	George	Lloyd	Rudy
Billow	Gigliotti	Lucyk	Saloom
Bishop	Gladeck	McGeehan	Saurman
Blaum	Godshall	McNally	Scrimenti

Bowley	Gruitza	Maiale	Serafini
Bunt	Hagarty	Markosek	Staback
Carn	Haluska	Mayernik	Stetler
Carone	Hanna	Melio	Stish
Cawley	Harley	Michlovic	Stuban
Cohen	Hayden	Mihalich	Sturla
Colaafella	Hughes	Mrkonic	Surra
Colaizzo	Itkin	Mundy	Tangretti
Cole	James	Murphy	Taylor, F.
Cornell	Jarolin	Nahill	Thomas
Corrigan	Josephs	Olasz	Trello
Cowell	Kaiser	Oliver	Van Horne
Coy	Kasunic	Pesci	Veon
DeLuca	Kosinski	Petrarca	Wambach
DeWeese	Kruszewski	Petrone	Williams
Dermody	Kukovich	Preston	Wozniak
Donatucci	LaGrotta	Reber	Wright, D. R.
Evans	Laughlin	Richardson	
Fajt	Lawless	Rieger	O'Donnell,
Fee	Leh	Robinson	Speaker
Fox	Levdansky		

NOT VOTING—0

EXCUSED—2

Anderson Durham

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

On the question recurring,

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

Mr. PITTS offered the following amendments No. A2963:

Amend Sec. 3 (Sec. 1801-A), page 4, lines 8 through 30, by striking out all of lines 8 through 29 and "Coatesville, Spring City and West Chester;" in line 30 and inserting

(5) The Fifth District is composed of part of Berks County consisting of the City of Reading and the Townships of Alsace, Amity, Bern, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl, Exeter, Hereford, Lower Alsace, Muhlenberg, Oley, Pike, Robeson, Rockland, Ruscombmanor, Union and Washington and the Boroughs of Adamstown, Bally, Bechtelsville, Birdsboro, Boyertown, Kenhorst, Laureldale, Leesport, Mohnton, Mt. Penn, Shillington, St. Lawrence, Strausstown, Temple, West Lawn, West Reading, Wyomissing and Wyomissing Hills; part of Chester County consisting of the City of Coatesville and the Townships of Caln, Charlestown, East Bradford, East Brandywine, East Caln, East Coventry, East Fallowfield, East Marlborough, East Nantmeal, East Nottingham, East Pikeland, East Vincent, Elk, Franklin, Highland, Honeybrook, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, North Coventry, Penn, Pennsbury, Pocopson, Sadsbury, Schuylkill, South Coventry, Tredyffrin, Upper Oxford, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Fallowfield, West Marlborough, West Nantmeal, West Nottingham, West Pikeland, West Sadsbury, West Vincent and West Whiteland and the Boroughs of Atglen, Avondale, Downingtown, Elverson, Honey Brook, Kennett Square, Modena, Oxford, Parkesburg, Phoenixville, South Coatesville, Spring City and West Grove;

Amend Sec. 3 (Sec. 1801-A), page 5, lines 25 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting

(7) The Seventh District is composed of part of Chester County consisting of the Townships of Birmingham, East Goshen, Easttown, Thornbury, Westtown and Willistown and the Boroughs of Malvern and West Chester; and part of Delaware County consisting of the Townships of Aston, Bethel,

Birmingham, Chester, Concord, Edgmont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley, Springfield, Thornbury, Upper Chichester, Upper Darby and Upper Providence and the Boroughs of Aldan, Brookhaven, Chester Heights, Clifton Heights, Collingdale, Colwyn, Darby, East Lansdowne, Folcroft, Glenolden, Lansdowne, Marcus Hook, Media, Millbourne, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore, Trainer and Upland.

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Thank you, Mr. Speaker.

My amendment would merely give Chester County majority in one congressional district which we presently have. Under the legislation we would lose that, our only congressional seat. In the last decade we have grown substantially, enough to get a new House seat, and so we would restore this one congressional seat for Chester County. I urge adoption of the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—84

Adolph	Flick	King	Ryan
Armstrong	Foster	Langtry	Saloom
Barley	Fox	Lawless	Saurman
Birmelin	Freind	Lee	Scheetz
Black	Gamble	McHugh	Schuler
Boyes	Geist	Marsico	Smith, B.
Brown	Gerlach	Merry	Smith, S. H.
Bunt	Gladeck	Micozzie	Snyder, D. W.
Bush	Godshall	Nahill	Snyder, G.
Carlson	Gruppo	Nailor	Stairs
Cessar	Hagarty	Nickol	Strittmatter
Chadwick	Harley	Noye	Taylor, E. Z.
Civera	Hasay	Nyce	Taylor, J.
Clark	Hayes	O'Brien	Telek
Clymer	Heckler	Perzel	Tomlinson
Cornell	Herman	Phillips	Tulli
Dent	Hershey	Piccola	Uliana
Fairchild	Hess	Pitts	Vance
Fargo	Jadlowiec	Raymond	Vroon
Farmer	Johnson	Reber	Wogan
Fleagle	Kenney	Reinard	Wright, M. N.

NAYS—112

Acosta	Dempsey	Lescovitz	Roebuck
Allen	Dermody	Levdansky	Rudy
Angstadt	Donatucci	Linton	Scrimenti
Argall	Fajt	Lloyd	Semmel
Arnold	Fee	Lucyk	Serafini
Battisto	Freeman	McCall	Staback
Belardi	Gallen	McGeehan	Steelman
Belfanti	Gannon	McHale	Steighner
Billow	George	McNally	Stetler
Bishop	Gigliotti	Maiale	Stish
Blaum	Gruitza	Markosek	Stuban
Bowley	Haluska	Mayernik	Sturla
Broujos	Hanna	Melio	Surra
Butkovitz	Harper	Michlovic	Tangretti
Caltagirone	Hayden	Mihalich	Taylor, F.
Cappabianca	Hughes	Mrkonic	Thomas
Carn	Itkin	Mundy	Tigue
Carone	James	Murphy	Trello
Cawley	Jarolin	Olasz	Trich

Cohen	Josephs	Oliver	Van Horne
Colafrella	Kaiser	Pesci	Wambach
Colaizzo	Kasunic	Petrarca	Wilson
Cole	Kosinski	Petrone	Wozniak
Corrigan	Krebs	Pistella	Wright, D. R.
Cowell	Kruszewski	Preston	Wright, R. C.
Coy	Kukovich	Richardson	
DeWeese	LaGrotta	Rieger	O'Donnell,
Daley	Laughlin	Ritter	Speaker
Davies	Leh		

NOT VOTING—5

DeLuca	Robinson	Veon	Williams
Evans			

EXCUSED—2

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

On the question recurring,

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

Mr. GALLEN offered the following amendments No. A2974:

Amend Sec. 3 (Sec. 1801-A), page 3, lines 5 through 11, by striking out all of said lines and inserting

(3) The Third District is composed of part of Bucks County consisting of the Townships of Bensalem Lower West Precinct and Upper West Precinct, Bensalem Lower East Precinct (Divisions 2, 3 and 7), Bensalem Lower Middle Precinct (Divisions 1, 2 and 3), Bristol, Falls Ward 1 (Divisions 1, 3, 5, 6 and 7) and Ward 4, Lower Makefield North District (Divisions 1 and 3) and South District (Divisions 2, 3 and 6) and Solebury, and Upper Makefield Districts 1 and 3; and part of Philadelphia County consisting of the City of Philadelphia Wards 10, 13, 17, 23, 33, 35, 41, 45, 53, 54, 55, 56, 57, 61, 62, 64 and 65.

Amend Sec. 3 (Sec. 1801-A), page 4, lines 8 through 23, by striking out all of lines 8 through 22 and "Hills;" in line 23 and inserting

(5) The Fifth District is composed of part of Bucks County consisting of the Townships of Warrington, Warwick and West Rockhill and the Borough of Telford;

Amend Sec. 3 (Sec. 1801-A), page 5, lines 1 through 3, by striking out "Lower" in line 1, all of lines 2 and 3, and inserting East Norriton, Franconia, Hatfield, Horsham, Lower Gwynedd, Lower Pottsgrove, Lower Providence, Lower Salford, Montgomery, Perkiomen, Plymouth, Skippack, Towamencin, Upper Gwynedd, Upper Merion, Upper Pottsgrove, Upper Providence, West Norriton, West Pottsgrove, Whippain and Worcester and the Boroughs of Bridgeport, Collegeville, Hatfield, Lansdale, Limerick, Norristown, North Wales, Pottstown, Royersford, Schwenksville, Souderton, Telford and West Conshohocken.

Amend Sec. 3 (Sec. 1801-A), page 6, lines 12 through 25, by striking out all of said lines and inserting

(8) The Eighth District is composed of all of Berks County; part of Montgomery County consisting of the Townships of Douglass, Lower Frederick, Lower Pottsgrove, Marlborough, New Hanover, Salford, Upper Frederick, Upper Hanover, Upper Pottsgrove, Upper Salford and West Pottsgrove and the Boroughs of East Greenville, Green Lane, Pennsburg, Pottstown and Red Hill; and all of Schuylkill County.

Amend Sec. 3 (Sec. 1801-A), page 7, lines 17 through 29, by striking out all of said lines and inserting

(11) The Eleventh District is composed of all of Carbon County; part of Columbia County consisting of the Townships of

Beaver, Benton, Briar Creek, Fishing Creek, Jackson, Main, Mifflin, North Centre, Roaring Creek, South Centre and Sugarloaf and the Boroughs of Benton, Berwick, Briar Creek and Stillwater; all of Luzerne County; part of Northampton County consisting of the City of Easton and the Townships of Bethlehem, Bushkill, Forks, Lehigh, Lower Mt. Bethel, Lower Nazareth, Moore, Palmer, Plainfield, Upper Mt. Bethel, Upper Nazareth, Washington and Williams and the Boroughs of Bangor, Chapman, East Bangor, Freemansburg, Glendon, Nazareth, Pen Argyl, Portland, Roseto, Stockertown, Tatamy, Walnutport, West Easton, Wilson and Wind Gap.

Amend Sec. 3 (Sec. 1801-A), page 8, lines 20 through 30 page 9, lines 1 through 5, by striking out all of said lines on said pages and inserting

(13) The Thirteenth District is composed of part of Bucks County consisting of the Townships of Lower Southampton, Middletown, Northampton, Upper Southampton and Warminster and the Boroughs of Hulmeville, Ivyland, Langhorne, Langhorne Manor and Pennel; part of Montgomery County consisting of the Townships of Abington, Cheltenham, Lower Merion Wards 1, 2, 3 (Divisions 2 and 3), 5, 6, 7 (Divisions 2 and 3), 10 and 11, Lower Moreland, Springfield, Upper Dublin, Upper Moreland and Whitmarsh and the Boroughs of Ambler, Bryn Athyn, Conshohocken, Hatboro, Jenkintown, Narberth and Rockledge; and part of Philadelphia County consisting of the City of Philadelphia Wards 58, 63 and 66.

Amend Sec. 3 (Sec. 1801-A), page 9, lines 14 through 30; page 10, lines 1 and 2, by striking out all of said lines on said pages and inserting

(15) The Fifteenth District is composed of part of Bucks County consisting of the Townships of Bedminster, Bridgeton, Buckingham, Doylestown, Durham, East Rockhill, Falls Wards 1, 2, 3 and 4, Haycock, Hilltown, Lower Makefield, North District (Divisions 2, 4 and 5), Lower Makefield, South District (Divisions 1, 4, 5, 7, 8 and 9), Milford, New Britain, Newtown, Nockamixon, Plumstead, Richland, Springfield, Tinicum, Upper Makefield, Wrightstown and the Boroughs of Chalfont, Doylestown, Dublin, New Britain, Newtown, Perkasie, Quakertown, Richlandtown, Riegelsville, Sellersville (Division 2), Silverdale and Trumbauersville; all of Lehigh County; and part of Northampton County consisting of the City of Bethlehem and the Townships of Allen, East Allen, Hanover and Lower Saucon; and the Boroughs of Bath, Hellertown, Northampton and North Catasauqua.

Amend Sec. 3 (Sec. 1801-A), page 10, line 16, by inserting after "of" where it appears the first time

part of Columbia County consisting of the Townships of Catawissa, Cleveland, Conyngham, Franklin, Greenwood, Hemlock, Locust, Madison, Montour, Mt. Pleasant, Orange, Pine and Scott and the Boroughs of Catawissa, Centralia, Millville and Orangeville and the Town of Bloomsburg;

Amend Sec. 3 (Sec. 1801-A), page 10, lines 27 through 30; page 11, lines 1 through 12, by striking out "part of Northumberland County consisting of" in line 27 and all of lines 28 through 30, page 10, and all of lines 1 through 12, page 11, and inserting

part of Northumberland County consisting of the Cities of Shamokin and Sunbury and the Townships of Coal, Delaware, East Cameron, East Chillisquaque, Jackson, Jordan, Lewis, Little Mahanoy, Lower Augusta, Lower Mahanoy, Mt. Carmel, Point, Ralpho, Rockefeller, Rush, Shamokin, Turbot, Upper Augusta, Upper Mahanoy, Washington, West Cameron, West Chillisquaque and Zerbe and the Boroughs of Herndon, Kulpmont, Marion Heights, McEwensville, Milton, Mt. Carmel, Northumberland, Riverside, Snyderstown, Turbotville and Watsonstown; and all of Union County.

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

The SPEAKER. On that question, the Chair recognizes Mr. Gallen.

Mr. GALLEN. Mr. Speaker, for more than 30 years the Sixth Congressional District was made up of Berks and Schuylkill Counties, and sometimes Carbon County and sometimes part of Lancaster County and/or part of Montgomery County. The current bill would devastate that congressional district, and this amendment will put it back together, Berks and Schuylkill being the large entities, and we will take a small portion of Montgomery County to make up the final part of the district.

Mr. Speaker, as Lehigh County and the Lehigh Valley is a historic entity, so is Berks, Schuylkill, and the Schuylkill Valley.

Mr. Speaker, I ask for adoption of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Mr. Speaker, I rise to oppose this amendment. I think that they are breaking up too many counties. They are moving into Columbia County and breaking that all up. It is incompatible with the whole system.

I believe that the way the bill came out of committee is a good bill, so I ask you to oppose this amendment.

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would also urge the defeat of this amendment. This amendment splits up Bucks County again and adversely affects the Third Congressional District in Philadelphia.

I would urge a negative vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Angstadt.

Mr. ANGSTADT. Thank you, Mr. Speaker.

I rise to support this amendment. Berks County has been very prosperous because we were able to have a Congressman who represented both Schuylkill County and Berks County in Washington. Because of our prosperity, it looks like we are going to be suffering from having our voice in Washington. I think what we should be doing, the areas that are gaining population, we should reward them and not penalize them.

So if you could help us, we would appreciate a positive vote on the Gallen amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

I also rise to support the amendment. One of the major factors for the consideration of this amendment is our growth factor. Berks County is a growing county, and of course, that population growth I think is all the more reason to retain Berks County and Schuylkill County as a unit. Thank you very much.

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

The following roll call was recorded:

YEAS—41

Adolph	Civera	Geist	Micozzie
Allen	Clark	Hayes	Nickol
Angstadt	Davies	Herman	Phillips
Argall	Fairchild	Hess	Raymond
Black	Farmer	Jadlowiec	Ryan
Boyes	Fleagle	Johnson	Saloom
Brown	Foster	King	Semmel
Bush	Freind	Langtry	Serafini
Caltagirone	Gallen	Leh	Snyder, G.
Carone	Gannon	Lucyk	Wright, R. C.
Cawley			

NAYS—154

Acosta	Flick	McCall	Scrimenti
Armstrong	Fox	McGeehan	Smith, B.
Arnold	Freeman	McHale	Smith, S. H.
Barley	Gamble	McHugh	Snyder, D. W.
Battisto	George	Maiale	Staback
Belardi	Gerlach	Markosek	Stairs
Belfanti	Gigliotti	Marsico	Steelman
Billow	Gladeck	Mayernik	Steighner
Birmelin	Godshall	Melio	Stetler
Bishop	Gruitza	Michlovic	Stish
Blaum	Hagarty	Mihalic	Strittmatter
Bowley	Haluska	Mrkonic	Stuban
Broujos	Hanna	Mundy	Sturla
Bunt	Harley	Murphy	Surra
Butkovitz	Harper	Nahiil	Tangretti
Cappabianca	Hasay	Nailor	Taylor, E. Z.
Carlson	Hayden	Noye	Taylor, F.
Carn	Heckler	Nyce	Taylor, J.
Chadwick	Hershey	O'Brien	Telek
Clymer	Hughes	Olasz	Thomas
Cohen	Itkin	Oliver	Tigue
Colafella	James	Perzel	Tomlinson
Colaizzo	Jarolin	Pesci	Trelo
Cole	Josephs	Petrarca	Tulli
Cornell	Kaiser	Petrone	Uliana
Corrigan	Kasunic	Piccola	Van Horne
Cowell	Kenney	Pistella	Vance
Coy	Kosinski	Pitts	Veon
DeLuca	Krebs	Preston	Vroon
DeWeese	Kruszewski	Reber	Wambach
Daley	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wilson
Dent	Laughlin	Rieger	Wogan
Dermody	Lawless	Ritter	Wozniak
Donatucci	Lee	Roebuck	Wright, D. R.
Evans	Lescovitz	Rudy	Wright, M. N.
Fajt	Levdansky	Saurman	
Fargo	Linton	Scheetz	O'Donnelli,
Fee	Lloyd	Schuler	Speaker

NOT VOTING—6

Cessar	McNally	Robinson	Trich
Gruppo	Merry		

EXCUSED—2

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

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

AMENDMENT A2950 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which amendment 2950, offered by the gentleman, Mr. Daley, to HB 2185, PN 2685, was defeated today.

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

The following roll call was recorded:

YEAS—180

Acosta	Farmer	Lawless	Saloom
Adolph	Fee	Lee	Saurman
Allen	Fleagle	Leh	Scheetz
Angstadt	Flick	Lescovitz	Schuler
Argall	Foster	Linton	Scrimenti
Armstrong	Fox	Lloyd	Semmel
Arnold	Freeman	McGeehan	Serafini
Barley	Freind	McHale	Smith, B.
Battisto	Gallen	McHugh	Smith, S. H.
Belardi	Gamble	Maiale	Snyder, D. W.
Belfanti	Gannon	Markosek	Snyder, G.
Birmelin	Geist	Marsico	Staback
Bishop	George	Mayernik	Stairs
Black	Gerlach	Merry	Stelman
Blaum	Gladeck	Michlovic	Stetler
Bowley	Godshall	Micozzie	Strittmatter
Boyes	Gruitza	Mihalich	Stuban
Broujos	Gruppo	Mrkonic	Sturla
Brown	Hagarty	Mundy	Tangretti
Bunt	Haluska	Murphy	Taylor, E. Z.
Bush	Hanna	Nahill	Taylor, F.
Butkovitz	Harley	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Telek
Cappabianca	Hasay	Noye	Thomas
Carlson	Hayes	Nyce	Tigue
Carn	Heckler	O'Brien	Tomlinson
Carone	Herman	Olasz	Trello
Cessar	Hershey	Oliver	Trich
Chadwick	Hess	Perzel	Tulli
Civera	Hughes	Pesci	Uliana
Clark	Itkin	Petrarca	Van Horne
Clymer	Jadlowiec	Phillips	Vance
Cohen	James	Piccola	Veon
Colafella	Jarolin	Pistella	Vroon
Cole	Johnson	Pitts	Wambach
Cornell	Josephs	Raymond	Williams
Corrigan	Kaiser	Reber	Wilson
Cowell	Kasunic	Reinard	Wogan
Daley	Kenney	Richardson	Wozniak
Davies	King	Rieger	Wright, D. R.
Dempsey	Krebs	Ritter	Wright, M. N.
Dent	Kruszewski	Robinson	Wright, R. C.
Donatucci	Kukovich	Roebuck	
Evans	LaGrotta	Rudy	O'Donnell,
Fairchild	Langtry	Ryan	Speaker
Fargo	Laughlin		

NAYS—16

Billow	DeLuca	Lucyk	Preston
Cawley	Dermody	McCall	Steighner
Colaizzo	Fajt	Melio	Stish
Coy	Gigliotti	Petrone	Surra

NOT VOTING—5

DeWeese	Kosinski	Levdansky	McNally
Hayden			

EXCUSED—2

Anderson Durham

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

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

The clerk read the following amendments No. A2950:

Amend Sec. 3 (Sec. 1801-A), page 3, lines 12 through 30; page 4, lines 1 through 7, by striking out all of said lines on said pages and inserting

(4) The Fourth District is composed of part of Allegheny County consisting of the Townships of East Deer, Fawn, Frazer, Harrison and Springdale and the Boroughs of Brackenridge, Cheswick, Monroeville, Pitcairn, Plum, Springdale, Tarentum and Turtle Creek; all of Beaver County; part of Butler County consisting of the Townships of Adams, Buffalo, Clinton, Cranberry, Jefferson, Middlesex, Penn, Summit and Winfield and the Boroughs of Callery, East Butler, Mars, Saxenburg, Seven Fields, Valencia and Zelenople; part of Lawrence County consisting of the City of New Castle and the Townships of Little Beaver, Mahoning, North Beaver, Perry, Pulaski, Shenango, Taylor, Union and Wayne and the Boroughs of Bessemer, Ellport, Ellwood City, Enon Valley, New Beaver, Snpj, South New Castle and Wampum; part of Mercer County consisting of the Cities of Farrell and Sharon and the Township of Shenango and the Boroughs of Sharpsville, West Middlesex and Wheatland; and part of Westmoreland County consisting of the Cities of Arnold, Lower Burrell and New Kensington and the Townships of Allegheny, Bell, Penn, Salem, Upper Burrell and Washington and the Boroughs of Avonmore, Delmont, East Vandergrift, Export, Hyde Park, Manor, Murrysville, Oklahoma, Penn, Vandergrift and West Leechburg.

Amend Sec. 3 (Sec. 1801-A), page 5, line 23, by inserting after "County" where it appears the second time

(except the Townships of Cherrytree, Jackson and Plum and the Borough of Cooperstown)

Amend Sec. 3 (Sec. 1801-A), page 7, line 30; page 8, lines 1 through 19, by striking out all of said lines on said pages and inserting

(12) The Twelfth District is composed of all of Armstrong County; all of Cambria County; part of Fayette County consisting of the Cities of Connellsville and Uniontown and the Townships of Bullskin, Connellsville, Dunbar, Franklin, Henry Clay, Jefferson, Lower Tyrone, North Union, Saltlick, South Union, Springfield, Stewart, Upper Tyrone and Wharton and the Boroughs of Dawson, Dunbar, Everson, Markleysburg, Ohiopyle, South Connellsville and Vanderbilt; part of Indiana County consisting of the Townships of Armstrong, Blacklick, Brush Valley, Buffington, Burrell, Center, Conemaugh, East Wheatfield, Pine, West Wheatfield, White and Young and the Boroughs of Armagh, Blairsville, Homer City, Indiana, Jacksonville, Saltsburg and Shelocta; all of Somerset County; and part of Westmoreland County consisting of the Townships of Cook, Derry, Donegal, East Huntingdon, Fairfield, Ligonier, Loyalhanna, Mt. Pleasant, St. Clair and Unity and the Boroughs of Bolivar, Derry, Donegal, Latrobe, Laurel Mountain, Ligonier, Mt. Pleasant, New Alexandria, New Florence, Scottdale, Seward and Youngstown.

Amend Sec. 3 (Sec. 1801-A), page 9, lines 6 through 13, by striking out all of said lines and inserting

(14) The Fourteenth District is composed of part of Allegheny County consisting of the City of Pittsburgh and the Townships of Baldwin, Kennedy, Neville, Penn Hills Wards 1, 2, 3 (Districts 3 and 5), 4 (Districts 2 and 4) and 9 (District 5), Reserve, Stowe and Wilkins and the Boroughs of Avalon, Bellevue,

Braddock, Braddock Hills, Brentwood, Chalfont, Edgewood, Etna, Forest Hills, Homestead, Ingram, McKees Rocks, Millvale, Mt. Oliver, Munhall, Rankin, Sharpsburg, Swissvale, West Homestead, West Mifflin, Whitaker and Wilkinsburg.

Amend Sec. 3 (Sec. 1801-A), page 11, lines 13 through 29, by striking out all of said lines and inserting

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Townships of Aleppo, Collier, Crescent, Findlay, Hampton, Harmar, Indiana, Kilbuck, Leet, McCandless, Marshall, Moon, Mt. Lebanon, North Fayette, O'Hara, Ohio, Penn Hills Wards 3 (Districts 1, 2, 4 and 6), 4 (Districts 1, 3 and 5), 5, 6, 7, 8 and 9 (Districts 1, 2, 3 and 4), Pine, Richland, Robinson, Ross, Scott, Shaler, South Fayette, South Park, Upper St. Clair and West Deer and the Boroughs of Aspinwall, Baldwin, Bell Acres, Ben Avon, Ben Avon Heights, Bethel Park, Blawnox, Bradford Woods, Bridgeville, Carnegie, Castle Shannon, Churchill, Coraopolis, Crafton, Dormont, Edgeworth, Emsworth, Fox Chapel, Franklin Park, Glenfield, Green Tree, Haysville, Heidelberg, Jefferson, Leetsdale, McDonald, Oakdale, Oakmont, Osborne, Pennsbury Village, Pleasant Hills, Rosslyn Farms, Sewickley, Sewickley Heights, Sewickley Hills, Thornburg, Verona, West View and Whitehall; and part of Washington County consisting of the Township of Peters.

Amend Sec. 3 (Sec. 1801-A), page 12, lines 7 through 30; page 13, lines 1 through 8, by striking out all of said lines on said pages and inserting

(20) The Twentieth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne and McKeesport and the Townships of Elizabeth, Forward, North Versailles and South Versailles and the Boroughs of Dravosburg, East McKeesport, East Pittsburgh, Elizabeth, Glassport, Liberty, Lincoln, North Braddock, Port Vue, Trafford, Versailles, Wall, West Elizabeth, White Oak and Wilmerding; part of Fayette County consisting of the Townships of Brownsville, Georges, German, Luzerne, Menallen, Nicholson, Perry, Redstone, Springhill and Washington and the Boroughs of Belle Vernon, Brownsville, Fairchance, Fayette City, Masontown, Newell, Perryopolis, Point Marion and Smithfield; all of Greene County; all of Washington County (except Peters Township); and part of Westmoreland County consisting of the Cities of Greensburg, Jeannette and Monessen and the Townships of Hempfield, North Huntingdon, Rostraver, Sewickley and South Huntingdon and the Boroughs of Adamsburg, Arona, Hunker, Irwin, Madison, New Stanton, North Belle Vernon, North Irwin, Smithton, South Greensburg, Southwest Greensburg, Sutersville, Trafford, West Newton and Youngwood.

Amend Sec. 3 (Sec. 1801-A), page 13, lines 9 through 21, by striking out all of said lines and inserting

(21) The Twenty-first District is composed of part of Butler County consisting of the Townships of Allegheny, Brady, Center, Cherry, Clay, Clearfield, Concord, Donegal, Fairview, Franklin, Marion, Mercer, Muddy creek, Oakland, Parker, Slippery Rock, Venango, Washington, Winfield and Worth and the Boroughs of Bruin, Cherry Valley, Chicora, Eau Claire, Fairview, Harrisville, Karns City, Petrolia, Portersville, Prospect, Slippery Rock, West Liberty and West Sunbury; all of Crawford County; all of Erie County; part of Lawrence County consisting of the Townships of Hickory, Neshannock, Plain Grove, Scott, Slippery Rock, Washington and Wilmington and the Boroughs of New Wilmington and Volant; and part of Mercer County consisting of the City of Hermitage and the Townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findlay, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, MillCreek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, Worth and the Boroughs of Clark,

Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro; and part of Venango County consisting of the Townships of Cherrytree, Jackson and Plum and the Borough of Cooperstown.

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

The following roll call was recorded:

YEAS—104

Adolph	Fairchild	LaGrotta	Robinson
Allen	Fargo	Langtry	Ryan
Angstadt	Farmer	Laughlin	Saloom
Argall	Fee	Lawless	Saurman
Armstrong	Flick	Lee	Scheetz
Barley	Foster	Leh	Semmel
Birmelin	Fox	Lescovitz	Smith, B.
Black	Freeman	McHale	Smith, S. H.
Boyes	Freind	McHugh	Snyder, D. W.
Brown	Gallen	Marsico	Snyder, G.
Bunt	Gamble	Merry	Stairs
Bush	Gannon	Micozzie	Steighner
Carlson	Gerlach	Nahill	Taylor, E. Z.
Carone	Gladeck	Nailor	Taylor, F.
Cessar	Godshall	Nickol	Taylor, J.
Chadwick	Gruppo	Noye	Tomlinson
Civera	Hagarty	Nyce	Trich
Clark	Harley	O'Brien	Tulli
Clymer	Hayes	Perzel	Uliana
Colaella	Heckler	Phillips	Vance
Colaizzo	Herman	Piccola	Vroon
Cornell	Hershey	Pitts	Wilson
Daley	Jadlowiec	Raymond	Wogan
Davies	Kasunic	Reber	Wright, D. R.
Dempsey	Kenney	Reinard	Wright, M. R.
Dent	Krebs	Ritter	Wright, R. C.

NAYS—97

Acosta	Fajt	Lloyd	Schuler
Arnold	Fleagle	Lucyk	Scrimenti
Battisto	Geist	McCall	Serafini
Belardi	George	McGeehan	Staback
Belfanti	Gigliotti	McNally	Steelman
Billow	Gruitza	Maiale	Stetler
Bishop	Haluska	Markosek	Stish
Blaum	Hanna	Mayernik	Strittmatter
Bowley	Harper	Melio	Stuban
Broujos	Hasay	Michlovic	Sturla
Butkovitz	Hayden	Mihalich	Surra
Caltagirone	Hess	Mrkonic	Tangretti
Cappabianca	Hughes	Mundy	Telek
Carn	Itkin	Murphy	Thomas
Cawley	James	Olasz	Tigue
Cohen	Jarolin	Oliver	Trello
Cole	Johnson	Pesci	Van Horne
Corrigan	Josephs	Petrarca	Veon
Cowell	Kaiser	Petrone	Wambach
Coy	King	Pistella	Williams
DeLuca	Kosinski	Preston	Wozniak
DeWeese	Kruszewski	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	Levdansky	Roebuck	Speaker
Evans	Linton	Rudy	

NOT VOTING—0

EXCUSED—2

Anderson Durham

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

The SPEAKER. For what purpose does the gentleman, Mr. Cessar, rise?

Mr. CESSAR. Just a few kind words and to say thank you, Mr. Speaker.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Snyder of York.

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

I note on the second occasion on which we voted on the Daley amendment A2950 to HB 2185, my vote was not recorded. I did vote and I voted in the affirmative. I would like the record to so reflect. Thank you.

The SPEAKER. The Chair recognizes Mr. Pitts.

Mr. PITTS. Mr. Speaker, on the McNally amendment A2960 to HB 2017, I was not recorded. I would like to be recorded in the affirmative, please.

The SPEAKER. The Chair recognizes Mr. Kosinski.

Mr. KOSINSKI. Mr. Speaker, on the reconsideration motion for the Daley amendment, I was unrecorded. I wish to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

On amendment 2951 to HB 2017, I was recorded in the negative. I wish to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Rudy.

Mrs. RUDY. On amendment A2800 of E. Z. Taylor to HB 2017, my switch did not work, and I would like to be recorded as "yes."

The SPEAKER. The Chair recognizes Ms. Mundy.

Ms. MUNDY. Mr. Speaker, on HB 2185, amendment No. 2942, I would like to be recorded in the negative.

The SPEAKER. The Chair recognizes Mr. Van Horne.

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

I want to be recorded as voting from last Wednesday, November 13, on two amendments to HB 164, amendments 2777 and 2811. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair recognizes Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, on amendment 2613 to HB 2017, I was recorded in the negative. I would like to be recorded in the positive. Thank you.

The SPEAKER. The Chair recognizes Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to correct the record on the Veon amendment A2892 to HB 2017 on the motion to postpone. I was incorrectly recorded in the affirmative. I would like the record to show I would have voted in the negative.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

On amendment No. A2963 to HB 2185, I would like to be recorded in the affirmative. I was erroneously recorded in the negative. I would like to be recorded in the affirmative, Mr. Speaker.

CONSIDERATION OF HB 2185 CONTINUED

The SPEAKER. Are there any other amendments to HB 2185? The gentleman, Mr. Saloom, has an amendment. Are there any other amendments to HB 2185?

Mr. PERZEL. Mr. Speaker, if I could for a moment?

The SPEAKER. Does the gentleman, Mr. Perzel, have an amendment?

Mr. PERZEL. Mr. Speaker, it was drawn up to the wrong bill, and I do not want to delay the proceedings any longer because—I will take care of it, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER. HB 2185 will be over for today.

Mr. STRITTMATTER. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. STRITTMATTER. Just to ask, Mr. Speaker, that the record reflect that I finally got the answer to my question that the majority leader was afraid to answer before. Thank you, Mr. Speaker.

The SPEAKER. The gentleman should avoid reflection on other members of the House, and I think the gentleman's interests have been served in any event.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Reber, rise?

Mr. REBER. To correct the record, Mr. Speaker, on a vote.

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

Mr. REBER. Mr. Speaker, earlier this afternoon on HB 1797, I note that my switch did not operate, and I would request my vote to be cast in the affirmative. Thank you.

CONSIDERATION OF HB 2017 CONTINUED

On the question recurring,

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

Mr. VEON offered the following amendments No. A2987:

Amend Title and Table of Contents, page 1, lines 4 through 29 (A2613, etc.), by striking out all of said lines and inserting Establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Legislative findings and intent.
- Section 3. Definitions.
- Section 4. Declaration.
- Section 5. When declaration becomes operative.
- Section 6. Revocation.
- Section 7. Liability.

- Section 8. Duty of physician to confirm condition.
 Section 9. Unwillingness to comply; transfer of declarant.
 Section 10. Effect on suicide and life insurance.
 Section 11. Declaration optional.
 Section 12. Preservation of existing rights.
 Section 13. Emergency medical services.
 Section 14. Penalties.
 Section 15. Severability.
 Section 16. Effective date.

Amend Bill, page 1, lines 33 through 37; pages 2 through 5, lines 1 through 59; page 6, lines 1 through 54 (A2613, etc.), by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Advance Directive for Health Care Act.

Section 2. Legislative findings and intent.

(a) Findings.—The General Assembly finds that all competent adults have a qualified right to control decisions relating to their own medical care. This right is subject to certain interests of society, such as the maintenance of ethical standards in the medical profession and the preservation and protection of human life. Modern medical technological procedures make possible the prolongation of human life beyond natural limits. The application of some procedures to an individual suffering a difficult and uncomfortable process of dying may cause loss of patient dignity and secure only continuation of a precarious and burdensome prolongation of life.

(b) Intent.—Nothing in this act is intended to condone, authorize or approve mercy killing, euthanasia or aided suicide, or to permit any affirmative or deliberate act or omission to end life other than as defined in this act. Furthermore, this act shall create no presumption concerning the intent of any person who has not executed a declaration to consent to the use or withholding of life-sustaining procedures in the event of a terminal condition or a state of permanent unconsciousness.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Attending physician.” The physician who has primary responsibility for the treatment and care of the declarant.

“Declarant.” A person who makes a declaration in accordance with this act.

“Declaration.” A written document, voluntarily executed by the declarant in accordance with this act.

“Health care provider.” A person who is licensed by the laws of this Commonwealth to administer health care in the ordinary course of business or practice of a profession.

“Incompetent.” The lack of sufficient capacity for a person to make or communicate decisions concerning himself.

“Life-sustaining treatment.” Any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying or to maintain the patient in a state of permanent unconsciousness. Life-sustaining treatment shall include nutrition and hydration administered by gastric tube or intravenously or any other artificial or invasive means if the declaration of the qualified patient so specifically provides.

“Permanently unconscious.” A medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term includes without limitation a persistent vegetative state or irreversible coma.

“Person.” An individual, corporation, partnership, association, or Federal, State or local government or governmental agency.

“Probable gestation age of the fetus.” The age of an unborn child carried by a declarant, who is diagnosed to be in a terminal condition or to be permanently unconscious, determined with a reasonable degree of medical certainty after completion of the procedure required by section 8(b).

“Qualified patient.” A person who has executed a declaration and who has been determined to be in a terminal condition or to be permanently unconscious.

“Terminal condition.” An incurable and irreversible medical condition in an advanced state caused by injury, disease or physical illness which will, in the opinion of the attending physician, to a reasonable degree of medical certainty, result in death regardless of the continued application of life-sustaining treatment.

Section 4. Declaration.

(a) Execution.—An individual of sound mind who is 18 years of age or older or who is otherwise authorized to give medical consent on his behalf pursuant to the act of February 13, 1970 (P.L.19, No.10), entitled “An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances,” may execute at any time a declaration governing the initiation, continuation, withholding or withdrawal of life-sustaining treatment. The declaration must be signed by the declarant, or by another on behalf of and at the direction of the declarant, and must be witnessed by two individuals each of whom is 18 years of age or older. A witness shall not be the person who signed the declaration on behalf of and at the direction of the declarant.

(b) Form.—A declaration may but need not be in the following form and may include other specific directions including, but not limited to, designation of another person to make the treatment decision for the declarant if the declarant is incompetent and is determined to be in a terminal condition or to be permanently unconscious.

DECLARATION

(1) I, _____, being of sound mind, willfully and voluntarily make this declaration to be followed if I become incompetent. This declaration reflects my firm and settled commitment to refuse life-sustaining treatment under the circumstances indicated below.

(2) I direct my attending physician to withhold or withdraw life-sustaining treatment that serves only to prolong the process of my dying, if I should be in a terminal condition or in a state of permanent unconsciousness.

(3) I direct that treatment be limited to measures to keep me comfortable and to relieve pain, including any pain that might occur by withholding or withdrawing life-sustaining treatment.

(4) In addition, if I am in the condition described above, I feel especially strong about the following forms of treatment:

I () do () do not want cardiac resuscitation.

I () do () do not want mechanical respiration.

I () do () do not want tube feeding or any other artificial or invasive form of nutrition (food) or hydration (water).

I () do () do not want blood or blood products.

I () do () do not want any form of surgery or invasive diagnostic tests.

I () do () do not want kidney dialysis.

I () do () do not want antibiotics.

(5) I realize that if I do not specifically indicate my preference regarding any of the forms of treatment listed in paragraph (4), I may receive that form of treatment.

(6) If I have been diagnosed as pregnant and that diagnosis is known to my attending physician and the fetus is of 24 or more weeks gestational age, this declaration shall have no force and effect during the course of the remainder of my

pregnancy. If the fetus is less than 24 weeks gestational age, (choose one):

- () I direct that this declaration shall have no force and effect during the course of the pregnancy.
 () I direct that this declaration be carried out.
 () I hereby delegate to (name), who is designated as my surrogate, the authority to decide whether this declaration should be carried out during the course of my pregnancy.

(7) I () do () do not want to designate another person as my surrogate to make medical treatment decisions for me if I should be incompetent and in a terminal condition or in a state of permanent unconsciousness. Name and address of surrogate (if applicable):

Name and address of substitute surrogate (if surrogate designated above is unable to serve):

(8) My surrogate or substitute surrogate () is () is not authorized to withhold tube feeding or any other artificial or invasive form of nutrition (food) or hydration (water).

(9) I made this declaration on the _____ day of _____ (month, year).

Declarant's signature:

Declarant's address:

(10) The declarant or the person on behalf of and at the direction of the declarant knowingly and voluntarily signed this writing by signature or mark in my presence.

Witness's signature:

Witness's address:

Witness's signature:

Witness's address:

(c) Invalidity of specific direction.—Should any specific direction in the declaration be held to be invalid, the invalidity shall not offset other directions of the declaration which can be effected without the invalid direction.

(d) Medical record.—A physician or other health care provider who is furnished a copy of the declaration shall make it a part of the declarant's medical record and, if unwilling to comply with the declaration, promptly so advise the declarant.

Section 5. When declaration becomes operative.

A declaration becomes operative when:

- (1) a copy is provided to the attending physician;
- (2) the declarant is determined by the attending physician to be incompetent and in a terminal condition or in a state of permanent unconsciousness; and
- (3) in the case of a pregnant declarant, the attending physician has determined, as provided in section 8, that the fetus is less than 24 weeks gestational age.

When the declaration becomes operative, the attending physician and other health care providers shall act in accordance with its provisions or comply with the transfer provisions of section 9.

Section 6. Revocation.

(a) General rule.—A declaration may be revoked at any time and in any manner by the declarant, without regard to the declarant's mental or physical condition. A revocation is effective upon communication to the attending physician or other health care provider by the declarant or a witness to the revocation.

(b) Medical record.—The attending physician or other health care provider shall make the revocation a part of the declarant's medical record.

Section 7. Liability.

(a) General rule.—No physician or other health care provider who, consistent with this act, causes or participates in the initiating, continuing, withholding or withdrawal of life-sustaining treatment from a qualified patient who is incompetent shall, as a result thereof, be subject to criminal or civil liability, or be found to have committed an act of unprofessional conduct, if the attending physician has followed the declarant's wishes as

expressed earlier by the declarant in the form of a declaration executed pursuant to this act.

(b) Absence of declaration.—The absence of a declaration by a patient shall not give rise to any presumption as to the intent of the patient to consent to or to refuse the initiation, continuation or termination of life-sustaining treatment.

Section 8. Duty of physician to confirm condition.

(a) General rule.—For purposes of section 5, an attending physician shall, without delay after the diagnosis that the declarant is in a terminal condition or in a state of permanent unconsciousness, certify in writing that the declarant is in a terminal condition or in a state of permanent unconsciousness and arrange for the physical examination and confirmation of the terminal condition or state of permanent unconsciousness of the declarant by a second physician.

(b) Determination of probable gestational age of fetus.—For the purposes of section 5, an attending physician, without delay after the diagnosis that the declarant is in a terminal condition or in a state of permanent unconsciousness and is pregnant, shall make a determination of the probable gestational age of the fetus. In making the determination, the physician shall make such inquiries of the declarant's medical records or family members and perform or cause to be performed such medical examinations and tests as a prudent physician would consider necessary to make or perform in effecting an accurate diagnosis with respect to gestational age. A written record of the type of inquiries made and the type of examinations and tests utilized to determine the gestational age of the fetus and the basis for the diagnosis with respect to gestational age shall be included in the declarant's medical file. This written report shall be provided to the second physician prior to his or her examination of the patient as provided in subsection (a).

Section 9. Unwillingness to comply; transfer of declarant.

(a) Attending physician or health care provider.—If an attending physician or other health care provider cannot in good conscience comply with a declaration or if the policies of the health care provider preclude compliance with a declaration, the attending physician or health care provider shall so inform the declarant, or if the declarant is incompetent, shall so inform the declarant's surrogate, or if a surrogate is not named in the declaration, shall so inform the family, guardian or other representative of the declarant. The attending physician or health care provider shall make every reasonable effort to assist in the transfer of the declarant to another physician or health care provider who will comply with the declaration.

(b) Employee or staff member of health care provider.—An employee or staff member of a health care provider shall not be required to participate in the withholding or withdrawal of life-sustaining treatment. It shall be unlawful for an employer to discharge or in any other manner to discriminate against an employee or staff member who informs the employer that he does not wish to participate in the withholding or withdrawal of life-sustaining treatment. The employer may require the employee or staff member to express his wishes in writing.

(c) Liability.—If transfer under subsection (a) is not possible, the provision of life-sustaining treatment to a declarant shall not subject a health care provider to criminal or civil liability or administrative sanction for failure to carry out the provisions of a declaration.

Section 10. Effect on suicide and life insurance.

(a) Criminal effect.—The withholding or withdrawal of life-sustaining treatment from a qualified patient in accordance with the provisions of this act shall not, for any purpose, constitute suicide or homicide.

(b) Life insurance.—The making of, or failure to make, a declaration in accordance with this act shall not affect in any manner the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an exist-

ing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured patient, notwithstanding any term of the policy to the contrary.

Section 11. Declaration optional.

No physician or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability insurance, self-insured employee welfare benefit plan, nonprofit hospital plan or Federal, State or local government-sponsored or operated program shall:

(1) require any person to execute a declaration as a condition for being insured for, or receiving, health care services; or

(2) charge any person a different rate or fee whether or not the person executes or has executed a declaration.

Section 12. Preservation of existing rights.

The provisions of this act shall not impair or supersede any existing rights or responsibilities not addressed in this act.

Section 13. Emergency medical services.

(a) Care given prior to declaration taking effect.—Nothing in this act shall be construed to make the provisions of a declaration apply to care given to a patient by emergency medical services personnel prior to the declaration's becoming operative under sections 5 and 8.

(b) Care given after declaration takes effect.—The provisions of a declaration shall apply to care given to a patient by emergency medical services personnel after the declaration becomes operative under sections 5 and 8 only if the attending physician or other health care provider has furnished a copy of the declaration with instructions to the emergency medical services personnel.

Section 14. Penalties.

Any person who willfully conceals, cancels, defaces, obliterates or damages the declaration of another without the consent of the declarant commits a felony of the third degree. Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of a revocation as provided in section 6, with the intent to cause a withholding or withdrawal of life-sustaining treatment contrary to the wishes of the declarant and, because of such an act, directly causes life-sustaining treatment to be withheld or withdrawn and death to be hastened, shall be subject to prosecution for criminal homicide as provided in 18 Pa.C.S. Ch. 25 (relating to criminal homicide). Any person who willfully, by undue influence, fraud or duress, causes a person to execute a declaration pursuant to this act commits a felony of the third degree.

Section 15. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 16. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair urges the members to return to their seats. This is a vote that will be difficult to correct in the record if it is missed.

The Chair believes that we are coming to closure on the living will issue.

The Chair thanks the members.

On the amendment, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, very simply, very straightforward, this amendment amends HB 2017 as amended by the gentleman, Mr. Freind. This is an attempt to allow a vote on an issue, as I described in my first appearance on this amendment, to give members an opportunity to vote on what I think is a fair compromise, to give members an opportunity to vote on what I think is a moderate position on this issue.

Technically and mechanically, this amendment will amend the bill as amended by the gentleman, Mr. Freind, with the provisions that I explained earlier today.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment.

HB 2017 right now, as we amended it, says this: When there is a pregnant woman who is terminally ill, who is either unconscious or incompetent, life-sustaining treatment will continue to be given to her if the doctor certifies that it is possible to keep her alive long enough to give birth to a baby; if, by continuing the treatment, no additional pain will be caused to her; and if, by continuing the treatment, no additional physical harm will come to her. In other words, by definition, no harm is coming to the mother, and instead of having two people die, we are trying to save one life.

Mr. Veon says you can only do that if the unborn baby is more than 6 months old. Number one, if the unborn baby is more than 6 months, that is the time you really do not need it as much because you are reaching the stage where the baby can live on his own. What we are saying is an unborn baby 6 months can live, but if you are 5 months, 3 weeks, you cannot live; if you are 4 months, you cannot live.

This legislature, time and again, has embraced the sanctity of human life from conception, and all we are saying is this: Regardless of the stage of pregnancy, if by definition you know the mom is going to die and yet there is a chance to save her baby without causing any harm to the mother, let us try to save that baby.

We have the benefit of Mr. McNally's amendment that says if the insurance does not cover it, the State will pick up the expenses not covered by insurance.

Let us stand up for life, let us stand up for that baby, and let us oppose the Veon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Veon, stand for a brief interrogation, please?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. McNALLY. Mr. Speaker, you are familiar with amendment 2960, which was adopted by the House a little while ago. Does your amendment No. 2987 make any provision for the Commonwealth to expend any money on behalf of a woman who is pregnant and to whom treatment and hydration and nutrition is administered?

Mr. VEON. It does not, Mr. Speaker.

Mr. McNALLY. Thank you, Mr. Speaker.

That is the end of my interrogation. If I may speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. McNALLY. Thank you, Mr. Speaker.

I rise to oppose the Veon amendment.

I think that the bill that we have designed and the scheme that we have designed here in the House this evening, I think, not only realizes our ideals of protecting a human life but it also speaks to that principle and to that belief in a compassionate and very supportive way. The very provision that was adopted by the Freind amendment would not require treatment or hydration or nutrition to be administered if it would cause any detriment to the pregnant woman, and with the McNally amendment, we relieve the woman and her family of the financial hardship which might be associated with such an extreme and anguishing situation.

So I would ask the House to maintain its position that it has adopted thus far and speak for the principle of not only protecting human life but supporting it and supporting it in a very compassionate and generous fashion. Thank you.

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I supported the Freind amendment earlier today, and I have always been a prolife advocate, and that has been consistent for my 12 years here. And although Mr. Freind is the most vocal proponent of prolife issues, he does not always speak for me on all prolife issues. For instance, we have not shared the same views on planned parenthood and family planning over the years, and Peck Foster and I and some others have dared on occasion to take some issue with Mr. Freind on certain issues that we feel go beyond where we are as prolife advocates.

If you really think about it, anyone who considers themselves to be ardently prolife is also against the death penalty, and most of us are not. I am prolife and I am for the death penalty under certain conditions. If you are really prolife, you are against the concept of living will. It is inconsistent to be a prolife advocate and be for the living will, yet we are one of two States in the United States that do not embrace this concept and have not embraced this concept for many years.

So today I am here and I am not speaking to those members who have been prochoice over the years—and this House and the Senate in Pennsylvania have consistently stood for the sanctity of life—but I am speaking today to those individuals who, like myself, have 99 percent of the time been prolife advocates, and I am asking you to think about what you are doing here today.

Morley Safer, a year or two from now, will have a “60 Minutes” segment along the scenario of something like this: An 18-year-old girl, 5 weeks pregnant, is in an auto crash and is lying in a comatose state in the hospital, and the Commonwealth of Pennsylvania dictated that that woman is going to be fed intravenously and kept on life support over the objection of her husband, over the objection of her mother and her

father, and perhaps over the objection of her own wishes when she signed on to the living will. And 5 or 6 or 8 weeks later, that fetus will most likely be dead as well, but for that 5- or 6-week period, we have put that family through such extreme duress that it is almost unconscionable.

I do not even know the freshman Representative’s name, Republican Representative, the female who spoke very early on in this issue, but she cited some statistics from some doctors about the viability at certain stages of a fetus and the probability that those fetuses would be severely deformed or severely hampered in some other way, and maybe, with the Chris McNally language, the Commonwealth is going to pay that hospital bill, but who is going to raise that child? Who is going to pay to raise that child?

It is very difficult for me to be speaking like I am on this issue. The few times that I have not toed the line on life issues, I have heard about it, and I have heard about it in a big way, and I am going to hear about this one also. But there are occasions when those of us who are elected to office, who know all of the issues involved, cannot just vote in a knee-jerk fashion because the leader or the self-appointed leader of the prolife movement in this House says this is the way it has to be. It does not always have to be the way Steve Freind drafts it. Sometimes it has to be what is right and what is right for prolife and what is right for the citizens of the Commonwealth.

As I said, it is difficult for me to take this viewpoint, but I have listened to this debate, and I did not formulate this position in haste. I have thought about this for weeks, since it was obvious that the living will legislation would be before us today. I have given it great thought, and it has caused me some internal turmoil, and I have even discussed it with close friends of mine who are also prolife advocates from my district. As a member and a fourth-degree member of the Knights of Columbus, I even spoke about it to some people in the Knights, and most of them, when given the circumstances whereby the Veon compromise would allow a woman three options— And the operable language, Mr. Speaker, is at the bottom of page 3.

It does not direct that a fetus be aborted; it does not direct that. It gives a woman an opportunity when signing a living will to direct that this declaration will have no force during the course of my pregnancy. It gives her that latitude. It also gives her the option of saying in advance that I direct that this declaration be carried out. And thirdly, it allows that woman to grant that authority to a surrogate or to someone else who, under any given circumstance, will have the authority, based on the circumstances, based on whether that woman has any abilities to survive, based on whether that fetus has any ability to survive. She grants that authority to a third party.

I do not think that that is unreasonable. I do not think that that is unrational. I think that that is the reasonable and rational way to approach this.

I am begging my prolife colleagues to for once—not for once, because on a few occasions we have in the past—but in this instance, please join me, and let us do the right thing, and

let us not be led around like cattle with a ring through our nose just because a certain individual says this is the way it has to be. It is not the way it has to be.

The Veon amendment is a good compromise, and I was not even going to speak on the issue until I was deprived of the opportunity to even vote on the Veon amendment earlier. That made up my mind that I would have to come to this mike and will probably hear about it for the next number of weeks back home for doing so.

Mr. Speaker, this is middle ground. It conforms with most of the laws that deal with pregnancy and deal with abortion, and I would urge you to vote "yes" on the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker spoke about 24 weeks and the right of a woman to choose ahead of time of getting into a condition. But let us forget about the comatose condition. The question remains, does a person have a right to terminate life at any time?

Would those of you who profess to be prolife vote for this amendment regarding a woman who was not comatose? Should a woman who is not comatose be able to terminate, if you think about it? I know what the law says, but would you vote for this if it was offered and she was not comatose?

The question is not whether we allow the woman to choose prior to a condition. To me, the question is, should someone else be allowed to terminate another life, regardless of their condition, their previous thoughts, or any other circumstances? And I would say that the answer to that is no.

So I would ask that you defeat the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose the Veon amendment.

Currently the bill as it stands now protects the right to life of an unborn child at any time during a period of time when the mother may have undergone a tragic accident. The Veon amendment would limit that to only a child past the 24th week. At 23 weeks, there would be no protection offered under this amendment which is now being offered. At 22 weeks, there would be no protection offered under this amendment. At 21 weeks, at 5 months, there would be no protection offered under this amendment which is before us now, Mr. Speaker.

I say that is wrong, that the protection should be offered at all times, and ask that this amendment be defeated and that we pass the bill finally. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I, first of all, would have to say that in the 3 years that I have been here in the House, I think Mr. Belfanti's remarks were among the most intelligent and thoughtful and sincere that I have heard in those 3 years. Nonetheless, I think I must yet urge opposition to the Veon amendment.

I suppose I am one of those ardent prolifters that Mr. Belfanti described. I opposed the lethal injection in Pennsylvania, because I thought it was a perverse lie that we could

somehow kill people in a humane way, and I have not always followed Mr. Freind in his positions, as he defined them, for the prolife movement. I was one of the people who voted against paternal notice, because I think that the prolife movement ought to be about protecting life and not trying to assert the interests of husbands or fathers, that what we are really interested in is protecting unborn life - life from conception until death.

I am a person who has very strong reservations about the living will concept at all, under any conditions, and I am only going to be voting for this bill, assuming that it is in its present form, because I find a great upswell and surge of support for this idea among my constituents, and I do not suppose that I have all the answers. Perhaps they are right.

Nonetheless, I have to echo the comments of Mr. Tigue and Mr. Blaum. What we are trying to do and what we ought to do, and I think an obligation that we have as people who are making law for this State, for this Commonwealth - making law to protect those who cannot protect themselves - that we have an obligation to indeed protect that life and enhance that life and do everything that we can to support and nurture life, and that includes even in this very anguishing circumstance that we are discussing here, in the case of a woman who is dying and who is pregnant.

I think that the public interest in having a Commonwealth that promotes human life, that protects human life, regardless of how depraved or how lacking in quality we think it might be, I think that that principle has to be foremost and uppermost in our mind, and so I urge defeat of the Veon amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Thank you, Mr. Speaker.

This amendment was offered as, quote, "a compromise." I do not know what we are compromising, and I do not know how far that each of you wants to compromise yourself by supporting this amendment. This amendment is anything but a compromise.

Mr. Speaker, I urge its defeat. Thank you.

The SPEAKER. The Chair recognizes Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I rise in opposition to the Veon amendment, and I would say very briefly that I object to making this a personal attack against Representative Freind. Representative Freind is being consistent with his beliefs. Simply, that belief is that you do not compromise with life. Any compromise with life or rather any compromise with death, the result is death.

I would just like to say for the record that as I listened today to the many speeches that were made and as I thought about this debate coming up, I could not help think that really what we are deciding here today, really one of the things we are deciding is, a pregnant woman who is comatose or incompetent, what is going to happen to her unborn child? For the life of me, I cannot accept and I cannot believe that a woman who is pregnant, who is comatose, who is headed for the grave, wants to take that child with her. I cannot believe that as a society, we have sunk that low. If we have, if that is the

way this body feels, then I make a motion that maybe we should adjourn and all go back to the caves, because we have lost any sense of civilization.

I would also oppose the Veon amendment on the basis of the 24-week language. Really, when does life begin? I believe it begins at conception, but if you want to use a 24-week figure, what happens, I ask, on the 23d week, 6th day, at 11:59 p.m.? What mysterious thing takes place that all of a sudden makes that life acceptable to us?

I think it is bad law; it is not uniform; it is not universal, and yes, we do have it in the Abortion Control Act, but there again, as it was stated earlier, that is only because of the present Supreme Court, and I hope, too, that that will change.

Again, Mr. Speaker, I would oppose the Veon amendment and ask that we go on and pass this bill as it was amended by Representative Freind. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I do not know how many of you remember reading the book "Nineteen Eighty-Four" in high school or college, but it seems to me that we are watching it play out right now. In the book "Nineteen Eighty-Four," the idea of the then future society is that the government controlled the very thoughts and ideas of people, and what we are watching play out—ironically, by those generally from one political party particularly whose leadership talks about less government, not more, in people's lives—but what we watch being played out is control of an individual's life in a broad, crude sense, when virtually every instance that we are going to be dealing with in an automobile accident or reason why somebody is in a comatose state will have a uniqueness about it.

To suggest that we can here today pass a law that will impact on those circumstances - in terms of how long a woman has been pregnant, in terms of her condition, in terms of the types of medication that she will need to take - the impact of all that because we can so easily pass a law in a very crude sense that says this is the way it shall be, regardless of the individual circumstances, and then we can suggest that we know better here today—those of you who believe in less government—than the family and the husbands and the parents of that person, who clearly would care so deeply about a child, for us so casually to suggest they would have no concern is, to me, living out the fears of "Nineteen Eighty-Four," of what Orwell wrote about. This is about how government so directly intrudes in the most difficult decision that a family will ever face, and you are saying that that decision can be made today, arbitrarily and crudely, in a way that gives no ability for a family to make an exception.

What this amendment does is recognize, number one, that at 24 weeks a fetus is viable, scientifically; that in a week or two, that fetus can live without the mother; and that scientifically, before certainly 20 weeks, no fetus can live without the support of the mother. So there is some basis for science. We can stand here and argue today that at conception human life begins or it conceptually begins; that is a religious

concept. At 24 weeks it is a scientific concept of viability. So there is a distinctive difference.

Further, what the Veon amendment does is it gives the family and it gives the woman the opportunity to make decisions. Do not suggest that you know better today, because that is what you are saying; you are saying, we know better on November 19, 1991, than somebody will know when their wife or their daughter is in an automobile accident, and they will have to live by this decision and not by the decision that they will make - that they will make with more love and more care than we will ever exhibit here today.

For that reason I urge you to vote for the Veon amendment, which is profamily, and I ask you to oppose Steve Freind's amendment, which is "Nineteen Eighty-Four" incarnate. Thank you.

The SPEAKER. The Chair recognizes Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Veon amendment.

Like most of the members in this chamber, I supported the Abortion Control Act that we passed in the last session. I think it is perfectly logical and consistent to support the Abortion Control Act and at the same time support the Veon amendment to this piece of legislation.

I support this in large part because I think that it is blatantly unfair for a woman who may be conscious and 15 or 20 weeks pregnant to be able to consciously make a decision to terminate that pregnancy, and yet if she happens to be unconscious, she will not be given that same right to make that decision on her own. I think that is unfair. I do not think it is fair that you should be able or not be able to make a decision based on whether or not you are comatose or unconscious or perfectly conscious. I think it is unfair.

Again, furthermore, I honestly believe that the standards in this amendment are perfectly consistent with the standards that we all supported in the Abortion Control Act last term.

In the name of logic and the name of consistency, I urge you to support the Veon amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Olasz.

Mr. OLASZ. Mr. Speaker, my colleague, Mr. Murphy, refers to a book, "Nineteen Eighty-Four." Well, let us go back 50-some years. There was a guy in Germany by the name of Adolph Hitler. If you did not have blond hair and blue eyes, find out what happened to that baby. That was 50-some years ago, and here we are talking about 1984. We are in 1991, and we are pulling the same stunts that this man did, that we condemned people to hangings, all kinds of deaths, and here we are in America today following down that same path.

What happened to the 14th Amendment, the right to life? Where did it go? Look at the criticism of Dr. Death. And I am sick and tired of hearing my colleague, Steve Freind, is the whipping boy of this whole procedure. The fact of the matter is, if SB 3 would have come out the way it wanted, there would have been no debate today. There are certain people here, oh, no, they had to have it their way.

Let us go back to 1990. The game is the same; only the names have changed. They chose another man to carry the

ball for them. We had no reference to those people; it is only Mr. Freind.

It is not Mr. Freind. It is life; it is that baby. What if your parents would have thought the same way? We are supposing everybody has a will written, every pregnant woman is going to become comatose, when the fact of the matter is, no one can tell you that number. They quote some doctor somewhere, that, hey, I am sure if we had time, I could go out and get a lot of doctors to offer a reverse opinion.

And do not tell me where you stood before. The record speaks for itself. You conveniently try to carry water on both shoulders, but I will guarantee you one thing, it is not going to work this time.

I have made my comments before about wanting that baby. And I will tell you one thing: If you have any heart, you will reject the Veon amendment. Let us not play games the way, well, he has a right, and we should not do this, and it is Steve Freind. It is not Steve Freind. It is everyone in here who has a respect for life. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

I had not intended to rise on this issue, but after hearing Representative Belfanti's comments, I felt that I should stand up and say that he is not alone. There are other members of this chamber who are basically prolife but who have concerns, who do not always sleep well at night on this issue, who are troubled by what is right, and who feel that this issue is often painted in extremes, in black and white, and that there ought to be, from time to time, some caring and compassionate compromises on this issue.

I believe Bob Belfanti is right, that this is one of those times when people who are prolife ought to look at a caring and compassionate compromise and make a vote in favor of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I rise in opposition to the Veon amendment.

In November of 1990, when we broached this issue before, I was the one who offered what today you see as the Freind amendment. It passed overwhelmingly. I have not seen any change in sentiment, nor have I seen any change in any condition that would allow the Freind amendment not to stay within the bill. For those who wish to compromise, I feel there can be no compromise on this issue. We all come from different philosophies; we all come from different backgrounds, but there is nothing unreasonable with the Freind amendment, and there is no reason for a compromise Veon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

We are dealing with an issue that has polarized us in Pennsylvania for the longest time.

The Veon amendment, in my view, is the first step in the compromise process. There are those who will say there is no compromise; it is either black or it is white, but I think the

Veon amendment is a very, very fair approach. Those of you who know me and know how I vote also know that I have voted prolife all the way, but I really believe that we have an abortion control law that we passed and has been signed into law and the Veon amendment tracks that abortion control law. I think it is also a compromise amendment that is very fair to pregnant women.

I think others have expressed what is in the amendment. I will not go into it again. But as a matter of fairness and being reasonable, I think that the Veon amendment should be supported, and I intend to. Thank you.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I listened to the debate beginning with Mr. Belfanti's remarks. I listened to it very closely, and also I listened to the advocates of this amendment. And I think one of the things that we have to be very careful about and have to look very seriously at is exactly what the Veon amendment does and what it is.

The Veon amendment is a public policy statement, and my concern and my fear is that it now makes a statement that is contrary to every other public policy statement that has been made in this chamber, and that is that Pennsylvania's public policy is to protect the sanctity of human life.

When we passed the Abortion Control Act or the abortion guidelines for Pennsylvania, one of the things that we said is that where a woman was alive, had reason, she, up to the 26th week of pregnancy, could make that judgment as to whether or not to terminate that pregnancy. But in the Veon amendment we are now saying that where she cannot make that judgment, that our judgment will replace hers and that that judgment is not now prolife, as it has been in the past, but the public policy judgment of this Commonwealth will be proabortion.

We have heard some comments to remarks about "Nineteen Eighty-Four" and what government was supposed to be like in that year under Mr. Orwell's book, but we also have to remember that at that time there was something called double-speak, and that is where the government or those who had a certain policy to advocate would not necessarily use the language that everyone would understand but would use language that was euphemistic. In the instance of an unborn baby, the doublespeak is products of conception, because we do not want to call it an unborn baby because that has a connotation that makes some people feel uncomfortable, but that is exactly what it is, Mr. Speaker; it is an unborn baby.

If you take a photograph of a preborn baby that is 6 or 7 weeks in gestation and show it to a 3-year-old or 4-year-old child, and that child does not have the sophistication that we do; he does not have all that education and maturity; it does not have all that experience of the real world, but if you show that picture to that young child and say, what is it, he will say it is a baby, and the truth frequently comes out of the mouths of the young.

Another thing I wanted to point out, too, Mr. Speaker, is when we go into our Constitution and look at the very first

guarantee that is in the Constitution of the United States and of Pennsylvania, it is a guarantee to life, a guarantee to life.

And, Mr. Speaker, we talked about protecting the helpless. Many of us here are strong advocates to protect the whales, strong advocates to protect the seals; we want to protect the trees; we want to protect all kinds of animal life, and one of the reasons that we do that is because they are helpless. They cannot speak for themselves, and they are very important to us, our culture, our life, our heritage, important to our future, and I do not think anything can be any more important to us than that unborn baby, and yet we stand here today debating the issue as to whether or not we should afford any protection to a baby that has no ability to protect itself, to speak out for itself, to argue on its behalf, and that is our job here today, to argue on behalf of something that is helpless at that stage of its life.

Mr. Speaker, we have heard a lot of arguments about what it would cost and the money involved in sustaining that woman during the term of her pregnancy, and that was one of the reasons that we heard that we should perhaps support this amendment. Some time back a young, little baby girl fell in a well down South and she was helpless, could not speak for herself, could not act on her own behalf, and yet hundreds of thousands of dollars were spent to get her out of there successfully. She was brought out successfully and alive, but there was no question at that time as to what it is going to cost. Maybe we should take that several hundreds of thousands of dollars that we are going to spend on all this equipment and all this labor and all this technology to get her out of this well, maybe it would be better spent on some worthy social project. You did not hear one word like that. And yet when we talk about protecting that unborn baby that is in that woman, we talk about how much it is going to cost and maybe the money could be spent otherwise.

Mr. Speaker, there is a summary of the reasons I think that the Veon amendment should be defeated and defeated soundly, because the danger here is it is an important public policy statement, and it is a reversal of the public policy of this Commonwealth for years gone past. It takes us in another direction. It takes us in the wrong direction and should be defeated.

I urge a "no" vote on the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

My remarks will be brief, and I speak primarily to ladies and gentlemen here who consider themselves to be prolife and have in the past, as Representatives Belfanti and Chadwick and Langtry have indicated. Those three speakers have said that maybe there is a time for compromise here and a position for compromise. I urge you to realize that what you are compromising is the life of an unborn child. I do not believe you want to sleep with that at night. And if this is a tough issue for you and you have a difficult time with it, then side on the right to save those lives, because you will have an even more difficult time if you vote for the Veon amendment.

So I urge its defeat. Thank you.

The SPEAKER. The Chair recognizes Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

I had not intended to say anything, but after listening to Mr. Belfanti and the reaction, I think I would like to add a couple of things.

Mr. Speaker, there is some talk about this being a compromise amendment. I submit that the true compromise is SB 3. This is nothing new. SB 3 has been negotiated and compromised by all the parties for over 6 years. Twice, in two different sessions, in almost identical form it has passed the Senate, and once last session it passed the House in this form. So on three occasions this compromise version has passed both chambers, although not both in the same session. What is being done tonight is that we are trying to pass the living will legislation, which is needed before December 1, in the same version as it passed the Senate so we can get a living will bill this session. If we accept this new compromise amendment, as it is being touted, it is not going to be passed in the Senate. We need this legislation this session.

Number two, this matter of 24 weeks. There is nothing magic about 24 weeks or 6 months in viability. As we all know, in the last few years viability has been going downward. With the increase in medical technology and advancements, they are able to save these premature babies. They are even operating on them, these little premies, so there is nothing magic about 24 weeks.

I would submit that rather than tracking the Pennsylvania Abortion Control Act, what we are doing if we adopt this amendment, Veon amendment, is we are legitimizing the concept in Roe v. Wade that the third trimester and the 6 months demarcation line is the point of viability, and that is not something, I do not think, the prolife legislature wants to endorse.

Thirdly, we are talking about an instance that very rarely occurs, a pregnant woman who is comatose, but it does occur occasionally. And I have a clipping, March 2, 1989. The Associated Press reported a woman by the name of Barbara Blodgett who was in an auto accident. She was 3 months pregnant. She had suffered brain stem injuries which caused her to lapse into a coma, and the doctors, despite the fact that they gave her very little hope of recovery, kept her on life support, on nutrition and hydration, until her 8-pound baby was born on December 9, 1989. Shortly after the baby's birth, Mrs. Blodgett began regaining consciousness and she finally recovered and was well enough to return home.

There have been studies in three large trauma centers in over 20 cases over a 2-year period in the United States of pregnant women in comas, and doctors in all three hospitals agreed that in the majority of the cases, when they kept the woman alive and the baby was delivered, the woman recovered. That is the fact.

I would submit, Mr. Speaker, that we need to defeat Mr. Veon's amendment, pass the compromise bill, SB 3, as an amendment to this, and send it to the Governor for his signature. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I will be very brief, but I did not want the record to reflect the remarks by the gentleman, Mr. Leh, that I leveled any sort of personal attack on the gentleman, Mr. Freind, because that was certainly not my intention, and if it was taken that way, I am publicly apologizing.

I am suggesting, Mr. Speaker, that Mr. Freind does not always speak for me on issues involving prolife. That is all I am suggesting. I have had members, since my remarks, come over to me, including Mr. Chadwick, who suggested that I struck a chord with them as well. I also had members, particularly on my side of the aisle, come over to me since my remarks and say *pointedly*, I cannot go against Steve Freind. Now, that is not meant as a personal attack. I am telling you that is a fact of life in this chamber on these types of issues. And unfortunately, Mr. Speaker, we are not always right when we follow the leader, and on this issue Mr. Freind has been the leader, and I am very complimentary towards the gentleman for taking this issue so often in the past and so eloquently speaking on behalf of the unborn. I appreciate that. I believe the unborn and their families appreciate that.

However, in this instance we talk about this, there can be no compromise. We have that buzzword out there. We cannot compromise when it comes to life. My remarks also suggested that we are already compromising. By voting for living will, we have already said, those of us who are ardently, ardently, ardently prolife, that we are willing to compromise because our constituents want this. So that is one compromise.

And many of us in this chamber, as I said in my earlier remarks, compromised on the death penalty, and that, at the other end of this debate, is the same issue as an unborn child. Do we as a State, do we as a State, have the authority morally or legally to terminate one's life under any circumstances? And, yes, Mr. Speaker, I have voted in favor of the death penalty.

So do not give me this malarkey about there can be no compromise when it comes to life, because that red flag is not going to work with me all the time, and it has worked far too often. And unfortunately, I have made some votes here that I have to second-guess, yet I still end up going to bed thinking I did the right thing; I came down in favor of life if I am going to make a mistake. And I have heard that argument often here as well, and I do not even take issue with it, but on this particular issue I think we are going too far. I voted for this legislation last November. I voted for the Freind amendment earlier today, and I would vote to do what Mr. Pitts suggests, and that is roll back the trimester period from 24 to 14 weeks because of new technology. I will be the first one to cosponsor that bill, Mr. Speaker. I agree with that. I know that technology can do wonders today, and I would be for *doing that*, but that is not what we are talking about today. We are talking about living will, and we are talking about sanity, and I think we are becoming insane on this issue. Thank you.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Let us be very clear what the Veon amendment does. The first thing it does is have an arbitrary cutoff point at 24 weeks. The second thing it does is say that the 13-year-old girl who has had an abortion without her parents being notified can now execute a living will regardless of her parents' wishes. And the third thing it does is take out the McNally amendment that pays for the medical treatment if insurance is not available.

I heard Mr. Murphy speak about viability, and his argument seems to be that let us save them if they can live on their own. Is that the standard? You only save them if they can live on their own? If that is the case, we can save a lot of money and clean up society by going into the nursing homes where there are hundreds of thousands of older people who cannot live on their own, and that is "Nineteen Eighty-Four."

Finally, I think it is very unfortunate that this issue has become personalized. This issue is not about Steve Freind. It never has been. Steve Freind has never spoken for any other member. Steve Freind has never said to any one of you in any debate, you are not prolife if you vote this way. That is not up for me to say. I can tell you the position of the prolife movement. Specifically, the Pennsylvania Pro-Life Federation opposes the Veon amendment. Pennsylvanians Concerned for the Unborn Child opposes the Veon amendment. The Pennsylvania Catholic Conference opposes the Veon amendment. The Pennsylvania Family Institute opposes the Veon amendment. The Keystone Christian Education Association opposes the Veon amendment. That is a fact. Each one of us has to look to himself or herself in the end to decide what to do.

Every one of you here are brothers and sisters in a very rare fraternity or sorority, are those crazy individuals who put their careers on the line every 2 years, for which I have tremendous respect and affection. It is not up to me to tell you what is prolife. But if you want the opinion of Steve Freind, notwithstanding what has been said, there can never be a compromise with innocent human life. Save after 24 weeks? What about that little miracle whose heart is beating at 18 days, who at 6 or 7 weeks has fingers and toes and an ear, who at 7 or 8 weeks can feel pain? You judge the worth of a society by the way it treats its weakest and those who are not able to defend themselves.

What we do today by rejecting the Veon amendment is say that indeed we are a society that takes care of those defenseless creatures, particularly in view of the fact that the bill as amended right now protects the mother and makes it clear no harm can come to her or else the provisions of her will would go into effect. The issue is still the same. We know one person is going to die. Is it going to be one or is it going to be two? I sincerely hope that we do the same thing that we have done time and again in the past, not for Steve Freind, not for Steve Freind, but for each one of you and what you believe in, standing up for life, and by doing that you reject the Veon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, as we close this debate today, I want to mention just a couple of brief points. The gentleman, Mr. Freind, has me somewhat confused. He suggests to this House that there is no compromise on this issue, there is no compromise on the sanctity of life. But the fact is we have a 1989 Abortion Control Act on the books that Mr. Freind supported, that Mr. Freind authored, that my good friend, Kevin Blaum, voted for, that my good friend, Tom Tigue, voted for, that allows for an abortion in Pennsylvania for up to 24 weeks. That is a fact. That is law. That has been upheld by the Third Circuit Court of Appeals. That is not my language. That is Mr. Freind's language. That is a law that is already on the books.

What this issue is about is whether we are going to treat unconscious terminally ill women who have no control of their faculties different than we are going to treat conscious women who have control of their faculties. That is what it comes down to. It is not my law. I voted for it. Mr. Freind authored it. That is the distinction that we are facing here today.

Let us have a vote, and I would ask for a vote in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair would like to close out the debate on this matter. I think there have been 22 speakers, some of whom have spoken several times. It is a very important issue. The Chair is not interested in closing off debate, except that the issue has been fully aired. The closing arguments I think have been made, and the Chair would ask the gentleman, as he has asked other members of the House on the subject, to recede and not seek recognition.

Will the gentleman recede?

Mr. PITTS. I cannot make one sentence?

Mr. Speaker, in response to that.

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

Mr. PITTS. It is very important. The reason for the Abortion Control Act was the U.S. Supreme Court, not Stephen Freind.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—78

Acosta	Fox	Maiiale	Rudy
Belfanti	Freeman	Michlovic	Saurman
Bishop	George	Mihalich	Semmel
Bowley	Hagarty	Mundy	Serafini
Broujos	Harley	Murphy	Smith, B.
Bunt	Harper	Nahill	Snyder, D. W.
Butkovitz	Hasay	Nailor	Steelman
Carn	Hayden	Nickol	Stetler
Carone	Heckler	Nyce	Sturla
Chadwick	Hughes	Oliver	Thomas
Cohen	Itkin	Petrone	Van Horne
Cornell	James	Piccola	Vance
Cowell	Josephs	Pistella	Veon
DeWeese	Krebs	Preston	Wambach
Davies	Kukovich	Reber	Williams
Dent	Langtry	Reinard	Wilson
Dermody	Lee	Richardson	Wright, R. C.

Evans	Levdansky	Ritter	
Fajt	Linton	Robinson	O'Donnell,
Flick	McHale	Roebuck	Speaker

NAYS—123

Adolph	Dempsey	King	Ryan
Allen	Donatucci	Kosinski	Saloom
Angstadt	Fairchild	Kruszewski	Scheetz
Argall	Fargo	LaGrotta	Schuler
Armstrong	Farmer	Laughlin	Scrimenti
Arnold	Fee	Lawless	Smith, S. H.
Barley	Fleagle	Leh	Snyder, G.
Battisto	Foster	Lescovitz	Staback
Belardi	Freind	Lloyd	Stairs
Billow	Gallen	Lucyk	Steighner
Birmelin	Gamble	McCall	Stish
Black	Gannon	McGeehan	Strittmatter
Blaum	Geist	McHugh	Stuban
Boyes	Gerlach	McNally	Surra
Brown	Gigliotti	Markosek	Tangretti
Bush	Gladeck	Marsico	Taylor, E. Z.
Caltagirone	Godshall	Mayernik	Taylor, F.
Cappabianca	Gruitza	Melio	Taylor, J.
Carlson	Gruppo	Merry	Telek
Cawley	Haluska	Micozzie	Tigue
Cessar	Hanna	Mrkoncic	Tomlinson
Civera	Hayes	Noye	Trello
Clark	Herman	O'Brien	Trich
Clymer	Hershey	Olasz	Tulli
Colafiglia	Hess	Perzel	Uliana
Colaizzo	Jadlowiec	Pesci	Vroon
Cole	Jarolin	Petrarca	Wogan
Corrigan	Johnson	Phillips	Wozniak
Coy	Kaiser	Pitts	Wright, D. R.
DeLuca	Kasunic	Raymond	Wright, M. N.
Daley	Kenney	Rieger	

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

Will the House agree to the bill on third consideration 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—186

Adolph	Fairchild	Lawless	Saloom
Allen	Fajt	Lee	Saurman
Angstadt	Fargo	Leh	Scheetz
Argall	Farmer	Lescovitz	Schuler
Armstrong	Fee	Levdansky	Scrimenti
Arnold	Fleagle	Linton	Semmel
Barley	Flick	Lloyd	Serafini
Battisto	Foster	Lucyk	Smith, B.
Belardi	Fox	McCall	Smith, S. H.
Belfanti	Freeman	McGeehan	Snyder, D. W.
Billow	Freind	McHale	Snyder, G.
Birmelin	Gallen	McHugh	Staback
Bishop	Gamble	McNally	Stairs
Black	Gannon	Maiale	Steelman
Blaum	Geist	Markosek	Steighner
Boyes	George	Marsico	Stetler
Broujos	Gerlach	Mayernik	Stish

Brown	Gigliotti	Melio	Strittmatter
Bunt	Gladeck	Merry	Stuban
Bush	Godshall	Michlovic	Sturla
Butkovitz	Gruitza	Micozzie	Surra
Caltagirone	Gruppo	Mihalich	Tangretti
Cappabianca	Hagarty	Mrkonic	Taylor, E. Z.
Carlson	Haluska	Murphy	Taylor, F.
Carone	Hanna	Nahill	Taylor, J.
Cawley	Harley	Nailor	Telek
Cessar	Hasay	Nickol	Tigue
Chadwick	Hayes	Noye	Tomlinson
Civera	Heckler	Nyce	Trello
Clark	Herman	O'Brien	Trich
Clymer	Hershey	Olasz	Tulli
Cohen	Hess	Perzel	Uliana
Colafrella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	Jarolin	Petrone	Veon
Cornell	Johnson	Phillips	Vroon
Corrigan	Kaiser	Piccola	Wambach
Cowell	Kasunic	Pistella	Williams
Coy	Kenney	Pitts	Wilson
DeLuca	King	Preston	Wogan
DeWeese	Kosinski	Raymond	Wozniak
Daley	Krebs	Reber	Wright, D. R.
Dempsey	Kruszewski	Reinard	Wright, M. N.
Dent	Kukovich	Rieger	Wright, R. C.
Dermody	LaGrotta	Robinson	
Donatucci	Langtry	Rudy	O'Donnell,
Evans	Laughlin	Ryan	Speaker

NAYS—15

Acosta	Harper	Josephs	Ritter
Bowley	Hayden	Mundy	Roebuck
Carn	Hughes	Oliver	Thomas
Davies	James	Richardson	

NOT VOTING—0

EXCUSED—2

Anderson	Durham
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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.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. All the other bills and resolutions on the calendar will be over for today.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions of sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If there are any members of the House who wish to change their sponsorship of a bill and specifically the matter just voted upon, it is essential that they come to the desk now and see the gentleman, Mr. Barbush.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Mr. Davies, rise?

Mr. DAVIES. I guess under unanimous consent, the right to submit remarks.

The SPEAKER. The gentleman will submit his remarks, which will be included for the record.

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

Under no circumstance can I support or accept legislation that is going to deny a pregnant woman her right to decide on her right to have a living will. She has been denied the right that is extended to everybody else in the Commonwealth by this bill.

The bill is a direct violation of the basic concept of individual right to equal application of the law. How in this day and age, when the rest of the world is struggling to gain equality, can a legislative body sink to this type of double standard?

I support living will legislation that does not take away women's rights. A masculine-dominated legislature with a moral mindset that fails to consider women's rights can only ever be half right.

CITATION SUBMITTED FOR THE RECORD

Mr. FLICK submitted the following citation for the Legislative Journal:

Whereas, The 1991 FC Delco Demons Boys Under 16 Soccer Club has earned recognition for its impressive record of achievement; and

Whereas, Capturing the Niotis Cup at the United States Youth Soccer Association National Youth Challenge Cup Championships which were held recently in Omaha, Nebraska, the FC Delco team became the first Eastern Pennsylvania Youth Soccer Association team to win a national championship and the first Pennsylvania team to garner a national soccer title at the under sixteen level; and

Whereas, Under the leadership of head coach Michael Gorni and assistant coaches Sam Holt and Nick Chrisanthon, the team is comprised of Mark Aridgides, Bernie Bottmeyer, T.J. Carella, Ian Checcio, Nicky Chrisanthon, Erik Cline, Kevin Hamill, Erik Holt, Tariq Jawad, Randy Klauss, William Kohler, Dan Martell, Javier Nogales, Jordan Potsic, Chris Preheim, Eric Rosenbloom, Richard Wilmot and Josh Wilson.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania heartily congratulates the FC Delco Demons Boys Under 16 Soccer Club on its exemplary performance in national championship competition; offers best wishes for continued success in future seasons.

On behalf of the Chester and Delaware County legislative delegation I would like to welcome the FC DELCO Demons Boys Under 16 Soccer Club. The team, coaches, and parents are seated in the gallery.

VOTE CORRECTION

Mr. SERAFINI. Mr. Speaker, I would like to change my vote.

The SPEAKER. The Chair recognizes Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I would like to correct my vote on amendment A2987 to HB 2017. I was incorrectly

voted in the affirmative. I would like to be voted in the negative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

ADJOURNMENT

The SPEAKER. The Chair recognizes Ms. Mundy.

Ms. MUNDY. Mr. Speaker, I move that this House do now adjourn until Wednesday, November 20, 1991, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:58 p.m., e.s.t., the House adjourned.