

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 11, 1992

SESSION OF 1992

176TH OF THE GENERAL ASSEMBLY

No. 15

### HOUSE OF REPRESENTATIVES

The House convened at 11 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, sometimes we try to run our lives in our own way. We try to navigate in difficult waters and steer our own craft. Will You not come on board and set a true course for us?

We need Your light to shine upon our troubled and undone lives. We need Your shelter when the storms of life are raging. We have wandered away from home. Help us to return no matter what the cost of our pride.

Even at this very moment, enter our hearts and our minds. Take control of our impulses. Guide our thinking. Give us wisdom. Overshadow us with Your grace. Will You not be our *helmsman* and lead us to a safe haven of rest?

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 Tuesday, March 10, 1992, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2455** By Representatives GEORGE and HASAY

An Act amending the act of July 13, 1988 (P. L. 530, No. 94), known as the "Environmental Hearing Board Act," granting jurisdiction to the Commonwealth Court.

Referred to Committee on CONSERVATION, March 11, 1992.

**No. 2456** By Representatives GEORGE, HASAY, SALOOM, MIHALICH, REBER, STISH, LLOYD, BOWLEY, CLYMER, BIRMELIN, FREEMAN, JADLOWIEC, MARSICO, WOZNIAK, STEELMAN, S. H. SMITH, LAUGHLIN, SURRA and SAURMAN

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), known as the "Storage Tank and Spill Prevention Act," further providing for the Storage Tank Loan Fund.

Referred to Committee on CONSERVATION, March 11, 1992.

**No. 2457** By Representatives GRUITZA, COLAIZZO, NOYE, PISTELLA, HASAY, KOSINSKI and O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for firearms not to be carried without a license.

Referred to Committee on JUDICIARY, March 11, 1992.

**No. 2458** By Representatives GRUITZA, KOSINSKI, HAGARTY, CAPPABIANCA, COLAIZZO, NOYE, NAHILL, PISTELLA, GEIST, TIGUE, STISH, JOSEPHS, ITKIN, FAIRCHILD, HARPER, MERRY, KRUSZEWSKI and HERSHEY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," imposing a tax on generation-skipping transfers in an amount equal to the maximum credit allowable under Federal law; and providing a penalty for failure to file a return.

Referred to Committee on FINANCE, March 11, 1992.

**No. 2459** By Representatives GRUITZA, HALUSKA, KOSINSKI, HAGARTY, CAPPABIANCA, COLAIZZO, NOYE, NAHILL, PISTELLA, BATTISTO, HASAY, VROON, GEIST, CESSAR, ARNOLD, KENNEY, FARGO, STISH, SCHULER, ITKIN, MIHALICH, SCRIMENTI, FAIRCHILD, HARPER, FLICK, BELARDI, JOHNSON, MERRY, GANNON and KRUSZEWSKI

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making editorial changes.

Referred to Committee on FINANCE, March 11, 1992.

- No. 2460** By Representatives ITKIN, FAIRCHILD, VAN HORNE, OLASZ, LINTON, HALUSKA, STEIGHNER, PESCI, HANNA, HERSHEY, DALEY, KOSINSKI, GIGLIOTTI, STISH, LaGROTTA, TRELLO, J. TAYLOR, WAMBACH, TIGUE, JAMES, BILLOW, MELIO, RICHARDSON, SALOOM and COLAIZZO

An Act requiring timely payment to certain contractors and subcontractors; and providing remedies to contractors and subcontractors.

Referred to Committee on BUSINESS AND COMMERCE, March 11, 1992.

- No. 2461** By Representatives DALEY, PRESTON, COWELL, SALOOM, NOYE, LANGTRY, BLAUM, DeLUCA, PERZEL, KOSINSKI, ARMSTRONG, CLYMER, PHILLIPS, MIHALICH, HASAY, CLARK, BELFANTI, GERLACH, JOHNSON, CESSAR, PETRARCA, GLADECK, MELIO, GEIST, NAHILL, HARLEY, TRICH, RICHARDSON, TULLI, DENT, BELARDI, MERRY and BUTKOVITZ

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sentencing procedure for murder of the first degree.

Referred to Committee on JUDICIARY, March 11, 1992.

- No. 2462** By Representatives DALEY, DEMPSEY, SALOOM, COLE, OLASZ, COLAIZZO, COHEN, ANGSTADT, MIHALICH, STEELMAN, STABACK, PHILLIPS, COY, STEIGHNER, BELFANTI, JOHNSON, HERMAN, JAROLIN, ARGALL, VEON, GAMBLE, SAURMAN, BELARDI, ALLEN and CARLSON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living adjustment factors.

Referred to Committee on STATE GOVERNMENT, March 11, 1992.

- No. 2463** By Representatives DALEY, STABACK, COLAIZZO, JOHNSON, TRELLO, VEON, CIVERA and RICHARDSON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for display of geographic location at telephone stations.

Referred to Committee on CONSUMER AFFAIRS, March 11, 1992.

- No. 2464** By Representatives DALEY, DEMPSEY, SALOOM, PHILLIPS, PISTELLA, MELIO, RICHARDSON and GIGLIOTTI

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), known as the "Race Horse Industry Reform Act," consolidating the State Horse Racing Commission and the State Harness Racing Commission; further providing for commission powers and duties; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 11, 1992.

- No. 2465** By Representatives LaGROTTA, FAJT, LEVDANSKY, McNALLY, CORRIGAN, DeWEESE, EVANS, PESCI, ANGSTADT, CAPPABIANCA, KOSINSKI, KRUSZEWSKI, BELFANTI, MELIO, TRELLO, JOHNSON, DALEY, VAN HORNE, HALUSKA, LAUGHLIN and RICHARDSON

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), known as the "Industrial and Commercial Development Authority Law," further providing for definitions, applicable elected representatives, purposes and powers, powers of the financing authority, financing authority indebtedness, financing authority loans, industrial and commercial development authorities, bonds and competition in award of contracts.

Referred to Committee on APPROPRIATIONS, March 11, 1992.

- No. 2466** By Representative SERAFINI

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to sell and convey to Daniel J. Kelleher certain excess land situate in the Township of Newton, Lackawanna County.

Referred to Committee on STATE GOVERNMENT, March 11, 1992.

- No. 2468** By Representative BIRMELIN

An Act authorizing and directing the Department of Environmental Resources, with the approval of the Governor, to convey to the Promised Land Volunteer Fire Company a tract of land situate in Greene Township, Pike County, Pennsylvania.

Referred to Committee on CONSERVATION, March 11, 1992.

- No. 2469** By Representatives PITTS, OLASZ, BILLOW, PESCI, BATTISTO, BOYES, SEMMEL, E. Z. TAYLOR, GERLACH, NAILOR, VROON, STAIRS, JOHNSON, BROWN, HERSHEY, SAURMAN, NYCE, KENNEY, PHILLIPS, TRELLO, ITKIN, NOYE, HESS, HARLEY and TOMLINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for notification of the department by operators of changes in addresses.

Referred to Committee on TRANSPORTATION, March 11, 1992.

- No. 2470** By Representatives MELIO, HAYES, GAMBLE, WAMBACH, KAISER, VEON, NYCE, TELEK, JOHNSON, LAWLESS, TRICH, F. TAYLOR, PERZEL, RYAN,

NOYE, FLICK, MRKONIC, COWELL, REBER, BLAUM, D. W. SNYDER, ULIANA, O'BRIEN, GALLEN, DEMPSEY, COLAIZZO, TIGUE, PESCI, KENNEY, GEIST, HARPER, KREBS, SURRA, MAYERNIK, DERMODY, JAROLIN, CARLSON, BATTISTO, ALLEN, NAHILL, McCALL, PISTELLA, SAURMAN, CESSAR, KING, DAVIES, ARNOLD, NAILOR, VROON, STUBAN, BELFANTI, S. H. SMITH, VANCE, HALUSKA, STABACK, GERLACH, HESS, JOSEPHS, BROWN, BELARDI, GODSHALL, BUNT, TULLI, SALOOM, LAUGHLIN, VAN HORNE, MARKOSEK, DeLUCA, COLE, MERRY, STISH, STEIGHNER, LESCOVITZ, TANGRETTI, FREEMAN, MIHALICH, HANNA, CAPPABIANCA, WILLIAMS, RITTER, LUCYK, STURLA, O'DONNELL, FARGO, STAIRS, FEE, D. R. WRIGHT, COY, GIGLIOTTI, CORRIGAN, ROBINSON, SCRIMENTI, PETRARCA, STEELMAN, MUNDY, BUTKOVITZ, BUSH, HAGARTY, GRUPPO and COHEN

An Act providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation, the cost of the preservation and maintenance of records relating to applications for compensation in connection with any war or armed conflict and the design and construction of a memorial to veterans of this Commonwealth, contingent upon electorate approval; providing for an Armed Conflict Service Medal; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; and making appropriations.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, March 11, 1992.

**No. 2471** By Representatives M. N. WRIGHT, FARGO, HARLEY, TOMLINSON, TIGUE, ARMSTRONG, MARKOSEK, TRELLO, JOHNSON, ULIANA, MICOZZIE, NAHILL, WILSON, HARPER, E. Z. TAYLOR, KENNEY, ITKIN, DeLUCA, ADOLPH, WOGAN, RICHARDSON, MELIO, LEH, McHALE, BARLEY, FLICK, HECKLER, McGEEHAN, HASAY, CAWLEY, NOYE and KING

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding car safety seats for children from the sales and use tax.

Referred to Committee on FINANCE, March 11, 1992.

**No. 2472** By Representatives SALOOM, PETRARCA, GEORGE, WAMBACH, FEE and D. R. WRIGHT

An Act requiring the Commonwealth to maintain certain health insurance coverage for certain Commonwealth annuitants.

Referred to Committee on STATE GOVERNMENT, March 11, 1992.

**No. 2473** By Representatives WOZNIAK, E. Z. TAYLOR, SALOOM, PHILLIPS, ANGSTADT, CIVERA, RICHARDSON, HALUSKA, TRELLO, ARMSTRONG, STEIGHNER, TRICH, PRESTON, McCALL and BELARDI

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, March 11, 1992.

**No. 2474** By Representatives WOZNIAK, F. TAYLOR, RUDY, VEON, JOSEPHS, STABACK, STISH, HESS, KASUNIC, VAN HORNE, HARPER, WOGAN, HALUSKA, OLASZ, COLAIZZO, KUKOVICH, KRUSZEWSKI, LAUGHLIN, STEELMAN, RICHARDSON and BILLOW

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," further providing for benefits based on service for educational institutions.

Referred to Committee on LABOR RELATIONS, March 11, 1992.

**No. 2475** By Representatives DAVIES, PHILLIPS, FOSTER, ANGSTADT, GALLEN, CALTAGIRONE, SEMMEL, LEH, STUBAN, CARONE, VROON, REBER, ARGALL, D. W. SNYDER, CARLSON, MAYERNIK, CORNELL, SAURMAN, CAWLEY, FLICK, FAIRCHILD, LANGTRY, E. Z. TAYLOR, LEVDANSKY, McHALE, JOHNSON, TRELLO, SCHULER, KENNEY, OLASZ, WILSON, MICOZZIE, DeLUCA and ALLEN

An Act authorizing local taxing authorities to establish a real estate tax deferral program for certain persons.

Referred to Committee on LOCAL GOVERNMENT, March 11, 1992.

**No. 2476** By Representatives HANNA, TIGUE, COLAIZZO, TRELLO, SCHULER, HERMAN, FAIRCHILD, SAURMAN, KOSINSKI, HALUSKA, NICKOL, COY, ITKIN, KASUNIC, GEIST, GERLACH, RICHARDSON, RUDY, FAJT, MELIO, LEH, JOSEPHS, CESSAR, JOHNSON, NOYE and BELARDI

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

Referred to Committee on TRANSPORTATION, March 11, 1992.

**No. 2477** By Representatives HANNA, VAN HORNE, MARKOSEK, OLASZ, KREBS, WAMBACH, BELARDI, FAJT, CAWLEY, STEELMAN, STURLA, GANNON, DALEY, VEON, STAIRS, COHEN, HARPER, COWELL, GIGLIOTTI, HECKLER, CARN, TIGUE, BUSH, COY, MUNDY, JOHNSON, BILLOW, NAHILL, FAIRCHILD, CAPPABIANCA, KRUSZEWSKI, RICHARDSON, BELFANTI, SCHEETZ, KASUNIC, SAURMAN, MELIO, TRICH, MERRY, M. N. WRIGHT, SALOOM, McHALE, PISTELLA, KENNEY, STABACK, PHILLIPS, HASAY, TRELLO, GERLACH, HARLEY, ITKIN, SERAFINI, FLICK, LANGTRY, PRESTON, WOZNAK, LAUGHLIN, DENT, ARNOLD, LINTON and JAMES

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, conferring certain duties on the insurer.

Referred to Committee on TRANSPORTATION, March 11, 1992.

**No. 2478** By Representatives MAYERNIK, PISTELLA, CESSAR, TRELLO, ITKIN, MURPHY, LEVDANSKY, KAISER, GIGLIOTTI, MICHLOVIC, PETRONE, McNALLY, COWELL, SALOOM, KOSINSKI, STISH, VROON, McHALE, HARPER, GEIST, NAHILL, JOSEPHS, BATTISTO, LANGTRY, SAURMAN, MRKONIC, JOHNSON and DERMODY

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing and providing for the distribution of an additional fine for conviction of driving under the influence of alcohol or controlled substance.

Referred to Committee on JUDICIARY, March 11, 1992.

**No. 2479** By Representatives MAYERNIK, PISTELLA, CESSAR, FAJT, SALOOM, KOSINSKI, STISH, GIGLIOTTI, VROON, HARPER, ITKIN, GEIST, NAHILL, JOSEPHS, BATTISTO, LANGTRY, MARKOSEK, LEVDANSKY, SAURMAN, MRKONIC, JOHNSON, DERMODY, TRELLO, MURPHY, KAISER, MICHLOVIC, PETRONE, McNALLY and COWELL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a criminal laboratory user fee; and providing for disposition of revenues generated by the fee.

Referred to Committee on JUDICIARY, March 11, 1992.

**No. 2480** By Representatives D. R. WRIGHT, EVANS, COY, PISTELLA, JOSEPHS, COLAIZZO, PITTS, NAHILL, KREBS, STEELMAN, GEIST, MUNDY, STUBAN, ARNOLD, TRICH, SALOOM, BATTISTO, CALTAGIRONE, WAMBACH, KUKOVICH, KOSINSKI, M. N. WRIGHT, McHALE, MIHALICH, SCRIMENTI, VEON, MICOZZIE, GERLACH, BELARDI, MERRY, GRUPPO, HERMAN, KRUSZEWSKI, D. W. SNYDER, HECKLER, STABACK, CORRIGAN and RUDY

An Act providing for the authorization by the Department of Health of radiation machines used to perform mammography; specifying application and inspection procedures; providing for withdrawal and reinstatement of authorization and for notification; and imposing penalties.

Referred to Committee on HEALTH AND WELFARE, March 11, 1992.

**No. 2481** By Representative GALLEN

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for payment for certain sewer pumping equipment.

Referred to Committee on LOCAL GOVERNMENT, March 11, 1992.

**No. 2482** By Representatives COLE, RYAN, HAYES, EVANS, FEE, ITKIN, KUKOVICH, GEORGE, STABACK, BELARDI, WAMBACH, McCALL, LAUGHLIN and MELIO

An Act amending the act of December 18, 1980 (P. L. 1241, No. 224), known as the "Pennsylvania Cancer Control, Prevention and Research Act," further providing for the use of cancer registry information; and extending the expiration date.

Referred to Committee on HEALTH AND WELFARE, March 11, 1992.

**No. 2483** By Representatives FLICK, NOYE, MERRY, FARGO, VROON, GEIST, JADLOWIEC, WOGAN, TELEK, TRELLO, BARLEY, HERSHEY, CAPPABIANCA, E. Z. TAYLOR, GANNON, JOHNSON, FAIRCHILD, HESS, LEH, M. N. WRIGHT, S. H. SMITH, LANGTRY, ADOLPH, KING, STAIRS, STURLA, HANNA, TRICH, MELIO, ANDERSON, ARMSTRONG, DeLUCA, MARSICO and FARMER

A Joint Resolution petitioning Congress to call a convention to propose an amendment to the Constitution of the United States to prohibit the Federal Government from increasing costs of states by reducing the proportion of Federal funds allocated to the states or requiring new or increased costs for mandated activities or services without funding.

Referred to Committee on FEDERAL-STATE RELATIONS, March 11, 1992.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 272** By Representatives BROWN, CIVERA, PESCI, ARMSTRONG, MARKOSEK, COLAIZZO, NAILOR, OLASZ, MARSICO, MIHALICH, KREBS, BELARDI, KOSINSKI, RAYMOND, STEIGHNER, NICKOL, ADOLPH, FAJT, E. Z. TAYLOR, TELEK, GEIST, SEMMEL, VROON, HESS, LANGTRY, G. SNYDER, STAIRS, HARPER, COWELL, GIGLIOTTI, MELIO, DEMPSEY, JADLOWIEC, COY, VANCE, JOHNSON, GERLACH, BOYES, REBER, NAHILL, ARGALL, HERMAN, KASUNIC, ULIANA, NYCE, D. W. SNYDER, HERSHEY, BELFANTI, SAURMAN, DeLUCA, TIGUE, M. N. WRIGHT, KRUSZEWSKI, FARMER, HAGARTY, PITTS, FAIRCHILD, CAPPABIANCA, RUDY, WOZNAK, CARLSON, CESSAR, KENNEY, BOWLEY, WOGAN, STABACK, PHILLIPS, BATTISTO, STISH, HASAY, TRELLO, GODSHALL, LAWLESS, DERMODY, HARLEY, ITKIN, TOMLINSON, FLICK, SERAFINI, McCALL, LAUGHLIN, KING, McHUGH, ANGSTADT and ARNOLD

A Resolution declaring the week of May 10 through 16, 1992, as "Emergency Medical Services (EMS) Week" in Pennsylvania and proclaiming its theme as "IT STARTS WITH YOU."

Referred to Committee on RULES, March 11, 1992.

**No. 273** By Representatives PESCI, SALOOM, LEVDANSKY, TIGUE, HALUSKA, JOHNSON, DeWEESE, JAROLIN, JOSEPHS, PISTELLA, STEIGHNER, PETRARCA, MIHALICH, D. R. WRIGHT, KOSINSKI, DALEY, VAN HORNE, MELIO, STABACK, GIGLIOTTI, WILLIAMS, KUKOVICH, STISH, BELARDI and KRUSZEWSKI

A Resolution memorializing Congress to support legislation introduced by Senator Jay Rockefeller of West Virginia and Congressman John Murtha of Pennsylvania, ensuring the continued provision of health benefits to retired coal miners.

Referred to Committee on RULES, March 11, 1992.

**No. 275** By Representatives EVANS, PETRARCA, KREBS, CALTAGIRONE, PETRONE, CARLSON, SALOOM, VROON, CAPPABIANCA, KUKOVICH, DEMPSEY, KOSINSKI, PESCI, BELARDI, ROBINSON, NAILOR, GIGLIOTTI, COLE, ARMSTRONG, COY, ROEBUCK, HARPER, COLAIZZO, KRUSZEWSKI, MICOZZIE, PISTELLA, PRESTON, STURLA, GEIST, HERMAN, FAIRCHILD, HESS, BATTISTO, JOSEPHS, TIGUE, FARMER, MARKOSEK, ANGSTADT, TRICH, HERSHEY, MIHALICH and STEIGHNER

A Resolution recognizing March 24, 1992, as "American Diabetes Alert Day" and urging the citizens of this Commonwealth to find out if they are at risk for diabetes.

Referred to Committee on RULES, March 11, 1992.

### SENATE BILL FOR CONCURRENCE

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

**SB 1052, PN 1163**

Referred to Committee on LOCAL GOVERNMENT, March 11, 1992.

### CALENDAR

#### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1040, PN 1148**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America.

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 1040 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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

HB 2293, PN 2911; and HB 2454, PN 3182.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I have no leaves to report at this time.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Mr. Hayes.

Mr. HAYES. I request a leave for the gentleman from Delaware County, Mr. FREIND, for the day.

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—196

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

ADDITIONS—1

Acosta

NOT VOTING—0

EXCUSED—4

Freind

Johnson

Noye

Taylor, E. Z.

LEAVES ADDED—1

Tangretti

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2443, PN 3156, entitled:

An Act amending the act of August 4, 1991 (P. L. , No. 7A), known as the "General Appropriation Act of 1991," providing additional appropriations from the Lottery Fund and Federal funds.

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—192

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

Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry		

NAYS—0

NOT VOTING—5

Acosta	Kosinski	Reber	Saurman
Cole			

EXCUSED—4

Freind	Johnson	Noye	Taylor, E. Z.
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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.

\* \* \*

The House proceeded to third consideration of **HB 611, PN 614**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," eliminating the transfer of funds to the Enforcement Officers' Retirement Account; providing for the transfer of funds remaining in the account; and providing for the transfer of excess funds transferred to the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund.

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—192

Adolph	Durham	Laughlin	Roebuck
Allen	Evans	Lawless	Rudy
Anderson	Fairchild	Lee	Ryan
Angstadt	Fajt	Leh	Saloom
Argall	Fargo	Lescovitz	Saurman
Armstrong	Farmer	Levdansky	Scheetz
Arnold	Fee	Linton	Schuler
Barley	Fleagle	Lloyd	Scrimenti
Battisto	Flick	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Billow	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Stuban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra

Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	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
Colafella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Josephs	Pistella	Wambach
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wilson
DeLuca	Kenney	Raymond	Wogan
DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry		

NAYS—1

Smith, S. H.

NOT VOTING—4

Acosta	Blaum	Foster	Micozzie
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EXCUSED—4

Freind	Johnson	Noye	Taylor, E. Z.
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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.

\* \* \*

The House proceeded to third consideration of **HB 1697, PN 3113**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

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—195

Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini

Belfanti	Gallen	McGeehan	Smith, B.
Billow	Gamble	McHale	Smith, S. H.
Birmelin	Gannon	McHugh	Snyder, D. W.
Bishop	Geist	McNally	Snyder, G.
Black	George	Maiale	Staback
Blaum	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Steelman
Boyes	Gladeck	Mayernik	Steighner
Broujos	Godshall	Melio	Stetler
Brown	Gruitza	Merry	Stish
Bunt	Gruppo	Michlovic	Strittmatter
Bush	Hagarty	Micozzie	Stuban
Butkovitz	Haluska	Mihalich	Sturla
Caltagirone	Hanna	Mrkonic	Surra
Cappabianca	Harley	Mundy	Tangretti
Carlson	Harper	Murphy	Taylor, F.
Carn	Hasay	Nahill	Taylor, J.
Carone	Hayden	Nailor	Telek
Cawley	Hayes	Nickol	Thomas
Cessar	Heckler	Nyce	Tigue
Chadwick	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Trich
Cohen	Hughes	Perzel	Tulli
Colaifella	Itkin	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance
Cornell	Jarolin	Phillips	Veon
Corrigan	Josephs	Piccola	Vron
Cowell	Kaiser	Pistella	Wambach
Coy	Kasunic	Pitts	Williams
DeLuca	Kenney	Preston	Wilson
DeWeese	King	Raymond	Wogan
Daley	Kosinski	Reber	Wozniak
Davies	Krebs	Reinard	Wright, D. R.
Dempsey	Kruszewski	Richardson	Wright, M. N.
Dent	Kukovich	Rieger	
Dermody	LaGrotta	Ritter	O'Donnell,
Donatucci	Langtry	Robinson	Speaker
Durham			

NAYS—0

NOT VOTING—2

Acosta Clark

EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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 **SB 538, PN 1874**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations; abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class; and further providing for fiscal years and budgets.

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—196

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with



amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third consideration of **SB 1355, PN 1891**, entitled:

An Act amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "Assessors Certification Act," transferring administrative responsibility and powers and duties from the State Tax Equalization Board to the State Board of Certified Real Estate Appraisers; further providing for administrative powers and duties; further providing for certification; providing for discipline, penalties, remedies, and additional powers for the Commissioner of Professional and Occupational Affairs; further providing for fees and disposition of fees; and repealing the sunset provision of the law.

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—196**

Adolph	Durham	Laughlin	Roebuck
Allen	Evans	Lawless	Rudy
Anderson	Fairchild	Lee	Ryan
Angstadt	Fajt	Leh	Saloom
Argall	Fargo	Lescovitz	Saurman
Armstrong	Farmer	Levdansky	Scheetz
Arnold	Fee	Linton	Schuler
Barley	Fleagle	Lloyd	Scrimenti
Battisto	Flick	Lucy	Semmel
Belardi	Foster	McCall	Serafini
Belfanti	Freeman	McGeehan	Smith, B.
Billow	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Stuban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	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
Colafella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Josephs	Pistella	Wambach
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wilson
DeLuca	Kenney	Raymond	Wogan

DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry		

**NAYS—0**

**NOT VOTING—1**

Acosta

**EXCUSED—4**

Freind Johnson Noye Taylor, E. Z.

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

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

\* \* \*

**HB 1484 PASSED OVER TEMPORARILY**

The **SPEAKER**. HB 1484, PN 1710. Does the gentleman, Mr. Snyder, have an amendment?

Mr. D. W. SNYDER. Mr. Speaker, there was an amendment that was to be introduced by Representative Veon, and I did just introduce that since it had not yet been circulated. So if that could just be temporarily held over until the amendment gets distributed.

The **SPEAKER**. HB 1484, over temporarily.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1403, PN 3104**, entitled:

An Act providing for the establishment, implementation and administration of the Small Water Systems Technical and Management Assistance Program; providing for technical, financial and management assistance for small water systems; providing for the Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive small water systems regionalization studies; imposing additional duties on the Department of Environmental Resources; authorizing the indebtedness, with the approval of the electors, of an additional \$350,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply, storm water control and sewage treatment systems; and transferring an appropriation.

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

The **SPEAKER**. Moved by the gentleman, Mr. Billow, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, despite the fact that the calendar indicates that we have caucused on this bill, we have not, and I have discussed this with the Democratic floor leader's staff. They are aware of the fact that we had not caucused on it, and we are requesting that time be provided for us to caucus prior to running the bill.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. HB 1403 will be over temporarily.

**RESOLUTIONS**

Mr. RAYMOND called up **HR 259, PN 3111**, entitled:

A Resolution designating the week of March 1 through 7, 1992, as "Chef's Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—195**

Adolph	Durham	Langtry	Roebuck
Allen	Evans	Laughlin	Rudy
Anderson	Fairchild	Lawless	Ryan
Angstadt	Fajt	Lee	Saloom
Argall	Fargo	Leh	Saurman
Armstrong	Farmer	Lescovitz	Scheetz
Arnold	Fee	Levdansky	Schuler
Barley	Fleagle	Linton	Scrimenti
Battisto	Flick	Lloyd	Semmel
Belardi	Foster	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Stuban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	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
Colafella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Josephs	Pistella	Wambach
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wilson
DeLuca	Kenny	Raymond	Wogan
DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,

Dermody LaGrotta Robinson Speaker  
Donatucci

NAYS—0

NOT VOTING—2

Acosta Micozzie  
EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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

\* \* \*

Mr. COY called up **HR 268, PN 3163**, entitled:

A Resolution recognizing the week of March 23 through 30, 1992, as "Voter Registration Week for the Primary Election."

On the question,  
Will the House adopt the resolution?

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. I would like to submit the following remarks for the record.

The SPEAKER. The gentleman is in order. The remarks will be submitted for the record.

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

Voting stands out among our most important civic responsibilities. As President Lincoln stated so eloquently in Gettysburg, "A government of the people, by the people and for the people shall never perish from the earth."

However, more and more people choose to not elect our government. For whatever reason, they choose to stay home. They choose to ignore their most fundamental right. What is the result? Increasingly, our government is becoming of some of the people, by some of the people, and for some of the people - those who do vote.

An overall example of this phenomenon is that since 1960 fewer people are voting. 1960 was the year that voter participation hit an all-time high. Almost 5 million people voted in the general election. However, in 1988, voter participation hit the lowest level in 40 years. That year almost 4.5 million Pennsylvanians voted, about one-half million fewer than in 1960.

I have registered people to vote. People have turned me down when I have asked them to register. I asked why. I heard how voting does not mean a thing, how it does not make a difference. I heard how one vote will have no effect on an election.

Furthermore, after each election I bump into people who tell me they would have voted if they had remembered to register.

As I look around me, I see at least a few people who might not sit here if votes had changed here and there in past elections. My esteemed colleague from Adams County, Ken Cole, would have lost the 1978 election if one vote had failed to go his way.

Voting this year is even more important. We in Pennsylvania will help elect a President. We will elect a U.S. Senator. We will elect half the State Senate and all of the State House.

Voting in the primary election also is extremely important. Not only do we choose the nominees for each of the offices, but we determine delegates to our parties' national conventions.

Thus, we in the House must do everything we can to get people to understand the importance of their one vote.

We must help remind them that they must register to vote by March 30. By approving this resolution making March 23 through March 30 Voter Registration Week for the Primary Election, we will direct the public's attention, through the media and other outlets, to the upcoming registration deadline.

We will remind the people of their civic responsibility to register to vote and to participate in the election. We must do all we can to help ensure our government remains of the people, by the people, and for the people.

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

The following roll call was recorded:

YEAS—190

Adolph	Donatucci	LaGrotta	Roebuck
Allen	Durham	Langtry	Ryan
Anderson	Evans	Laughlin	Saloom
Angstadt	Fairchild	Lawless	Saurman
Argall	Fajt	Lee	Scheetz
Armstrong	Fargo	Leh	Schuler
Arnold	Farmer	Lescovitz	Scrimenti
Barley	Fee	Levdansky	Semmel
Battisto	Fleagle	Linton	Serafini
Belardi	Flick	Lloyd	Smith, B.
Belfanti	Foster	Lucyk	Smith, S. H.
Billow	Freeman	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.
Bishop	Gamble	McHale	Staback
Black	Gannon	McHugh	Stairs
Blaum	Geist	McNally	Steelman
Bowley	George	Maiale	Steighner
Boyes	Gerlach	Markosek	Stetler
Brown	Gigliotti	Marsico	Stish
Bunt	Gladeck	Mayernik	Strittmatter
Bush	Godshall	Melio	Suban
Butkovitz	Gruitza	Merry	Sturla
Caltagirone	Gruppo	Mihalich	Surra
Cappabianca	Hagarty	Mundy	Tangretti
Carlson	Haluska	Murphy	Taylor, F.
Carn	Hanna	Nahill	Taylor, J.
Carone	Harley	Nailor	Telek
Cawley	Harper	Nickol	Thomas
Cessar	Hasay	Nyce	Tigue
Chadwick	Hayden	O'Brien	Tomlinson
Civera	Hayes	Olasz	Trello
Clark	Heckler	Oliver	Trich
Clymer	Herman	Perzel	Tulli
Cohen	Hershey	Pesci	Uliana
Colaarella	Hess	Petrarca	Van Horne
Colaizzo	Itkin	Petrone	Vance
Cole	Jadlowiec	Phillips	Veon
Cornell	James	Piccola	Vroon
Corrigan	Jarolin	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	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—7

Acosta	Hughes	Micozzie	Rudy
Broujos	Michlovic	Mrkonic	

EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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

CONCURRENT RESOLUTION

Mr. GEIST called up **HR 267, PN 3158**, entitled:

A Concurrent Resolution designating May 1992 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Clark.

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

The SPEAKER. The gentleman can go ahead.

Mr. CLARK. Mr. Speaker, my switch failed to engage on final passage of HB 1697, and I would wish to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HR 267 CONTINUED

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

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	LaGrotta	Ritter
Allen	Durham	Langtry	Robinson
Anderson	Evans	Laughlin	Roebuck
Angstadt	Fairchild	Lawless	Rudy
Argall	Fajt	Lee	Ryan
Armstrong	Fargo	Leh	Saloom
Arnold	Farmer	Lescovitz	Saurman
Barley	Fee	Levdansky	Scheetz
Battisto	Fleagle	Linton	Schuler
Belardi	Flick	Lloyd	Scrimenti
Belfanti	Foster	Lucyk	Semmel
Billow	Freeman	McCall	Serafini
Birmelin	Gallen	McGeehan	Smith, B.
Bishop	Gamble	McHale	Smith, S. H.
Black	Gannon	McHugh	Snyder, D. W.
Blaum	Geist	McNally	Snyder, G.
Bowley	George	Maiale	Staback
Boyes	Gerlach	Markosek	Stairs
Broujos	Gigliotti	Marsico	Steelman
Brown	Gladeck	Mayernik	Steighner
Bunt	Godshall	Melio	Stetler
Bush	Gruitza	Merry	Stish
Butkovitz	Gruppo	Michlovic	Strittmatter
Caltagirone	Hagarty	Micozzie	Suban
Cappabianca	Haluska	Mihalich	Sturla
Carlson	Hanna	Mrkonic	Surra
Carn	Harley	Mundy	Tangretti
Carone	Harper	Murphy	Taylor, F.
Cawley	Hasay	Nahill	Taylor, J.
Cessar	Hayden	Nailor	Telek
Chadwick	Hayes	Nickol	Thomas
Civera	Heckler	Nyce	Tigue
Clark	Herman	O'Brien	Tomlinson

Clymer	Hershey	Olasz	Trello
Cohen	Hess	Oliver	Trich
Colafrella	Hughes	Perzel	Tulli
Colaizzo	Itkin	Pesci	Uliana
Cole	Jadlowiec	Petrarca	Van Horne
Cornell	James	Petrone	Vance
Corrigan	Jarolin	Phillips	Veon
Cowell	Josephs	Piccola	Vroon
Coy	Kaiser	Pistella	Wambach
DeLuca	Kasunic	Pitts	Williams
DeWeese	Kenney	Preston	Wilson
Daley	King	Raymond	Wogan
Davies	Kosinski	Reber	Wozniak
Dempsey	Krebs	Reinard	Wright, D. R.
Dent	Kruszewski	Richardson	Wright, M. N.
Dermody	Kukovich	Rieger	

NAYS—0

NOT VOTING—2

Acosta O'Donnell,  
Speaker

EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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

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

**LINE-ITEM VETO POSTPONED**

The House proceeded to consideration on the postponed calendar of the line-item veto of **HB 1536, PN 2443**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1991, to June 30, 1992, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991, and for the transfer of certain funds; and making a repeal.

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

**BILL AND VETO MESSAGE TABLED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1536 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**VOTE CORRECTION**

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

Mrs. RUDY. On HR 268 my switch failed to operate, and I wish to be recorded in the affirmative.

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 rule 30 be suspended to permit HB 719 to go immediately to the calendar rather than being referred to the Rules Committee.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Donatucci	Langtry	Roebuck
Allen	Durham	Laughlin	Rudy
Anderson	Evans	Lawless	Ryan
Angstadt	Fairchild	Lee	Saloom
Argall	Fargo	Leh	Saurman
Armstrong	Farmer	Lescovitz	Scheetz
Arnold	Fee	Levdansky	Schuler
Barley	Fleagle	Linton	Scrimenti
Battisto	Flick	Lloyd	Semmel
Belardi	Foster	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Suban
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mrkonic	Tangretti
Carlson	Harley	Mundy	Taylor, F.
Carn	Harper	Murphy	Taylor, J.
Carone	Hasay	Nahill	Telek
Cawley	Hayden	Nailor	Thomas
Cessar	Hayes	Nickol	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	Josephs	Piccola	Wambach
Cowell	Kaiser	Pistella	Williams
Coy	Kasunic	Pitts	Wilson

DeLuca	Kenney	Raymond	Wogan
DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, M. N.
Davies	Krebs	Richardson	
Dempsey	Kruszewski	Rieger	O'Donnell,
Dent	Kukovich	Ritter	Speaker
Dermody	LaGrotta	Robinson	

NAYS—0

NOT VOTING—4

Acosta	Fajt	Preston	Wright, D. R.
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EXCUSED—4

Freind	Johnson	Noye	Taylor, E. Z.
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 719, PN 2879**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

#### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions of sponsors, which will be added to the record.

(Copy of list is on file with the Journal clerk.)

### VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Fajt.

Mr. FAJT. Mr. Speaker, I missed the vote on **HR 267**. I would like to be recorded in the affirmative, please.

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

For the information of the members, there are four bills remaining on the calendar for consideration, all of which have gone over temporarily. On one of the bills there is the necessity for a Republican caucus. On the other three bills the Chair has been advised there are members offering amendments and the amendments are in various stages and have not been circulated on the floor. So the members individually have placed the House in a position of asking for consideration of their amendments which amendments have not been circulated.

Therefore, it is the Chair's intention to recess and return this afternoon and would appreciate the advice of the majority leader and the minority leader about whatever time is requested for caucus or lunch.

### VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Saurman.  
Mr. SAURMAN. Thank you, Mr. Speaker.

On **HB 2443, PN 3156**, I was out of my seat when the vote was taken. Had I been there, I would have voted in the affirmative.

### MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence of Representative Acosta on the floor of the House. His name will be added to the master roll.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1484, PN 1710**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for operations of rescue and emergency squad vehicles.

On the question,

Will the House agree to the bill on third consideration?

Mr. D. W. SNYDER offered the following amendments  
No. A0359:

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

and for commercial driver's license.

Amend Sec. 1, page 1, line 6, by striking out "Section 1504(d)(3)" and inserting

Sections 1504(d)(3) and 1606(b)

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting

are

Amend Sec. 1 (Sec. 1504), page 2, line 11, by inserting after "department"

or municipality

Amend Sec. 1 (Sec. 1504), page 2, line 25, by inserting after "squad"

or municipality

Amend Sec. 1, page 3, by inserting between lines 8 and 9  
§ 1606. Requirement for commercial driver's license.

\*\*\*

(b) Exemptions.—The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

(1) A person with a commercial driver learner's permit who is accompanied by the holder of a commercial driver's license valid for the vehicle being driven.

(2) A person in the service of the Armed Forces of the United States, including members of the Reserves and National Guard on active duty; personnel on full-time National Guard duty; and personnel on inactive National Guard duty training or part-time National Guard training and National Guard military technicians who are required to wear military uniforms and are subject to the Uniform Code of Military Justice when operating equipment owned or operated by the Department of Defense.

(3) A person who is a volunteer or paid firefighter with a Class C license and who has a certificate of authorization from his fire chief while operating a fire or emergency vehicle registered to the fire department or municipality.

(4) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad while operating any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality.

[(4)] (5) A driver with a Class C license operating a farm vehicle which is controlled and operated by a farmer and used exclusively to transport agricultural products, farm machinery or farm supplies to or from a farm owned or operated by the owner of the farm vehicle. The farm vehicle may not be used in the operations of a common or contract carrier and may be used only within a radius of 150 miles of the farm.

\*\*\*

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

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

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

Mr. Speaker, HB 1484 would provide an exemption for rescue and ambulance squad operators similar to the exemption from the commercial driver's license that firemen presently enjoy under the law.

This amendment would clarify the bill to conform with our intent by providing an additional section under the commercial driver's license act that would provide an exemption for emergency squad and rescue units, and also the amendment provides an exemption for municipally owned equipment, both firetruck and rescue and emergency squad units. Thank you.

The SPEAKER. The Chair recognizes Mr. Wright.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I also concur with this. I think it is a very important amendment. It was originally drafted with Representative Veon.

A lot of our emergency squads in various counties are not necessarily owned by the actual associations but maybe by the counties or by the cities or the municipalities, and this will also include them, which was sort of a quirk in the original bill.

I also concur that we should support this bill. Thank you.

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

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Laughlin	Roebuck
Adolph	Durham	Lawless	Rudy
Allen	Evans	Lee	Ryan
Anderson	Fairchild	Leh	Saloom
Angstadt	Fajt	Lescovitz	Saurman
Argall	Fargo	Levdansky	Scheetz
Armstrong	Farmer	Linton	Schuler
Arnold	Fee	Lloyd	Scrimenti
Barley	Fleagle	Lucyk	Semmel
Battisto	Flick	McCall	Serafini
Belardi	Foster	McGeehan	Smith, B.
Belfanti	Freeman	McHale	Smith, S. H.
Billow	Gallen	McHugh	Snyder, D. W.
Birmelin	Gamble	McNally	Snyder, G.
Bishop	Gannon	Maiale	Staback
Black	Geist	Markosek	Stairs
Blaum	George	Marsico	Steelman
Bowley	Gerlach	Mayernik	Steighner

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

NAYS—0

NOT VOTING—1

Itkin

EXCUSED—4

Freind	Johnson	Noye	Taylor, E. Z.
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The question was determined in the affirmative, and the amendments were agreed to.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Donatucci	Langtry	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Leh	Saurman
Argall	Fargo	Lescovitz	Scheetz
Armstrong	Farmer	Levdansky	Schuler
Arnold	Fee	Linton	Scrimenti
Barley	Fleagle	Lloyd	Semmel
Battisto	Flick	Lucyk	Serafini
Belardi	Foster	McCall	Smith, B.
Belfanti	Freeman	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, F.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nahill	Telek
Carone	Hasay	Nailor	Thomas
Cawley	Hayden	Nickol	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Corrigan	Josephs	Pistella	Williams
Cowell	Kaiser	Pitts	Wilson
Coy	Kasunic	Preston	Wogan
DeLuca	Kenney	Raymond	Wozniak
DeWeese	King	Reber	Wright, D. R.
Daley	Kosinski	Reinard	Wright, M. N.
Davies	Krebs	Richardson	
Dempsey	Kruszewski	Rieger	O'Donnell,
Dent	Kukovich	Ritter	Speaker
Dermody	LaGrotta	Robinson	

NAYS—0

NOT VOTING—0

EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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 2300, PN 2927**, entitled:

An Act redesignating the South Street Bridge (S.R. 2007) in Luzerne County as The Ellis Roberts Bridge.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Donatucci	Langtry	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Leh	Saurman
Argall	Fargo	Lescovitz	Scheetz
Armstrong	Farmer	Levdansky	Schuler
Arnold	Fee	Linton	Scrimenti

Barley	Fleagle	Lloyd	Semmel
Battisto	Flick	Lucyk	Serafini
Belardi	Foster	McCall	Smith, B.
Belfanti	Freeman	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, F.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nahill	Telek
Carone	Hasay	Nailor	Thomas
Cawley	Hayden	Nickol	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Corrigan	Josephs	Pistella	Williams
Cowell	Kaiser	Pitts	Wilson
Coy	Kasunic	Preston	Wogan
DeLuca	Kenney	Raymond	Wozniak
DeWeese	King	Reber	Wright, D. R.
Daley	Kosinski	Reinard	Wright, M. N.
Davies	Krebs	Richardson	
Dempsey	Kruszewski	Rieger	O'Donnell,
Dent	Kukovich	Ritter	Speaker
Dermody	LaGrotta	Robinson	

NAYS—0

NOT VOTING—0

EXCUSED—4

Freind Johnson Noye Taylor, E. Z.

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 SPEAKER. The House is about to recess until 2 o'clock.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

The Republicans will caucus at 1 o'clock; Republican Representatives will caucus at 1 o'clock.

The SPEAKER. Republican caucus at 1 o'clock.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, the Democrats will caucus at 1 o'clock, and I suppose we resume on the floor at 2?

**RECESS**

The SPEAKER. This House is now in recess until 2 p.m.

**RECESS EXTENDED**

The time of recess was extended until 2:15 p.m.

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(JEFFREY W. COY) PRESIDING****LEAVE OF ABSENCE**

The SPEAKER pro tempore. Without objection, the gentleman from Westmoreland County, Mr. TANGRETTI, will be placed on leave of absence for the remainder of today's session. The Chair hears no objection. Leave will be granted.

**BILLS REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene County, the majority leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I move that the following bills be removed from the table:

HB 1405;  
HB 2032;  
HB 2332;  
HB 2377;  
HB 2378;  
HB 2379;  
HB 2380;  
HB 2403; and  
HB 2412.

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

**CALENDAR CONTINUED****CONSIDERATION OF HB 1403 CONTINUED**

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Billow, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

On the question, the Chair recognizes the gentleman from Allegheny County, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I rise in opposition to concurring on this bill, HB 1403. HB 1403 authorizes this Commonwealth to ask the voters of the State to approve a \$350-million bond issue to continue PENNVEST, and while I believe PENNVEST has done some worthwhile projects across the Commonwealth, in Allegheny County, when you look at the history of PENNVEST, it raises reasons for concern.

The second largest city in the Commonwealth, the city of Pittsburgh, has not been able to gain a PENNVEST loan or grant, though at the same time that it has not been able to do that, it has had to spend significant amounts of money, almost \$200 million, of its own funds raised through bond issues to rebuild the water system in that city. At the same time that the water rates for those residents in that urban area have increased dramatically by rebuilding their system, PENNVEST funds have been used to build systems in more affluent suburban communities surrounding the city of Pittsburgh, particularly in the airport area of Allegheny County. For that reason, I think that the PENNVEST program has to be looked to in a far more serious way than it has been, and for us to approve an additional \$350 million when we clearly see that some urban areas of the Commonwealth are not benefiting, more affluent suburban areas are benefiting, it raises questions.

In addition to this issue, the city of Pittsburgh has a 50-percent overcapacity in its water system, which means that there are significant amounts of water to sell, and yet we face the situation where communities immediately adjacent to Pittsburgh, with the city of Pittsburgh's water line running through those communities, are being approved by PENNVEST to rebuild their water systems. It is clear that that is not a good allocation of Commonwealth funds.

And in addition, one can document the expansion of water systems in rapidly growing suburban communities that provide significant savings and significant development opportunities for private developers and having them pay only a fraction of the amount that it would cost them to build their sewer or water systems independently, for them to pay a fraction of that amount to tie in to this system that is being subsidized with Commonwealth funds.

It is for those reasons that I believe that this program needs a longer and harder look, and it is for those reasons that I oppose at the present time us adding additional funds to this program. If we do not approve it now, we can approve it for the fall election. But what we need to be sure of is that we are not working at cross-purposes with ourselves, that we are not significantly subsidizing suburban growth at the expense of urban areas, that we are not providing significant subsidies to private developers at the expense of older river communities that need to pay for their own improved water systems, and that we are not encouraging the continued division rather than the regionalization of these water systems.



When we originally created PENNVEST, in the late hours of the night we debated that, I was the lone voice of opposition, and on that debate I stood up and I made a prophecy. The prophecy was that much of these funds would be useful to the Commonwealth, but an equal amount would go to subsidizing suburban developments in affluent areas, and I am afraid that that prophecy has been proven correct.

We should not be using limited Commonwealth funds to continue to create a disparity between urban and suburban areas in this Commonwealth, and PENNVEST indirectly and in some cases directly is doing just that, and so until we think about how we are using these funds, we should not be continuing this program. Keep in mind that civilization follows sewer and water lines, and it makes little sense for us to approve a \$100-million farmland preservation bill when at the same time we are putting billions of dollars into expanding sewer and water lines and to act as if there is no relationship between the loss of class A farmland in this Commonwealth and the availability of cheap water and sewer programs to build those lines. There is a relationship. PENNVEST has not recognized that relationship, and for that reason I urge non-concurrence with this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, will the House concur in the amendments placed by the Senate in this legislation?

On the question, the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I also rise and ask for nonconcurrence of HB 1403.

Along with my good colleague, Mr. Murphy, from Allegheny County, I have been very concerned because I have watched continuously grants go to certain water projects that, in my opinion, are not necessary. Also, the water projects are causing the citizens to have to pay a higher rate when there are sources that are available - i.e., the water authority for the city of Pittsburgh - that have the availability and the capacity to sell the water at a much lower rate, guarantee its quality, whereby the construction is not necessary and we could be able to use these funds for much more important projects instead of what I have to feel is nothing but pork-barrel politics in a lot of cases, as far as a lot of the different water systems.

It has come to my attention over and over again that there are municipalities and water authorities within Allegheny County and some of the surrounding areas that have been informed that there are better sources, much more improved sources as far as water is concerned, directly available to them. However, instead of taking advantage of the sources that are available to them, they have gone on the premise that it is easier, much more expensive, much more costly to the users as far as the water system authority, to be able to build these plants, to be able to redevelop other different parcels of water equipment when, in my personal opinion, it is really not necessary.

The facts are there. I do not see how we can continue to go on like this and vote money for one project when it could be used for the infrastructure improvement of other municipalities and help the citizens of Pennsylvania far better.

I would ask for nonconcurrence.

The SPEAKER pro tempore. On the question, the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Mr. Speaker, if I may add that I am a little confused over what I have just heard, in that as a member of the PENNVEST Board and being a representative of the four members of both the Senate and the House, I can attest to the fact that there have been many areas across Pennsylvania, regardless of its geography, that have been able to be helped because of the inception and the will of this General Assembly who put the PENNVEST business at hand to work.

But for those of Allegheny County whom we all respect, we must remind them, as a board member I have never seen an application come across, so therefore, understanding that the rules apply to one as to all, that fine venture in bringing about infrastructure in Pennsylvania to those communities that can ill afford to do it on their own has been one of the best things that this General Assembly has put into action, and all they have to do is apply like any other community, or whatever, and they will get the same consideration. Nothing precludes them from getting that help, with the exception if they do not apply, they simply will not get it. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Somerset County, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I want to make sure that members understand that we are voting on concurrence in the Senate amendment which is a \$350-million-bond-issue referendum question for PENNVEST. Those people who had some concerns about an amendment which I was going to offer should have those concerns alleviated because that amendment is not going to be offered. We are not going to confuse the PENNVEST situation with deferred maintenance at other State-owned facilities.

Having said that, I want to strongly urge concurrence in the Senate amendments to this bill.

I appreciate the comments which have been made by folks from Allegheny County and specifically from the city of Pittsburgh, but this is a critical program in rural Pennsylvania. We very typically have water companies that have 400 or 500 customers. In fact, right now I have one under a DER (Department of Environmental Resources) order that has about 40 customers, and without PENNVEST, there is no way that those small companies can afford to implement the necessary environmental improvements, whether that is a new well or a filtration system or a cap on a reservoir or an upgrade of the sewage treatment plant.

Mr. Speaker, we also understand that this legislation is necessary because after the April meeting of PENNVEST, the money is dry; there is not any more. And if we want to have

some jobs created in the construction industry this summer—and we all have a strong concern about trying to jump-start the economy—this is a tool to do that.

Finally, Mr. Speaker, we should not lose sight of what this bill was originally intended to do for the regionalization of small water systems. Those of us who have companies which are not viable because they are too small and cannot afford to raise their rates enough to make the environmental improvements would receive some assistance - technological, financial, and otherwise - in deciding, under this bill, whether it would be feasible for them to merge with other small companies in the area. That is being reviewed in some rural parts of the State right now, with the potential to save money for customers and also to improve the quality of drinking water.

For all of those reasons, Mr. Speaker, I would strongly encourage those members of the House who come from rural areas such as mine, regardless of which side of the aisle, to vote "yes" for this bill and to strongly campaign for a "yes" vote in the upcoming referendum primary. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, will the House agree to the amendments inserted by the Senate?

On the question, the gentleman from Luzerne County, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in asking for concurrence in Senate amendments on HB 1403. The PENNVEST program is probably the greatest environmental accomplishment that this legislature has instituted throughout its years. It is a successful program. It is a model program that other States envy, and I urge concurrence. It helped many small communities to get sewer protection and reach environmental goals that otherwise would not be able to be achieved.

So I ask for a "yes" vote on concurrence. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Butler County, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. This is an important piece of legislation for both sides of the aisle. Without the passage of HB 1403, hundreds of PENNVEST projects throughout the Commonwealth would go undone; thousands of construction jobs scheduled to begin this year would go unfulfilled and unfilled; economic development initiatives throughout this State would be stymied or stopped altogether.

Mr. Speaker, as this General Assembly - and again, both sides of the aisle - has repeatedly supported major economic initiatives for our good friends from Allegheny County, such as the expansion of the international airport and appropriating millions of State dollars for an important economic development project not only for Allegheny County but for all southwest and western Pennsylvania, I would ask for the unanimous support of this General Assembly for a piece of

legislation that is important to all of Pennsylvania and crosses the boundaries of both sides of the aisle in this House of Representatives.

I would ask for the support of the Senate amendments and concurrence for HB 1403. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Representative Evans.

Mr. EVANS. Mr. Speaker, I, too, rise to ask that members on both sides of the aisle concur on Senate amendments regarding HB 1403.

Mr. Speaker, the Department of Environmental Resources has taken inventory of the number of projects that will need to be conducted over the next 4 to 5 years. We need to pass this particular issue so that it can go on the ballot, so that the inventory that has been taken by the Department of Environmental Resources, so those projects can be completed.

Mr. Speaker, if you recall when the Governor was speaking in the State of the State address, he talked about the acceleration process of generating jobs and things we need to do in Pennsylvania. Clearly, this is an opportunity for all of us, no matter whether we be from rural, suburban or urban, to do the right thing and concur on HB 1403. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think that I have heard a lot of discussion on HB 1403, which passed this House before and went to the Senate. The debate should really be, I think, on those Senate amendments and whether we want to concur in them rather than redebate the original bill.

However, with regard to those Senate amendments, and this is rather a procedural question than a debate specifically on whether there should be concurrence or not, but I am wondering if at least under interrogation the Appropriations chairman could tell us what the fiscal note was that accompanied these Senate amendments so that we would have some idea of how much is involved in this financially.

The SPEAKER pro tempore. Is the gentleman seeking to interrogate the chairman of the Committee on Appropriations?

Mr. SAURMAN. Yes.

The SPEAKER pro tempore. The gentleman, Mr. Evans, indicates that he will stand for interrogation. The gentleman, Mr. Saurman, has placed a question. The gentleman, Mr. Evans, may respond.

Mr. EVANS. Mr. Speaker, if I understand the gentleman's question, the only thing it was was a switching of responsibility and there is no fiscal impact as a result of the Senate amendments.

Mr. SAURMAN. That is the question, as to what the financial note is for those Senate amendments, and I understand that that comes as a fiscal note along with the transmittal of the Senate amendments. I am not sure of that procedure. I am

asking, first of all, if that is what happens, and secondly, if that is what happens, could you share with us what the cost was, the fiscal note that the Senate amendments brought about or would result in?

The SPEAKER pro tempore. The Chair heard the gentleman's response to indicate that there is no fiscal impact on the amendments placed by the Senate in the bill; there is no fiscal impact in the amendments placed by the Senate.

Mr. SAURMAN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the gentleman from Allegheny County, Mr. Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

Very briefly and to address the chairman of the Conservation Committee, the reason why the city of Pittsburgh and the water authority have not made application is because we floated bonds for \$193 million to do our own repairs instead of waiting for someone else to help us out, and the other reason, because of this, is that the rate that we get is cheaper. It is far cheaper, and it would cost us money and it would be much more expensive for us to make application to the Commonwealth of Pennsylvania under the current PENNVEST plan. All our biggest objection is that the PENNVEST plan has continuously approved several different water projects within Allegheny County that we could have sold water to at a far cheaper rate and guaranteed a rate for many more years to come than it would have cost those other applications to be able to sell to their own residents and the rates that they would have been paying.

The people now are paying higher rates. We even currently now have citizens in the city of Pittsburgh that we are subsidizing their rates because our rates are cheaper versus another water company. This continuously happens that we have had water companies within the immediate vicinity that we could have sold the water cheaper for, but yet since PENNVEST has continuously given some of these pork-barrel projects to different water companies, then therefore those water companies charged the citizens a much higher rate. Even all the way up to— And I can truly say, we are willing to go to Butler or Beaver County and even sell you water at a much cheaper rate than what it costs you to build a new water plant. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Montgomery County, Mr. Reber.

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

Mr. Speaker, I rise today and similarly, like some of my other colleagues, support concurrence in HB 1403, and I think I would be fair in saying that I also recognize and, as a member of the PENNVEST Board, I have had some of the concerns that have been raised by my colleagues in Allegheny County regarding the manner in which funding is carried out throughout the Commonwealth of Pennsylvania relative to the PENNVEST program.

Mr. Speaker, I think it is important today that we move forward with this particular authorization for referendum consideration of the amount of money involved, but I think it is also incumbent upon us, when and following and if the voters do authorize such and we move forward with the implementing legislation relative to this, that we do in fact consider, consider exactly how the allocations are being made to the various applicants from our authorities, from our municipalities around the Commonwealth of Pennsylvania.

Frankly, Mr. Speaker, and for the information of all the members who may not be aware of it, a number of months ago—and I stress that—a number of months ago, as a new member of the PENNVEST Board, I inquired of the staff and the administration as to the manner in which this money is being distributed and whether there is equity in the distribution process across the Commonwealth. To be quite honest, Mr. Speaker, I have not yet received a response to that. I think such response, since it has not been forthcoming, is certainly something that we here today have heard from a number of members on both sides of the aisle, a concern with that issue - the issue being the allocations to all worthy applicants but yet an equitable and fair distribution across the Commonwealth of what is in fact a model program in the environmental field.

So, Mr. Speaker, today we should be about the business of the House in concurring with HB 1403. This particular issue will certainly reoccur before this House when and if the referendum is approved. I think at that time the debate should be candid, the debate should be open, and by that time I certainly hope that the staff on the PENNVEST Board has responded to the House in general and to this member of the board specifically, and for the record, I would ask that that be done again, in the event they have lost the transmittal correspondence, so we can in fact take a look at many of the concerns that trouble members on both sides of the aisle. I think it is the only fair thing to do. Today, though, we should get about the business and concur in HB 1403. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Columbia County, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in concurrence to HB 1403, in concurrence with the Senate amendments, and the reason I do this, I think this is one of the better programs that have been instituted here in the State. I come from one of those rural areas where we have many local communities now under orders to put in sewer systems or to improve their sewer systems. I have seen industrial and economical change in growth that has taken place with these loans that have come from PENNVEST, and I think along with the PIDA (Pennsylvania Industrial Development Authority) program, the PENNVEST program, I think this is the jump-start for what we have got to do to get Pennsylvania back on the road.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Wright.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I would like to interrogate the chairman of the Appropriations Committee.

The SPEAKER pro tempore. The gentleman, Mr. Wright, seeks to interrogate the gentleman, Mr. Evans. The gentleman, Mr. Evans, indicates that he will stand for interrogation. The gentleman, Mr. Wright, is in order and may proceed.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I just have a question about the fiscal impact. Is it my understanding that a certain portion of the PENNVEST program goes out in grants?

Mr. EVANS. There is a certain portion of it, Mr. Speaker.

Mr. M. N. WRIGHT. Then I would assume that that part that goes out in grants would not be recouped back in a loan program.

Mr. EVANS. Correct, depending on the cost of the project, Mr. Speaker.

Mr. M. N. WRIGHT. Then would we need a fiscal impact for that amount that we are not getting back in a loan?

Mr. EVANS. Not at this point, Mr. Speaker. Let me explain this to you again. As the amendments were added in the Senate, one, I indicated that it had no particular fiscal impact. What I stressed to you, Mr. Speaker, is that the purpose of this is to deal with the inventory that was established by DER. So the purpose of it is to deal with the water infrastructure, the projects that we have established, Mr. Speaker.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker. That is all.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question for the second time, the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, either I did not hear the right answer or did not ask the right question, I think, when I was speaking and requesting to interrogate the Appropriations Committee chairman. If I may do that again so that I could clarify the results, I would appreciate it.

The SPEAKER pro tempore. Will the gentleman, Mr. Evans, stand for further interrogation? He indicates that he will. The gentleman, Mr. Saurman, is in order and may proceed.

Mr. SAURMAN. Thank you, Mr. Speaker.

My question specifically before was the fiscal note that had to do with the amendments that were put in by the Senate. The answer that I received was that there was no fiscal impact, and I was satisfied with that because I had not had an opportunity to check what those Senate amendments were. But one of the amendments that was put in in the Senate was the authorization for a \$350-million bond issue. Now, that is to provide a combination of loans and some of it would be grants, as Representative Wright indicated, but even if it were all loans, they are low interest rates. Therefore, we are subsidizing at least that interest.

I do not see how it is possible that we can initiate and in these next several years that are coming have no fiscal impact to the State for a \$350-million bond issue. We are not going to receive back all of the money that we loan out. Some of it is going to be in the form of grants. It seems to me that there is a cost involved, and I think we ought to know what that cost is when we are voting on these amendments.

Mr. EVANS. Mr. Speaker, if I understand the gentleman, is there a fiscal impact upon this Commonwealth? Absolutely. There is a fiscal impact of the \$350 million that, one, eventually has to be paid for and, two, the issue of debt service, first.

Secondly, Mr. Speaker, on the issue of the amendments that came out of the Senate, as I expressed to you before, it is a switching of responsibility. As a matter of fact, \$1 million was stricken from this particular bill when it went over to the Senate, Mr. Speaker, dealing with the small water systems.

Mr. SAURMAN. I can understand that the original bill that went had no fiscal impact, but I still cannot understand how we can float bonds. There is at least a cost for the cost of advertising. There certainly is a major concern for the repayment of those bonds, the debt service which is a part of what we are doing. We just cannot escape those things. There are costs involved, and I do not see how we can say there is no fiscal impact to floating a \$350-million bond issue on this issue or any issue that we pass. It is my understanding that the debt service at this time is over \$650-some million, that this issue itself will add another \$50 or \$60 million of debt service to what we already have. That is a fiscal impact as I see it. Somebody has to pay that, and I think we ought to be aware of that if we are dealing with something. I just cannot personally accept that there is no fiscal impact on the issuing of \$350 million of bonds. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Cambria County, Mr. Billow.

Mr. BILLOW. Mr. Speaker, one of the things I would like to point out on the amendments that we agreed to being inserted by the Senate, specifically the PENNVEST referendum amendment, is that PENNVEST does not mandate anybody to file an application and do an improvement with PENNVEST moneys. Those authorities and small townships and small boroughs that are faced with citations to improve their water and sewer systems have the responsibility to look at the cheapest possibility of doing the job, and in almost every instance that I know of, the PENNVEST was the cheapest way to go. In fact, there are a number of communities that could not have updated and upgraded their water system, their sanitary sewer system, without the acquisition of PENNVEST funds.

We have a real serious problem statewide. This is not a problem that you look at strictly from a Philadelphia or a Johnstown or a Pittsburgh. This is a problem across the State, especially in the smaller communities that are in the rural areas. They do not have the customers. They cannot upgrade their systems as they are required to do by Federal and State

law, and that is how this bill came into being, so that they would have an opportunity to look into the feasibility of joining with other small communities so that they could have one system and so that they could upgrade these so that the customers would be treated equitably and fairly and at the lowest possible cost.

I strongly ask for your concurrence for the people in the rural areas and in the poor urban areas so that this can get on the ballot, and let the people, let the residents of Pennsylvania decide. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those voting to concur in the amendments placed by the Senate in HB 1403 will vote "aye"; those voting to nonconcur will vote "no."

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

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

**YEAS—188**

- |             |           |            |               |
|-------------|-----------|------------|---------------|
| Acosta      | Dent      | Kruszewski | Ritter        |
| Adolph      | Dermody   | Kukovich   | Roebuck       |
| Allen       | Donatucci | LaGrotta   | Rudy          |
| Anderson    | Durham    | Langtry    | Ryan          |
| Angstadt    | Evans     | Laughlin   | Saloom        |
| Argall      | Fairchild | Lawless    | Scheetz       |
| Armstrong   | Fajt      | Lee        | Schuler       |
| Arnold      | Fargo     | Leh        | Scrimenti     |
| Barley      | Farmer    | Lescovitz  | Semmel        |
| Battisto    | Fee       | Linton     | Serafini      |
| Belardi     | Fleagle   | Lloyd      | Smith, B.     |
| Belfanti    | Flick     | Lucyk      | Smith, S. H.  |
| Billow      | Foster    | McCall     | Snyder, D. W. |
| Birmelin    | Freeman   | McGeehan   | Snyder, G.    |
| Bishop      | Gallen    | McHale     | Staback       |
| Black       | Gamble    | McHugh     | Stairs        |
| Blaum       | Gannon    | Majale     | Steelman      |
| Bowley      | 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   | Taylor, F.    |
| Cappabianca | Hagarty   | Mrkonic    | Taylor, J.    |
| Carlson     | Haluska   | Mundy      | Telek         |
| Carn        | Hanna     | Nahill     | Thomas        |
| Carone      | Harley    | Nailor     | Tigue         |
| Cawley      | Harper    | Nickol     | Tomlinson     |
| Cessar      | Hasay     | Nyce       | Trello        |
| Chadwick    | Hayden    | O'Brien    | Trich         |
| Civera      | Hayes     | Olasz      | Tulli         |
| Clark       | Herman    | Oliver     | Uliana        |
| Clymer      | Hershey   | Perzel     | Van Horne     |
| Cohen       | Hess      | Pesci      | Vance         |
| Colafella   | Hughes    | Petrarca   | Veon          |
| Colaizzo    | Itkin     | Petrone    | Vroon         |
| Cole        | Jadlowiec | Phillips   | Wambach       |
| Cornell     | James     | Piccola    | Williams      |
| Corrigan    | Jarolin   | Pistella   | Wilson        |
| Cowell      | Josephs   | Pitts      | Wogan         |
| Coy         | Kaiser    | Raymond    | Wozniak       |
| DeLuca      | Kasunic   | Reber      | Wright, D. R. |
| DeWeese     | Kenney    | Reinard    |               |
| Daley       | King      | Richardson | O'Donnell,    |
| Davies      | Kosinski  | Rieger     | Speaker       |
| Dempsey     | Krebs     |            |               |

**NAYS—8**

- |           |         |          |               |
|-----------|---------|----------|---------------|
| Heckler   | McNally | Preston  | Saurman       |
| Levdansky | Murphy  | Robinson | Wright, M. N. |

**NOT VOTING—0**

**EXCUSED—5**

- |         |      |           |               |
|---------|------|-----------|---------------|
| Freind  | Noye | Tangretti | Taylor, E. Z. |
| Johnson |      |           |               |

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

Ordered, That the clerk inform the Senate accordingly.

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 1067, PN 1800**, entitled:

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," further defining "normal farming operations"; further providing for agricultural security areas, for decisions on proposed areas and for agricultural conservation easements; increasing limitation on debt obligations; and making an appropriation.

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene County, Mr. DeWeese, the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that SB 1067, PN 1800, be recommitted to the Committee on Appropriations.

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

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

**HB 1669, PN 3224 (Amended)**

By Rep. MURPHY

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

**INSURANCE.**

**HB 1670, PN 3225 (Amended)**

By Rep. MURPHY

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 the purposes of incorporation, for capital stock,

surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

INSURANCE.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene County, Mr. DeWeese, the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that rule 30 of the House be suspended so that when the extracts from the Senate are returned to the House concerning HB 795 and HB 1549, the bills go directly to the calendar.

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

The following roll call was recorded:

YEAS—192

Acosta	Dermody	Kukovich	Robinson
Adolph	Donatucci	LaGrotta	Roebuck
Allen	Durham	Langtry	Rudy
Anderson	Evans	Laughlin	Ryan
Angstadt	Fairchild	Lawless	Saurman
Argall	Fajt	Lee	Scheetz
Armstrong	Fargo	Leh	Schuler
Arnold	Farmer	Lescovitz	Scrimanti
Barley	Fee	Levdansky	Semmel
Battisto	Fleagle	Linton	Serafini
Belardi	Flick	Lloyd	Smith, B.
Belfanti	Foster	Lucyk	Smith, S. H.
Billow	Freeman	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.
Bishop	Gamble	McHale	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Stelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Stuban
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Taylor, F.
Cappabianca	Haluska	Mundy	Taylor, J.
Carlson	Hanna	Murphy	Telek
Carn	Harley	Nahill	Thomas
Carone	Harper	Nailor	Tigue
Cawley	Hasay	Nickol	Tomlinson
Cessar	Hayden	Nyce	Trello
Chadwick	Hayes	Olasz	Trich
Civera	Heckler	Oliver	Tulli
Clark	Herman	Perzel	Uliana
Clymer	Hershby	Pesci	Van Horne
Cohen	Hess	Petrarca	Vance
Colafella	Hughes	Petrone	Veon
Colaizzo	Itkin	Phillips	Vroon
Cole	Jadlowiec	Piccola	Wambach
Cornell	James	Pistella	Williams

Corrigan	Jarolin	Pitts	Wilson
Cowell	Josephs	Preston	Wogan
Coy	Kaiser	Raymond	Wozniak
DeLuca	Kasunic	Reber	Wright, D. R.
DeWeese	Kenney	Reinard	Wright, M. N.
Daley	King	Richardson	
Davies	Kosinski	Rieger	O'Donnell,
Dempsey	Krebs	Ritter	Speaker
Dent	Kruszewski		

NAYS—0

NOT VOTING—4

McHugh	Mrkonic	O'Brien	Saloom
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EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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 BILLS  
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 795, PN 2977**; and **HB 1549, PN 3106**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS ON THIRD  
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2442, PN 3155**, entitled:

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), known as the "Lottery Fund Preservation Act," further providing for responsibilities of the Department of Aging, for pharmaceutical purchasing, for legislative intent, for definitions and for rebate agreements; providing for pharmaceutical purchasing discounts and for new best prices; and further providing for prudent pharmaceutical purchasing contracts and expiration.

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

Mr. STUBAN offered the following amendment No. A0814:

Amend Sec. 1 (Sec. 303), page 4, line 27, by inserting after "program.

This paragraph shall not apply if a prescriber can demonstrate to the department that:

(i) The claimant is in danger of an adverse reaction from use of the generic therapeutically equivalent drug required by paragraph (9).

(ii) Use of the prescribed brand name drug would eliminate the danger of the adverse reaction.

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, when we devised this bill and asked for a generic drug, there were some questions about if the generic would affect that person in some way or have some effects to it, what we could do. What we did with this amendment is allow them to set up a review board to review the drug and the doctor could get with regulations and will set up some way to resolve that problem.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—3

Armstrong	DeLuca	Mrkonic
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EXCUSED—5

Freind Johnson	Noye	Tangretti	Taylor, E. Z.
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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. RYAN offered the following amendments No. A0794:

Amend Sec. 4, page 8, line 21, by striking out "Sections 503(e) and" and inserting

Section

Amend Sec. 4 (Sec. 503), page 8, lines 23 through 30; page 9, lines 1 and 2, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, last year when we reviewed this whole process, I guess, we removed from the law the so-called formulary provisions. Now, we felt at that time and feel now that this is not necessary in light of the fact that the Federal Government is far better equipped than we are to review drugs and the various effects of drugs on the individuals taking them.

Pennsylvania, in my judgment, is not today set up in any way that they are able to do that, particularly this department of Pennsylvania government. Maybe the Department of Health, which has the right to review certain drugs, they are able to do it, but this department is not able to do it.

It seems to me, Mr. Speaker, that one of the dangers you have is an overaggressive Secretary of Aging, perhaps, with a problem meeting a budget and a realistic problem with it, who all of a sudden just decides to take off the approved list of drugs certain drugs simply because they are too expensive. I do not believe the present Secretary would do that, but I do not believe either that it is necessary that this provision be put into the law to tempt perhaps some future Secretary. It serves no useful purpose as a protectant because the Federal Government does that. They are better equipped to do it. They have the testing facilities; they have the financial facilities, the financial backing to do it, and I believe that we are serving no useful purpose in providing this in the bill today after having taken it out last year.

There has been no demonstrated need for this provision of review since we took it out last year other than perhaps the whim of whoever it is who decided they wanted it back in, and I suspect that that whim came from some member of the bureaucracy. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the gentleman from Columbia County, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I will have to object to this amendment, and the reason I object to this amendment, the bill does say that we use class A generics. Those are approved by the FDA

(Food and Drug Administration). Our Health Department has that approval.

I think what we are doing with this amendment— And, Mr. Speaker, if you recall, when we were in that process and the bill did come back from over at the Senate, prior to it going over—and I guess we did some procedures here—you said that it was a shame that we had to move that measure, that we were just this far apart. When the bill came back over here from the Senate, I said then that, you know, now the bill is back and the only thing is we are going to have to review that in a year and we are this far apart. I think if we take this amendment out of here, what we are going to do is just widen that gap two or three times further, and the reason we are going to do that is we are going to take away the bargaining chip from the Department of Aging to deal with a drug price. If something happens here that this price inflation and increase continues to go, that stops the department from going out and dealing with somebody and saying, this is the drug; we could buy it right; it is a class A drug; it could do the job, and that is the drug we are going to pay for.

So I would ask for an affirmative vote on the amendment. Not an affirmative vote. Give me a negative vote on that amendment. It will cost us a lot of money. It might not cost us this year, but down the road it is going to cost us a lot of money.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, twice the gentleman, Mr. Stuban, made my argument - first when he asked you to vote for the amendment and secondly when he told you very frankly—and Mr. Stuban and I have been getting along I think for years—and he made my argument when he said to you that having this in the bill gives the Secretary a bargaining chip. Is that what we want the Secretary to do when we are talking about the lives of people? Give them bargaining chips so that they can go—and I am not saying this Secretary—so a Secretary of Aging can go to a medical company, a pharmacy, a pharmaceutical company and say, you lower your prices or with my power under the formulary provisions of this act, I can drop your drug as an approved drug and force the people of Pennsylvania to take a class A generic? They are the words of Mr. Stuban, not mine.

So I will now repeat his other words and agree with him wholeheartedly. Support the amendment.

The SPEAKER pro tempore. On the question, the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

That is the trouble with an auctioneer once in a while. He misrepresents things and then he goes back and tells you the truth.

Well, you know, the thing that is happening here, you know, it does not give that Secretary the sole bargaining power because we would have to go through the regulations and the other processes here, but I think this is what we are doing with this legislation here today. If you notice, the big

issue across the United States and the big issue here is how we could hold down health costs, and this is one of the costs that we have to hold down, drug costs. And I think when we have got the drug companies and everybody else out there conspiring with runaway prices, we here in the State, who are the biggest purchasers and buy most of the drugs, have to have a way to control that system, and I think, you know, the drug companies have that system that they use and it is a selling system. They use it with the chains; they use it with the small independent, and they pit each other against each other for the best price, and I think we ought to have that opportunity to do that, too.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Montgomery County, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, this particular amendment addresses, in my opinion, a very, very real problem, and I hope people are listening carefully because it is something that in years to come will come back and grab you. If we establish our own formulary, in other words, do not go with the Federal guidelines, I can tell you right now people sitting up in that balcony are going to come back to you this year, next year, the year after, and say, you know, the medicine that I needed, the one that I needed to maintain my health and my quality of life, they have just eliminated, and in order for me to continue to do it, I have got to pay for it myself.

If that is what you want, if you want to talk about limitations rather than the full quality of life, you will vote against this amendment. If you want to treat your senior citizens the way they should be treated, you will definitely vote for it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. King.

Mr. KING. Mr. Speaker, the amendment that Representative Ryan put forth and Representative Nahill has just alluded to is extremely important to our senior citizens in that we are talking about available medicines that would be brought to bear on the treatment of our citizens, and the basic fundamental question that we have to address in voting on this amendment is whether or not the physician's medical acumen and skills and the patient's condition and the physiology will be the determining factor of medicines available to our patients or will it be some fundamental bottom line of an accountant's ledger card.

I stand here today to go on record in saying to you that this bill being pushed forward today in the quickness of this hour, while we want to all stand here and rescue the available programs for our senior citizens, we must not let the assumed cure be worse than the ailment. At this time this bill is going forth, there is plenty of evidence to indicate that there have been improvements in the PACE (Pharmaceutical Assistance Contract for the Elderly) program and that the Secretary's position on pushing this bill at this time is a little bit prema-



ture. I say to you as a health care professional that there is not a time in which a physician puts forth that prescription and puts his name on it that he is not bringing his skill and experience to bear on that patient's condition, and that when he indicates the need for a particular prescription, there must be an opportunity, if this PACE program is going to be a valid one, that we put forth the proper medication to the proper time to the proper patient.

We must go forth and support this amendment and protect the right of our senior citizens to have those drugs available to them in their time of need. It is your parents; it is your grandparents; it is your children in the future who are going to be in need of those caring and those medicines, so I ask for support of this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—96

Adolph	Davies	Herman	Reber
Allen	Dempsey	Hershey	Reinard
Anderson	Dent	Hess	Ryan
Angstadt	Donatucci	Jadlowiec	Saurman
Argall	Durham	Kenney	Scheetz
Armstrong	Fairchild	King	Schuler
Barley	Fajt	Langtry	Semmel
Belfanti	Fargo	Lawless	Serafini
Birmelin	Farmer	Lee	Smith, B.
Black	Fleagle	Leh	Smith, S. H.
Boyes	Flick	McHugh	Snyder, D. W.
Brown	Foster	Marsico	Snyder, G.
Bunt	Gallen	Merry	Stairs
Bush	Gannon	Micozzie	Strittmatter
Carlson	Geist	Nahill	Taylor, J.
Carone	Gerlach	Nailor	Telek
Cawley	Gladeck	Nickol	Tomlinson
Cessar	Godshall	Nyce	Tulli
Chadwick	Gruppo	O'Brien	Uliana
Civera	Hagarty	Perzel	Vance
Clark	Harley	Phillips	Vroon
Clymer	Hasay	Piccola	Wilson
Cornell	Hayes	Pitts	Wogan
DeLuca	Heckler	Raymond	Wright, M. N.

NAYS—98

Acosta	Freeman	Lucyk	Rudy
Arnold	Gamble	McCall	Saloom
Battisto	George	McGeehan	Scrimenti
Belardi	Gigliotti	McHale	Staback
Billow	Gruitza	McNally	Steelman
Bishop	Haluska	Maiale	Steighner
Blaum	Hanna	Markosek	Stetler
Bowley	Harper	Mayernik	Stish
Broujos	Hayden	Melio	Stuban
Butkovitz	Hughes	Michlovic	Sturla
Caltagirone	Itkin	Mihalich	Surra
Cappabianca	James	Mundy	Taylor, F.
Carn	Jarolin	Murphy	Thomas
Cohen	Josephs	Olasz	Tigue
Colafrilla	Kaiser	Oliver	Trello
Colaizzo	Kasunic	Pesci	Trich
Cole	Kosinski	Petrarca	Van Home
Corrigan	Kruszewski	Petrone	Veon
Cowell	Kukovich	Pistella	Wambach
Coy	LaGrotta	Preston	Williams
DeWeese	Laughlin	Richardson	Wozniak
Daley	Lescovitz	Rieger	Wright, D. R.
Dermody	Levdansky	Ritter	
Evans	Linton	Robinson	O'Donnell,

Fee Lloyd Roebuck Speaker

NOT VOTING—2

Krebs Mrkonic

EXCUSED—5

Freind Noye Tangretti Taylor, E. Z.  
Johnson

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. RYAN offered the following amendments No. A0812:

Amend Sec. 1 (Sec. 303), page 2, line 7, by inserting a bracket before "\$4"

Amend Sec. 1 (Sec. 303), page 2, line 16, by striking out the bracket before "The"

Amend Sec. 1 (Sec. 303), page 2, line 28, by inserting after "502.]"

\$5 for each generic prescription and \$10 for each brand name prescription. The copayment for a brand name drug shall, however, be \$5 if no A-rated generic equivalent drug is available.

Amend Sec. 1 (Sec. 303), page 3, lines 23 through 30; page 4, lines 1 through 28, by striking out "(9) Notwithstanding any other statute or" in line 23, all of lines 24 through 30, page 3, all of lines 1 through 27 and "(11)" in line 28, page 4 and inserting

(9)

Amend Sec. 1 (Sec. 303), page 5, line 3, by striking out "(12)" and inserting

(10)

Amend Sec. 1 (Sec. 303), page 5, line 16, by striking out "(13)" and inserting

(11)

Amend Sec. 1 (Sec. 303), page 6, line 10, by striking out "(14)" and inserting

(12)

Amend Sec. 1 (Sec. 303), page 6, line 12, by striking out "(15)" and inserting

(13)

Amend Sec. 1 (Sec. 303), page 6, line 16, by striking out "(16)" and inserting

(14)

Amend Sec. 1 (Sec. 303), page 6, line 24, by striking out "(17)" and inserting

(15)

Amend Sec. 1 (Sec. 303), page 7, line 3, by striking out "(18)" and inserting

(16)

Amend Sec. 1 (Sec. 303), page 7, line 7, by striking out "(19)" and inserting

(17)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, the amendment that I have to offer at this time is not one that I ordinarily would take much pride in offering. As a matter of fact, quite the contrary. Ordinarily I would run away from it. However, the majority party here seems to be hell-bent on meddling with the lives of our seniors by forcing them to take generic drugs and not

giving them the opportunity, the same opportunity that they now have today. If their physician says you need a name-brand drug, they say that is no good; we are not going to stay with today's law; we are going to make you take a generic drug unless you want to pay the full ticket, the full price for the name-brand drug. And the Secretary of Aging put out a publication, and in that publication she did indicate that the average price of a name-brand drug was some \$19.23 compared to a generic drug which had an average price of \$6.95. So what your bill, Mr. Speaker, would do is say that if I want a name brand instead of a generic, I would have to pay the difference between \$6.95—and I am using the Secretary's averages; this, of course, would differ, depending on what drug you are using, but these are her numbers, not mine—you would pay the difference between the \$6.95, call it \$7, and \$19.23, call it \$19. You will pay that \$12 plus \$6 copay. So you would pay \$18 of this \$19.23 drug if you want the name brand. If you do not want the name brand, if you want to go along with the program proposed by the Secretary, then you pay simply the \$6 amount for the generic.

Now, what I am suggesting be done, because I believe that there are an awful lot of people out there who want to use their name brands that they have been familiar with, that they have been taking over a large number of years, particularly older people— They see— My mother, God rest her soul, she is dead now some 20 years or something, but nobody could ever convince her that an Acme-brand aspirin was as good as Bayer aspirin. I mean, Bayer aspirin was it. That is what you took. You took Bayer aspirin. Maybe it was the advertisements; I do not know. But Bayer aspirin is what you took. You did not take el cheapo out of the supermarket where you could save half the price. You took Bayer aspirin. The others would not work. And I think that is particularly true of our older people. They get into a name-brand drug and they are absolutely convinced in their mind that this brand and this brand alone will do the job because this is the brand their doctor told them to use and the brand their doctor prescribed for them and the brand they have been taking for 1 year, 2 years, 3 years. Think of yourselves. Think of your parents. Think of any of the other elderly whom you are close to and I believe you will agree that I am right.

Now, what I am suggesting we do, rather than penalize these people who have a mindset that they want that name brand that they have always had, I am saying penalize them a little bit. Do not charge them \$18 on a \$19.23 drug, and that is what this is. Charge them \$10, a total of \$10. Do what we are doing in our prescription plan, if you will. Charge them \$5 for generics and \$10 for name brand. In other words, they are paying a penalty, if you will, to have the name brand. They are paying a premium to have a name brand, but they are not paying it to the extent that it is being called for under this bill. They are paying an extra \$5, not an extra \$12 under the factual situation that I set forth.

I think it is particularly cruel of us to impose that kind of a cost on our senior citizens when they want this \$19.23 name brand to charge them some \$12 for it plus \$6, the copay, or a

total of \$18 for it when the people who are on welfare, the people on welfare in Pennsylvania, are not required to take a generic drug. Why do we require the people, our older citizens, who have a PACE card to take a generic while the people on welfare we do not require them to take a generic? That just does not seem equitable to me.

I am suggesting therefore that this is a compromise of a sort. We are charging them this slight premium of \$5 to get the name-brand drug if that is what they want. Other than that, it is \$5 for the generics. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker, Mr. Ryan, I will say the perpetrator of this amendment, has gone on quite a bit about what it would do.

First of all, the first thing I would like to say is, people who are on medicaid—and those people on medicaid, by the way, are not only welfare recipients, but they are also senior citizens. One-quarter of all medicaid goes to senior citizens in long-term care facilities called nursing homes—they are required, it is my understanding they are required to use generic drugs. Not only are they required to use generic drugs with therapeutic of the A classification, they must go one step lower. They must accept generic drugs B therapeutic classification. So let us get straight that we are not telling people what kind of drugs they may use when we are talking about public funds. We are. That is the first thing I would like to clarify.

Now, let us take a look at the amendment. The amendment says that we will now lower the copay from \$6 to \$5 for everyone except those people, except those people who decide they want to buy a Cadillac when they can get the same result from a Chevy. That is what we are doing. And when you look at the drug formulary, there is in excess of 35 percent of the drugs that are brand-named only. Those people under the proposed bill and under the current system still pay only \$6. What we are requiring is that anyone who wants a brand name for which there is an A-rated therapeutic generic available must pay the differential. Is that fair? Well, you may find someone who says that is not fair; I still want to use Bayer aspirin when Acme will do. The question is not, is it fair to the individual? The question remains, is it fair to the system and the program that we refer to as PACE? I would say that it is not.

We asked the senior citizens last summer to make certain changes to our program. They accepted them. How many here have received complaints because they have to pay \$6 for a medication which costs \$60? I daresay not many people have complained about the \$6 copay.

The point is, under the current PACE law, because drug manufacturers have refused to give a rebate, they cannot get certain drugs which are allowed under the program. In other words, certain brand-name drugs are now not available under the PACE program because pharmaceutical companies have

refused to give the State, the PACE program, a discount. So it is not as simple as saying, we can give the senior citizens whatever they want. We are fooling ourselves. If we continue to cater to these ideas that, well, let us give them whatever they want, they know as well as we do we are going to be back here every single year trying to save this fund.

Keep the \$6 copay. Those people who want Cadillacs when a Chevy will do should pay the difference, and let us defeat the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Mr. Ryan says his amendment is a compromise, but I think it is more. Instead of a white flag, it is a torpedo. It is a torpedo aimed at basically scuttling this program, because he knows very well that next year or the following year, with his amendment in this program, this program is doomed.

I hope Mr. Ryan realizes that the difference between a generic and a pharmaceutical name brand is based upon what is considered by the Food and Drug Administration as the efficacy factor, and the difference between a name brand and a generic has an efficacy rate of about 3 percent. The difference is about 3 percent, Mr. Speaker, between a generic or a name brand. So we are saying that it is the same apple. It may not be polished as bright or as red, but it is the same apple.

I have to ask for a negative vote on the Ryan amendment. I think Mr. Ryan knows that this is a torpedo, not a white-flag compromise, and this amendment will doom the PACE program. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman from Montgomery County, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, when we established this program, we did it because it was the humane thing to do to help our senior citizens economically, to give them the financial wherewithal to live their life without a worry about spending all their money, their hard-earned money, on drugs. We have gone from being humane to being economical.

Mr. Speaker, I object to making a senior citizens program based only on economics. I think we have taken the reason for this particular piece of legislation and made us look like a grinch, and I think it is totally wrong, and I support the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Mercer, Mr. King.

Mr. KING. I just want to say, Mr. Speaker, that if anybody wants to say that generic drugs and brand-name drugs are apples and apples, then I say that they do not understand the chemistry between these drugs and the reactions that these drugs can perpetrate on the patient. So let us not put an equivalency here in the chemistry of these drugs. There is a vast degree of difference in the components of these drugs which adversely interact on those patients, so let us not let anybody go unchallenged here on the similarities between brand-name drugs. There are those drugs which do very well

substitute for brand-name drugs. I am not here to say that all are wrong, but there is a difference in many of those drugs and the usages, and let us not forget that. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment and there are many reasons I oppose the amendment. There are many drug plans that now require—and some are from multimillion-dollar corporations—where they require that people take generic drugs. If you look at the fiscal note that was passed out on your desks, this is the reason we are here today, and if we should adopt this amendment, we will be here again tomorrow and the next day and the following days to resolve this whole issue.

We are not forcing this upon the senior citizens. The department is not forcing it on the senior citizens. If you would have seen the senior citizens who were down in the rotunda today, the senior citizens who have communicated with my office, AARP (American Association of Retired Persons) and all the other organizations, that is one thing I can say about the elderly population of the State of Pennsylvania: they know that there is a problem there. They know that it is getting costly and the drug companies are ripping off the system, and they are willing to take class A generics to resolve that problem.

I oppose this amendment because I think it is hogwash here that we are trying to say that the generic, class A generic, is not as good as the drug, because in most cases the drug company that had the name-brand drug has now got a branch corporation out there that is making the generic drug and selling it out there, so they are making all the bucks.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Northumberland County, Mr. Belfanti.

Mr. BELFANTI. Would the gentleman, Mr. Stuban, stand for interrogation?

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

Mr. BELFANTI. Mr. Speaker, at face value I could see some merit in the amendment as proposed by the gentleman, Mr. Ryan. The question I have is, the legislation without this amendment, which requires that the participant pay the difference between a class A generic and a name-brand drug—Let us ask, for example, when a participant accepts the class A generic and therefore only pays the \$6 and after a period of 2 months, let us say that person is taking a beta-block blood pressure pill and he has been taking a name-brand beta-block blood pressure pill for any number of years and it has worked very effectively, and let us say after 2 months of taking a class A equivalent generic, the blood pressure in that individual has

substantially risen and his doctor or her doctor says the class A replacement generic is not working in your case, you need to go back on to the name-brand drug, are there any provisions in the legislation without this amendment that would allow a physician or the participant to go back to the name-brand drug without penalty should the class A equivalent not work?

Mr. STUBAN. Yes, Mr. Speaker. Mr. Speaker, the first amendment we adopted addressed that issue, and that was the problem we had. There were many people who said if it could be proven, if that generic affected that patient in some way, that it could be there is a process that we could take care of that, and if they had to go back on that drug, it could be taken care of.

Mr. BELFANTI. No, Mr. Speaker. I think that the amendment that was adopted earlier allows for the department to establish some ground rules along that line. Is there something specific in the legislation that, simply put, requires the pharmacist to reissue the old name-brand drug that the participant was used to getting without waiting for Secretary Rhodes or some other bureaucrat down here to come up with some set of rules and guidelines to provide proof so that that individual can return to the drug that was working for him or her for 5 or 10 years?

Mr. STUBAN. I am sure, under the amendment that was adopted, that the regulations that will be adopted will give the doctor that opportunity to put that person back on that drug.

Mr. BELFANTI. I have ended my interrogation, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman care to make a statement?

Mr. BELFANTI. Mr. Speaker, with the absence of language, such as what I have requested, appearing in the main bill, I believe that the Ryan amendment is essential to protect the health of those participants, and I can say personally, a party of the first part, that I am a good example. I have been on high blood pressure medication since I was first elected to this job—at least that is when I discovered I had high blood pressure—and over a series of 12 years, I have had to have my name-brand blood pressure medication changed a number of times because one's body builds up an immunity or certain metabolisms will allow one type of beta block to work and another type not to work. And I do not believe that every class A generic is going to have the exact same reaction on every single participant of the program that the equivalent name-brand drug will have.

I therefore ask my colleagues to support the Ryan amendment, at least in this instance. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I am a little bit concerned that maybe this discussion has drifted into an area that people are becoming quite confused, and I would like to move the discussion back to center stage so that we can discuss this particular amendment very thoughtfully.

The PACE program does in fact reimburse for brand-name drugs. It has in the past and it will in the future. This is not a question that your constituents, your cardholders, will not be able to purchase brand-name drugs. Federal law requires and offers to drug manufacturers protection, strict monopoly rights. A drug that is available on the market, like a beta blocker, has 17 years' exclusive monopoly in the drug field. You cannot get a generic out there. It is not available. We do not allow it. We give the drug companies 17 years to make up exclusive monopoly to make up for their cost of drug development.

What we are talking about now is into the 18th and 19th year when the drug no longer is exclusive, when perhaps even in fact new state-of-the-art drugs are available, and where the ability is where other drug manufacturers can now duplicate that drug. The question is, should we require the PACE program to pay the monopolistic price that existed when that brand was the exclusive brand and could not be duplicated? I think if you look upon that, when you look at drugs that are 18, 19, 20, 25 years old, yes, they should be able to be copied and we should require the cheaper brand.

Now, the Stuban amendment that was adopted earlier today addressed the issue with which I had concern - well, what if? As someone who has a technical background, I cannot be sure that in every case a person might not have an adverse reaction. I said, what happened in the very municipal situation a patient might have an adverse reaction, perhaps to a binder, and that is why we added the Stuban amendment, to provide protection, that in those very few instances where a patient might react adversely to a generic drug, that they then could be approved for a brand-name drug under the PACE program and still not have to pay any differential.

So the issue here is not never again a brand name. It is now, what happens after 18, 19 years down after the drug has been on the market? Can we effectively substitute generics in the PACE program? And my position is, it is strongly a yes answer. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I know that there is a tendency on amendments like this which are fairly complicated for people to follow their caucus leadership, but I would seriously suggest that we ought to depart from that and we ought to look at this amendment on its merits and understand what the consequences are.

We spent a great deal of time talking about how we can make the budget process around here more responsible. Here is an opportunity for us to do precisely that. Whether this is a good amendment, it would be nice to do this or not, or whether somebody is going to be inconvenienced or not really must be put into the context of how much money is available to pay for this program.

If we pass this amendment, the fiscal note suggests that there will be a minimum loss of \$9 3/4 million and a

maximum of \$28 million. Now, how are we going to make that up? What are the choices? Well, one choice is we can all come back here and raise the copay for everybody. Maybe we keep this differential that Mr. Ryan wants, but the copay is \$8 instead of \$6 at the minimum. That is a choice. We can make that decision. My guess is there are not going to be too many people on the floor of this House who are going to want to vote to do that.

What is another choice? What is another way to save money in this program and make it fit within what is available? Well, we can lower the income guidelines. We can say that we are going to take some people who are eligible for the program now and we are going to say they are not going to be eligible anymore, and I would guess that there is virtually nobody on the floor of this House who wants to vote to do that.

What else can we do? Well, we can have more gambling. We can go with Fred Trello or we can go with Frank Gigliotti or anybody else's proposal to increase gambling, and there are going to be a lot of people, especially those of us on both sides of the aisle who come from rural conservative areas, who do not want to do that and are not going to want to put up the votes for that.

What is another alternative? Well, we can do what we got criticized for doing last August and we can raise taxes. We can put a tax, a dedicated tax, to help fund lottery programs. And I heard a lot of criticism from some folks that we should not have done that for the lottery and that was a one-time bailout and we should never repeat that, and I am inclined to think that that is probably good. We probably should try to make this program fit within the revenue available through the lottery.

So we really have some choices. And I do not know; maybe there are some other people who have got some other ways that we can save money in this program, but I think I have hit on the most major ones that are going to result in some significant savings. And so if you vote for the Ryan amendment and you really want to have responsible budgetmaking and you really want to have a program where we do not spend more money than we have, then you better be prepared to sign up and vote for some of those other distasteful alternatives. I suggest that we vote down the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Mr. Speaker, briefly.

Today we have in the law—and this strikes me somewhat strange—we have in the law something called the Generic Equivalent Drug Law, which requires that a druggist—I believe the way it reads; I have a copy of it here—requires that a druggist fill prescriptions with generic drugs unless a doctor specifies a brand, in which case "...a pharmacist receives a prescription for a brand name drug, the pharmacist shall substitute a less expensive generically equivalent drug unless requested otherwise by the purchaser or indicated otherwise

by the prescriber," with substitution permitted or not permitted as the doctor sees fit. So you have a situation here that if this bill goes through as is, you have got a controversy between the two acts, I believe, unless it is repealed in some way, and I do not find a repealer. You have the gentleman, Mr. Stuban, passing one bill that is contradictory to the Generic Equivalent Drug Act. I just simply point that out for whatever it is worth, and I think it is just a point of interest that we passed a contradictory law a few years back.

Now, going on to the points raised by the gentleman, Mr. Lloyd, Secretary Rhodes told me today—I met with her with a few other people—that generally speaking the 12 1/2-percent rebate that we put in the law last year is bringing in about what was expected. That translates to me that the 15 percent that is in your bill for rebate is all a bonus factor. It is additional moneys.

The idea of setting up—I am on another subject—the idea of setting up a bureau—which is what is done in that first amendment—to meet the problems that Mr. Belfanti raises strikes me as strange, and I agree with the gentleman. Here is an agency setting up a bureau that is going to look over this request that a different drug be allowed, that a generic be disapproved and a name brand be approved, and this is coming from the same agency that wants to go through the formulary process so it will have a bargaining chip to deal with the drug companies. Now, come on. It is bad enough to deal with the bureaus now when they are trying to get through a regulatory hearing and a process, but when they want something for a bargaining chip and then you are going to go in to try and get something from them, you are not going to get it. I mean, it is tough enough to get a water permit or a cesspool permit from DER when you wait 18 months; I do not know how long you have to wait to get your medicine changed, and I think it is just wrong.

I am going to ask that you look favorably upon this amendment, because I think it is a sensible amendment and I believe it is a compromise.

The SPEAKER pro tempore. The gentleman, Mr. Stuban, for the second time.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I continue to ask for a negative vote here, and I believe that if you look at the fiscal note, it truly says what is going to happen here if we adopt this amendment.

As far as the remark that the minority leader made that we were on mark of what we expected in the lottery preservation fund of what the rebate, the 12 1/2-percent rebate, would bring in is true. We were on the mark there. But what happened there is, on the other side we did not index that to any increase in price or anything else, so the drug companies raised their price and really washed out that increase that we did get, and it really cost us a little money because we are in the red. We spent a little more money than we did previous to that.

I just want to say to you that you have got to make that decision here. It is a tough decision, and I think we have got to put that Lottery Fund on a better fiscal basis and we do not need this amendment here because it will not do it.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cambria County, Representative Haluska.

Mr. HALUSKA. Mr. Speaker, a lot of the information that is being talked about here this afternoon sort of gives not only the legislators but a lot of the senior citizens the wrong impression. They give them the impression from this discussion that we are talking about generic drugs as being a concoction, something that you just reach into a drum and you pull out and just put a different name on. This is not so. I mean, as it has been explained here, these are similar drugs as those that have been advertised for some 17 years, and oftentimes the competitive company takes, at the end of this particular time, and produces this product in a generic form. It is just a natural reproduction, and it has to be approved by the Food and Drug Administration and it has to have the equivalent composition in order to react properly. So you are not giving them something inferior.

I think what we are trying to do here, we have a limited amount of money to try to serve the elderly population of Pennsylvania, and without the Lottery Fund we would find that many of these people would not be able to take any drug because they could not afford to pay for it. So we implemented a program under the PACE program to try to reach all the people, and we are trying to do this as cost effectively as we possibly can, and we are not recommending to them to take something that is not just, that is not proper.

All it does is it reduces the profits for the drug companies as well as the pharmacists and enables the people to have the drugs that they need at a very cost-effective and reasonable price. I think we should not give the people the impression that they are not getting an equivalent product to have an equivalent treatment, because any drug can give a reaction to a patient, regardless if it has a trade name or not, and I think that is why we have the physicians, to make the analysis, and if they have problems, they are supposed to go back, and there are provisions made in special cases to deal with these situations.

So let us not try to fool the people. Let us try to do something that is very cost effective and enables us to serve the Commonwealth and the people of the PACE program. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The Chair recognizes the majority leader, Mr. DeWeese.

Mr. DeWEESE. Quickly. To the gentleman, Mr. King, and others, I am convinced that today's brand names are tomorrow's generics. I think that procession has been enunciated by Dr. Itkin in his commentary. I think that if anyone were to read what Dr. Itkin shared with us as well as the comments of the gentleman from Somerset County, Mr. Lloyd, and if at the same time those individuals last year voted against raising the necessary revenues to run our Commonwealth, they would be inclined to support this measure, this measure that would go forward unamended and unencumbered by Mr. Ryan's effort.

Mr. Ryan unabashedly is doing his best to augment the position of our major drug companies, and many times, in many cases, we should do everything we can to fortify the commercial successes of these major corporations that do research and development. But as Dr. Itkin enunciated, there are 17 years for them to recoup their profits, and then after 17 years, other companies come in, utilize the research that has gone on beforehand, and these drugs, condescendingly referred to as generics, are drugs that were brand names the year before.

I really am perplexed at the Grand Old Party once again - the party of fiscal conservatism; the party that is trying to ratchet down our costs; the party that is trying to be responsible in the way we spend our money. Here we have a chance to arrest some of this momentum, and almost baldly, Mr. Ryan is attempting to fortify the position of our major drug companies at the expense, at the potential expense, of the PACE program itself.

I really believe that this is a crucial vote. I believe that its societal as well as its political implications are profound, and I would ask that Mr. Ryan's measure be rejected. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—89

Adolph	Dent	Hershey	Reber
Allen	Donatucci	Hess	Reinard
Anderson	Durham	Jadlowiec	Ryan
Angstadt	Fairchild	Kenney	Saurman
Argall	Fargo	King	Schuler
Armstrong	Farmer	Langtry	Semmel
Barley	Fleagle	Lawless	Serafini
Belfanti	Flick	Leh	Smith, B.
Birmelin	Foster	McHugh	Smith, S. H.
Black	Gallen	Marsico	Snyder, D. W.
Boyes	Gannon	Merry	Snyder, G.
Brown	Geist	Micozzie	Stairs
Bunt	Gerlach	Nahill	Strittmatter
Bush	Gladeck	Nailor	Taylor, J.
Carlson	Godshall	Nickol	Telek
Cessar	Gruppo	Nyce	Tomlinson
Chadwick	Hagarty	O'Brien	Tulli
Civera	Harley	Perzel	Uliana
Clark	Hasay	Phillips	Vance
Clymer	Hayes	Piccola	Vroon
Cornell	Heckler	Pitts	Wilson
Davies	Herman	Raymond	Wogan
Dempsey			

#### NAYS—103

Acosta	Fajt	Linton	Rudy
Arnold	Fee	Lloyd	Saloom
Battisto	Freeman	Lucyk	Scheetz
Belardi	Gamble	McCall	Scrimenti
Billow	George	McGeehan	Staback
Bishop	Gigliotti	McHale	Steelman
Blaum	Gruitza	McNally	Steighner
Bowley	Haluska	Markosek	Stetler
Broujos	Hanna	Mayernik	Stish
Butkovitz	Harper	Melio	Stuban
Caltagirone	Hayden	Michlovic	Sturla
Cappabianca	Hughes	Mihalich	Surra
Carn	Itkin	Mrkonic	Taylor, F.

Carone	James	Mundy	Thomas
Cawley	Jarolin	Murphy	Tigue
Cohen	Josephs	Olasz	Trello
Colaifella	Kaiser	Oliver	Trich
Colaizzo	Kasunic	Pesci	Van Horne
Cole	Kosinski	Petrone	Wambach
Corrigan	Krebs	Pistella	Williams
Cowell	Kruszewski	Preston	Wozniak
Coy	Kukovich	Richardson	Wright, D. R.
DeLuca	LaGrotta	Rieger	Wright, M. N.
DeWeese	Laughlin	Ritter	
Daley	Lescovitz	Robinson	O'Donnell,
Dermody	Levdansky	Roebuck	Speaker
Evans			

NOT VOTING—4

Lee	Maiale	Petrarca	Veon
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EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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. NAHILL offered the following amendment No. A0801:

Amend Sec. 1 (Sec. 303), page 4, lines 26 and 27, by striking out “no” in line 26 and all of line 27 and inserting this paragraph shall not apply, and the claimant shall be charged only the required copayment amount.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, under this legislation, we are telling our senior citizens who are eligible for PACE that they must use a generic whenever possible, and in a lot of cases we applaud that particular effort. But one of the problem areas is with our local “mom and pop” or corner drugstores. In case any of you have noticed recently, that is an industry that is slowly, slowly dying. More and more times they are being taken over by a CVS, a Thrift Drug, whatever kind of chain there is.

We are asking our corner drugstore, “mom and pop” operation, whatever you want to call it, to compete directly with the large chains by telling them they must keep in stock every imaginable generic ever produced, and I do not think, one, that they can afford it from the point of view of money or room or anything else. So effectively we are saying to our senior citizens who have a corner drugstore to go to that when you go there and that druggist does not have a generic, you will have to either, one, leave or you will have to pay the higher cost, as outlined by Mr. Ryan.

What we are saying is, in a “mom and pop” corner drugstore operation, if the generic is not available, the senior citizen should not be penalized and that the brand name should be dispensed. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

You know, this is another way for the drug companies to play one of these games here now by coming into my local pharmacy and telling my “mom and pop” pharmacy, do not stock that generic drug, and if you do not have that generic drug in there, you could fill it with a name-brand drug. It is another way to just bust the program if we can have them running around the State telling all these pharmacies, do not put in the generic drug, and if you do not have it in stock, you can fill it with the name-brand drug, and the senior citizens would not have to pay the difference there, and that would create a problem.

Let me tell you about that “mom and pop” drugstore. My “mom and pop” drugstore, if my mom would go into that drugstore and they did not have that generic drug and she is on the PACE program, I am sure old John George would say, Mary, I will have it for you. He would get that drug and he would make the delivery, because that is the drugstore that is the most responsive drugstore, the “mom and pop” drugstore that has to depend on the neighborhood for the business and the help.

I just see another way for the drug companies here to go around the State and bust up this program and just get what they want out of the program. I ask for a negative vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I reject that idea flat out, because frankly, anybody who is not on a prescription program and who wants to use generics is going to go to that pharmacist and the pharmacist is going to have as big a stock as he could possibly keep in that pharmacy. They are not going to go around and get rid of all generics, because frankly, a lot of their business will be in generics, especially for those who do not have a pharmaceutical plan. But you cannot expect a “mom and pop” operation to have every single generic that has ever been produced. It is impossible for them to do it, and I think we have to give them a break. We have to encourage the continuation of this operation.

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, contrary to what the author of the amendment has just indicated, you are not doing your pharmacist a favor by encouraging and supporting this amendment. In fact, because generics are so cheap to produce and usually most drug products are so cheap to produce, the druggist makes more money on the generic than he makes on the brand name. Most drugstores, because of the amount of money required to keep in their inventory, limit the amount of drugs they keep on hand, but most of them are very close to

their suppliers, to their wholesalers, and if you go in in the morning and for some reason they only have one package of the generic available and they use it in the morning, they can get it in the afternoon.

I do not think we should, you know, encumber the PACE program to the whims of the pharmacist or the drug manufacturer and say, if they do not feel like holding something in their store or they work out some type of an arrangement with the drug manufacturer, that the burden ought to be placed upon the PACE program. I think it is realistic not only to the PACE cardholder but also we want to help those customers who do not qualify for PACE. Many, many of your seniors are just above the limit, and they need those generics because those are the economy drugs that they can afford, and if you give the druggist and the drug manufacturer the opportunity to not provide those or stock those drugs, you are really going to hurt the people who need it the most.

I would encourage you to reject this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—76

Adolph	Farmer	King	Saurman
Anderson	Fleagle	Langtry	Scheetz
Armstrong	Flick	Lawless	Schuler
Barley	Gallen	Lee	Semmel
Belfanti	Gannon	Leh	Serafini
Birmelin	Geist	Marsico	Smith, B.
Black	Gerlach	Micozzie	Smith, S. H.
Brown	Gladeck	Nahill	Snyder, D. W.
Bunt	Godshall	Nailor	Snyder, G.
Bush	Gruppo	Nickol	Stairs
Carlson	Hagarty	Nyce	Strittmatter
Cessar	Harley	O'Brien	Taylor, J.
Chadwick	Hayes	Perzel	Telek
Civera	Heckler	Piccola	Tomlinson
Clark	Herman	Pitts	Tulli
Cornell	Hershey	Raymond	Vance
Dempsey	Hess	Reber	Vroon
Durham	Jadlowiec	Reinard	Wilson
Fargo	Kenney	Ryan	Wogan

NAYS—118

Acosta	Davies	Laughlin	Ritter
Allen	Dent	Lescovitz	Robinson
Angstadt	Dermody	Levdansky	Roebuck
Argall	Donatucci	Linton	Rudy
Arnold	Evans	Lloyd	Saloom
Battisto	Fairchild	Lucyk	Scrimenti
Belardi	Fajt	McCall	Staback
Billow	Fee	McGeehan	Steelman
Bishop	Freeman	McHale	Steighner
Blaum	Gamble	McNally	Stetler
Bowley	George	Maiale	Stish
Boyes	Gigliotti	Markosek	Stuban
Broujos	Gruitza	Mayernik	Sturla
Butkovitz	Haluska	Melio	Surra
Caltagirone	Hanna	Merry	Taylor, F.
Cappabianca	Harper	Michlovic	Thomas
Carn	Hasay	Mihalich	Tigue
Carone	Hayden	Mrkonic	Trello
Cawley	Hughes	Mundy	Trich
Clymer	Itkin	Murphy	Uliana

Cohen	James	Olasz	Van Horne
Colafella	Jarolin	Oliver	Veon
Colaizzo	Josephs	Pesci	Wambach
Cole	Kaiser	Petrarca	Williams
Corrigan	Kasunic	Petrone	Wozniak
Cowell	Kosinski	Phillips	Wright, D. R.
Coy	Krebs	Pistella	Wright, M. N.
DeLuca	Kruszewski	Preston	
DeWeese	Kukovich	Richardson	O'Donnell,
Daley	LaGrotta	Rieger	Speaker

NOT VOTING—2

Foster                      McHugh

EXCUSED—5

Freind                      Noye                      Tangretti                      Taylor, E. Z.  
Johnson

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

On the question recurring,

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

Mr. NAHILL offered the following amendments No. A0802:

Amend Bill, page 12, by inserting between lines 16 and 17

Section 7. The House of Representatives, recognizing the oversight role that the Legislative Budget and Finance Committee has with regard to the programs and services of the Department of Aging, directs the Legislative Budget and Finance Committee to conduct a study of the State lottery as it impacts upon the future of programs and services for older Pennsylvanians and the possible need for legislative action and make a report to the House of Representatives no later than December 31, 1992.

Amend Sec. 7, page 12, line 17, by striking out "7" and inserting

8

Amend Sec. 8, page 12, line 19, by striking out "8" and inserting

9

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, we call in this amendment for a study of the impact of all future programs with the Department of Aging to be done by the Legislative Budget and Finance Committee. We all hear all kinds of rumors and statements about the solvency of the Lottery Fund. Mr. Speaker, I think what this body ought to determine is that we are willing to have the Legislative Budget and Finance Committee go in and do a study and tell us the actual facts so that each and every one of us knows exactly where we stand on the lottery. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment and commend the minority chairman of the Aging and Youth Committee. I think that is our purpose here today. If we are



going to have a study by the Legislative Budget and Finance Committee, I think we are all concerned and that is the reason we are here. I think our majority leader said it here earlier, that, you know, this is a tight fiscal year; we are going to have to make some tight decisions, and I believe a study of the department and all the facilities that are involved there would be a good thing, and I ask for a vote to approve the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Acosta	Dermody	Langtry	Robinson
Adolph	Donatucci	Laughlin	Roebuck
Allen	Durham	Lawless	Rudy
Anderson	Evans	Lee	Ryan
Angstadt	Fairchild	Leh	Saloom
Argall	Fargo	Lescovitz	Saurman
Armstrong	Farmer	Levdansky	Scheetz
Arnold	Fee	Linton	Schuler
Barley	Fleagle	Lloyd	Scrimenti
Battisto	Flick	Lucyk	Semmel
Belardi	Foster	McCall	Serafini
Belfanti	Freeman	McGeehan	Smith, B.
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	Taylor, F.
Cappabianca	Hanna	Mundy	Taylor, J.
Carlson	Harley	Murphy	Telek
Carn	Harper	Nahill	Thomas
Carone	Hasay	Nailor	Tigue
Cawley	Hayes	Nickol	Tomlinson
Cessar	Heckler	Nyce	Trello
Chadwick	Herman	O'Brien	Trich
Civera	Hershey	Olasz	Tulli
Clark	Hess	Oliver	Uliana
Clymer	Hughes	Perzel	Van Horne
Cohen	Itkin	Pesci	Vance
Colafella	Jadlowiec	Petrarca	Veon
Colaizzo	James	Petrone	Vroon
Cole	Jarolin	Phillips	Wambach
Cornell	Josephs	Piccola	Williams
Corrigan	Kaiser	Pistella	Wilson
Cowell	Kasunic	Pitts	Wogan
Coy	Kenney	Raymond	Wozniak
DeLuca	King	Reber	Wright, D. R.
DeWeese	Kosinski	Reinard	Wright, M. N.
Daley	Krebs	Richardson	
Davies	Kruszewski	Rieger	O'Donnell,
Dempsey	Kukovich	Ritter	Speaker
Dent	LaGrotta		

NAYS—0

NOT VOTING—4

Fajt	Hayden	Preston	Smith, S. H.
EXCUSED—5			
Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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. NAHILL offered the following amendments No. A0807:

Amend Sec. 5, page 10, line 18, by striking out "sections" and inserting

a section

Amend Sec. 5 (Sec. 505.1), page 10, lines 19 through 30; page 11, lines 1 through 19, by striking out all of said lines on said pages

Amend Sec. 5 (Sec. 505.2), page 11, line 20, by striking out "505.2" and inserting

505.1

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman from Montgomery, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, contained in this bill is what we call an index or indexing, and I will try to explain it as simply as I can. If a product costs \$100 this year and we get into 1993 and the cost of living has gone to 105, up 5 percent to 105, if the drug companies raise the price above and beyond that consumer price index, in addition to the 15 percent, they must rebate the additional moneys to the PACE program. This in turn begins to work with the Federal system, and all of a sudden we have a spiraling, almost out of control rebate system. Mr. Speaker, my amendment simply eliminates that indexing and leaves the rebate at 15 percent.

I would like an affirmative vote on this. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a negative vote on this amendment. It is just too bad we are here today spending time on the PACE program again. If the bill would have come back from the Senate the last time around and had the indexing piece in it and some way that we could control the price, we would not be back here today discussing the cost of the PACE program and what happened to it. Without that indexing piece in there, the drug companies just take the advantage, increase the prices, and go right on ahead.

So I think this is the guts of the legislation here today. It is to get some control on the cost of the drug program, get some control on the cost of health care in our State, and I think this

is an important amendment that we should not allow to go into this program. So I ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—76

Adolph	Fleagle	King	Ryan
Anderson	Flick	Langtry	Saurman
Armstrong	Foster	Lawless	Scheetz
Barley	Gallen	Lee	Schuler
Birmelin	Gannon	Leh	Semmel
Brown	Geist	McHugh	Serafini
Bunt	Gerlach	Marsico	Smith, B.
Bush	Gladeck	Micozzie	Smith, S. H.
Carlson	Godshall	Nahill	Snyder, D. W.
Cessar	Gruppo	Nailor	Snyder, G.
Chadwick	Hagarty	Nickol	Stairs
Civera	Harley	O'Brien	Strittmatter
Clark	Hayes	Perzel	Taylor, J.
Clymer	Heckler	Phillips	Tomlinson
Cornell	Herman	Piccola	Tulli
Dempsey	Hershey	Pitts	Vance
Durham	Hess	Raymond	Vroon
Fargo	Jadlowiec	Reber	Wilson
Farmer	Kenney	Reinard	Wogan

NAYS—120

Acosta	Davies	Lescovitz	Robinson
Allen	Dent	Levdansky	Roebuck
Angstadt	Dermody	Linton	Rudy
Argall	Donatucci	Lloyd	Saloom
Arnold	Evans	Lucyk	Scrimenti
Battisto	Fairchild	McCall	Staback
Belardi	Fajt	McGeehan	Steelman
Belfanti	Fee	McHale	Steighner
Billow	Freeman	McNally	Stetler
Bishop	Gamble	Maiale	Stish
Black	George	Markosek	Stuban
Blaum	Gigliotti	Mayernik	Sturla
Bowley	Gruitza	Melio	Surra
Boyes	Haluska	Merry	Taylor, F.
Broujos	Hanna	Michlovic	Telek
Butkovitz	Harper	Mihalich	Thomas
Caltagirone	Hasay	Mrkonic	Tigue
Cappabianca	Hayden	Mundy	Trello
Carn	Hughes	Murphy	Trich
Carone	Itkin	Nyce	Uliana
Cawley	James	Olasz	Van Horne
Cohen	Jarolin	Oliver	Veon
Colafella	Josephs	Pesci	Wambach
Colaizzo	Kaiser	Petrarca	Williams
Cole	Kasunic	Petrone	Wozniak
Corrigan	Kosinski	Pistella	Wright, D. R.
Cowell	Krebs	Preston	Wright, M. N.
Coy	Kruszewski	Richardson	
DeLuca	Kukovich	Rieger	O'Donnell,
DeWeese	LaGrotta	Ritter	Speaker
Daley	Laughlin		

NOT VOTING—0

EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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. NAHILL offered the following amendments No. A0808:

Amend Bill, page 12, by inserting between lines 16 and 17 Section 7. The act is amended by adding a section to read: Section 901.1. Rules and regulations.

All rules and regulations promulgated under this act shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and to legislative review by the Aging and Youth Committee of the Senate and the Aging and Youth Committee of the House of Representatives.

Amend Sec. 7, page 12, line 17, by striking out "7" and inserting

8

Amend Sec. 8, page 12, line 19, by striking out "8" and inserting

9

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, in this amendment we ask that the Aging and Youth Committee have an oversight on regulations, et cetera, that are coming out concerning the lottery. Now, we already have an oversight on the Department of Aging, but what I am talking about here is the fact that part of the lottery program is in Transportation; part is in Aging; and I am asking for a coordinated review by our committee of all functions that have to do with the lottery, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask an affirmative vote for this amendment. I believe that, you know, we do this now and everything else, and we have talked here about a formulary, and if that was going to happen and take place, it would have to go through this review process anyway, so all that would do is insure that.

I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Langtry	Robinson
Adolph	Durham	Laughlin	Roebuck
Allen	Evans	Lawless	Rudy
Anderson	Fairchild	Lee	Ryan
Angstadt	Fajt	Leh	Saloom
Argall	Fargo	Lescovitz	Saurman
Armstrong	Farmer	Levdansky	Scheetz
Arnold	Fee	Linton	Schuler
Barley	Fleagle	Lloyd	Scrimenti
Battisto	Flick	Lucyk	Semmel

Belardi	Foster	McCall	Serafini
Belfanti	Freeman	McGeehan	Smith, B.
Billow	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Stuban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Taylor, F.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nahill	Telek
Carone	Hasay	Nailor	Thomas
Cawley	Hayden	Nickol	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafiglia	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Corrigan	Josephs	Pistella	Williams
Cowell	Kaiser	Pitts	Wilson
Coy	Kasunic	Preston	Wogan
DeLuca	Kenney	Raymond	Wozniak
DeWeese	King	Reber	Wright, D. R.
Daley	Kosinski	Reinard	Wright, M. N.
Davies	Krebs	Richardson	
Dempsey	Kruszewski	Rieger	O'Donnell,
Dent	Kukovich	Ritter	Speaker
Dermody	LaGrotta		

NAYS—0

NOT VOTING—0

EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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. NAHILL offered the following amendments No. A0809:

Amend Sec. 1, page 7, by inserting between lines 10 and 11 Section 2. Section 307 of the act is amended to read: Section 307. Prescription drug education program.

The department, in cooperation with the Department of Health, shall develop and implement a Statewide prescription drug education program designed to inform older adults of the dangers of prescription drug abuse and misuse. The prescription drug education program shall include, but not be limited to, information concerning the following:

- (1) The hazards of prescription drug overdose.
- (2) The potential dangers of mixing prescription drugs.
- (3) The danger of retaining unused prescription drugs after the need to take them no longer exists.
- (4) The necessity to carefully question physicians and pharmacists concerning the effects of taking prescription

drugs, including the differences between brand name drugs and generically equivalent drugs.

(5) The advisability of maintaining a prescription drug profile or other record of prescription drug dosage and frequency of dosage.

(6) The desirability of advising family members of the types and proper dosage of prescription drugs which are being taken.

(7) The dangers of taking prescription drugs in excess of prescribed dosages.

(8) The need to obtain complete, detailed directions from the physician or pharmacist concerning the time period a prescription drug should be taken.

Amend Sec. 2, page 7, line 11, by striking out "2" and inserting

3

Amend Sec. 3, page 7, line 19, by striking out "3" and inserting

4

Amend Sec. 4, page 8, line 21, by striking out "4" and inserting

5

Amend Sec. 5, page 10, line 26, by striking out "5" and inserting

6

Amend Sec. 6, page 12, line 6, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 17, by striking out "7" and inserting

8

Amend Sec. 8, page 12, line 19, by striking out "8" and inserting

9

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

This last amendment—and I know I will get a round of applause for that—this last amendment requires under our prescription drug education program to include information for senior citizens on the differences between brand names and generically equivalent drugs. It is a very simple amendment and, I think, a very straightforward one.

Thank you, Mr. Speaker. I ask for an affirmative vote.

The SPEAKER pro tempore. The gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I ask for an affirmative vote, and I believe that anything we can do to educate our senior citizens is great. I believe that is why they rallied down here in the Capitol today, because they are an intelligent group of people and they know what is going on. So anything we could help them with, I would appreciate your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Langtry	Robinson
Adolph	Durham	Laughlin	Roebuck
Allen	Evans	Lawless	Rudy
Anderson	Fairchild	Lee	Ryan

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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. STAIRS offered the following amendments No. A0806:

Amend Sec. 1, page 1, line 17, by striking out "303(h)(5)" and inserting

303(a), (h)(5)

Amend Sec. 1 (Sec. 303), page 2, by inserting between lines 1 and 2

(a) Determination of eligibility.—

(1) The department shall adopt regulations relating to the determination of eligibility of prospective claimants and providers, including dispensing physicians, and the determi-

nation and elimination of program abuse. To this end, the department shall establish a compliance unit staffed sufficiently to fulfill this responsibility. The department shall have the power to declare ineligible any claimant or provider who abuses or misuses the established prescription plan. The department shall have the power to investigate cases of suspected provider or recipient fraud.

(2) In the determination of marital status, a person shall be considered single if he was single for one-half or more of the same year for which his income eligibility is determined and shall be considered married if he was married for more than one-half of the same year for which his income eligibility is determined. This paragraph shall apply to marital status determinations made on and after January 1, 1992.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker, for this chance to speak on this amendment.

I am adding a paragraph relating to the determination of eligibility through a clarification of marital status. This amendment defines "married" as a person who was married for more than one-half of the year for which his income eligibility is determined and a "single" person as a person who was single for more than one-half year.

What happened was I had constituents, both single; they were on PACE; they were married, and unfortunately, later on they were required to pay back their PACE benefits. As you might expect, many seniors in my district or your district unexpectedly having to pay back up to \$1,000 becomes quite a hardship.

This amendment would very clearly determine eligibility, and Secretary Rhodes also has indicated her approval to this amendment. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I understand what the gentleman is trying to do. I am concerned that unintentionally we are going to be doing not only that but something that we do not want to do. Specifically, right now it is my understanding that a person's eligibility for the PACE program is determined once a year on his status or his family's status, both incomewise and maritalwise, at the time of the determination.

My concern is with the following situation: There is 15,000 dollars' worth of family income - husband and wife. The determination is made; they qualify. During the year the wife dies. The money coming in continues to be \$15,000. Now the husband no longer qualifies because he is above the \$13,200 qualification. If I understand your amendment correctly, Mr. Speaker, what would happen is that a person unintentionally would be pushed out, and it seems to me that if that is correct, then we should not put this amendment in the bill or we should have it redrafted to try to hold people harmless, so that once determined to be in, the next determination is the following year.

So if that is the correct interpretation of the amendment, then I would ask that we defeat the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the former speaker, because what could happen here, if there is a man and wife who are in the program and they have qualified for the program and the woman passes away, that does not really change the income so great for the man but yet he is now on a lower standard of qualifying for the program, and we could really take him out of the program, because in most instances, I guess, you know, there would be some assets and everything else that he would now have to show as a single person instead of a married person.

So I think it would hurt as many people as it would help, and I ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—89

Adolph	Durham	Jadlowiec	Ryan
Allen	Fairchild	Kenney	Saurman
Anderson	Fargo	King	Scheetz
Angstadt	Farmer	Langtry	Schuler
Argall	Fleagle	Lawless	Semmel
Armstrong	Flick	Lee	Serafini
Barley	Foster	Leh	Smith, B.
Birmelin	Gallen	McHugh	Smith, S. H.
Black	Gannon	Marsico	Snyder, D. W.
Boyes	Geist	Merry	Snyder, G.
Brown	Gerlach	Micozzie	Stairs
Bunt	Gladeck	Nahill	Strittmatter
Bush	Godshall	Nailor	Taylor, J.
Carlson	Gruppo	Nickol	Telek
Cessar	Hagarty	Nyce	Tomlinson
Chadwick	Harley	O'Brien	Tulli
Civera	Hasay	Perzel	Uliana
Clark	Hayes	Phillips	Vance
Clymer	Heckler	Piccola	Vroon
Cornell	Herman	Raymond	Wilson
Davies	Hershey	Reber	Wogan
Dempsey	Hess	Reinard	Wright, M. N.
Dent			

NAYS—106

Acosta	Donatucci	Levdansky	Robinson
Arnold	Evans	Linton	Roebuck
Battisto	Fajt	Lloyd	Rudy
Belardi	Fee	Lucyk	Saloom
Belfanti	Freeman	McCall	Scrimenti
Billow	Gamble	McGeehan	Staback
Bishop	George	McHale	Steelman
Blaum	Gigliotti	McNally	Steighner
Bowley	Gruitza	Maiale	Stetler
Broujos	Haluska	Markosek	Stish
Butkovitz	Hanna	Mayernik	Stuban
Caltagirone	Harper	Melio	Sturla
Cappabianca	Hayden	Michlovic	Surra
Carn	Hughes	Mihalich	Taylor, F.
Carone	Itkin	Mrkonic	Thomas
Cawley	James	Mundy	Tigue
Cohen	Jarolin	Murphy	Trello

Colafrella	Josephs	Olasz	Trich
Colaizzo	Kaiser	Oliver	Van Horne
Cole	Kasunic	Pesci	Veon
Corrigan	Kosinski	Petrarca	Wambach
Cowell	Krebs	Petrone	Williams
Coy	Kruszewski	Pistella	Wozniak
DeLuca	Kukovich	Preston	Wright, D. R.
DeWeese	LaGrotta	Richardson	
Daley	Laughlin	Rieger	O'Donnell,
Dermody	Lescovitz	Ritter	Speaker

NOT VOTING—1

Pitts

EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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. SAURMAN offered the following amendment No. A0816:

Amend Sec. 1 (Sec. 303), page 7, by inserting between lines 9 and 10

(20) The retail price of the prescription shall be indicated on the label of the prescription container.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Saurman, is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am holding in my hand a petition from 45 residents of a personal care boarding home, and it says, "The two dollar increase in the PACE copayment presents a real hardship for those of us who are residents.... The \$4.00 copayment was a strain but \$6.00 is practically impossible." And then they go on to describe, if they had four or five medicines, it would be as much as \$30.

My amendment, Mr. Speaker, would require that the pharmacist put the retail price of the medication on the prescription that they get, the reason being I do not think that these people realize that if that medication costs \$30 or \$45 as they do in some cases, that the \$4, the \$6 now that they pay is a tremendous benefit. Actually, the whole attitude has changed from one of the recognition of what PACE has done for them to a situation where rather they are angry because of an increase of \$2. They do not understand the savings that the Lottery Fund has really made possible for them. By having that price before them when they get their prescription, I think that measure would be brought home and they would be more understanding.

Thank you, Mr. Speaker. I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I ask for an affirmative vote here. I think this is another educational piece here. We make our senior citizens more aware of the things that are being done for them and really what the cost of that drug is.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Hey, way to go, Teddy.

I would also ask for an affirmative vote on this amendment.

Another side benefit to this legislation or this amendment's passage would be that senior citizens would have the ability to compare the retail value of a particular drug, whether it be name brand or generic, between, let us say, a Rea and Derick and a White Shield across the street and would then be in a much better position to shop around for the best priced pharmacy, not necessarily the best priced drug but which pharmacy to buy which drug. We see our senior citizens now shopping in different grocery stores for chicken and a different one for steak because of a sale, and it might be a good idea if we have retail prices on these prescriptions so that senior citizens can compare apples and apples between competing pharmacists. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Acosta	Dermody	Kukovich	Robinson
Adolph	Donatucci	LaGrotta	Roebuck
Allen	Durham	Langtry	Rudy
Anderson	Evans	Laughlin	Ryan
Angstadt	Fairchild	Lawless	Saloom
Argall	Fajt	Lee	Saurman
Armstrong	Fargo	Leh	Scheetz
Arnold	Farmer	Lescovitz	Schuler
Barley	Fee	Levdansky	Scrimenti
Battisto	Fleagle	Linton	Semmel
Belardi	Flick	Lucyk	Serafini
Belfanti	Foster	McCall	Smith, B.
Billow	Freeman	McGeehan	Smith, S. H.
Birmelin	Gallen	McHale	Snyder, D. W.
Bishop	Gamble	McHugh	Snyder, G.
Black	Gannon	McNally	Staback
Blaum	Geist	Maiale	Stairs
Bowley	George	Markosek	Steelman
Boyes	Gerlach	Marsico	Steighner
Broujos	Gigliotti	Mayernik	Stetler
Brown	Gladeck	Melio	Stish
Bunt	Godshall	Merry	Strittmatter
Bush	Gruitza	Michlovic	Stuban
Butkovitz	Gruppo	Micozzie	Sturla
Caltagirone	Hagarty	Mihalich	Surra
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hanna	Murphy	Taylor, J.
Carn	Harley	Nahill	Telek
Carone	Harper	Nailor	Thomas
Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Nyce	Tomlinson
Chadwick	Hayes	O'Brien	Trello
Civera	Heckler	Olasz	Trich

Clark	Herman	Oliver	Tulli
Clymer	Hershey	Perzel	Uliana
Cohen	Hess	Pesci	Van Horne
Colaella	Hughes	Petrarca	Vance
Colaizzo	Itkin	Petrone	Veon
Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Josephs	Pitts	Wilson
Coy	Kaiser	Preston	Wogan
DeLuca	Kasunic	Raymond	Wozniak
DeWeese	Kenney	Reber	Wright, D. R.
Daley	King	Reinard	Wright, M. N.
Davies	Kosinski	Richardson	
Dempsey	Krebs	Rieger	O'Donnell,
Dent	Kruszewski	Ritter	Speaker

NAYS—2

Lloyd Mundy

NOT VOTING—0

EXCUSED—5

Freind Noye Tangretti Taylor, E. Z.  
Johnson

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?

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Pitts, rise?

Mr. PITTS. I missed the vote on the Stairs amendment. I would like to be recorded in the affirmative, please.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

CONSIDERATION OF HB 2442 CONTINUED

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

Mr. KING offered the following amendments No. A0792:

Amend Sec. 1 (Sec. 303), page 4, line 17, by inserting after “(10)”

(i)

Amend Sec. 1 (Sec. 303), page 4, by inserting between lines 27 and 28

(ii) Notwithstanding subparagraph (i), if a claimant receives a second medical opinion that the use of the generic drug is medically inappropriate and that the brand name drug is necessary, the claimant shall be charged only the required copayment amount.

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. King.

Mr. KING. Thank you, Mr. Speaker.

I rise in offering this amendment and recognizing the intent of Chairman Stuban in the first amendment that we passed tonight was an attempt to address this same question, but however, in looking at his amendment, I am offering this amendment based on comments from Representative Belfanti; that I think that this amendment, if he closely looks at it, would certainly be more in his best interest and answer the question of proper medications at the proper time, and also agree with my esteemed colleague, Dr. Haluska, in his comment on adverse reactions that can be put forth at any time.

Let me say here at the very beginning that this gentleman supports the lottery preservation in coming out of committee last year and in voting for it and in supporting my senior citizens, and I concur with the Secretary of Aging that certainly we want to address the costs of this very important program. But due to the lack of time that we have had to address this particular important bill, and certainly the prime sponsor, Chairman Stuban, has indicated how important this bill is and the esteemed majority leader, Mr. DeWeese, has imparted the importance of this bill, then I, too, try to take this brief moment in time and offer this bill as a fine tune.

Now, let me address the problem of generic drugs and their equivalency. Let me speak as I talked today to an internist from my district, an internist who in a very brief moment as I talked to him concerning the use of generic drugs as substitutes for brand names, and I asked him, Doctor, give me a few indications in which you would know, knowing full well that when your patient goes to the pharmacist he or she is going to have to pay a higher price for that drug, give me the moment in which your training indicates to you that that patient's best interests are served by you putting on the bottom of that prescription pad "no substitution allowed."

And just let me tell you, for your own edification, that I have only a very brief, partial list because he was able to tell me very briefly in which there were conditions in which your constituents' lives are in danger, Mr. Speaker.

If they use Synthroid as a medication for thyroid ailments, the reason he would never substitute a generic drug for that is because the dosage of the generic drug is not sufficient in thyroid components to provide adequate thyroid care for that patient. And for the distinguished ladies of this body, I will say to you that your senior citizen ladies are 4 to 1 affected by the ill effects of this drug. So if you think that when they walk into there and they have a prescription in which the doctor said they have to take a Synthroid rather than a generic brand, if you vote against my amendment, you are saying to these people that for the rest of your life you are on this, you will be paying the higher payment.

Lanoxin - a drug which maintains the rhythm of the heart. The generic drugs do not provide enough dosage. We have another drug in which the side effects are diarrhea with a generic substitute, and if that patient gets the side effect of diarrhea, he will immediately have to be taken off that drug, in which the arrhythmias then recur to that patient.

The Stuban amendment went just so far. I disagree with its intent, and I feel that my amendment will encompass the Stuban amendment while providing your constituents with further safety by putting in there "medically inappropriate" and asking for a second opinion. We are all a party of medical care in which we ask for second opinions. The question was asked, who would give the second opinion? Well, I say that in this bill we have set up a pharmacy board; then the agency department, through this bill, could set up a board in which they could review the appropriateness of these medications when they come under this particular category.

The doctors then also have other areas in generic drugs that are very dangerous to your patients and your constituents - the use of certain dyes in generic drugs; the use of yellow No. 5, which can cause a severe asthmatic reaction. Again, let me refer to my distinguished colleague, Dr. Haluska's remarks, and I know personally as a health care provider that you cannot always determine when a reaction, a severe reaction, is going to occur.

Representative Stuban's bill points to the severe reaction as the criteria, the operative criteria, that will allow eligibility or disability. I say, in all good respects to Chairman Stuban, that this is a very narrow point of view and that it will allow disqualifications because no one will be able to predict that.

Let me say in closing here that a doctor determines his prescription list for his patients because of certain known factors: first, the disease entity of his patient; other physical conditions of his patient; age of the patient; sex of the patient; weight of the patient; other synergistic drugs which are being used in conjunction with the treatment of that patient.

The doctor knows that the PACE card recipient is going to be charged. He is aware of the rules and regulations of that prescription being filled. He knows of the availability of the generic substitute. Ask yourself, why do you want to get involved in this procedure where you are deciding legislatively that your patient is going to have a thyroid dosage which is less than the doctor feels is in support of that patient's lifestyle? He does not prescribe in a vacuum of knowledge. In spite of this, his medical acumen directs his selection of various drugs to benefit his patient, your constituent - our senior citizens. Medical training and physiology point to the prescription of choice, not economic criteria.

I offer this amendment to do one thing, two things, three things: one, to assist the Secretary in rescuing the PACE plan; two, to evaluate the physique, to enable the physician to bring his best skills and knowledge to the medical condition affecting the patient; and three, and last, and most importantly, to allow our PACE recipients the proper medication at the proper time so that they can have a healthy, living, long, quality life and the knowledge that the physicians are acting in the best interest of their patients.

I ask you, Mr. Speaker, for an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I ask for a negative vote on the King amendment.

The amendment that I introduced earlier that was the first amendment in the bill, we consulted with the medical profession as to the wording in the amendment. They agreed to that amendment, and I believe that we have got that covered, so a negative vote on the King amendment.

The SPEAKER pro tempore. On the question, the gentleman, Mr. King, for the second time.

Mr. KING. Chairman Stuban asked for a negative vote on my amendment. You are certainly free, in your good health, to go over there and push the red or the green button. But I assure you that the physician that I talked to today, when I told him of the Stuban amendment, the first thing he said was, that is dangerous to the patient, and unless Chairman Stuban can put forth his medical acumen that says differently, then I ask for the affirmation of this amendment. Thank you, sir.

The SPEAKER pro tempore. The gentleman, Mr. Stuban, for the second time.

Mr. STUBAN. Mr. Speaker, I do not like to continue to speak on these issues and talk on them. I think we have spent a lot of time here. But I think, you know, I have heard it a few times here today that, you know, we are doing something that we should not be doing; we are going to hurt people out there, and we are going to do things like that.

I assure you that I am sure that Governor Casey and Secretary Linda Rhodes and my colleagues here in the House of Representatives would not do anything to harm the health of a senior citizen out there. I do not think we want to give them bad pills, we want to give them bad medicine. It is all approved medicine.

The amendment that we covered—your amendment, Doc—has been approved by the medical profession. They agreed to it, and I think it is going to take care of it, and I ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. I would just like to reiterate Mr. Stuban in his request for a negative vote.

Today with group practices what they are in the medical community, it would be almost difficult for any doctor practicing with another physician to refuse to give a second medical opinion agreeing with the first physician. I do not think we ought to put the group practices in that kind of a situation. I am confident, in view of the meetings with the Medical Society and the Department of Aging, that the Stuban amendment, which requires or permits a determination, if there is an adverse reaction, that the brand name could be used, will be worked out with the total approval of the medical community.

I urge a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentlelady from Lehigh County, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. King, might stand for a brief interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will. The gentlelady is in order and may proceed.

Ms. RITTER. Mr. Speaker, can you tell me who would be paying for the physician's fee for the second opinion?

Mr. KING. Thank you, Mr. Speaker, for allowing me to come to the microphone for another time to address that issue.

I said in the amendment that we would not have to go back through another opinion from another doctor. We do not want to put the patient through another opinion process. What we could do is set up in this bill, like we set up with the pharmacy board in this bill—

Ms. RITTER. Excuse me, Mr. Speaker. Excuse me.

The SPEAKER pro tempore. For what purpose does the gentlelady interrupt the gentleman?

Ms. RITTER. Well, I would like to get an answer to the question.

My question is not what might happen or what could happen. My question is, what provisions are made in this amendment to deal with the cost of the second opinion?

Mr. KING. I was trying to answer that, Mr. Speaker. I am sorry that you did not like my answer.

Ms. RITTER. It was too long.

Mr. KING. What I am simply trying to say is that we could put it into regulations with the department and it would be very cost effective. Let me tell you one thing: The cost would be much less if that patient was treated properly than if he was treated with a drug that was not going to bring him back to health.

Ms. RITTER. That concludes my interrogation since it did not get me the answer I wanted anyway.

Mr. Speaker, if I might speak on the amendment.

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

Ms. RITTER. Thank you.

This amendment does not say who is going to pay for this second opinion of this physician, and I can only presume that the senior citizen, in order to get a lower cost for a prescription drug, would have to go to a physician and pay a fee for a second opinion, and I cannot see how that can possibly be cost effective. I think as the gentleman, Mr. Itkin, said, if in fact there is an adverse reaction to a drug that is prescribed by a physician, that physician would certainly alter the prescription that was given. In this time of medical malpractice, I cannot imagine a physician who would not do that. But if the patient chose to go to a second physician, the prescription would be done by that second physician, and it would be a new prescription, and it would not apply to whether or not there was a second opinion on the first prescription.

So it seems to me that this amendment is just to provide more fees for physicians, and I would urge the members to reject it.



The SPEAKER pro tempore. On the question, the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, it has been my experience over 12 years that a lot of the members of the House seem to enjoy playing attorney, and that has gone on a lot, and I as an attorney have never been offended by it, but I think today we certainly should not be playing doctor as well.

I frankly am very glad that Dr. King has brought to the floor of the House the expertise that we not too often find being brought from that particular professional field to the floor of this establishment, and I would say, Mr. Speaker, *that if we are going to err, let us err on the side of caution; let us err on the side of someone with a professional analysis to really understand the topic that is before us. If in fact our regulators cannot formulate a way to aid and assist in bringing about that secondary advisory opinion, whether it be through some blanket bulletin under the bulletin regulations or whatever, I think that is the way we should go. We are dealing with specialized concerns for specialized people in special instances. We are not dealing with something that is each and every case. I think if we are going to err, we should listen to a professional legislator on a topic within the expertise that he has certainly matriculated through the educational process to attain.*

Let us not play doctor here. We play attorney often enough without the expertise; we certainly do not have it to play doctor and physician. Let us support the King amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Northumberland County, Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I also rise in support of the King amendment. I believe that it is inherently the fairer way to approach a situation where the life of a participant may be at stake.

In the instance where a nitroglycerin patch was going to be substituted by a generic nitroglycerin patch and if in effect the patient after 2 or 3 days is subjected to an adverse reaction or a lack of a positive reaction, then the process set up by the amendment supported and promoted by Representative Stuban, amendment number one today, puts into process a process that we do not understand yet. How long is it going to take that individual to apply for an exception from the department when there are no rules, no regulations promulgated to date; we do not know what those rules or regulations are going to be? In the meantime, we have an individual who may have a choice of paying \$10 a patch per day so that he can live, he or she can live, while he is waiting for a ruling from some yet-to-be-established bureau within the Department of Aging who is going to make these determinations where generic drugs are not providing the same function within one's body as a name-brand drug. It just seems to me to make much more sense to go with the King amendment now as a safe way to go.

And furthermore, I believe that Representative Ritter made a very good case to support the King amendment. If in fact the senior citizen is going to have to spend money out of his or her pocket in an effort to get a second opinion out of fear that their prescription, their generic prescription, is not working or is having an adverse reaction, it only points out, Mr. Speaker, how upset these individuals are and how concerned they are about their own health, so concerned that they would be willing to part with that \$10 or \$15 or \$20 bill to go to a doctor to get a second opinion and be returned to their name-brand drug.

I support the King amendment, and I would hope that most people in this chamber would, as the Representative from Montgomery County suggested, err on the side of caution on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Allegheny County, Representative Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

If we are reading this amendment carefully, all it really says is that in the case of a second medical opinion it is determined that a brand-name drug is necessary, then the claimant shall only be charged the required copayment. All it is doing is making a fair copayment system for a medication that a physician has prescribed. Let us not, I beg you all, let us not start interfering with the physician-patient relationship. Do not let us tread into the area where we are telling the patient what prescription they may or may not have.

I rise in support of the King amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—97

Adolph	Donatucci	Hess	Reinard
Allen	Durham	Jadlowiec	Ryan
Anderson	Fairchild	Kenney	Saurman
Angstadt	Fargo	King	Scheetz
Argall	Farmer	Langtry	Schuler
Armstrong	Fleagle	Lawless	Semmel
Barley	Flick	Lee	Serafini
Belfanti	Foster	Leh	Smith, B.
Birmelin	Gallen	McGeehan	Smith, S. H.
Black	Gannon	McHugh	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brown	Gerlach	Merry	Stairs
Bunt	Gladeck	Micozzie	Strittmatter
Bush	Godshall	Nahill	Taylor, J.
Carlson	Gruitza	Nailor	Telek
Cessar	Gruppo	Nickol	Tomlinson
Chadwick	Hagarty	Nyce	Tulli
Civera	Haluska	O'Brien	Uliana
Clark	Harley	Perzel	Vance
Clymer	Hasay	Phillips	Vroon
Cornell	Hayes	Piccola	Wilson
Davis	Heckler	Pitts	Wogan
Dempsey	Herman	Raymond	Wright, D. R.
Dent	Hershey	Reber	Wright, M. N.
Dermody			

NAYS—99

Acosta	Fajt	Lloyd	Roebuck
Arnold	Fee	Lucyk	Rudy
Battisto	Freeman	McCall	Saloom
Belardi	Gamble	McHale	Scrimenti
Billow	George	McNally	Staback
Bishop	Gigliotti	Maiale	Steelman
Blaum	Hanna	Markosek	Steighner
Bowley	Harper	Mayernik	Stetler
Broujos	Hayden	Melio	Stish
Butkovitz	Hughes	Michlovic	Stuban
Caltagirone	Itkin	Mihalich	Sturla
Cappabianca	James	Mrkonic	Surra
Carn	Jarolin	Mundy	Taylor, F.
Carone	Josephs	Murphy	Thomas
Cawley	Kaiser	Olasz	Tigie
Cohen	Kasunic	Oliver	Trello
Colafigli	Kosinski	Pesci	Trich
Colaizzo	Krebs	Petrarca	Van Horne
Cole	Kruszewski	Petrone	Veon
Corrigan	Kukovich	Pistella	Wambach
Cowell	LaGrotta	Preston	Williams
Coy	Laughlin	Richardson	Wozniak
DeLuca	Lescovitz	Rieger	
DeWeese	Levdansky	Ritter	O'Donnell,
Daley	Linton	Robinson	Speaker
Evans			

NOT VOTING—0

EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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

The question is, shall the bill pass finally?

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

YEAS—187

Acosta	Dermody	LaGrotta	Ritter
Adolph	Donatucci	Langtry	Robinson
Allen	Durham	Laughlin	Roebuck
Anderson	Evans	Lawless	Rudy
Angstadt	Fairchild	Leh	Saurman
Argall	Fajt	Lescovitz	Schuler
Armstrong	Farmer	Levdansky	Scrimenti
Arnold	Fee	Linton	Semmel
Barley	Fleagle	Lloyd	Serafini
Battisto	Foster	Lucyk	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gallen	McGeehan	Snyder, D. W.
Billow	Gamble	McHale	Snyder, G.
Birmelin	Gannon	McHugh	Staback
Bishop	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	Taylor, F.
Cappabianca	Hanna	Mrkonic	Taylor, J.
Carlson	Harley	Mundy	Telek
Carn	Harper	Murphy	Thomas
Carone	Hasay	Nailor	Tigie
Cawley	Hayden	Nickol	Tomlinson
Cessar	Hayes	Nyce	Trello
Chadwick	Herman	O'Brien	Trich
Civera	Hershey	Olasz	Tulli
Clark	Hess	Oliver	Uliana
Clymer	Hughes	Perzel	Van Horne
Cohen	Itkin	Pesci	Vance
Colafigli	Jadlowiec	Petrarca	Veon
Colaizzo	James	Petrone	Vroon
Cole	Jarolin	Phillips	Wambach
Cornell	Josephs	Piccola	Williams
Corrigan	Kaiser	Pistella	Wilson
Cowell	Kasunic	Pitts	Wogan
Coy	Kenney	Preston	Wozniak
DeLuca	King	Raymond	Wright, D. R.
DeWeese	Kosinski	Reber	Wright, M. N.
Daley	Krebs	Reinard	
Davies	Kruszewski	Richardson	O'Donnell,
Dempsey	Kukovich	Rieger	Speaker
Dent			

NAYS—8

Black	Flick	Lee	Ryan
Fargo	Heckler	Nahill	Scheetz

NOT VOTING—1

Saloom

EXCUSED—5

Freind	Noye	Tangretti	Taylor, E. Z.
Johnson			

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.

**BILL SIGNED BY SPEAKER**

The Chair gave notice that the Speaker had signed the following bill:

**HB 1403, PN 3104**

An Act providing for the establishment, implementation and administration of the Small Water Systems Technical and Management Assistance Program; providing for technical, financial and management assistance for small water systems; providing for the Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive small water systems regionalization studies; imposing additional duties on the Department of Environmental Resources; authorizing the indebtedness, with the approval of the electors, of an additional \$350,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply, storm water control and sewage treatment systems; and transferring an appropriation.

The SPEAKER pro tempore. There will be no further votes taken by the House of Representatives today.

### VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. DeLuca, rise?

Mr. DeLUCA. Thank you, Mr. Speaker.

On amendment A0814 my switch malfunctioned. I want to be recorded in the affirmative, please.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

Mr. DeLUCA. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

On Tuesday, March 10, final passage of HB 637, I was recorded in the negative. I would like to be recorded in the affirmative. Also, on Tuesday, February 11, when HB 2267 was voted, I was voted in the affirmative. I want to be recorded in the negative. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

The gentleman, Mr. Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

On amendment A0802 my finger malfunctioned. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

The gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, the record shows that I did not vote on the Snyder amendment 0359 to HB 1484. I wish the record to show that if I had been in my seat, I would have voted in the affirmative.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

The gentleman, Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.

On yesterday's vote on HR 261, I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentlelady from Butler County, Ms. Carone.

Ms. CARONE. Mr. Speaker, I move that this House do now adjourn until Monday, March 16, 1992, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

*On the question,*

Will the House agree to the motion?

Motion was agreed to, and at 4:40 p.m., e.s.t., the House adjourned.