

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 23, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 46

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING**

PRAYER

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

Let us pray:

Gracious God, we come before the throne of grace this morning mindful of Your goodness and our needs and seeking Your guidance and direction. We acknowledge that You are the source of every good and perfect gift and that if we but ask in humility, You are quick to share Your power.

Forgive us of our presumptuous sins of pride and arrogance. Make us aware of our weaknesses and limitations, but remind us that Your grace is sufficient for all of our needs.

Deliver us from any false sense of security that masquerades as humility, and protect us from false criticisms. Remind us that we can do all things through You, who strengthens us.

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, June 22, 1993, will be postponed until printed. The Chair hears no objection.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 699, PN 2216**; and **HB 1416, PN 2221**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

COMMUNICATIONS FROM ACTING GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Acting Governor:

HB 461 and **HB 887**.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 692, PN 1292**.

BILLS SIGNED BY SPEAKER

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

SB 691, PN 742

An Act providing for the capital budget for the fiscal year 1993-1994.

SB 692, PN 1292

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

SB 694, PN 745

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

SB 871, PN 1325

An Act amending the act of June 26, 1992 (P. L. 322, No. 64), entitled "Agriculture Education Loan Forgiveness Act," further providing for the expiration of the act.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the distinguished gentleman from Bloomfield, Mr. Pistella, for an announcement.

Mr. PISTELLA. Thank you, Mr. Speaker.

For the benefit of the members of the Local Government Committee, yesterday I was informed that room 113E would be available for our meeting at the break today. That has been changed. For the purpose of accommodating the full committee, in addition to those members of the public that would be interested in attending, we have room 22; that is room 22 of the Capitol Annex. That will take place at the lunch break immediately upon the call of the recess of the Speaker at that time.

Again, the Local Government Committee will be meeting at the lunch break in room 22 of the Capitol Annex. Thank you.

The SPEAKER. The Chair thanks the gentleman.

FILMING PERMISSION

The SPEAKER. The members should note that the House Democratic Broadcast Services will be filming with audio on HB 1717 and others today.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 57, PN 67 By Rep. RICHARDSON

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for expedited assistance for caregivers of children of addicted parents or other caregivers.

HEALTH AND WELFARE.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 92, PN 1787 By Rep. CAPPABIANCA

A Resolution memorializing Congress to enact legislation to address the disparities in Social Security benefits for "Notch Year Babies."

FEDERAL-STATE RELATIONS.

HR 99, PN 1875 By Rep. CAPPABIANCA

A Concurrent Resolution memorializing Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States to provide the states with the authority to declare an act of Congress null and void.

FEDERAL-STATE RELATIONS.

HR 122, PN 2042 By Rep. CAPPABIANCA

A Resolution memorializing Congress to amend the Federal Aviation Act of 1958 to allow certain air passenger facility charges to be used for the construction or upgrading of airport access roads and facilities.

FEDERAL-STATE RELATIONS.

LEAVES OF ABSENCE

The SPEAKER. The gentleman, Mr. Steighner, the Democratic secretary, is recognized for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only—those leaves have been filed with our office—for the gentleman from Cambria, Mr. HALUSKA.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Perzel, have leaves of absence from the Republican side?

The gentleman indicates that he does not.

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—202

Acosta	Fargo	Lloyd	Ryan
Adolph	Farmer	Lucyk	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saurman
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Markosek	Scheetz
Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Scrimenti
Bebko-Jones	Gannon	Mayernik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Snyder, D. W.
Blaum	Gladeck	Merry	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uhiana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits

Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Haluska

LEAVES ADDED—3

Bush O'Donnell Wogan

GUEST INTRODUCED

The SPEAKER. The Chair would like to announce the presence in the hall of the House of Andrew Livingston. Andrew is a guest page today, a guest of Stanley Saylor, and he is from the Central York School District. Andrew, welcome to the hall of the House.

VOTE CORRECTIONS

The SPEAKER. Does the gentleman, Mr. Perzel, seek recognition?

Mr. PERZEL. Thank you, Mr. Speaker.

Yesterday on SB 880, I was inadvertently voted in the negative, and I would like to be recorded in the affirmative.

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

The gentleman from Delaware is recognized.

Mr. RYAN. I did the same thing. I voted "no" on SB 880, and I should have voted "yes."

The SPEAKER. The Chair thanks the gentleman. The stenographers will take note of the gentleman's remarks for inclusion in the record.

GUEST INTRODUCED

The SPEAKER. The Chair would like to acknowledge that our colleague, Mike Waugh, of the 93d District of York County, has a guest here today - Heather Forbes. Heather Forbes, welcome to the hall of the House.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1717, PN 2147**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for registration of protection from abuse orders, for responsibilities of law enforcement agencies, for commencement of protection from abuse proceedings, for hearings on petitions for protection from abuse, for relief, for service of protection from abuse orders, for emergency relief by the minor judiciary, for disclosure of addresses, for arrest, for violation of orders and for

indirect criminal contempt; imposing a surcharge against defendants where a protection order is entered; providing for private criminal complaints for violations of orders or agreements and for civil contempt; further providing for confidential communications and for procedure and remedies; and providing for full faith and credit regarding certain orders.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Veon, has an amendment, which the clerk will read.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The gentleman from Beaver County, Mr. Veon, is recognized.

Mr. VEON. Mr. Speaker, would it be possible to go over this bill for 5 minutes, please?

The SPEAKER. The amendment or the bill?

Mr. VEON. The bill.

The SPEAKER. The Chair thinks that the request is certainly in order, and we will proceed to the next order of business.

Mr. VEON. Thank you.

* * *

The House proceeded to third consideration of **HB 294, PN 1791**, entitled:

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 group policies.

On the question,

Will the House agree to the bill on third consideration?

Mr. PITTS offered the following amendments No. A3092:

Amend Title, page 1, line 13, by inserting after "for" application of the act and for

Amend Bill, page 1, by inserting between lines 15 and 16

Section 1. Section 103 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, amended June 5, 1947 (P.L.439, No.200), is amended to read:

Section 103. Application of Act.—(a) The provisions of this act shall apply to all companies, associations, and exchanges transacting any class of insurance business, to rating organizations and to all insurance agents and insurance brokers. The provisions of this act, excepting sections two hundred and nineteen (219), three hundred and five (305), five hundred and one (501), five hundred and two (502), five hundred and four (504), five hundred and five (505), five hundred and six (506), five hundred and seven (507), five hundred and eight (508), five hundred and nine (509), five hundred and ten (510) and six hundred and seven (607) hereof, shall not apply to fraternal benefit societies, orders, or associations conducted not for profit, and having a lodge system with ritualistic form of work and representative form of government, or to beneficial or relief associations conducted not for profit formed by churches, societies, classes, firms, or corporations, with or without ritualistic form of work, the privilege of membership in which are confined to the members of such churches, societies, or classes, and to members and employes of such firms or corporations. The provisions of this act, excepting sections two hundred and thirteen (213), two hundred and fourteen (214), two hundred and sixteen (216), two hundred and nineteen (219), five hundred and one (501), five hundred and two (502), five hundred and three (503), five hundred and four (504), five

hundred and five (505), five hundred and six (506), five hundred and seven (507), five hundred and eight (508), five hundred and nine (509), and five hundred and ten (510) hereof, shall not apply to domestic mutual fire insurance companies of this Commonwealth, incorporated under special acts of Assembly or under the act of May first, one thousand eight hundred and seventy-six, with unlimited or limited liability to assessment for payment of expenses and of losses and loss adjustments, set forth in the policy contract or in the promissory notes attached to said policy.

(b) Nothing in this act shall apply to a religious publication, or its subscribers, that:

(1) is a nonprofit religious organization;

(2) is limited to subscribers who are members of the same denomination or religion, who have the approval of their pastor;

(3) acts as an organizational clearinghouse for information between subscribers who have financial, physical or medical needs and subscribers who choose to assist with those needs, matching subscribers with the present ability to pay with subscribers with a present financial or medical need;

(4) pays for the subscribers' financial or medical needs by payments directly from subscriber to subscriber; and

(5) suggests amounts to give that are voluntary among the subscribers, with no assumption of risk or promise to pay either among the subscribers or between the subscribers and the publication.

Amend Sec. 1, page 1, line 16, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 16 through 18, by striking out "of May 17, 1921" in line 16, all of line 17 and "thousand nine hundred and twenty-one" in line 18

Amend Sec. 2, page 7, line 4, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Pitts is recognized.

Mr. PITTS. Thank you, Mr. Speaker.

Mr. Speaker, this is the issue that many of us on both sides of the aisle have heard from constituents about, which is identified by the name of the Christian Brotherhood Newsletter. It is not a partisan issue. I know many of the members on the other side have spoken to me about it, and we have had a few meetings with the groups and the Insurance Department about it.

Just to briefly explain to the members, the newsletter is a publication of a group. It is actually a rescue mission in Ohio. It is a benevolence association that has been operating since 1982.

Whereas, in the newsletter—they publish it—they put in the medical needs of their subscribers, and they encourage their subscribers to send a donation, a contribution, to particular needs published in the newsletter once a month. It is a strictly voluntary organization. The people, when they join it, clearly understand and sign the form which states that this is not an insurance program. There is no guarantee that any need published will be paid. They understand that their bills may not be met in full or even partially. There is no guarantee or obligation for them to give or to receive, but it has been working successfully. Since 1982, 100 percent of those needs that have been published in the newsletter have been met.

Recently the Insurance Department started some litigation to force this group from operating in Pennsylvania. Now, it is not a large group. They only have 1,400 subscribers in Pennsylvania.

Basically, the Insurance Department, when we met with them, said there are two major issues. One, is this an insurance program; and two, is it financially sound? The department said that it appears to them to be an insurance program, and since that is true in their minds and this program does not have reserves, then they should be shut down in Pennsylvania. They did have some negotiations. The Insurance Department proposed a compromise, which, basically, the newsletter people were agreeable to. They just did not want to have that agreement bind them in other States, since they operate all over the country, and because they wanted it limited to Pennsylvania, the department said they broke off negotiations; they went to court, and so they are in litigation now.

Again, the constituents that I have had who contacted me about this understand that they do not have insurance, that their bills may not be paid at all, and when they go to the hospital for their medical care, they show them a form stating clearly that they do not have insurance, but they will operate under this benevolence association. Again, all needs and bills have been paid since 1982 of those who participate in this program.

I want to read you the statute of the Pennsylvania law. I think, from my reading of this, that they are exempt. This is the Insurance Act passed in 1921, which states, "The provisions of this act...shall not apply to...beneficial or relief associations"—I am skipping some words here—"conducted not for profit formed by churches, societies, classes, firms, or corporations, with or without ritualistic form of work, the privilege of membership in which are confined to the members of such churches, societies, or classes..."

I asked the department why this does not exempt them, and they said, well, technically they are not a church. Now, this rescue mission is registered as a church, so I think they might be wrong on that, but as I read the statute, they should be exempt. But since the department says they are not, I am offering this amendment, A3092, which specifically exempts this type of benevolence association. It does not mention them by name but it is drafted by our attorneys to specifically apply to this type of benevolence association.

I think my amendment clarifies the law specifically to exempt churches and their benevolence associations, to keep the department from stepping in to regulate them, and I would urge the members to support the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Pitts amendment, the gentleman, Mr. Colaizzo, is recognized.

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

I respectfully rise to oppose the Pitts amendment.

This amendment could subject countless Pennsylvanians to massive exposure to unlicensed and unregulated insurance programs.

The amendment is specifically designed to set aside ongoing litigation between the department and the Christian Brotherhood Newsletter, an Ohio-based religious enterprise currently writing illegal insurance in Pennsylvania. Pennsylvania and 21 other States have investigated and sued this enterprise.

The Insurance Department respectfully requests that Representative Pitts' amendment be opposed for the following crucial reasons: The newsletter's unfunded claims liability has exceeded approximately \$5 million; the number of potential victims in Pennsylvania alone has almost doubled in the past year to more than 7,000; consumers are dropping legitimate insurance through licensed companies to buy into the newsletter's operation; Pennsylvania law already contains a narrow religious exemption for bona fide religious denominations such as the Amish and Mennonites; the department has sued to stop the newsletter; the department and the newsletter have both agreed that the hearing will be commencing on September 27, 1993; the amendment would open the door for any entrepreneurial program to operate without accountability, as long as it holds itself out as a religious affiliation, thus exacerbating a growing trend of unregulated insurers in Pennsylvania.

The amendment is unclear, unworkable, and a dangerous exemption that would not remedy the present controversy. At best, it would open a Pandora's box that would permit any entrepreneurial illegal insurer to set up operations that would ultimately jeopardize the well-being of the people of Pennsylvania.

The Insurance Department respectfully requests that you vote against this amendment and let the Commissioner adjudicate and determine the status of the newsletter pursuant to the hearing process, as has been done in a number of other States.

In other States this question has come up, and in Maryland the Christian Brotherhood Newsletter was found illegal; in Wisconsin the CBN was found illegal; in North Dakota it was found illegal; Washington, it was found illegal; and Delaware also. Iowa sued the Christian Brotherhood Newsletter for illegal insurance and litigation is pending. Litigation is also pending in Arkansas and Pennsylvania, and in Alabama the Christian Brotherhood Newsletter was prohibited from marketing. Kansas is investigating; also Oregon, South Dakota, and Idaho. Other States with open investigations are Missouri, South Carolina, Wyoming, Oklahoma, West Virginia, Florida, Nevada, and Nebraska.

With this being said, I ask that members on both sides of the aisle defeat the Pitts amendment. Thank you.

The SPEAKER. Ms. Ritter is recognized.

Ms. RITTER. Thank you, Mr. Speaker.

I also rise to oppose this amendment and to reiterate what was said by the previous speaker. I think, as Mr. Pitts has mentioned and as was mentioned by Mr. Colaizzo, there already is an exemption in current law for bona fide religious organizations, and in fact, Mr. Pitts also said that he thought this exemption would apply to this organization.

I think before we get involved in the middle of a case that is in litigation right now, that we should wait until that case is decided and see whether or not Mr. Pitts' interpretation of the law is upheld by the court and whether or not they determine that this organization does meet the exemption that is already in the law and would be considered exempt.

While it may be true that Mr. Pitts may have received correspondence from some of his constituents and others may have heard from their constituents who understand perfectly well that this is not an insurance company and that there is no guarantee that any of their future medical costs would be paid by other members of this association, and that may very well be true, our responsibility, however, is to protect the folks out there who may not have written to their legislators and who may not understand the exact situation in which they are putting themselves. Some folks, we understand, have given up their insurance policies in order to become a part of this network. Those are the folks to whom we owe a duty to protect their interests.

So the hearing will be held in September; litigation is going on right now in Pennsylvania. As Mr. Colaizzo mentioned, there is a whole list of States where in fact this network has already been found to be illegal. There are investigations pending in many other States. You may have received information from the Christian Brotherhood network talking about Oregon, Michigan, Kansas, and South Dakota, implying that those States have found the newsletter to be in compliance with their insurance laws. That is not correct. We have copies of letters from the Insurance Departments in those States dated June 17 in the case of Kansas, June 18 in the case of South Dakota, which said that their investigations are still ongoing and they have not found that this newsletter, this network, is in compliance with their insurance laws.

So this is not something that we should be rushing to exempt, not only this organization but any other organizations in the future that might call themselves Christian something-or-other in order to qualify for an exemption under the insurance laws. We need to be very careful to protect our constituents and the people of Pennsylvania from any organization that might, either through direct statements or through implications, might defraud these folks and they might find themselves with a serious illness that is not going to be covered by any insurance policy and in fact would not receive any money from this newsletter as they would be expecting.

So I would also ask the members to vote against this amendment, particularly now in view of the litigation that is presently ongoing. Thank you.

The SPEAKER. The gentleman from Dauphin, Mr. Piccola, is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to support the Pitts amendment.

The gentlemen, Mr. Pitts and Mr. Colaizzo, have accurately, I think, described the operation of the newsletter. I am not going to stand here and suggest to the members of the House that the position of the Insurance Department is totally without merit, but I think what we should be aware of

is that the Insurance Department, because of the nature of this organization and the newsletter function, found it to be a totally unique kind of operation and engaged in some negotiations with the newsletter over the course of a number of months, and because of the interest of our constituents, many of us here in the House and in the Senate maintain contact with the Insurance Department and our constituents to monitor the progress of those negotiations. We had several meetings last week on this subject, and the biggest thing that I gleaned from those meetings is that I think those negotiations can be brought to fruition between the department and the newsletter, allowing the newsletter to operate within the Commonwealth of Pennsylvania and operate properly. However, I think the department has overstepped its bounds in filing the request for the cease and desist order at the time in which they did it. I do not think they gave the newsletter fair opportunity to respond and to complete the negotiations in which they were engaged. I think that if the department is to be told by this General Assembly that they are to continue those negotiations and attempt to arrive at an agreement, we must pass this amendment today to send that message.

I would urge that we adopt the amendment, and I would further urge that the Insurance Department go back to the table before September 27, which is the date of the hearing, and attempt to resolve this matter with some sort of a consent order and consent agreement so that the litigation on September 27 becomes unnecessary.

I have heard from my constituents that they are well aware of the nature of the newsletter. They are under no illusions as to what the newsletter does and what it does not do. I am not suggesting that there might be some out there who are not aware of what the newsletter is promising or not promising, but appropriate disclosure on the newsletter and other kinds of information provided by the newsletter, I am sure, can be agreed to, based upon my discussions with those folks and with the department, that this issue can be resolved without the necessity of this amendment or a hearing on September 27.

I urge, Mr. Speaker, that we adopt this amendment and we continue to push for its adoption until such time as the department comes to some kind of a resolution of this issue with the newsletter and allows it to operate within the Commonwealth of Pennsylvania. So I would urge that we adopt the amendment and proceed with the bill.

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

Mr. BARLEY. Thank you, Mr. Speaker.

I stand in support of the Pitts amendment.

As I look at the issue and consider what we are dealing with here today, I think it is very clear, number one, that this is not insurance, and I think each and every time that it is stated or called insurance is just clearly a misstatement of fact. I think it is also very clear that there is no guarantee or no assumption of risk on the part of this newsletter, and so I think that clearly, in itself, means that it is not insurance.

I, too, was in some of the meetings that were held between the principals of this Christian Brotherhood Newsletter and the Insurance Department, and I felt, too, that it was very clear

that the negotiations broke down on the Insurance Department's side prematurely, and as we look at the statutes and look at what we have on the books, I also believe it is very clear that this is a legitimate and legal operation in Pennsylvania.

I was listening to some of the previous speakers as they were talking about the desires of the Insurance Department and that the Insurance Department is against this amendment and the Insurance Department does not want us to do this and does not want us to do that. I come back again to the fact, Mr. Speaker, that we are the elected representatives of the people of Pennsylvania. It is our responsibility as elected officials to set the policy for the State, and it is the Insurance Department's responsibility to then administer it, not for them to set the policy.

I believe, again, as it has been clearly stated before, that the policy is clear that this newsletter should be allowed to operate, but if the Insurance Department disagrees with that, then it is our responsibility and it is our responsibility here today to clarify that policy, and that is what we should be doing. So by passing this amendment, we just simply clarify that position so that the Insurance Department has no reason to doubt that it is the intention of the elected members of this body, who represent the 12 million citizens of this State, that this is what we want them to do and to carry their administrative responsibility out appropriately.

So I urge that we pass this amendment today and send that clear signal to the Insurance Department in the State of Pennsylvania.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would Representative Colaizzo stand for a brief interrogation, please?

The SPEAKER. The gentleman from Canonsburg indicates that he will.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

You read a statement, and I assume that was given to you by the Insurance Department, or a lot of the facts and figures behind it. My question to you: Has the Insurance Department received any complaints whatsoever regarding individuals who participate in this system?

Mr. COLAIZZO. I could not tell you. I do not know.

Mr. FAIRCHILD. Would not one question the Insurance Department if they were so opposed to this? It seems logical to me that you would question the Insurance Department and you would say, hey, what kinds of problems are we having? What kind of people are complaining about this system? Would that not be a logical question?

Mr. COLAIZZO. You have a good point there. Yes, sir.

Mr. FAIRCHILD. Thank you.

Did the Insurance Department indicate that there were any claims whatsoever that are unpaid in Pennsylvania?

Mr. COLAIZZO. No; I do not know if it is in Pennsylvania. The only thing I know is that they are claiming there is unfunded claim liability in excess of approximately \$5 million. I do not know what part of that is in Pennsylvania.

Mr. FAIRCHILD. Does each State come up with a methodology of determining the balance of or the actuarial amount of how they calculate unpaid claims?

Mr. COLAIZZO. Each State regulates insurance separately. I would not be able to tell you that.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

To your knowledge— One more question, please. To your knowledge, has any member of this House or this Senate indicated that any participant, either present or past, has made any complaints to any members whatsoever?

Mr. COLAIZZO. Not to my knowledge.

Mr. FAIRCHILD. Thank you, Mr. Speaker. I would like to make a brief statement.

The SPEAKER. The gentleman from Union County is in order and may proceed.

Mr. FAIRCHILD. Thank you.

I think the concept here is rather unique, and if you have been involved in this, you start to wonder, what works in society and what does not? The bottom line here is a group of people, yes, they are religiously affiliated; they are up-front. If you have read their information, if you have seen their application, it is stated extremely clearly that this is not insurance. This is a group of people getting together to help other people.

Now, one has to wonder why the insurance companies, why the Insurance Commissioner, would oppose this type of legislation that Representative Pitts is attempting to clarify. These are for-profit corporations, number one, on the part of the insurance companies. Is it a potential threat to them? Of course it is. This is profit motivated. How about the bureaucracy? How about the insurance companies themselves? You have got to ask, if there is not one unpaid claim, and the Insurance Department in Pennsylvania very conveniently, as they disseminated information, obviously, to some people, they did not include the fact that there has never been one claim in Pennsylvania; there has never been one allegation by any participant whatsoever.

Now, just what in the heck is going on here? When are we going to realize that sometimes you can reinvent government? Sometimes the private sector working together can solve problems. Heavens, we are talking about health care costs. Let us get a life. Let us start looking at programs that work. Is there anything wrong with people helping people? That is all this is doing.

I am not sure that we are absolutely technically correct. I think Representative Piccola gave a good indication of where this issue stands. But to do nothing, to continue to litigate this, to continue to deny people who want to help other people is exactly wrong. This government of ours is going the wrong way if we do not support the Pitts amendment. Thank you.

The SPEAKER. The gentleman from Washington County, Leo Trich.

Mr. TRICH. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect to the intentions of the prime sponsor of this amendment and all those who have

cosponsored, I, too, must rise to be in opposition to this particular amendment.

I need not repeat some of the information already presented where there have been problems in other States, problems to the extent that States have actually outright outlawed this type of program. Needless to say, because of the cost and confusion in health care today in this Nation, there are many people out there who are vulnerable, vulnerable because they cannot always afford the insurance that is out there for them and vulnerable to look for alternatives. My concern is that even if this amendment were passed and the group that we are trying to help would be accommodated, we are also opening up a wide range of opportunities for people who are not so generous, who are not so sincere, and many of the vulnerable people who are out there looking for a better price, if you will, may fall victim to that type of a group.

Once again I indicate to you that for many, many reasons, perhaps the Christian Brotherhood group should be looked at closely, and I think the department has indicated a willingness to do that. But until that time arrives, I think that we owe an obligation to those we represent at home — those who are in need of some type of health insurance, those who are in need of some guidance to try to get health insurance that is affordable — to wait until we make certain that all the i's are dotted and all the t's are crossed, and certainly what we are seeing around the country, those i's have not yet been dotted and those t's have not yet been crossed.

Keep in mind that my record I think very clearly shows that I, too, have been critical about the existing insurance companies, so my appeal to you today is not based on the rhetoric of being supportive of the insurance industry. In deference to that, you will see that many pieces of legislation that I have introduced and will introduce will take the present insurance industry as it relates to health care to task.

But I urge you to wait until all the information can be compiled. Let us not vote for this amendment, because we will be opening up an opportunity for those who are not as sincere as this group, and therefore, I urge a negative vote, a strong negative vote, on the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Beaver County, Chairman Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, we are being asked today by this amendment to unregulate insurance. We have learned that this Christian Brotherhood is illegal—illegal—in 5 States and it is being investigated in 21 other States.

Representative Fairchild wants to know whether we have had any complaints. Well, we do not have any complaints now because people have not lost any money. But let me tell you, when people begin to lose money and if this amendment passes, we will be responsible for people losing money, not the Insurance Commissioner of Pennsylvania.

Mr. Speaker, let me just say this: The problem is not with this organization. No one has said that this organization is not a good organization. What we are saying today, though, is that if this amendment passes, many other organizations will be

able to do the same thing that this organization is doing without any oversight by our Insurance Department, and so we can have some corrupt organizations starting up tomorrow and there is nothing that this Commonwealth can do because there is no oversight by the Insurance Department.

And lastly, Mr. Speaker, as I said, no one has said that this organization is bad, but that is why the Insurance Commissioner has set a meeting for September 27, and at this September 27 meeting the Insurance Commissioner will determine honestly whether there is anything wrong with this organization, and hopefully there is not, because I understand they have done a lot of good things.

For those reasons I ask you to oppose the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. GORDNER, is recognized.

Mr. GORDNER. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman, Mr. Pitts, indicates he will stand for interrogation.

Mr. GORDNER. Thank you, Mr. Speaker.

Mr. Speaker, just so I understand, there are costs involved with this, and I understand that if a single person wants to become involved in the newsletter it is \$50 a month, a married couple \$100 a month, and if there is a family it is \$200 a month. Is that correct?

Mr. PITTS. No, that is not correct, Mr. Speaker. Let me explain it.

You are correct that a single individual who wants to subscribe to the newsletter pays \$50 for the subscription, and then for the other 11 months he is given a name of someone with a need that he can send his \$50 check once a month to those needs for the rest of the year. For a couple it is \$100. For a family with 1 or 15 children, it is \$150.

Mr. GORDNER. Okay. Thank you, Mr. Speaker.

Just so again that I understand, if my wife and I wanted to join, we would send \$100 initially in to the Christian Brotherhood service in Ohio, and then after that we would get a newsletter, and as long as each month we send \$100 to someone whose name is in that newsletter, then we would be okay and continue with that service?

Mr. PITTS. No, it is more specific than that. They are computerized. They specifically recommend, for a person with a medical need, for instance, they suggest that you send your contribution to them, that person, that month. So you get the subscription to the newsletter for 12 months.

Mr. GORDNER. Okay. But it would cost my wife and me then \$1,200 per year for that service.

Mr. PITTS. That is correct.

Mr. GORDNER. Okay. And also then if my wife or I needed medical services, then we could also put our name on that list and expect some contributions.

Mr. PITTS. That is correct. I mean, essentially you have got the right idea. There is no legal obligation for them to send that voluntary contribution, but these are people of religious persuasion, who are recommended by their pastor, who subscribe to a certain set of religious beliefs. Many of them are

Amish, Mennonite, and so when they get that, then they voluntarily send that contribution to the person with the medical need. If you had a need, then you could, on the recommendation of your pastor, send the amount in to the newsletter and they would publish that, and within 3 or 4 weeks of publication, those checks would come from the various other subscribers to meet your needs. And to date, as I said—since 1982 they have been operating—100 percent of their needs that they published have been met.

I have constituents, a veterinarian, for instance, a friend of mine, who cannot afford insurance, but he is a member of this group. He recently had kidney stones and a lot of complications. His needs were \$35,000. I checked with him last week. He said 100 percent of it had been paid. So that is the kind of thing that occurs, although there is no legal obligation for anyone to send him a check and he understands that he may not get all of his needs met. That has occurred. When he signed the agreement to subscribe, I checked with the agreement. Twenty times in that agreement it states, this is not insurance; this is not an insurance program; there is no obligation for all of my bills to be met or paid.

Mr. GORDNER. Okay.

Mr. Speaker, who checks on the legitimacy of these needs? Suppose I were to put a claim in and say that I am going to be having some sort of surgery done next week and would now need some moneys. Is there someone, some agency, that checks on that or is it strictly up to the newsletter?

Mr. PITTS. No; the local church that they are a member of, and they have to—I do not know if you have seen the agreement—they have to be active members of that local church and it has to be approved or recommended by the pastor when they put in a claim, and then the newsletter people actually call and check on the bills. I should not say claim; it is not a claim. It is a publication of their expenses. And the claim is—I have used the word the Insurance Department is using. It is really not a claim, because there is no obligation at all that the need will be met. It is a need that is published.

Mr. GORDNER. Okay.

Is it correct that I could not have my name in the newsletter if I am not a member of that service?

Mr. PITTS. You have to be a subscriber to the newsletter and a member of a local congregation that subscribes to a certain set of beliefs that is, you know, then authorized by their pastor.

Mr. GORDNER. Okay. So if my wife and I do not contribute the \$100 a month, then our name cannot appear in that newsletter. Is that correct?

Mr. PITTS. You have to subscribe, and that first month, you know, is your subscription for the year.

Mr. GORDNER. Okay. And it is correct that nothing that we are doing today is making this service illegal. Is that correct?

Mr. PITTS. What do you mean, nothing we are doing? Do you mean—

Mr. GORDNER. Nothing that is in the bill that is going to be passed today is making this service in Pennsylvania illegal. Is that correct?

Mr. PITTS. Making it illegal?

Mr. GORDNER. Right.

Mr. PITTS. No, we are not doing that at all.

Mr. GORDNER. Okay.

Mr. PITTS. The department, in effect, with the draft agreement and compromise that they proposed, recognized it as legal. I mean, the Brotherhood agreed to it except they said, do not make it apply to other States. They operate all over the country. They just wanted it to be Pennsylvania specific, and because of that reason the department said, no more negotiations; we are going to court. So basically the department has recognized, I think with their draft proposal, that they are legal.

Mr. GORDNER. Thank you, Mr. Speaker. If I could, I would like to briefly comment on the amendment.

The SPEAKER. The gentleman should proceed.

Mr. GORDNER. Thank you, Mr. Speaker.

I am going to oppose this amendment. I do so because I believe that it is insurance. In order for my wife and me to belong, we would need to pay \$100 a month or \$1,200 a year. Our name could be put in there, and we would basically expect payment of our cost but there is nothing to guarantee it. There is no agency to control it. There is no agency to overlook it. And I understand and I appreciate the fact that so far since 1982 there have not been any claims that we are aware of that have not been met, but yet I guess I have a problem with us doing an exemption, which is what Mr. Pitts is asking for, an exemption to this that says that there needs to not be any type of overview when in fact this appears to be insurance just like Blue Cross and Blue Shield where I pay a monthly amount and I expect, I mean, I expect coverage of that amount.

I think again that we need to think about that when we vote, and I would urge that we oppose this amendment. I would certainly say again that nothing in this bill is making this service illegal. I would further urge the Insurance Department to meet with these folks in order to discuss what they are doing for some sort of compromise, but I do not think what we should do today is just give this organization an exemption and possibly give other like organizations an exemption to transact business this way. Thank you, Mr. Speaker.

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

Mr. HERSHEY. Thank you, Mr. Speaker.

I rise to support the Pitts amendment. There is not a month goes by in my office that a constituent does not call up and express their disappointment with the settlement of a commercial insurance company for some health need. We know that our cost of insurance is outstripping many of our young families' ability to pay, and here is a group that has devised a very unique plan, without any complaints in 12 years of nobody having their needs being taken care of, yet they

know full well when they sign up a day might come when not all of their needs will be taken care of.

People that have contacted me that subscribe are young families that farm or have an independent business. They do not have insurance available through where they work. They cannot afford the commercial insurance that is for sale, so it is a very attractive plan for them to share in each other's needs. It is very unique. It would solve a lot of our problems in our rural areas for these well-intended families. They are families that have to be approved by their minister or their board of elders at their church or the bishop.

I would ask my colleagues on both sides of the aisle to support the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER. Mr. Pitts indicates he will stand for interrogation. The lady may proceed.

Ms. BISHOP. Mr. Speaker, can you tell me if any health forms are filed with this organization?

Mr. PITTS. I am sorry, Mr. Speaker. I could not understand what you said.

Ms. BISHOP. As they become members of this organization initially, are health forms required? Do they ask what kind of health you are in? Do doctors file a health form? Do they ask for a previous history on your health?

Mr. PITTS. Yes. When they sign this agreement and this form, they do answer some health - minimal - but some health-related questions, yes.

Ms. BISHOP. And at that time are they told that should they need medical health that all of their medical needs would be met?

Mr. PITTS. No; they are not.

Ms. BISHOP. And you say that there is a donation required of \$50 for a single person?

Mr. PITTS. That is correct.

Ms. BISHOP. And once they become a member, they are given the name and address of an individual who is in need of services? Is that on a monthly basis?

Mr. PITTS. Yes; once per month.

Ms. BISHOP. Are they required at that time to give whatever they can or is there a specific amount of money required?

Mr. PITTS. No. They are not required to give anything, but it is suggested that they pay their subscription amount to that person.

Ms. BISHOP. Thank you very much.

I would like to speak briefly on the amendment, Mr. Speaker.

The SPEAKER. The lady should proceed.

Ms. BISHOP. Mr. Speaker, this kind of activity has gone on in churches under the name of missionaries for years. It is nothing new; it is just a different name. They have always collected money. They have always given to people in need,

and I see absolutely nothing wrong with this form of giving and helping.

People do join the church believing in faith that whatever their needs are that they will be met there, and I do not think that we can stand here in this House and legislate a person's faith. It has existed. I think that we are out of our place, because I think that we are interfering in church business and there is a separation of church and state.

I certainly would support the amendment and would like to urge other members to do the same. Thank you.

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

I wonder, Mr. Speaker, if I can interrogate Mr. Pitts, a few brief questions.

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pitts, indicates he will stand for interrogation.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I genuinely am confused by this entire process, and as you know, we have had conversations about this, and unfortunately I was not able to attend the various meetings you had. But I am confused for a number of reasons, and maybe you can clarify them for me.

Why are we not waiting for the Insurance Department to actually make a decision relative to this process? As I understand it, individuals on this side of the aisle who are opposing your amendment are telling me that it is entirely possible that the department could say this is a viable, legal operation and we sanction it and God bless you and go ahead. Why do we not wait to do that?

Mr. PITTS. Mr. Speaker, as you know, we had several meetings with the department and their legal counsel, and in those meetings they showed us and we looked at the draft compromise, which the Brotherhood was willing to live with. Because they would not give any time for the Brotherhood to respond— Basically the Brotherhood made some very minor suggested changes which, in I think everyone's opinion in the room except the department, they should have agreed to. It just applied it to Pennsylvania. The department was not willing to do that and they were not willing to back down. They want to go to court on this.

We felt at the time that there might be a chance for them to compromise, but after meeting with the department several times, in my opinion, they are not willing to compromise unless the Brotherhood agrees to every single word they say.

Mr. TANGRETTI. Well, according to the letter that the department has circulated, there is another meeting being held on the 27th of this month for some purpose, and I thought the purpose was to additionally solicit more information or in fact make a decision. Is that not the case?

Mr. PITTS. I do not think there is any meeting with the newsletter people scheduled. The next thing scheduled is a hearing in front of a judge.

Mr. TANGRETTI. I am sorry. I was advised it is in September.

Mr. PITTS. Well, that is the hearing you are talking about.

Mr. TANGRETTI. Oh, the court hearing itself.

Mr. PITTS. Yes. The department wants to take them to court.

Mr. TANGRETTI. And the department at that point is going to argue that this is not a viable operation and should come under the insurance laws of the State of Pennsylvania.

Mr. PITTS. That is correct.

Mr. TANGRETTI. In other words, they have already made a decision — the department — that this is not a viable operation.

Mr. PITTS. That is correct.

Mr. TANGRETTI. Okay. That clarifies that.

Mr. PITTS. And so we had no other recourse but to offer an amendment.

Mr. TANGRETTI. Okay.

Secondly, there was a lot of concern expressed by a number of speakers that somehow if we allow this amendment to go in, there will be a number of other possible entities who will in fact attempt to make use of this language and enter the market and perhaps are not as honest and scrupulous as the Christian Brotherhood Newsletter is. How do you justify the possibility, or do you not agree that that is a possibility?

Mr. PITTS. We asked the attorneys that drafted the amendment to draft it as tight as they could to make it specific to this type of operation. This is the language they gave us.

I do not want to say it is impossible; it might be conceivable, but we have tried to draft it specifically to this type of organization that operates as a benevolent society of a church or mission.

Mr. TANGRETTI. So you feel comfortable that given the nature of the draft of this language, that the possibility of that occurring is limited?

Mr. PITTS. That is correct.

Mr. TANGRETTI. Okay.

One final question, Mr. Speaker, if I may. Another criticism that I have heard on this side is that if as a subscriber I, for whatever reason, do not make a contribution for a month or two, I am stricken from the newsletter's rolls and that if I then have a need for some health payments, I would not be eligible. Is that accurate?

Mr. PITTS. Mr. Speaker, I specifically asked the newsletter people about this, and they said they will not drop anyone for the year of their subscription for nonparticipation. However, it would not bother me, it would not bother me if they set it up that after a person missed two or three payments they did not get published, because these people are basically saying that they want to help other people by joining this association.

Mr. TANGRETTI. Thank you, Mr. Speaker. I have nothing else.

The SPEAKER. The Chair thanks the gentleman from Greensburg.

Mr. Armstrong is recognized.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Pitts amendment, and I would like to make a couple of comments.

Representative Gordner said that these people expect a return, and in man's way, this is why we have the Insurance Department, because there are people that expect returns out of insurance policies with that particular department or company. But this is what some of us may call a higher law. They are trying to help other fellow believers and, in essence, putting a faith in God, that God is going to take care of them in their predicament should they come up against a predicament somewhere in the future.

It also should be noted that before the insurance companies ever existed and have gotten to the state that they are today, this is how people's medical needs and financial needs were responded to. The church itself would come together and try to respond to the needs of those that needed help. The Bible itself says that we need to take care of the widow; we need to take care of the fatherless; we need to take care of those in need, in prison, or in need of clothing or food.

It is very specific that if one wishes to follow the precepts of the Bible, that they are going to participate in that kind of endeavor as a part of a faith, as a part of a walk, and I believe this is exactly what is happening. Yes, it may be very fine tuned, it may be very organized, but it is done that way to try to assist others in knowing where the needs are and how we can participate in those needs or how one can participate in meeting those needs. How can an individual know to send to somebody if they do not know who is in need? So that is why it has been very organized in this way.

Representative Tangretti also asked a question, and Representative Pitts answered it, but I believe there is also another answer there. Representative Tangretti asked, why do we not wait until the Insurance Department comes up with an adjudication of this case? Well, it could be that while we are off on break, the Insurance Department will come up with a decision and in essence shut down the participation of members in this Commonwealth, and then it could mean several more months before we are able to come back, so it is going to cause, in my terms, a logjam and some very problematic concerns if we do not deal with this issue today.

So therefore, I ask all of my members to support this amendment. I think it is a very good amendment. It is an amendment that allows for people to participate in other people's needs because they care, they care. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, may I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. Mr. Colafella may proceed.

Mr. COLAFELLA. Mr. Speaker, on a question by Representative Tangretti, you stated that this amendment is drafted so tightly that it would only apply to the Christian Brotherhood. Can you show me in the amendment where it is drafted so tightly that it would only affect the Christian Brotherhood?

Mr. PITTS. I did not say that we put the name of the Christian Brotherhood in the amendment. It is not designed

with their name in it. It is designed to apply to their type of operation.

Mr. COLAFELLA. So if any other religious-type organization wants to get into this kind of business, would they be able to do it?

Mr. PITTS. If they met the constraints of the amendment.

Mr. COLAFELLA. So, Mr. Speaker, if, for example, there was a shoddy religious organization that got into this business, who will monitor this particular business? Who will police them?

Mr. PITTS. They would fall under the constraints of this law. If they meet the constraints of the amendment, they could operate.

Mr. COLAFELLA. Well, my question is, will the Insurance Department be able to do something? Will the Insurance Department be able to punish a religious organization? Let us say Jimmy and Faye Bakker decide to do the same thing tomorrow, and they do some things wrong, and all of us in the legislature are blamed. Who will be able to police them? Are we the legislature going to go out and police them?

Mr. PITTS. Mr. Speaker, if they do not fall under the constraints of the law, then the Insurance Department could go after them.

Mr. COLAFELLA. So, Mr. Speaker, what we are asking for is, we are asking for no oversight by the Insurance Department in this matter, but if there is a problem, if people are ripping off consumers in Pennsylvania, what you are then saying is, we will now let the Insurance Department do it, who had no authority, no responsibility at all in approving this, but now you want them to then go after the people who are bad people. Is that what you are saying?

Mr. PITTS. Mr. Speaker, if they do not meet the parameters of our law, the Insurance Department has authority. We are specifically trying to exempt them.

Mr. Speaker, let me see if I can clarify the nature of this operation. Can I recite to you a little query and answer that I heard that I think identifies the essence here?

Mr. COLAFELLA. Well, let me interrupt you, Mr. Speaker.

The problem, as I stated earlier, is not this organization. This is not the problem. If it was the problem, the Insurance Department would not let this organization function. The problem that I see is, you are asking members of this legislature to take the responsibility. If other religious organizations fall under this and do things wrong, it is going to be our fault, and that is not right, and you are asking us to approve religious organizations when we do not have the authority to provide oversight. We do not investigate companies or organizations that request to deal in insurance. That is what you are asking us to do, and I think you are being unfair.

Mr. PITTS. Mr. Speaker, could I ask the gentleman if he would submit to interrogation so I can give my illustration?

Mr. COLAFELLA. Yes.

Mr. PITTS. All right. Mr. Speaker, this is America. Are you free in America to become an Amishman?

Mr. COLAFELLA. Yes.

Mr. PITTS. All right, Mr. Speaker. If you are an Amishman, can you cancel your insurance policy?

Mr. COLAFELLA. Yes.

Mr. PITTS. All right. If you are an Amishman and you have a barn and it burns down, is there any guarantee that your barn is going to be rebuilt?

Mr. COLAFELLA. No.

Mr. PITTS. How is it rebuilt? We know that it is rebuilt within a week. How is it rebuilt?

Mr. COLAFELLA. Well, Mr. Speaker, let me say, are we talking about insurance or are we talking—

Mr. PITTS. No, we are not talking about insurance. That is the whole point. Your barn is rebuilt because they take care of one another.

Mr. COLAFELLA. Well, if we are not talking about insurance, why did you want the Insurance Commissioner to get involved when there are problems?

Mr. PITTS. I do not. I want them to be exempt from the regulation of Big Brother who is trying to shut them down.

Mr. COLAFELLA. Well, let me ask you one question, Mr. Speaker. This is a free country—

POINT OF ORDER

Mr. DALEY. Mr. Speaker, point of order.

The SPEAKER. The gentleman, Mr. Daley, intercedes momentarily for a point of order. What point does the gentleman wish to state?

Mr. DALEY. Mr. Speaker, we in the front row are really having a difficult time hearing this debate. The House is becoming almost like a zoo. Pictures are being taken in the well of the House. People are milling around and talking everywhere. I cannot hear Mr. Colafella; I cannot hear Mr. Pitts. We cannot hear the debate, and we would like to have some order, Mr. Speaker, so we can hear what is going on in this debate.

The SPEAKER. The gentleman's point is well taken. The House will please give the attention of the membership to this debate. It is quite poignant and quite interesting — the Amish barn; the involvement of the Insurance Department or the noninvolvement. It is an interesting intellectual exchange between Mr. Colafella and Mr. Pitts, and I think the membership should pay attention.

The Chair thanks Mr. Daley for his point of order.

The debate may proceed.

Mr. COLAFELLA. I think we are still on interrogation, but I am not sure who is interrogating whom.

Let me conclude my remarks by simply saying that we do live in America, but if Kemper Insurance wants to increase their rates, Kemper Insurance in America, in Pennsylvania, has to go to the Insurance Department for a rate increase. We have an Insurance Department that is responsible for monitoring insurance in Pennsylvania. You specifically stated that if religious organizations are not being fair with the consumers of Pennsylvania, then it is the responsibility of the Insurance

Department to go after them, and I agree with you. What you are asking members of this legislature to do today is to forget about the Insurance Department; we will go after these religious organizations that are not honest.

I am not saying there is anything wrong with this organization; neither is the Insurance Department. That is why they are still conducting business. But I think it is wrong for you to ask the members of this legislature to do something that they are not responsible to do, and if things go wrong, we are going to be blamed and the Insurance Department will not be able to do anything about it.

For those reasons I ask you to oppose this amendment.

The SPEAKER. Does Ms. Ritter seek recognition for the second time?

Ms. RITTER. The gentleman, Mr. Colafella, made the point, summarized the arguments. This organization can continue to operate regardless of what we do here today. This legislation, HB 294, will not prevent that. We are not asking you to vote against this organization. We are not saying that this organization is bad. In fact, it seems to have done a tremendous amount of good in the time that it has been in operation. We are concerned about other organizations, as Mr. Colafella made the point very well, other organizations which might be unethical, which might manage to meet the criteria of this exemption and end up defrauding our constituents. And while there may not have been any complaints in Pennsylvania about this organization to date, that is because probably none of them have lost any money yet. Is there anyone here who really wants to wait until one or more of our constituents have been defrauded of their life savings before we act to protect all of our constituents?

So while we are not saying that this organization is going to do that, we are concerned about other organizations that will come in under this exemption, and we are asking you to vote "no."

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

Mr. BAKER. Thank you, Mr. Speaker.

I have heard from many constituents — ministers, lay people, pastors — and this has been a very controversial issue and important issue to them.

What I find interesting about this is that there are no exigent circumstances that have precipitated the action that the Insurance Department is now taking. We have tried through meetings to come to some sort of understanding, but the Insurance Department seems to be predisposed to, at some point in the future, shut down the Christian Brotherhood Newsletter, and I do not think that is fair. I find it more than remarkable that we have more than 12 million citizens in the Commonwealth and not one, not one, has ever lodged a complaint against the Christian Brotherhood Newsletter. Now, that, to me, says that they are not having a problem with this.

What compelling issue or what compelling reason is there for the Insurance Department to take the stand that they are currently taking? I do not see it. I am hoping that they can work things out, but listening as part of these meetings with the legal counsel for the Insurance Department, they seem to

be predisposed to rule against these folks. I do not think it is fair, and I stand in support of the Pitts amendment, I stand in support of religious freedom, and I believe that the Christian Newsletter should be allowed to proceed and continue to proceed without any types of problems from the Insurance Department at this point. I think they should go ahead and continue to do what they are doing in the best interest of our citizenry, the Insurance Department, but I think they should give the benefit to the Christian Brotherhood Newsletter.

I ask for your support of the Pitts amendment, and I ask for your support for religious freedom. Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. Wozniak is recognized.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Just real quick. May I interrogate the maker of this amendment?

Mr. PITTS. Yes.

Mr. WOZNIAK. One question, Mr. Speaker.

Has anybody ever complained because they got bad service?

Mr. PITTS. No; there have been no complaints, the department agreed, from any constituents in Pennsylvania about this program.

Mr. WOZNIAK. When somebody was in need, the people came together and helped them out to rebuild their barns or houses or their medical care every time they were asked?

Mr. PITTS. Every medical need that has been published in this newsletter has been met, yes.

Mr. WOZNIAK. Are they forced to join?

Mr. PITTS. No. It is strictly voluntary, Mr. Speaker.

Mr. WOZNIAK. Mr. Speaker, on the amendment.

I do not see anything wrong with people helping people out, and if there has not been any documented reason that it should not be, I think that this deserves the support not just of the conservatives but the people on this side of the aisle, too. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—124

Adolph	Fichter	Maitland	Saurman
Allen	Fleagle	Manderino	Saylor
Argall	Flick	Markosek	Scheetz
Armstrong	Gamble	Marsico	Schuler
Baker	Gannon	Masland	Scrimenti
Barley	Geist	Mayernik	Semmel
Birmelin	Gertach	McCall	Serafini
Bishop	Gladeck	Merry	Smith, B.
Blaum	Gruitza	Micozzie	Smith, S. H.
Boyes	Gruppo	Mihalich	Snyder, D. W.
Brown	Harley	Miiler	Stairs
Bunt	Hasay	Mundy	Steelman
Bush	Heckler	Murphy	Steil
Cappabianca	Hennessey	Nailor	Stern
Carone	Herman	Nickol	Strittmatter
Cessar	Hershey	Nyce	Tangretti
Chadwick	Hess	Perzel	Taylor, E. Z.
Civera	Hutchinson	Pesci	Taylor, J.

Clark	Jadlowiec	Pettit	Tigue
Clymer	Kaiser	Phillips	True
Cohen, L. I.	Kenney	Piccola	Tulli
Cornell	King	Pitts	Uliana
Dempsey	Kirkland	Platts	Vance
Dent	Krebs	Raymond	Waugh
Donatucci	LaGrotta	Reber	Wogan
Druce	Laub	Rieger	Wozniak
Durham	Laughlin	Rohrer	Wright, D. R.
Egolf	Lawless	Rubley	Wright, M. N.
Fairchild	Leh	Rudy	Yandrisevits
Fargo	Lloyd	Ryan	Yewcic
Farmer	Lynch	Sather	Zug

NAYS—77

Acosta	Evans	Levdansky	Rooney
Battisto	Fajt	Lucyk	Santoni
Bebko-Jones	Fee	McGeehan	Staback
Belardi	Freeman	McNally	Steighner
Belfanti	George	Melio	Stetler
Butkowitz	Gigliotti	Michlovic	Stish
Buxton	Godshall	O'Brien	Sturla
Caltagirone	Gordner	O'Donnell	Surra
Carn	Hanna	Olasz	Thomas
Cawley	Hughes	Oliver	Tomlinson
Cohen, M.	Itkin	Petrarca	Trello
Colafella	James	Petrone	Trich
Colaizzo	Jarolin	Pistella	Van Horne
Corrigan	Josephs	Preston	Veon
Cowell	Kasunic	Reinard	Vitali
Coy	Keller	Richardson	Williams
Curry	Kukovich	Ritter	
Daley	Lederer	Roberts	DeWeese, Speaker
DeLuca	Lee	Robinson	
Dermody	Lescovitz	Roebuck	

NOT VOTING—1

Linton

EXCUSED—1

Haluska

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

GUESTS INTRODUCED

The SPEAKER. I would like to announce, as another guest of Representative Stanley Saylor, Layne Keeney of Red Lion High School. Welcome to the hall of the House, Layne.

Also, Carlyn Bugaile, who is the daughter of Eric Bugaile of the House Transportation Committee. Carlyn is a guest of our colleague, Ron Marsico. Welcome, Carlyn, to the hall of the House.

James Brandon Redden, a young constituent of our colleague, Jere Strittmatter, is here from Manheim Township High School in Lancaster County. Representative Strittmatter indicates that Brandon is here to learn how the State legislature works. We wish him well in that pursuit.

Also and finally, Jenna Shanis and her dad, Don Shanis, are here as the guests of Representative George Saurman of Montgomery County. Welcome to the hall of the House.

CONSIDERATION OF HB 294 CONTINUED

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—200

Acosta	Fargo	Lucyk	Santoni
Adolph	Farmer	Lynch	Sather
Allen	Fee	Maitland	Saurman
Argall	Fichter	Manderino	Saylor
Armstrong	Fleagle	Markosek	Scheetz
Baker	Flick	Marsico	Schuler
Barley	Freeman	Masland	Scrimenti
Battisto	Gamble	Mayermik	Semmel
Bebko-Jones	Gannon	McCall	Serafini
Belardi	Geist	McGeehan	Smith, B.
Belfanti	George	McNally	Smith, S. H.
Birmelin	Gerlach	Melio	Snyder, D. W.
Bishop	Gigliotti	Merry	Staback
Blaum	Gladeck	Michlovic	Stairs
Boyes	Godshall	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Home
Cowell	King	Preston	Veon
Coy	Kirkland	Raymond	Vitali
Curry	Krebs	Reber	Waugh
Daley	Kukovich	Reinard	Williams
DeLuca	LaGrotta	Richardson	Wogan
Dempsey	Laub	Rieger	Wozniak
Dent	Laughlin	Roberts	Wright, D. R.
Dermody	Lawless	Robinson	Wright, M. N.
Donatucci	Lederer	Roebuck	Yandrisevits
Druce	Lee	Rohrer	Yewcic
Durham	Leh	Rooney	Zug
Egolf	Lescovitz	Rubley	
Evans	Levdansky	Rudy	DeWeese,
Fairchild	Linton	Ryan	Speaker
Fajt	Lloyd		

Gordner
Ritter
NAYS—2
NOT VOTING—0
EXCUSED—1

Haluska

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.

DEMOCRATIC CAUCUS

The SPEAKER. Does the gentleman, Mr. Coy, have an announcement?

Mr. COY. Yes, Mr. Speaker.

The SPEAKER. The House should be in order for Mr. Coy's announcement. It will deal with scheduling for the rest of the day.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, there is a need for the Democrats to caucus, and I understand also for the Republicans, so I would suggest that we take an hour lunch break, caucus at 1:30, with the hope of returning to the floor by 2:30; caucus at 1:30, hope to return to the floor by 2:30. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

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

Mr. GEIST. Thank you, Mr. Speaker.

The Republicans will follow the same schedule, and we have a lot to caucus on, so we would like to get it started right away.

RECESS

The SPEAKER. The House stands in recess until 2:30.

RECESS EXTENDED

The time of recess was extended until 3 p.m.; further extended until 3:30 p.m.; further extended until 4 p.m.

AFTER RECESS

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 736, PN 2281 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing in capital cases.

JUDICIARY.

HB 1432, PN 2282 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for application for license and for restrictions on the issuance of a marriage license.

JUDICIARY.

HB 1434, PN 1585

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for inquiry as to the source of security for bail in drug offenses.

JUDICIARY.

HB 1662, PN 1931

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to foreign-money claims.

JUDICIARY.

HB 1722, PN 2000

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault in relation to parking enforcement officer.

JUDICIARY.

CONSERVATION COMMITTEE MEETING

The SPEAKER. Does the gentleman, Mr. George, from Houtzdale seek recognition?

Mr. GEORGE. Mr. Speaker, I would like to call a meeting of the Committee on Conservation at the rear of the chamber before the Speaker commences with the duties of the evening.

The SPEAKER. Chairman George would like to call an immediate meeting of the House Conservation Committee behind the rail in the back of the hall of the House; an immediate meeting of the House Conservation Committee.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1898, PN 2273

By Rep. GEORGE

An Act amending the act of July 6, 1988 (P.L.487, No.82), known as the Abandoned Mine Subsidence Assistance Act, extending the expiration date of the act.

CONSERVATION.

**LOCAL GOVERNMENT
COMMITTEE MEETING**

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

Mr. PISTELLA. Thank you, Mr. Speaker.

For the benefit of the members of the Local Government Committee, I would wish to reconvene our meeting that we had temporarily recessed—the necessary amendments are available—with the Speaker's permission, at the rear of the hall of the House.

The SPEAKER. The chairman of the Local Government Committee has requested an immediate meeting of the Local Government Committee behind the rail in back of the hall of the House.

At the conclusion of Mr. Pistella's meeting, we will commence with the voting for the afternoon. This will be the last committee meeting, the last interruption.

Local Government Committee in back of the hall of the House at this time.

ANNOUNCEMENT BY MINORITY LEADER

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Mr. Speaker, I would like members of my caucus, when they have a free moment, to come up and sign this wonderful get-well card that we can send out to Pittsburgh to our Governor.

The SPEAKER. The Chair thanks the gentleman.

Republican get-well greeting at the well of the House.

Mr. RYAN. I think it is only appropriate to note that the agent who purchased this card for us is a member of the Democrat Caucus. I am not going to say. If he wants to admit it, that he purchased a get-well card in the form of an elephant, he can confess himself, Herman.

GUEST INTRODUCED

The SPEAKER. During this moment at ease, the Chair would like to recognize Mr. Al Masland's constituent, Michael Comman from Carlisle, who is a student intern here today. Michael is the statewide vice president of the Pennsylvania Future Farmers of America. Welcome to the hall of the House.

SENATE BILL FOR CONCURRENCE

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

SB 1099, PN 1255

Referred to Committee on STATE GOVERNMENT, June 23, 1993.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 287, PN 2218**, entitled:

An Act providing for the establishment of the Human Services Development Fund and for its administration and operation; and imposing additional powers and duties on the Department of Public Welfare.

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—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Steller
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Cam	Herman	O'Brien	Surra
Carone	Hershey	Olasz	Tangretti
Cawley	Hess	Oliver	Taylor, E. Z.
Cessar	Hughes	Perzel	Taylor, J.
Chadwick	Hutchinson	Pesci	Thomas
Civera	Itkin	Petrarca	Tigue
Clark	Jadlowiec	Petrone	Tomlinson
Clymer	James	Pettit	Trello
Cohen, L. I.	Jarolin	Phillips	Trich
Cohen, M.	Josephs	Piccola	True
Colafella	Kaiser	Pistella	Tulli
Colaizzo	Kasunic	Pitts	Uliana
Cornell	Keller	Platts	Vance
Corrigan	Kenney	Preston	Van Horne
Cowell	King	Raymond	Veon
Coy	Kirkland	Reber	Vitali
Curry	Krebs	Reinard	Waugh
Daley	Kukovich	Richardson	Williams
DeLuca	LaGrotta	Rieger	Wogan
Dempsey	Laub	Ritter	Wozniak
Dent	Laughlin	Roberts	Wright, D. R.
Dermody	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic

Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rublely	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—2

Donatucci O'Donnell

EXCUSED—1

Haluska

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.

LEAVE OF ABSENCE

The **SPEAKER**. The Chair would like to announce that the gentleman from Lycoming County, Representative BUSH, will be on leave for the remainder of the day.

CONSIDERATION OF HB 1717 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. VEON offered the following amendments No. A3084:

Amend Sec. 1 (Sec. 6102), page 3, lines 19 through 21, by striking out all of said lines

Amend Sec. 1 (Sec. 6105), page 6, line 7, by inserting brackets before and after "local"

Amend Sec. 1 (Sec. 6105), page 6, line 9, by inserting after "corporation"

, the Pennsylvania State Police

Amend Sec. 1 (Sec. 6105), page 7, line 11, by inserting after "report" where it appears the first time

, on a form prescribed by the Pennsylvania State Police,

Amend Sec. 1 (Sec. 6105), page 7, line 13, by striking out all of said line and inserting

The mandate for incident report completion shall not be operative until the Pennsylvania State Police have implemented NIBRS. The incident report may include the following:

Amend Sec. 1 (Sec. 6105), page 9, line 19, by inserting after "send"

, on a form prescribed by the Pennsylvania State Police,

Amend Sec. 1 (Sec. 6105), page 10, lines 16 and 17, by striking out "and to each police department"

Amend Sec. 1 (Sec. 6108), page 19, line 4, by removing the comma after "order" and inserting

or

Amend Sec. 1 (Sec. 6108), page 19, lines 6 and 7, by striking out ". 6115 (relating to reporting abuse and immunity) or 6116 (relating to confidentiality)"

Amend Sec. 1 (Sec. 6112), page 21, lines 20 through 25, by striking out "Children who are the subject of a" in line 20 and all of lines 21 through 25

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

The SPEAKER. On the amendment, the gentleman from Beaver County is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. It is agreed to. It makes some changes in the bill; most particularly, making changes making the police reports uniform throughout the State.

It is agreed to. I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafrella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermoddy	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rubley	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer			

NAYS—0

NOT VOTING—2

Bebko-Jones O'Donnell

EXCUSED—2

Bush Haluska

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

On the question,

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

Mr. McGEEHAN offered the following amendment No. A3310:

Amend Sec. 1 (Sec. 6106), page 10, by inserting between lines 27 and 28

(a.1) False reports.—A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this chapter commits an offense under 18 Pa.C.S. § 4906 (relating to false reports to law enforcement authorities).

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. McGeehan is recognized.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is similar to the one placed in HB 3 which deals with the penalty for giving false reports when it concerns PFA's (protections from abuse) and other domestic violence allegations.

The SPEAKER. On the amendment, the gentleman, Mr. Veon, is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman's help and would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil

Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Horne
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—1

O'Donnell

EXCUSED—2

Bush Haluska

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Veon, is recognized.

Mr. VEON. Mr. Speaker, I just wanted to very quickly thank the gentleman, Mr. Piccola, for all of his help in putting this bill together. This has really been truly a bipartisan effort. I want to thank members on both sides of the aisle for their work in this.

This bill has gone through the process in very quick order. We are here today to make significant changes in the Pennsylvania protection-from-abuse law, and I think that with these changes and closing the loopholes in this law, we will

continue to make Pennsylvania a model in the country in the protection-from-abuse law.

I want to thank members on both sides of the aisle for their help and ask for an affirmative vote.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

For a brief interrogation for legislative intent, would either the sponsor or Mr. Piccola please stand for a brief interrogation?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to yield to the gentleman, Mr. Piccola, for a response on this issue.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, on page 17, where the regulations now state—and I will only iterate the addition—“...and prohibiting the defendant from acquiring or possessing any other weapons for the duration of the order.” For the position of legislative intent, would you explain whose possession, let us say, a gun collection would be in if a person was alleged to have committed abuse. In other words, would that come under the jurisdiction of a sheriff’s department, and if so, would the sheriff’s department be responsible or the law enforcement agency be responsible for maintaining that collection in the same condition that it would be presently maintained in?

Mr. PICCOLA. Mr. Speaker, the amendatory language to which you are referring on page 17 was added to correct the loophole in the existing law which would have, under the circumstances of a protection-from-abuse order being in effect, allowed the defendant to acquire or possess other weapons other than the particular weapon or weapons that were used in making the threats against the complainant.

The new language to which you are referring is not intended to give any sheriff any additional jurisdiction. It is simply intended to allow a court to have some discretion in expanding its order to assure that that loophole is cleared up and that a defendant under a protection-from-abuse order does not acquire or possess other potential weapons. That defendant would merely have to assure the court that during the duration of the order, as specified in the new language, he, presumably he, would not have possession of those particular weapons about which the court is concerned. It does not confer any jurisdiction on the sheriff to come in and take weapons, although I am not going to indicate to you that that would not be a possibility if the court ordered it, but the sheriff in and of himself could not come in and acquire nor could the defendant be required to relinquish possession of those weapons to a sheriff. He could make arrangements to relinquish possession, if he had possession of such a set of guns, to any third party who would hold them for the duration of the order so long as he satisfied the court that he would not have possession of those particular weapons that the court was concerned about.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

A short followup question.

In your opinion, if a person threatened a person with a knife that would come under the jurisdiction of the abuse law,

would a judge, under those circumstances, more than likely or not likely try to invoke the provisions of the other weapons to include guns in that scenario?

Mr. PICCOLA. Without any further facts surrounding that particular case, it would be very difficult to give you an honest opinion. For example, it would depend upon the types of weapons that you are talking about. If the defendant is a hunter and he has a collection of hunting guns and there is no history of having used those guns in making threats against the spouse or the child, it is quite possible the court would not include those weapons, although there may be other facts that would prompt the court to include those weapons. So without any further facts, I would be very hesitant to give you an opinion as to what a court might or might not do under those sets of facts that you gave me.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

That completes my interrogation. May I make a brief statement?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I am going to support this bill, but I want to put on record that I do have a little bit of reservation concerning this particular section, and what I am going to do is support it. I think it is needed. I hope it passes. However, if this section is abused by the judicial system, I intend to inform both sponsors and introduce legislation to correct it. Thank you very much.

The SPEAKER. The gentleman, Mr. Snyder, from Lehigh County is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, for brief interrogation purposes, I would like to ask the sponsor of the legislation to respond.

The SPEAKER. Will the gentleman, Mr. Snyder, and the gentleman, Mr. Veon, yield momentarily.

LEAVE OF ABSENCE

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, if we could return to leaves of absence.

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

Mr. STEIGHNER. Thank you.

I would like to ask for leave for the remainder of the day for the gentleman from Philadelphia, Mr. O'DONNELL.

The SPEAKER. The Chair thanks the gentleman.

Mr. O'Donnell's name will be placed upon the leave list.

CONSIDERATION OF HB 1717 CONTINUED

The SPEAKER. Mr. Veon is ready to respond to the gentleman from Lehigh.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, I would like to ask questions about section 6105(e), paragraph (2), on page 9 of the legislation. Mr. Speaker, first of all, what impact, if any, did

your amendment have on this section of the legislation in terms of the time that it would be implemented or required to be followed?

Mr. VEON. Mr. Speaker, if the gentleman, Mr. Snyder, would state that question again. Let me—

Mr. SNYDER. The question is, Mr. Speaker, first of all, you amended that section to require that it be on a form prescribed by the Pennsylvania State Police, and my initial question is, does this form have anything to do with the creation of the registration system and therefore would it potentially delay the requirement for the protection orders to be sent within 24 hours upon the enactment of this law or would it be delayed while the other parts of this system are put in place?

Mr. VEON. The intention of the amendment was not to change the time period at all.

Mr. SNYDER. My second question, Mr. Speaker, is that the original language of the bill allowed a prothonotary to send the copy of the protection order by facsimile transmittal within 24 hours. The amendment in the Rules Committee now says that the consent order has to be received within 24 hours of the entry of the order. From a practical purpose, Mr. Speaker, how are the counties going to be able to implement this, because, first of all, even if we mail it first-class mail that day, it certainly is not going to have any guarantee of receiving it within 24 hours. Why is it so necessary that we impose this burden on the counties — that the order be actually received within 24 hours by the State Police — rather than the way it was in the legislation before that allowed them to fax it out within 24 hours or get it there in other means?

Mr. Speaker, I guess the question is, the only way that this could be done is either by fax or by express mail to be arrived at the State Police registry within 24 hours.

Mr. VEON. Mr. Speaker, the attempt in the amendment itself was to strike out the word "facsimile," to not limit the method of transmittal to just one technology.

As to the time period itself, as we looked at this issue over the last 3 or 4 months, one thing that was very clear to everyone involved in the issue was that time was in fact one of the most important issues facing women who potentially are being abused and that our goal and attempt throughout this bill was to reduce the amount of time to the shortest period of time possible, and we just picked 24 hours as being the time period that we thought people could comply with and still offered the proper protection from those being abused.

Mr. SNYDER. Mr. Speaker, I certainly agree with the intent of the spirit of the legislation. My question really is, though, practically, how did you envision that a county prothonotary is going to have this information within 24 hours to the registry? As I said, the legislative intent before was that they had to get it out within 24 hours, but now it has to be received within 24 hours, which puts a lot of cost and administrative problems on the counties to make sure that that is received within 24 hours.

Mr. VEON. Certainly I appreciate the gentleman's concern; I understand the point.

Again, in attempting to fashion this legislation, we wanted to err on the side of protecting the potential person that was perhaps being abused, and I understand that it does put some additional burden on the county prothonotary; it certainly puts additional burden on the prothonotary's staff, but that is a burden that we were willing to place in order to improve this law.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, finally, does the fiscal note then identify the costs, because what is the cost of 24-hour mail? Approximately \$12. Is that cost reflected in the fiscal note then for each order to be express mailed so that it would be received within 24 hours?

Mr. VEON. Mr. Speaker, upon conferring with staff, I believe that the fiscal note accurately reflects the costs involved.

Mr. SNYDER. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—199

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Hanna	Miller	Steil
Butkovitz	Harley	Mundy	Stern
Buxton	Hasay	Murphy	Stetler
Caltagirone	Heckler	Nailor	Stish
Cappabianca	Hennessey	Nickol	Strittmatter
Carn	Herman	Nyce	Sturla
Carone	Hershey	O'Brien	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colaella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermoddy	Laughlin	Ritter	Wozniak

Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rubley	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer			

NAYS—0

NOT VOTING—1

Cowell

EXCUSED—3

Bush Haluska O'Donnell

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 REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1738, PN 2013 By Rep. PISTELLA

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, including cities of the second class A and school districts therein.

LOCAL GOVERNMENT.

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

SB 845, PN 1530 (Amended)

By Rep. PISTELLA

An Act amending the act of July 1, 1981 (P. L. 191, No. 57) entitled, as amended, "Register of Wills Fee Law," providing for the establishment and modification of fees; and providing for the imposition of an additional fee.

LOCAL GOVERNMENT.

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution on the death of a former member. The Sergeants at Arms will close the doors of the House. Members and staff will please be seated.

A condolence resolution is about to be read. A former member of our chamber from Fayette County, Marion "Slugger" Klingensmith, who served from 1967 to 1968, was a good pal of Rich Kasunic, and Larry Roberts, myself, and Pete Daley, many of the folks who live in the Mon Valley.

Our colleague, Larry Roberts, will read the resolution of condolence.

The following resolution was read by Mr. Roberts:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES
RESOLUTION

WHEREAS, Marion J. Klingensmith, former Fayette County commissioner and mayor of Brownsville, passed away recently at the age of seventy-three; and

WHEREAS, A popular and colorful politician, as well as a onetime boxer, Mr. Klingensmith served as minority county commissioner in Fayette County from 1971 through 1983. He then won election to a term as Brownsville mayor, a post he had previously held from 1958 through 1969. In December 1987 he won a fourth term as county commissioner, retiring on December 31, 1991 when his term expired; and

WHEREAS, Mr. Klingensmith was known as a people's champion and did not hesitate to embrace politically charged issues. He demonstrated outstanding commitment to the concerns of his constituents during two years as a member of the state House of Representatives in 1967-1968. A caring, affable and compassionate man, he earned deep respect and gratitude for his tireless devotion to the welfare of all; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of Marion J. Klingensmith, beloved family member and dedicated public servant; extend heartfelt condolences to his wife, Kathryn Zebly Klingensmith; son, Larry; daughters, Janet Underwood, Sue Ann Kesten, and Lynne Hicks; and grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Kathryn Klingensmith, 74 Union Street, Brownsville, Pennsylvania 15417.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by Representatives Lawrence Roberts, Richard A. Kasunic, Peter J. Daley II and H. William DeWeese and unanimously adopted by the House of Representatives.

H. William DeWeese
Speaker of the
House of Representatives
ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will please rise also.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Marion J. Klingensmith.)

The SPEAKER. This resolution has been unanimously adopted.

The Sergeants at Arms will open the doors of the House.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 864, PN 1209**, entitled:

An Act providing for a cause of action for damages resulting from violations of unemployment compensation and workmen's compensation laws by bidders on construction contracts.

On the question recurring,
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—198

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Boyes	Godshall	Merry	Stairs
Brown	Gordner	Michlovic	Steelman
Bunt	Gruitza	Micozzie	Steighner
Butkovitz	Gruppo	Mihalich	Steil
Buxton	Hanna	Miller	Stern
Caltagirone	Harley	Mundy	Stetler
Cappabianca	Hasay	Murphy	Stish
Carn	Heckler	Nailor	Strittmatter
Carone	Hennessey	Nickol	Sturla
Cawley	Herman	Nyce	Surra
Cessar	Hershey	O'Brien	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrarca	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colaella	Jarolin	Phillips	Trich
Colaizzo	Josephs	Piccola	True
Cornell	Kaiser	Pistella	Tulli
Corrigan	Kasunic	Pitts	Uliana
Cowell	Keller	Platts	Vance
Coy	Kenney	Preston	Van Horne
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Krebs	Reinard	Waugh
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wogan
Dermody	Laub	Ritter	Wozniak
Donatucci	Laughlin	Roberts	Wright, D. R.
Druce	Lawless	Robinson	Wright, M. N.
Durham	Lederer	Roebuck	Yandrisevits
Egolf	Lee	Rohrer	Yewcic
Evans	Leh	Rooney	Zug
Fairchild	Lescovitz	Rublely	
Fajt	Levdansky	Rudy	DeWeese,
Fargo	Linton	Ryan	Speaker

NAYS—0

NOT VOTING—2

Blaum Oliver

EXCUSED—3

Bush Haluska O'Donnell

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 without amendment.

* * *

The House proceeded to third consideration of **SB 893, PN 977**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," providing for cigarette sales and licensing; and making repeals.

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—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafrilla	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Home

Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush Haluska O'Donnell

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 without amendment.

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

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

SB 248, PN 1526.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 733, PN 1836**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for health insurance reforms and protections to consumers by limiting reasons of cancellation of insurance, coverage for dependent children, contestability, continuation of coverage of consumers in instances of total disability, replacement of group coverage by another insurer in continuity of coverage of the consumers who change groups, notification of change in coverage, requirement of ten-day free look of insurance, requirements for reinsurance and administrative services, electronic submission of claims and limit on premium increases for small groups.

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

The SPEAKER. We had addressed this measure recently, and when we were interrupted, Mr. Colaizzo's amendment, A2744, was being debated.

The clerk read the following amendments No. A2744:

Amend Title, page 1, line 12, by removing the period after "group" and inserting

; and providing for a small employer insurer reinsurance program.

Amend Chapter Analysis, page 1, by inserting after line 20 75. Small Employer Insurer Reinsurance Program

Amend Sec. 1, page 17, by inserting between lines 25 and 26

CHAPTER 75

SMALL EMPLOYER INSURER REINSURANCE PROGRAM Subchapter

- A. General Provisions
- B. Insurer Election
- C. Small Employer Insurer Reinsurance Program

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 7501. Short title of chapter.
- 7502. Definitions.

SUBCHAPTER B INSURER ELECTION

Sec.

- 7511. Small employer insurer election.
- 7512. Insurer election process.

SUBCHAPTER C

SMALL EMPLOYER INSURER REINSURANCE PROGRAM Sec.

- 7521. Establishment of program.
- 7522. Organizational procedure.
- 7523. Plan of operation.
- 7524. Content of plan.
- 7525. Powers and duties.
- 7526. Reinsurance.
- 7527. Premium rates.
- 7528. Funding provisions.
- 7529. Certain immunities retained.
- 7530. Tax exemption.

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 7501. Short title of chapter.
- 7502. Definitions.
- § 7501. Short title of chapter.

This chapter shall be known and may be cited as the Small Employer Insurer Reinsurance Program.

§ 7502. Definitions.

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

"Board." The Small Group Health Insurance Board.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Eligible employee." A full-time employee with a normal workweek of 30 or more hours who has met any applicable waiting period requirements. The term includes, but is not limited to, a sole proprietor, a partner of a partnership or an independent contractor, if the sole proprietor, partner or independent contractor is included as an employee under a health care plan of a small employer. The term does not include employees who work on a part-time, temporary or substitute basis.

"Genetic status." The presence of a physical condition in an individual which is a result of an inherited trait.

"Group health contract." A group health insurance agreement issued by an insurer to cover employees of an

employer, a trust fund established to cover employees of one or more employers and an association of employees.

"Group health insurance agreement." A health insurance agreement providing group health benefits.

"Health insurance agreement." An accident and health insurance policy, contract or group insurance certificate issued by an insurer.

"Insurer." Any insurance company, association or reciprocal, nonprofit hospital company, nonprofit professional health service plan, health maintenance organization, fraternal benefits society or any risk-bearing preferred provider organization or exclusive provider organization organized and regulated under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or a health maintenance organization organized and regulated under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, or a preferred provider with a health management/"gatekeeper" role for primary care physicians organized and regulated as a health services corporation under Chapter 63 (relating to professional health services plan corporations). For purposes of this chapter, companies that are affiliated companies or that are eligible to file a consolidated tax return shall be treated as one carrier except that any insurance company, hospital plan corporation, professional health services plan corporation or fraternal benefits society that is an affiliate of a health maintenance organization located in this Commonwealth, or any health maintenance organization located in this Commonwealth that is an affiliate of an insurance company, hospital plan corporation, professional health services plan corporation or fraternal benefits society may treat the health maintenance organization as a separate carrier. Each health maintenance organization service plan that operates only one health maintenance organization in a service area of this Commonwealth shall be considered a separate carrier.

"Late enrollee." An eligible employee or dependent who requests enrollment in a health benefit plan of a small employer following the initial enrollment period provided under the terms of the health benefit plan if the initial enrollment period was for a period of at least 30 days. However, an eligible employee or dependent shall not be considered a late enrollee if:

(1) The individual:

(i) was covered under a public or private health benefit plan that provides benefits at least substantially similar to those set forth in the health care plan defined of a small employer at the time the individual was eligible to enroll;

(ii) has lost coverage under a public or private health insurance or other health benefit arrangement as a result of termination of employment or eligibility, the termination of the other plan's coverage, death of a spouse or divorce; and

(iii) requests enrollment within 30 days after termination of coverage provided under a public or private health insurance or other health benefit arrangement; or

(iv) is employed by an employer which offers multiple health benefit plans and the individual elects a different plan during an open enrollment period.

(2) A court has ordered coverage be provided for a spouse or minor child under a covered employee's health benefit plan and request for enrollment is made within 30 days after issuance of such court order.

"Participating insurer." All insurers issuing health insurance agreements covering small employers in this Commonwealth except any small employer carrier electing to be a risk-assuming carrier.

"Plan of operation." The articles, bylaws and operating rules adopted by the board under Subchapter C (relating to Small Employer Insurance Reinsurance Program).

"Preexisting condition." A disease or physical condition for which medical advice or treatment has been received within 90

days immediately prior to the effective date of coverage under a group health contract.

"Preferred provider organization." A preferred provider organization subject to the provisions of section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

"Program." The Pennsylvania Small Employer Health Reinsurance Program.

"Small employer." A person, firm, corporation, partnership or association that is actively engaged in business that, on at least 50% of its working days during the preceding calendar quarter, employed at least three, but no more than 25 full-time employees, the majority of whom were employed within this Commonwealth. In determining the number of full-time employees, companies which are affiliated companies or which are eligible to file a combined tax return for purposes of State taxation shall be considered one employer. Except as otherwise provided, provisions of this title that apply to a small employer with a health benefit plan shall continue to apply until the plan anniversary following the date the employer no longer meets the requirements of this definition.

"Terminate." Includes cancellation, renewal and rescission.

SUBCHAPTER B INSURER ELECTION

Sec.

7511. Small employer insurer election.

7512. Insurer election process.

§ 7511. Small employer insurer election.

(a) Procedure.—A small employer insurer shall elect to either become a risk-assuming insurer or a reinsuring insurer. The election shall be binding for a five-year period except that the initial election shall be made within 30 days of the effective date of this chapter and shall be made for two years. The commissioner may permit an insurer to modify its election at any time for good cause shown, after a hearing.

(b) Effect of election.—A reinsuring insurer which elects to become a risk-assuming insurer shall be prohibited from reinsuring or continuing to reinsure any small employer health insurance agreement under §§ 7512 (relating to insurer election process) and 7521 (relating to establishment of program) as soon as the insurer becomes a risk-assuming insurer. However, a reinsuring insurer electing to become a risk-assuming insurer shall pay a prorated assessment based upon business issued as a reinsuring carrier for any portion of the year that the business was reinsured. A small employer insurer which elects to cease participating as a reinsuring insurer shall be permitted to reinsure small employer health insurance agreements under the terms set forth in section 7512.

§ 7512. Insurer election process.

(a) Application.—A small employer insurer may become a risk-assuming insurer by filing an application with the commissioner in a format and manner prescribed by the commissioner. The commissioner may approve the application of a small employer insurer to become a risk-assuming insurer if the commissioner determines that the insurer is capable of assuming the status pursuant to the criteria set forth in subsection (b).

(b) Approval.—In determining whether to approve an application by a small employer insurer, the commissioner shall consider all of the following:

(1) The insurer's financial condition to support the assumption of the risk of small employer groups.

(2) The insurer's history of rating and underwriting small employer groups.

(3) The insurer's commitment to market to all small employers in this Commonwealth or its service area, as applicable, in accordance with this chapter.

(4) The insurer's ability to assume and manage the risk of enrolling small employer groups without the protection of the reinsurance program provided in section 7521 (relating to establishment of program).

(c) Public notice and comment.—The commissioner shall provide public notice of an application made under this section

and shall provide at least a 30-day period for public comment prior to making a decision on the application.

(d) Deemed approval.—If the commissioner does not act on the application within 90 days of its receipt, the application shall be deemed approved.

(e) Authority of commissioner.—

(1) The commissioner may rescind the approval granted to a risk-assuming insurer under this section if the commissioner determines, after notice and a hearing, that the insurer no longer meets the criteria of subsection (b).

(2) The commissioner may limit or rescind an approval granted to any risk-assuming insurer under this section if the commissioner finds that its continuance would substantially impair the financial viability of the reinsurance program or other insurers.

SUBCHAPTER C

SMALL EMPLOYER INSURER REINSURANCE PROGRAM

Sec.

7521. Establishment of program.

7522. Organizational procedure.

7523. Plan of operation.

7524. Content of plan.

7525. Powers and duties.

7526. Reinsurance.

7527. Premium rates.

7528. Funding provisions.

7529. Certain immunities retained.

7530. Tax exemption.

§ 7521. Establishment of program.

There is hereby created a nonprofit entity to be known as the Pennsylvania Small Employer Health Reinsurance Program, and all reinsuring insurers as determined under Subchapter B (relating to insurer election) shall be participating insurers in this program.

§ 7522. Organizational procedure.

(a) Initial board.—

(1) Within 60 days of the effective date of this chapter, the commissioner shall give notice to all participating insurers of the time and place for the initial organizational meeting, which shall take place within 120 days of the effective date of this chapter.

(2) The participating insurers shall select the initial board which shall be subject to approval by the commissioner. The board shall be derived from insurers active in this Commonwealth in the previous calendar year in the small employer market. The board shall consist of at least five and not more than nine representatives of participating insurers who shall serve three-year staggered terms.

(b) Representation.—At least two-thirds of the members of the board shall be small employer insurers. At least one member of the board shall be, to the extent there is such an insurer in this Commonwealth that is willing to serve on the board:

(1) a representative of an insurer whose principal health insurance business is in the small employer market;

(2) a representative of a hospital plan corporation;

(3) a representative of a professional health services plan corporation; and

(4) a representative of a health maintenance organization.

(c) Membership.—No one insurer, including its affiliates, shall be represented by more than one member of the board. The commissioner shall be an ex officio voting member of the board. In approving the selection of the board, the commissioner shall assure that all participating carriers are fairly represented.

(d) Authority of commissioner.—If the initial board is not elected at the organizational meeting, the commissioner shall appoint the initial board within 30 days of the organizational meeting.

§ 7523. Plan of operation.

(a) Submission to commissioner.—Within 180 days after the appointment of the initial board, the board shall submit to the commissioner a plan of operation and thereafter any amendments

thereto necessary or suitable, to assure the fair, reasonable and equitable administration of the program.

(b) *Approval.*—The commissioner shall, after notice and hearing, approve the plan of operation provided the commissioner determines it to be suitable to assure the fair, reasonable and equitable administration of the program and provides for the sharing of program gains or losses on an equitable and proportionate basis. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this section shall be made available.

(c) *Deemed approved.*—Any plan of operation or amendments thereto submitted to the commissioner by the board under this subsection shall be deemed approved by the commissioner if not expressly disapproved in writing by the commissioner within 90 days of its receipt by the commissioner.

(d) *Authority of commissioner.*—If the board fails to submit a suitable plan of operation within 180 days after its appointment, the commissioner shall, after notice and hearing, adopt and promulgate a temporary plan of operation. The commissioner shall amend or rescind any plan adopted by him under this subsection at the time a plan of operation is submitted by the board and approved by the commissioner.

§ 7524. Content of plan.

The plan of operation shall:

(1) Establish procedures for handling and accounting of program assets and moneys and for an annual fiscal reporting to the commissioner.

(2) Establish terms of office and procedures for filling vacancies on the board, subject to the approval of the commissioner.

(3) Establish procedures for selecting an administering insurer and setting forth the powers and duties of the administering insurer.

(4) Establish procedures for reinsuring risks and for terminating reinsurance in accordance with the provisions of this chapter.

(5) Establish procedures for collecting assessments from participating insurers subject to assessment to provide for claims reinsured by the program and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made.

(6) Provide for any additional matters at the discretion of the board.

§ 7525. Powers and duties.

The program shall have the general powers and authority granted under the laws of this Commonwealth to insurance companies and health care service plans licensed to transact business, except the power to issue health benefit plans directly to either groups or individuals. In addition, the program shall have the specific authority to:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the commissioner, to enter into contracts with similar programs of other states for the joint performance of common function or with persons or other organizations for the performance of administrative functions.

(2) Sue or be sued, including taking any legal actions necessary or proper for recovering any assessments and penalties for, on behalf of or against the program or any participating carriers.

(3) Take any legal action necessary to avoid the payment of improper claims against the program.

(4) Issue reinsurance policies, in accordance with the requirements of this chapter.

(5) Establish rules, conditions and procedures pertaining to the reinsurance of participating carriers' risks and to termination of the reinsurance by the program.

(6) Establish actuarial functions as appropriate for the operation of the program.

(7) Assess participating insurers in accordance with the provisions of subsection (f) and make advance interim

assessments as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year.

(8) Appoint from among participating insurers appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the program and any other function within the authority of the program.

(9) Borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default shall be legal investments for carriers and may be carried as admitted assets.

(10) Adjust for inflation the \$5,000 deductible reinsurance requirement contained in subsection (h)(4). Also, with the approval of the commissioner, the board may increase or decrease the amounts set forth in sections 7526(4) (relating to reinsurance) and 7527(1) and (2) (relating to premium rates) if it is necessary to effectuate the purposes of this chapter, provided, however, that any changes pursuant to this shall not require that carriers retain an unreasonable level of risk.

(11) Employ or retain such persons as are necessary to handle the operation of the program and any other function within the authority of the program.

§ 7526. Reinsurance.

An insurer may reinsure with the program, subject to the following:

(1) An insurer may reinsure a level of coverage established annually by the board.

(2) Except in the case of a late entrant, an insurer may reinsure an eligible employee or dependent within 60 days of the commencement of the coverage of the small employer. A newly eligible employee or dependent may be reinsured within 60 days of the commencement of his coverage.

(3) An insurer may reinsure an entire employer group within 60 days of the commencement of the group's coverage under the plan. The insurer may choose to reinsure newly eligible employees and dependents of a reinsured group pursuant to paragraph (2).

(4) The program shall not reimburse an insurer with respect to the claims of a reinsured employee or dependent until the carrier has paid a deductible of \$5,000 in a calendar year for benefits covered by the program. Subject to the approval of the commissioner, the board may adjust the deductible to reflect increases in health care costs.

(5) An insurer may terminate reinsurance for some or all of the reinsured employees or dependents of a small employer on any plan anniversary.

(6) Premium rates charges for reinsurance by the program to a health maintenance organization which is approved by the Secretary of Health and Human Services as a federally qualified health care service plan pursuant to the Health Maintenance Organization Act of 1973 (Public Law 93-222, 87 Stat. 914), and as such is subject to requirements that limit the amount of risk that may be ceded to the program that is more restrictive than paragraph (3), shall be reduced to reflect that may not be ceded to the program, if any.

(7) The board may adjust the premium rates charged for reinsurance by the program for carriers using effective cost containment, including case management, as defined by the board.

(8) An insurer must apply its case management and claims handling techniques, including, but not limited to, utilization review, individual case management, preferred provider provisions and other managed care provisions or methods of operation consistently with both reinsured and nonreinsured business.

(9) An insurer may reinsure with the program only for coverage issued on or after the effective date of this chapter.

§ 7527. Premium rates.

Premium rates charged by the program for coverage reinsured by the program for groups with similar case characteristics and coverage shall be established as follows:

(1) The entire group may be reinsured for an adjusted average market premium price that is one and one-half times the rate established by the board.

(2) An eligible employee or dependent may be reinsured for an adjusted average market premium price that is five times the rate established by the board.

§ 7528. Funding provisions.

(a) Procedure.—Following the close of each fiscal year, the administering insurer shall determine the net premiums, the pool expenses of administration and the incurred losses for the year, taking into account investment income and other appropriate gains and losses. For purposes of this section, health insurance premiums earned by insurance arrangements shall be established by adding paid health losses and administrative expenses of the insurance arrangement. Health insurance premiums and benefits paid by a participating insurer that are less than an amount determined by the board to justify the cost of collection shall not be considered for purposes of determining assessments. For purposes of this subsection, "net premiums" means health insurance premiums, less administrative expense allowances.

(b) Net loss recoupment.—Any net loss for the year shall be recouped by assessments of insurers as follows:

(1) Assessments shall first be apportioned by the board among all insurers in proportion to their respective shares of the total health insurance premiums earned in this Commonwealth from health insurance agreements covering small employers during the calendar year coinciding with or ending during the fiscal year of the pool, or on any other equitable basis reflecting coverage of small employers as may be provided by the board. An assessment shall be made under this paragraph against a health care center, which is approved by the Secretary of Health and Human Services as a health maintenance organization pursuant to 42 U.S.C. 300e et seq., subject to an assessment adjustment formula adopted by the board and approved by the commissioner for such health care centers which recognize the restrictions imposed on such health care centers by Federal law. The adjustment formula shall be adopted by the board and approved by the commissioner prior to the first anniversary of the pool's operation.

(2) If the net loss is not recouped before assessments totaling 4% of the premiums from plans and arrangements covering small employers have been collected, additional assessments shall be apportioned by the board among all participating insurers in proportion to their respective shares of the total health insurance premiums earned in this Commonwealth from other individual and group plans and arrangements, exclusive of any individual Medicare supplement policies during such calendar year. The assessments shall not exceed 1% of the premiums of the plans and arrangements.

(c) Excess.—If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

(d) Proportion of participation.—Each participating insurer's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the carrier with it. Insurance arrangements shall report to the board claims payments made and administrative expenses incurred in this Commonwealth on an annual basis on a form prescribed by the commissioner.

(e) Interest penalty.—Provision shall be made in the program's plan of operation for the imposition of an interest penalty for late payment of assessments.

(f) Deferment.—An insurer may seek from the commissioner a deferment in whole or in part from any assessment issued by the

board. The commissioner may defer, in whole or in part, the assessment of a carrier if, in the opinion of the commissioner, the payment of the assessment would place the carrier in a financially impaired condition. In the event an assessment against an insurer is deferred in whole or in part, the amount by which the assessment is deferred may be assessed against the other insurers in a manner consistent with the basis for assessment set forth in this section. The insurer receiving the deferment shall remain liable to the program for the amount deferred and shall be prohibited from reinsuring any individuals or groups in the program if it fails to pay assessments.

§ 7529. Certain immunities retained.

Neither the participation in the program as participating insurers or members of the board, the establishment of rates, forms or procedures, nor any other joint or collective action required by this act shall be the basis of any legal action, criminal or civil liability, or penalty against the program or any of its participating insurers either jointly or separately.

§ 7530. Tax exemption.

The program shall be exempt from any and all taxes.

Amend Sec. 2, page 17, line 26, by striking out "2" and inserting

3

Amend Sec. 3, page 18, line 1, by striking out "3" and inserting

4

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. At this time the Chair will recognize the gentleman from Canonsburg, Mr. Colaizzo, on amendment A2744 to HB 733.

Mr. COLAIZZO. Mr. Speaker, my amendment is designed to create increased competition between health insurers through the creation of an optional small employer insurer reinsurance program.

Under the amendment, small group insurers can opt to share their risk by pooling individuals or groups in this newly created program. Similar programs have already been adopted in over 20 other States in the Nation. From a small insurer perspective, this type of risk-sharing mechanism is needed in order to allow them to offer insurance to all individuals, regardless of risk, as proposed in HB 733. From a consumer perspective, this is needed to guarantee choices in choosing insurers. Just because an insurer is small does not mean we should force them out of the market. This is what will happen under the provisions of HB 733 without my amendment. It is important to remember, my amendment makes participation in the reinsurance program optional.

I urge a positive vote, and I urge the ladies and gentlemen on both sides of the aisle to vote for this amendment.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

Number one, I want to remind the members that the purpose of HB 733 was to create a consumer bill of rights to protect them from certain discriminatory practices and unjust practices that have been perpetrated over the years against some consumers' insurance policies.

PARLIAMENTARY INQUIRY

Mr. GANNON. Mr. Speaker, parliamentary inquiry.

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

Mr. GANNON. Mr. Speaker, could you direct the speaker to address the amendment and not the bill.

The SPEAKER. That is an appropriate suggestion. The Chair was momentarily in conversation and did not notice that the gentleman from Westmoreland County had strayed wide of the mark. The gentleman from Westmoreland normally does not do that, and I am sure that he will work diligently to focus on the amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

What the amendment does, in reference to the remarks I made earlier, is change it from a consumer bill of rights to a rather elaborate reinsurance mechanism. Why I mentioned what I did is because our Insurance Department is strongly opposed to this. Under the current circumstances, I do not know what they would do, but this amendment would seriously jeopardize and probably kill this bill.

Now, last week when we debated this, I mentioned a couple of issues, including the fact that what would happen is this amendment would essentially create a new kind of assigned-risk plan which would most likely read to ever-increasing premiums for groups of selected individuals. More and more high-risk individuals would be forced onto the Blues, perhaps, by virtue of premiums going up rather exorbitantly.

I do have a letter from the Insurance Department to the vice president of the Insurance Federation of Pennsylvania. I will not quote it again; I put it in the record last week, but it pointed out the Deputy Insurance Commissioner's strong objections to this amendment in that HB 733 should stand on its own.

I am not going to reiterate all the arguments I made last week, but since then I did notice something on page 8 of the amendment. If you keep in mind, one of the things the bill does is prevent discrimination if people are moved, if their policies are moved from one plan to another, from one business to another; prevent discrimination for things like preexisting conditions. I am sure you have heard that phrase before. One of the things this amendment would do is by setting up this brand-new bureaucracy—keep in mind we would be creating a new bureaucracy with this amendment—it would allow them to take these folks who have been shifted, their policies have been shifted, and raise their rates, according to language in this bill, up to five times the average market rate. So although the bill would say that they would be protected, those people could not afford to be protected. So there is actually no real protection for consumers in this bill if this amendment would go in.

I think I can say with 100-percent assurance that this amendment will increase health care costs. I think the amendment is anticompetitive. I think that it creates something that will cause a nightmare in health care insurance. It would also remove a balance that the private insurance companies

have with the Blues, et cetera. That is not the kind of thing we want to do.

For all those reasons and more that I will not get into, I would ask the members for a negative vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Canonsburg for the second time.

Mr. COLAIZZO. Mr. Speaker, I respectfully disagree with the previous speaker.

There are three things that you must consider when you are voting for this amendment. One, it does not cost the consumer any money, and I am going to repeat that again: It does not cost the consumer any money. Insurers pay into the pool, not individual policyholders.

Without this amendment, only the largest health insurers will remain, taking away choice for consumers and taking away the thousands of jobs smaller insurance provides.

And three, this amendment is adopted from the National Association of Insurance Commissioners. It is already in place in 20 other States.

Mr. Speaker, one of the things that the health care providers or the health care legislators must keep in mind is accessibility for people to have health coverage, and the other one is affordability. This amendment addresses both of those situations, and I urge you, both the ladies and gentlemen on both sides of the aisle, to give an affirmative vote to this amendment. Thank you.

The SPEAKER. Mrs. Taylor is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I rise to oppose this amendment. Let us remember that the bill, HB 733, is a consumer bill of rights and certainly not an insurance industry bill of rights.

I agree with Representative Kukovich when he says that the end result is, despite the ability of the Blues to opt out of the reinsurance mechanism, more and more high-risk individuals will be forced onto the Blues by virtue of the exorbitant premiums proposed by the commercials on high-risk individuals. I believe that if the commercials are allowed to reinsure, it will drive the costs up.

This amendment is not a cost-containment health care reform bill. So I would ask my colleagues on both sides of the aisle to vote against the amendment.

The SPEAKER. The Chair thanks the lady.

Mr. Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

Mr. COLAIZZO. Okay.

The SPEAKER. Yes.

Mr. SAURMAN. First of all, Mr. Speaker, do companies that are not involved in this reinsurance program pay into it?

Mr. COLAIZZO. No.

Mr. SAURMAN. So that any effect that your program might have with regard to these high-risk categories would not be passed on to any of the other insuring companies. They would be kept within that group?

Mr. COLAIZZO. Yes; the companies that participate in the pool.

Mr. SAURMAN. Does your amendment or is your amendment affected by the bill of rights of the main bill? In other words, the members of your program, would they enjoy the same benefits that are in the basic bill?

Mr. COLAIZZO. Yes. It does not change any part of the main bill.

Mr. SAURMAN. Mr. Speaker, if someone in a larger company were to leave and go to a smaller company, a company unable to provide insurance, under the reinsurance program, would they pick that individual up and provide them with coverage?

Mr. COLAIZZO. I cannot answer you definitely on that one. If a person leaves from an employer that has group insurance and goes to an employer that does not have group insurance, I do not know how the coverage would be continued.

Mr. SAURMAN. But if the small company is covered under your program, that person then would be picked up and have continued coverage.

Mr. COLAIZZO. Yes. There would be portability, yes.

Mr. SAURMAN. Thank you, Mr. Speaker.

That ends my interrogation. I would like to just speak to the amendment.

Mr. Speaker, it seems to me that while this in fact is a program — it provides coverage for small companies — it picks up, in fact, and provides or extends additional coverage to the bill of rights by providing for insurance where currently insurance may not exist.

Under the program, as I understand it from my interrogation, those persons that are covered would enjoy all of the rights of the bill of rights. It would actually, however, extend that bill and the good benefits of that program to persons who, under the present circumstances, would not have coverage even.

Mr. Speaker, for that reason I would suggest that we support this amendment as being one that will in fact enhance the insurance coverage and the opportunity for insurance coverage of small business workers. Thank you, Mr. Speaker.

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

Mr. GANNON. Thank you, Mr. Speaker.

I rise in support of the Colaizzo amendment.

Mr. Speaker, one of the prior speakers talked about the Insurance Department and its position on this amendment. The Insurance Department, as we know, is headed by the Insurance Commissioner, and there is a National Association of Insurance Commissioners that developed model legislation for this type of situation, and the language of the Colaizzo amendment is taken after the model legislation developed by the National Association of Insurance Commissioners. So we could not ask for a more credible group for a more credible amendment than this type of an amendment to be placed into this bill.

Mr. Speaker, the General Accounting Office did a study on access to health insurance and it dealt specifically with the

issue of guaranteed issue, and every one of the States discussed in this report also had reinsurance in conjunction with their guaranteed-issue program. And to state from the report, reinsurance helps the entire small employer group, regardless of health status of individual members, by spreading pool costs across several insurers. What they are saying is, it keeps the cost of insurance down. It improves access.

This is a good amendment. It deserves our support, and it certainly deserves our vote. I ask for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—135

Acosta	Fajt	Leh	Rohrer
Adolph	Fargo	Lescovitz	Rooney
Allen	Farmer	Lynch	Rubley
Argall	Fee	Maitland	Santoni
Armstrong	Fichter	Markosek	Sather
Baker	Flick	Marsico	Saurman
Barley	Gannon	Masland	Saylor
Battisto	Geist	Mayernik	Scheetz
Belardi	George	McCall	Schuler
Belfanti	Gerlach	McGeehan	Semmel
Birmelin	Gigliotti	McNally	Smith, S. H.
Brown	Godshall	Melio	Snyder, D. W.
Bunt	Gruppo	Merry	Staback
Butkovitz	Hanna	Micozzie	Stairs
Caltagirone	Harley	Mihalich	Steil
Cam	Heckler	Miller	Stern
Cessar	Hennessey	Nickol	Stish
Chadwick	Herman	Olasz	Strittmatter
Civiera	Hershey	Perzel	Surra
Clark	Hess	Pesci	Tangretti
Cohen, L. I.	Hughes	Petrarca	Tomlinson
Colaizzo	Hutchinson	Petrone	Trello
Cornell	Jadlowiec	Pettit	True
Corrigan	Jarolin	Phillips	Uliana
Cowell	Kasunic	Piccola	Van Horne
Daley	Keller	Pitts	Vitali
DeLuca	Kenney	Platts	Waugh
Dempsey	Kirkland	Preston	Wogan
Dent	LaGrotta	Raymond	Wozniak
Dermody	Laub	Reber	Wright, D. R.
Donatucci	Laughlin	Reinard	Wright, M. N.
Druce	Lawless	Rieger	Yewcic
Durham	Lederer	Roberts	Zug
Fairchild	Lee	Roebuck	

NAYS—63

Bebko-Jones	Gamble	Manderino	Steelman
Bishop	Gladeck	Michlovic	Steighner
Blaum	Gordner	Mundy	Stetler
Boyes	Gruitza	Murphy	Sturla
Buxton	Hasay	Nailor	Taylor, E. Z.
Cappabianca	Itkin	Nyce	Taylor, J.
Carone	James	O'Brien	Thomas
Cawley	Josephs	Oliver	Tigue
Clymer	Kaiser	Pistella	Tulli
Cohen, M.	King	Richardson	Vance
Colafella	Krebs	Ritter	Veon
Coy	Kukovich	Robinson	Williams
Curry	Levdanský	Ryan	Yandrisevits

Egolf	Linton	Scrimenti	
Evans	Lloyd	Scrafini	DeWeese,
Fleagle	Lucyk	Smith, B.	Speaker
Freeman			

NOT VOTING—2

Rudy Trich

EXCUSED—3

Bush Haluska O'Donnell

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. BOYES offered the following amendments No. A1856:

Amend Title, page 1, line 12, by removing the period after "groups" and inserting

; and providing for the coordination of certain health benefits.

Amend Sec. 1 (Sec. 7308), page 12, lines 26 through 30; page 13, lines 1 through 17, by striking out all of lines 26 through 30, page 12; all of lines 1 through 16 and "§ 7309" in line 17 on page 13 and inserting

§ 7308

Amend Sec. 1 (Sec. 7310), page 13, line 28, by striking out "7310" and inserting

7309

Amend Sec. 1 (Sec. 7311), page 15, line 5, by striking out "7311" and inserting

7310

Amend Sec. 1 (Sec. 7312), page 15, line 9, by striking out "7312" and inserting

7311

Amend Sec. 1 (Sec. 7313), page 15, line 22, by striking out "7313" and inserting

7312

Amend Sec. 1 (Sec. 7314), page 15, line 29, by striking out "7314" and inserting

7313

Amend Sec. 1 (Sec. 7315), page 16, line 7, by striking out "7315" and inserting

7314

Amend Sec. 1 (Sec. 7316), page 16, line 18, by striking out "7316" and inserting

7315

Amend Sec. 1 (Sec. 7317), page 17, line 4, by striking out "7317" and inserting

7316

Amend Sec. 1 (Sec. 7318), page 17, line 15, by striking out "7318" and inserting

7317

Amend Sec. 1, page 17, by inserting between lines 25 and 26

CHAPTER 75
COORDINATION OF HEALTH
BENEFITS

- Sec. 7501. Definitions.
- 7502. Coordination of benefits.
- 7503. Claims.
- 7504. Dependent child.
- 7505. Employee.
- 7506. Order of benefits.
- 7507. Exemptions.
- § 7501. Definitions.

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

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

§ 7502. Coordination of benefits.

(a) Requirement.—All group health or sickness or accident insurance policies providing hospital or medical and surgical coverage, all group subscriber contracts or certificates issued by any entity subject to Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations), the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, or the act of December 14, 1992 (P.L. , No.134), known as the Fraternal Benefit Societies Code, providing hospital or medical and surgical coverage, and all group-type self-insurance plans that provide protection or insurance against hospital, medical or surgical expenses shall be delivered or issued for delivery in this Commonwealth containing a provision for coordinating its benefits with any similar benefits provided by any other group health or sickness or accident insurance policy or group subscriber contract or certificate providing hospital or medical and surgical coverage or group-type self-insurance plan that provides protection or insurance against hospital, medical, or surgical expenses for the same loss.

(b) Prohibited provision.—All health or sickness or accident insurance policies providing hospital or medical and surgical coverage, all subscriber contracts or certificates issued by any entity subject to Ch. 61 or 63, the Health Maintenance Organization Act, or the Fraternal Benefit Societies Code, providing hospital or medical and surgical coverage, and all self-insurance plans that provide protection or insurance against hospital, medical or surgical expenses delivered, issued or issued for delivery in this Commonwealth shall not contain any provision whereby the insurer may reduce or refuse to pay benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under insurance policies issued by the same or another insurer, hospital plan corporation, professional health services plan corporation, health maintenance organization, fraternal benefit society or self-insurance plan which provides protection or insurance against hospital, medical or surgical expenses unless, as a condition of coordinating benefits with another insurer, the insurers together pay 100% of the total reasonable expenses actually incurred of the type of expense within the benefits described in the policies and presented to the insurer for payment.

(c) Medicare.—The standards provided in subsection (b) are applicable in coordinating benefits payable under Medicare pursuant to Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

§ 7503. Claims.

When a claim is submitted in accordance with any group health or sickness or accident insurance policy providing hospital or medical and surgical coverage, or in accordance with any group subscriber contract or certificate as set forth in section 7502(a) (relating to coordination of benefits) or group-type self-insurance plan that provides protection, insurance or indemnity against hospital, medical or surgical expenses, and the policy or any other document that provides coverage includes a coordination-of-benefits provision and the claim involves another policy or plan which has a coordination-of-benefits provision, the following rules shall be used to determine the order in which benefits under the respective health policies or plans will be determined:

(1) The benefits of a policy, subscriber contract or certificate, or plan which covers the person as an employee, member or subscriber, other than as a dependent, are determined before those of the policy or plan which covers the person as a dependent.

(2) (i) Except as stated in section 7504 (relating to dependent child), when two or more policies, subscriber contracts or certificates, or plans cover the

same child as a dependent of different parents, the following shall apply:

(A) the benefits of the policy, subscriber contract or certificate, or plan of the parent whose birthday, excluding year of birth, falls earlier in a year are determined before those of the policy or plan of the parent whose birthday, excluding year of birth, falls later in that year; but

(B) if both parents have the same birthday, the benefits of the policy, subscriber contract or certificate, or plan which covered the parent for a longer period of time are determined before those of the policy or plan which covered the parent for a shorter period of time.

(ii) However, if a policy, subscriber contract or certificate, or plan subject to the rule based on the birthday of the parents as stated above coordinates with an out-of-State policy or plan which contains provisions under which the benefits of a policy, subscriber contract or certificate, or plan which covers a person as a dependent of a male are determined before those of a policy, subscriber contract or certificate, or plan which covers the person as a dependent of a female and if, as a result, the policies, subscriber contracts or certificates, or plans do not agree on the order of benefits, the provisions of the other policy, subscriber contract or certificate, or plan shall determine the order of benefits.

§ 7504. Dependent child.

(a) Determination of child's benefits.—If two or more policies, subscriber contracts or certificates, or plans cover a dependent child of divorced or separated parents, benefits for the child shall be determined in the following order:

(1) First, the policy, subscriber contract or certificate, or plan of the parent with custody of the child.

(2) Second, the policy, subscriber contract or certificate, or plan of the spouse of the parent with custody of the child.

(3) Third, the policy, subscriber contract or certificate, or plan of the parent not having custody of the child.

(b) Court decree.—However, if the specific terms of a court decree state that one of the parents is responsible for the health care expenses of the child and if the entity obliged to pay or provide the benefits of the policy, subscriber contract or certificate, or plan of that parent has actual knowledge of those terms, the benefits of that policy, subscriber contract or certificate, or plan are determined first. This does not apply with respect to any claim determination period or plan or policy year during which any benefits are actually paid or provided before that entity has that actual knowledge.

§ 7505. Employee.

The benefits of a policy, subscriber contract or certificate, or plan which covers a person as an employee who is neither laid off nor retired, or as that employee's dependent, are determined before those of a policy, subscriber contract or certificate, or plan which covers that person as a laid off or retired employee or as that employee's dependent. If the other policy, subscriber contract or certificate, or plan is not subject to this rule, and if, as a result, the policies, subscriber contracts or certificates, or plans do not agree on the order of benefits, this section shall not apply.

§ 7506. Order of benefits.

If none of the rules in section 7503 (relating to claims), 7504 (relating to dependent child) or 7505 (relating to employee) determine the order of benefits, the benefits of the policy, subscriber contract or certificate, or plan which covered an employee, member or subscriber for a longer period of time are determined before those of the policy, subscriber contract or certificate, or plan which covered that person for the shorter period of time.

§ 7506. Exemptions.

Coordination of benefits shall not be permitted against fixed indemnity coverage, accident-only coverage, credit insurance, Medicare supplements, disability income insurance, coverage issued as a supplement to liability insurance, worker's compensation or similar insurance or automobile medical payment insurance.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Karl Boyes.

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

My amendment is offering model language for coordination of health benefits patterned after the language in the Florida statutes. My amendment would coordinate which insurance carrier would pay first in cases where families have two health insurance policies.

At present, guidelines for coordination of health care benefits where two members of the family have different health care plans are set by the insurer or self-insured entity. This situation at times creates confusion for many policyholders and adds to the administration costs where the coordination of benefit policy guidelines are different. The problem is magnified in a separation or divorce situation where inconsistency among policies creates difficulties in providing health insurance to the children.

My amendment requires that all group health, sickness, or accident insurance policies or subscriber contracts providing hospital and major medical coverage with the coordination-of-benefit provisions follow certain rules to determine the order in which benefits are determined when more than one policy comes into play. Mr. Speaker, the key is where more than one policy comes into play.

In order that we might eliminate the ambiguity surrounding coordination of benefits and thus reduce the number of underinsured, I encourage your support for this amendment.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

Representative Boyes and I talked about this amendment before. I agree to it. I think it will strengthen the consumer protection coordination-of-benefits section.

I would like to add for the record so it is very clear that this amendment does not mean that group plans will have to coordinate with any individual accident and health plans. That being placed into the record, I would ask for a "yes" vote on the amendment.

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Serimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colaifella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Cowell	King	Preston	Van Home
Coy	Kirkland	Raymond	Veon
Curry	Krebs	Reber	Vitali
Daley	Kukovich	Reinard	Waugh
DeLuca	LaGrotta	Richardson	Williams
Dempsey	Laub	Rieger	Wogan
Dent	Laughlin	Ritter	Wozniak
Dermody	Lawless	Roberts	Wright, D. R.
Donatucci	Lederer	Robinson	Wright, M. N.
Druce	Lee	Roebuck	Yandrisevits
Durham	Leh	Rohrer	Yewcic
Egolf	Lescovitz	Rooney	Zug
Evans	Levdansky	Rubley	
Fairchild	Linton	Rudy	DeWeese,
Fajt	Lloyd	Ryan	Speaker
Fargo			

NAYS—1

Josephs

NOT VOTING—0

EXCUSED—3

Bush Haluska O'Donnell

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. KUKOVICH offered the following amendments No. A2804:

Amend Sec. 1 (Chapter analysis), page 2, by inserting between lines 23 and 24
7318. Loss ratios.

Amend Sec. 1 (Chapter analysis), page 2, line 24, by striking out "7318" and inserting
7319

Amend Sec. 1, page 17, by inserting between lines 14 and 15
§ 7318. Loss ratios.

All insurers except nonprofit hospital plan corporations or nonprofit professional health service plans shall return benefits to group policyholders in the aggregate of not less than 83% of premium received and to individual policyholders in the aggregate of not less than 83% of premium received. Nonprofit hospital plan corporations or nonprofit professional health service plans shall return benefits to group policyholders in the aggregate of not less than 85% of premium received and to individual policyholders in the aggregate of not less than 85% of premium received. The Insurance Commissioner shall adopt rules to establish these minimum standards on the basis of experienced incurred claims and earned premiums for the entire period for which rates are computed to provide coverage in accordance with accepted actuarial principles and practices.

Amend Sec. 1 (Sec. 7318), page 17, line 15, by striking out "7318" and inserting
7319

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

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This was an amendment I had not intended to offer unless the Colaizzo amendment went in. That being the case, I would like to offer this amendment as a way of sort of balancing the playing field between the private for-profits and not-for-profit insurers. It creates a loss ratio and in essence says that for every dollar that an insurance company takes in, 85 cents must be returned to the consumer. It is a way to make sure that there are not excessive administrative costs or excessive profits made in health care insurance.

I would appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, of all the amendments that have been offered to this bill, to a bad bill, this is probably the worst. This is probably worse than the whole bill itself, and the only reason it is being offered is because of Mr. Colaizzo's amendment being offered.

Mr. Speaker, what this does— In fact, this amendment should have been written on blue paper. What this does, Mr. Speaker, is it guarantees that no other insurance company in the Unites States will want to write health insurance in the State of Pennsylvania. It makes it an exclusive market for one company. Mr. Speaker, it is patently unfair, not to the other insurance companies but to the consumer, because now he has no choice. He has got no ability to go out and shop the market

and get the best coverage at the best price, and this totally rips that concept out of the health insurance market in Pennsylvania. One of the reasons people cannot get health insurance in Pennsylvania today is because of the price, and this amendment drives up the price of insurance to the point that it drives people away and drives insurance companies, health insurance companies, out of Pennsylvania.

One of the fundamental problems that we have in this State is we do not have enough insurance companies competing for our business, and we are going to have less if this ripper amendment is put into this bill. Mr. Speaker, I urge a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kukovich, for the second time.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is not any more onerous than what medicare, medigap, any of the programs return. They do not have excessive administrative costs. I do not think there is anything wrong with saying that for every premium dollar paid, that at least 85 cents has got to go back in benefits. I think that is a major consumer protection and it applies to everybody, and I think it is a very fair, evenhanded, across-the-board reform.

Again I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—66

Acosta	Fee	Manderino	Scrimenti
Bebko-Jones	Freeman	McGeehan	Staback
Belardi	Gamble	McNally	Steelman
Belfanti	George	Melio	Steighner
Bishop	Gruitza	Michlovic	Sturla
Blaum	Hanna	Mundy	Surra
Butkovitz	Hughes	Murphy	Tangretti
Buxton	Itkin	Oliver	Thomas
Caltagirone	James	Petrarca	Trich
Cappabianca	Josephs	Petrone	Van Horne
Carn	Keller	Pistella	Veon
Cawley	Kirkland	Preston	Vitali
Cohen, M.	Kukovich	Richardson	Williams
Colafella	Lederer	Rieger	Yandrisevits
Corrigan	Lescovitz	Ritter	
Curry	Levdansky	Robinson	DeWeese,
Evans	Linton	Roebuck	Speaker

NAYS—134

Adolph	Farmer	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Markosek	Saylor
Baker	Gannon	Marsico	Scheetz
Barley	Geist	Masland	Schuler
Battisto	Gerlach	Mayernik	Semmel
Birmelin	Gigliotti	McCall	Serafini
Boyes	Gladeck	Merry	Smith, B.
Brown	Godshall	Micozzie	Smith, S. H.
Bunt	Gordner	Mihalich	Snyder, D. W.
Carone	Gruppo	Miller	Stairs

Cessar	Harley	Nailor	Steil
Chadwick	Hasay	Nickol	Stern
Civera	Heckler	Nyce	Stetler
Clark	Hennessey	O'Brien	Stish
Clymer	Herman	Olasz	Strittmatter
Cohen, L. I.	Hershey	Perzel	Taylor, E. Z.
Colaizzo	Hess	Pesci	Taylor, J.
Cornell	Hutchinson	Pettit	Tigue
Cowell	Jadlowiec	Phillips	Tomlinson
Coy	Jarolin	Piccola	Trelo
Daley	Kaiser	Pitts	True
DeLuca	Kasunic	Platts	Tulli
Dempsey	Kenney	Raymond	Uliana
Dent	King	Reber	Vance
Dermody	Krebs	Reinard	Waugh
Donatucci	LaGrotta	Roberts	Wogan
Druce	Laub	Rohrer	Wozniak
Durham	Laughlin	Rooney	Wright, D. R.
Egolf	Lawless	Rubley	Wright, M. N.
Fairchild	Lee	Rudy	Yewcic
Fajt	Leh	Ryan	Zug
Fargo	Lloyd		

NOT VOTING—0

EXCUSED—3

Bush Haluska O'Donnell

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. KUKOVICH offered the following amendment No. A3090:

Amend Sec. 1 (Sec. 7317), page 17, lines 9 and 10, by striking out "BUT FOR SUCH PERSON'S HEALTH" in line 9, all of line 10 and inserting
unless

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Kukovich, for the purpose of offering an amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is a technical amendment. It came to my attention last week through Representative Belardi and Representative DeLuca that some mental health providers in their areas were concerned about the way some of the language read. I do not think this changes the intent of the protections, but it does make it easier to read and clarifies the problem they had. So I would ask for a "yes" vote.

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

Mr. GANNON. Mr. Speaker, I urge a "yes" vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steeleman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Cam	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafrilla	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Home
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Jaub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. GANNON offered the following amendments No. A2779:

Amend Title, page 1, line 12, by removing the period after "groups" and inserting
; providing for affordable health care for employees of small businesses; and providing penalties.

Amend Chapter Analysis, page 1, by inserting after line 20
75. Affordable Health Care

Amend Sec. 1, page 17, by inserting between lines 25 and 26

CHAPTER 75
AFFORDABLE HEALTH CARE

Subchapter

- A. General Provisions
- B. Health Insurance Policies
- C. Miscellaneous Provisions

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

7501. Short title of chapter.

7502. Declaration of policy.

7503. Definitions.

§ 7501. Short title of chapter.

This chapter shall be known and may be cited as the Affordable Insurance Measure for Small Business Employees and Their Families Act.

§ 7502. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The cost of health insurance coverage is not affordable for many small businesses, their employees, self-employed persons and other individuals.

(2) As a result, almost 1,000,000 Commonwealth citizens do not have any health insurance coverage.

(3) The cost of health insurance should be reduced for these citizens by:

(i) authorizing the development of new classes of hospital and medical insurance coverage for qualified groups, families and individuals; and

(ii) authorizing the department to develop means to assist in limiting the marketing and administrative costs of certain new classes of insurance coverage.

§ 7503. Definitions.

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

"Ambulatory surgical facility." A facility not located on the premises of a hospital which provides outpatient surgical treatment. The term does not include individual or group practice offices or private physicians or dentists, unless the offices have a distinct part used solely for outpatient surgical treatment on a regular and organized basis.

"Case characteristics." Demographic and other relevant characteristics that are considered by the insurer in the determination of premium rates for a small employer. The term excludes claims experienced, health status and duration of coverage since date of issue.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Employee." An individual who works a minimum of 30 hours a week for an employer in return for compensation.

"Employer." A business which, during the immediately preceding calendar year, employed not more than 20 employees who were eligible for coverage under a small business health care benefit plan on at least 50% of the work days of the business.

"Health care supplier." An entity which is organized for the purpose of arranging for the provision of health care services, including, but not limited to, inpatient, outpatient, primary and

specialty physician services, diagnostic and emergency care and home health care.

"Hospital." An institution having an organized medical staff which is engaged primarily in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of persons who are injured, disabled, pregnant, diseased, sick or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, including facilities which provide care and treatment exclusively for persons who are mentally ill and drug or alcohol inpatient detoxification or rehabilitative care.

"Inequitable or inappropriate treatment." Treatment that does not meet the generally accepted medical standard of care within the community where the health care services are provided.

"Insured." Any individual or group insured under a low-cost comprehensive health insurance policy or a small business health care benefit plan.

"Insurer." An insurer, health maintenance organization, fraternal benefit society, hospital plan, health services plan corporation or health care supplier offering a low-cost comprehensive health insurance policy or a small business health care benefit plan.

"Intermediate care." Intensive day care treatment for the mentally ill provided in a State-licensed or State-approved facility or intensive, skilled and intermediate nursing home care provided in a State-licensed or State-approved facility.

"Low-cost comprehensive health insurance policy." A policy or subscription contract which an insurer may choose to offer to a qualified individual, qualified family or qualified group.

"Outpatient hospital care." Surgery, anesthesia, pre-admission testing, diagnostic X-rays and diagnostic medical and laboratory services provided in a hospital or in an ambulatory surgical facility.

"Permitted coverage." Health or hospitalization insurance coverage under this chapter, Medicaid, Medicare or the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272, 100 Stat. 82).

"Qualified family." Individuals who are qualified individuals and who are related to each other by blood, marriage or adoption.

"Qualified group." A group in which each covered individual or covered dependent within the group is a qualified individual. The term includes less than all employees of an employer. The term excludes a qualified purchasing group.

"Qualified individual." An individual who is employed in or is a resident of this Commonwealth and who has been without health insurance coverage, other than permitted coverage. The term includes a child newborn to or adopted by an insured after the effective date of a low-cost comprehensive health insurance policy issued to the insured which covers the insured and members of the insured's family.

"Qualified purchasing group." A group organized under section 7522 (relating to qualified purchasing groups).

"Similar plans." Plans which do not materially differ from one another in any of the following respects:

- (1) The set of services covered.
- (2) Utilization management provisions.
- (3) Managed-care network provisions.
- (4) The criteria used by the insurer in underwriting coverage under a plan where variations in the criteria may reasonably be expected to produce substantial variation in the claims costs incurred under the plan.

"Small business health care benefit plan."

(1) Except as provided in paragraph (2), any of the following:

(i) Any health, sickness or accident insurance policy providing hospital, medical or surgical coverage for sole proprietorships or employers.

(ii) A policy which is a subscriber contract or certificate issued by an insurer to provide hospital, medical or surgical coverage for sole proprietorships or employers.

(iii) A subscriber contract or certificate which is issued by an entity to provide hospital, medical or surgical coverage for employers and which is subject to:

(A) section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921;

(B) the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act;

(C) the act of July 29, 1977 (P.L.105, No.38), known as the Fraternal Benefit Society Code;

(D) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations); or

(E) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(2) The term excludes all of the following:

- (i) Accident-only coverage.
- (ii) Fixed indemnity coverage.
- (iii) Low-cost comprehensive health insurance policies.
- (iv) Credit insurance.
- (v) Medicare supplements.
- (vi) Disability income insurance.
- (vii) Coverage issued as a supplement to liability insurance.
- (viii) Worker's compensation or similar insurance.
- (ix) Automobile medical payment insurance.

SUBCHAPTER B HEALTH INSURANCE POLICIES

Sec.

7521. Issuance of low-cost comprehensive health insurance policies permitted.

7522. Qualified purchasing groups.

7523. Coverage.

7524. Notice and payroll deduction.

7525. Discretionary managed-care provisions.

7526. Responsibility of insured.

7527. Disclosure.

7528. Filing and approval.

§ 7521. Issuance of low-cost comprehensive health insurance policies permitted.

(a) General rule.—Insurers are authorized to issue low-cost comprehensive health insurance policies to qualified individuals, qualified families, qualified groups and qualified purchasing groups.

(b) Prohibition.—An employer is prohibited from canceling a health care policy or subscriber contract for a low-cost comprehensive health insurance policy.

§ 7522. Qualified purchasing groups.

Solely for purposes of obtaining a low-cost comprehensive health insurance policy or a small business health care benefit plan, qualified purchasing groups may be formed, composed of qualified individuals, qualified families or qualified groups. Each qualified purchasing group may serve as a master policyholder. Members of qualified groups and members of qualified purchasing groups may join together solely for the purpose of obtaining health insurance coverage under this chapter. Qualified purchasing groups shall not require a health screening for membership nor require any other unreasonable barriers to membership.

§ 7523. Coverage.

(a) Required.—Low-cost comprehensive health insurance policies offered must provide the following:

- (1) Thirty days of inpatient hospital surgical and medical coverage and outpatient hospital care coverage per policy year. Intermediate care coverage may be substituted for inpatient hospital care on a four-days-for-each-inpatient-day basis, and home health care may be substituted on a seven-days-for-each-inpatient-day basis.

(2) Coverage for at least four office visits per year for primary care, including prenatal and postnatal maternal care and well-baby care for covered services rendered by a licensed provider.

(3) Coverage for one mammogram screening per year for females 40 years of age or older and coverage for all medically necessary mammograms.

(4) Medically necessary child immunizations.

(5) Annual, lifetime or other benefit limits in amounts established by the department but which initially shall be not less than \$100,000 as an annual benefit and \$250,000 as a lifetime benefit.

(6) A waiting period as established by the department for transferring from a low-cost comprehensive health insurance policy issued to a qualified individual or qualified family by one insurer to a low-cost comprehensive health insurance policy issued to a qualified individual or qualified family by another insurer.

(7) If the policy covers the insured and members of the insured's family, coverage for newborn children of the insured from the moment of birth and coverage for adopted newborn children and for other adopted children, with prior coverage from the date of the interlocutory decree of adoption. The insurer may require that the insured give notice to its insurer of any newborn child within 90 days following the birth of the newborn child and of any adopted child within 60 days of the date the insured has filed a petition to adopt. The coverage of newborn children or adopted children must not be less than coverage provided for other members of the insured's family.

(8) Such provisions as the department may require for an annual or other deductible or equivalent; patient copayments, including a differential, for nonpreferred providers; annual stop loss amounts; conversion; replacement of prior carrier's coverage; and exclusionary period for preexisting conditions.

(b) Additional offerings.—In a low-cost comprehensive health insurance policy, the insurer may offer for purchase, individually or in combination, all of the following:

(1) Coverage for additional prenatal care, including one prenatal office visit per month during the first two trimesters of pregnancy, two office visits per month during the seventh and eighth months of pregnancy and one office visit per week during the ninth month until term. Coverage for each visit may include necessary and appropriate screening, including history, physical examination and laboratory and diagnostic procedures deemed appropriate by the physician and based upon recognized medical criteria for the risk group of which the patient is a member. Coverage for each office visit may also include prenatal counseling as the physician deems appropriate.

(2) Coverage for obstetrical care, including physicians' services, delivery room and other medically necessary hospital services and services performed by licensed, certified midwives.

(3) Coverage for additional inpatient and outpatient psychiatric treatment and rehabilitative services.

(4) Coverage for cancer chemotherapy and cancer hormone treatments and services.

(5) Benefits for drug and alcohol abuse and dependency.

(6) Coverage for osteopathic services.

(7) Dental coverage.

(8) Pharmaceutical coverage.

(9) Coverage for podiatric services.

(10) Coverage for psychologist services.

(11) Coverage for optometric services.

(12) Coverage for chiropractic services.

(13) Coverage for physical therapist services.

(14) Coverage for services of clinical laboratory professionals.

(15) Coverage for services of certified registered nurses, certified registered nurse practitioners, certified

enterostomal therapy nurses, certified community health nurses, certified psychiatric mental health nurses and certified clinical nurse specialists acting within the scope of their license.

(16) Coverage for medical rehabilitation services.

(c) Discretion of department.—The department shall consider the cost impact and essential nature of each of the provisions in subsections (a) and (b), and the competitive impact of the requirements and may, by regulation, waive required coverage and establish alternative benefit methods to encourage participation of insurers, employers and employees in a manner consistent with meeting the goal of providing basic health services at an affordable price accessible to those eligible for coverage under this chapter.

(d) Refusals.—

(1) No insurer may refuse to provide coverage to a new employee who was previously insured, who on the date of employment would be eligible for coverage and who on the date of employment had prior coverage which did not lapse for more than 60 consecutive days during the prior 12-month period. Nothing in this paragraph shall require an insurer to provide benefits greater than those provided to a person insured as a standard risk under a small business health care benefit plan, or a low-cost comprehensive health insurance policy greater than those provided under the employee's prior coverage.

(2) For occupations, no insurer may refuse to offer coverage solely because of the nature of the employer's business. An insurer may charge an additional premium based on the nature of the employer's business, but the total premium may not exceed 150% of the lowest premium which would be charged to that employer under section 711(b) without regard to the nature of the employer's business.

(e) Nonrenewables.—No insurer may nonrenew a low-cost comprehensive health insurance policy or a small business health care benefit plan except for any of the following reasons:

(1) Nonpayment of required premium.

(2) Fraud or misrepresentation related to an attempt to collect benefits by an individual covered by a qualified individual, qualified family, qualified group or qualified purchasing group low-cost comprehensive health insurance policy. In case of a qualified group or qualified purchasing group, the nonrenewal shall apply only to the individual and any person covered as a spouse or dependent of the individual.

(3) Noncompliance with the provisions of the policy or plan, including provisions regarding minimum numbers of or percentages of insureds.

(4) Nonrenewal with respect to all individuals, groups and purchasing groups within this Commonwealth for whom coverage is provided under similar policies.

(f) Exemption.—A low-cost comprehensive health insurance policy may be issued without the provision of the benefits or requirements mandated by Article VI-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or by regulations promulgated under that act.

(g) Continuation.—A small business health care benefit plan and a low-cost comprehensive health insurance policy must provide for continuation of coverage for any person who has been continuously covered for at least 90 days under a small business health care benefit plan and who thereafter loses coverage by reason of termination of employment, reduction of hours, divorce, attainment of an age specified in the plan, cancellation of the policy by the employer or nonrenewal due to failure to pay required premiums, unless, within 31 days of cancellation or nonrenewal, the employer provides the person medical, surgical or hospital care or benefit coverage or unless nonrenewal is for the reason set forth in subsection (e)(4). The provisions must require the insured to make a written request to the insurer within 31 days of loss of coverage. The premium for any given period must not exceed 135% of the rate that would have been charged with respect to that person had the person been covered as the

employee under the policy during the same period. When the policy under which the person was covered has been canceled or nonrenewed, the rates must be based on the rate which would have been charged to the person had the policy continued in force, as determined by the insurer in accordance with standard actuarial principles.

§ 7524. Notice and payroll deduction.

(a) Notice.—An employer that does not provide a portion of the cost of health insurance for employees shall provide notice to employees of the existence of the low-cost comprehensive health insurance policy. Notice shall be in a form prepared by the department and may be provided to employees by posting at the place of employment or in any other reasonable manner.

(b) Payroll deduction.—An insured may provide written request to the insured's employer to withhold the amount of premium on a low-cost comprehensive health insurance policy from the insured's pay, along with written instructions for remittance of the premium. Upon request under this subsection, the employer shall withhold the premium and remit the premium payment to the insurer. This subsection shall not apply if the employer would be required to make remittances to more than two different insurers. No employer required to make a remittance of a premium under this subsection is required to make remittances more often than once per month. The Department of Labor and Industry, in cooperation with the department, shall provide a copy of the form of notice under this subsection.

§ 7525. Discretionary managed-care provisions.

The insurer may include any of the following managed-care provisions to control the cost of a low-cost comprehensive health insurance policy in a manner which does not result in inequitable or inappropriate treatment of an insured under this chapter:

(1) An exclusion for services that are not medically necessary.

(2) A procedure for preauthorization by telephone, to be confirmed in writing, by the insurer of any medical service the cost of which is anticipated to exceed a minimum threshold, except for services necessary to treat a medical emergency.

(3) A preferred panel of providers who have entered into written agreements either directly with the insurer or through an intermediary-prepared provider organization to provide services at specified levels of reimbursement. A written agreement under this paragraph must contain a provision under which the parties agree that the insured will have no obligation to make payment for any medical service rendered by the provider that is determined not to be medically necessary.

(4) A provision under which an insured who obtains medical services from a nonpreferred provider shall receive reimbursement only in the amount that would have been received had services been rendered by a preferred provider, less a differential, in an amount to be approved by the department.

(5) Other managed-care and cost-control provisions which, subject to the approval of the Department of Health, have the potential to control costs.

§ 7526. Responsibility of insured.

Except as provided in section 7525(3) (relating to discretionary managed-care provisions), nothing in this chapter shall affect the obligation of an insured to pay for medical services rendered to the insured which are not covered by a low-cost comprehensive health insurance policy or a small business health care benefit plan.

§ 7527. Disclosure.

(a) Insured.—

(1) Before an insurer issues a low-cost comprehensive health insurance policy, it must obtain from the prospective insured a signed written statement, in a form approved by the department, in which the prospective insured does all of the following:

(i) Certifies as to eligibility for coverage under the low-cost comprehensive health insurance policy.

(ii) Acknowledges the nature of the coverage provided and an understanding of the managed-care and cost-control features of the low-cost comprehensive health insurance policy.

(iii) Acknowledges that, if misrepresentations are made regarding the insured's eligibility for coverage under a low-cost comprehensive health insurance policy, the person making the misrepresentation and any person covered as a spouse or dependent shall forfeit coverage provided by the low-cost comprehensive health insurance policy.

(iv) Acknowledges that the prospective insured, at the time of application for the low-cost comprehensive health insurance policy, was offered the opportunity to purchase health insurance coverage which would have included all mandated benefits or mandated optional benefits required by the laws of this Commonwealth and that the prospective insured rejected such coverage.

(2) A copy of the statement under paragraph (1) shall be provided to the prospective insured at the time of low-cost comprehensive health insurance policy delivery, and the original of such written statement shall be retained by the insurer for the longer of the period of time in which the low-cost comprehensive health insurance policy remains in effect or five years.

(b) Insurer.—Before an insurer issues a low-cost comprehensive health insurance policy, the insurer shall provide the insured with a written disclosure statement containing information the department requires, in a form approved by the department. The disclosure statement shall be separate from the insurance policy or evidence of coverage provided to the insured. The disclosure statement shall contain at least the following information:

(1) An explanation of those mandated benefits or mandated optional benefits not covered by the low-cost comprehensive health insurance policy but which would otherwise be required to be provided under the laws of this Commonwealth.

(2) An explanation of the managed-care and cost-control features of the low-cost comprehensive health insurance policy, appropriate mailing addresses and telephone numbers to be utilized by the insured in seeking information or authorization, a list of any preferred providers then contracting with the insurer and an explanation of the obligations of the providers and the insured with regard to services determined not to be medically necessary.

(3) An explanation of the primary and preventive care features of the low-cost comprehensive health insurance policy.

(c) Misrepresentation.—A material statement made by an applicant for coverage under a low-cost comprehensive health insurance policy or a small business health care benefit plan which falsely certifies as to the applicant's eligibility for coverage under a low-cost comprehensive health insurance policy shall serve as the basis for termination of coverage under the policy.

§ 7528. Filing and approval.

(a) Forms.—All forms, including applications, enrollment forms, policies, certificates, evidences of coverage, riders, amendments, endorsements, disclosure forms and marketing communications, used in connection with the sale or advertisement of a low-cost comprehensive health insurance policy or a small business health care benefit plan must be submitted to the department for approval in accordance with applicable statutes and regulations.

(b) Rates.—

(1) Except as provided in paragraph (2), the premiums charged for small business health care benefit plans or for low-cost comprehensive health insurance policies shall be the same for all insureds with similar case characteristics.

(2) Any other provision of this act or any other law of this Commonwealth to the contrary notwithstanding, an insurer may charge an additional premium for a small business health care benefit plan or for a low-cost comprehensive health insurance policy based upon the claim experience of the insured, the health of individuals covered under the plan or policy and the duration of coverage. If an additional premium is charged under this paragraph, the total premium for the plan or policy may not exceed 150% of the lowest premium charged by the insurer to insureds with similar case characteristics but without the same claim experience, health of covered individuals and duration of coverage.

(3) Subject to the limitations set forth in paragraphs (1) and (2), the percentage increase in the premium rate charged to a small employer may not exceed the sum of:

(i) the percentage change in the new business premium rate for employers with similar case characteristics as measured between the first day of the calendar year in which the new rates take effect and the first day of the prior calendar year; plus

(ii) an adjustment not to exceed 15% annually based on claims experience, health status or duration of coverage; plus

(iii) any adjustment due to changes in the coverage provided or changes in the case characteristics of the employer.

(4) A small business health care benefit plan or low-cost comprehensive health insurance policy may establish a community-rated premium for all employers qualified under this chapter which differs from the community rate offered to employers which are not qualified under this chapter.

(c) Policy comparison.—The department may require that, as to each low-cost comprehensive health insurance policy approved, the insurer provide a statement of the portion of the rate or premium applicable to the low-cost comprehensive health insurance policy coverage required by this chapter and such other information as the department may require so that prospective purchasers of policies may have an ability to make a direct comparison of the cost of the benefits within policies of the same class issued by different insurers. The department may include rate comparison or other cost information in the form of a notice, which may be provided by the department to employers.

(d) Presumption.—An insurer who raises rates after the effective date of this subsection shall be presumed to be evading the rate limitation provisions of this chapter. Such a rate increase shall be invalid. This subsection shall expire in 180 days.

SUBCHAPTER C MISCELLANEOUS PROVISIONS

Sec.

7541. Records and reports.

7542. Regulations.

7543. Jurisdiction over providers of health care benefits.

7544. Penalties.

7545. Report.

§ 7541. Records and reports.

(a) Records.—An insurer issuing or renewing a low-cost comprehensive health insurance policy or a small business health care benefit plan in this Commonwealth shall maintain separate records of enrollment, claim costs, premium income, utilization and other information as required by the department.

(b) Reports.—An insurer providing a low-cost comprehensive health insurance policy shall furnish an annual report to the department in a form prescribed by the department. The report shall contain information the department requires to analyze the effect of insurance coverage issued under this chapter. The annual report shall be in a form consistent with the forms adopted by the National Association of Insurance Commissioners. § 7542. Regulations.

The department may promulgate regulations to administer this chapter. Regulations shall be consistent with the "Group

Coverage Discontinuance and Replacement Model Regulation" of the Model Regulation Service (January 1990).

§ 7543. Jurisdiction over providers of health care benefits.

(a) General rule.—Notwithstanding any other provision of law, and except as provided in this section, any person or other entity which provides benefits in this Commonwealth for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital or optometric expenses, whether the benefits are provided by direct payment, reimbursement or otherwise, shall comply with the requirements of this chapter, unless the person or other entity shows that, while providing those services, it is subject to the jurisdiction of another agency of the Commonwealth, any subdivisions thereof, or the Federal Government with respect to financial solvency.

(b) Procedure.—A person or entity may show that it is subject to the jurisdiction of another agency of the Commonwealth, or any subdivision thereof, or of the Federal Government, by providing to the commissioner the appropriate certificate, license or other document issued by the other governmental agency which permits or qualifies it to provide those services. Such certificate, license or other document may constitute evidence that a person or entity is subject to the jurisdiction of another agency of the Commonwealth, or any subdivision thereof, or of the Federal Government, but such evidence is subject to rebuttal. A Department of Labor letter concerning an entity's purported status under the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829) is not a certificate, license or other document, within the meaning of this section which permits or qualifies an entity to provide services.

(c) Examination.—Any person or entity which is unable to show under subsection (b) that it is subject to the jurisdiction of another agency of the Commonwealth or any subdivision thereof, or the Federal Government, shall submit to an examination by the commissioner to determine the organization and solvency of the person or the entity, and to determine whether or not the person or entity complies with the applicable provisions of law. The person or entity examined shall be responsible for the department's examination expenses to the same extent as a licensed insurance company would be responsible, if the person or entity is found to be subject to the requirements of this chapter.

(d) Conduct of business.—Any person or entity unable to show that it is subject to the jurisdiction of another agency of the Commonwealth, or any subdivision thereof, or of the Federal Government, shall be subject to all appropriate provisions of law regarding the conduct of its business.

(e) Notice.—Any person, entity, agent or administrator which advertises, sells, transacts or administers in this Commonwealth the benefits described in subsection (a), and which is required to submit to an examination by the commissioner under subsection (c), shall, if the benefits are not fully insured or otherwise fully covered by any insurer licensed to do the business of insurance in this Commonwealth, nonprofit hospital service plan or nonprofit health care plan, give notice to every purchaser, prospective purchaser and covered person of the lack of insurance or other coverage and lack of State insurance insolvency guaranty funds protection.

(f) Additional notice.—Any administrator which advertises or administers in this Commonwealth the benefits described in subsection (a), and which is required to submit to an examination by the commissioner under subsection (c), shall give notice to any person or agent, as described in subsection (e), of the elements of the coverage, including, but not limited to, the amount of "stop-loss" insurance in effect and lack of State insurance insolvency guaranty funds protection.

(g) Size of notice.—The notice described in subsections (e) and (f) shall be in ten-point type on any solicitation, application, description of benefits, renewal form or any other form provided to any person covered by a person or entity described in subsection (a).

(h) Penalties.—Upon satisfactory evidence of the violation of any of the provisions of this section, the commissioner may, in

his discretion, pursue any one or more of the following courses of action, regardless of whether the person, entity, agent, solicitor, broker or company is licensed or not licensed by the commissioner:

(1) Suspend or revoke or refuse to renew the license of the offending party or parties.

(2) Impose a civil penalty of not more than \$1,000 for each violation under this chapter by the party or parties.

§ 7544. Penalties.

(a) General rule.—Whenever the commissioner believes, from evidence satisfactory to him, that any insurance company, association, or exchange is doing an insurance business within this Commonwealth in violation of any provision of this chapter or any order or requirement of the commissioner issued or promulgated pursuant to authority expressly granted the commissioner by any provision of this or any other act, or is about to violate any such provision, order, or requirement, the commissioner may, in his discretion, take against the offending party or parties any one or more of the following courses of action:

(1) Revoke the certificate of authority of the offending company, association or exchange.

(2) Refuse to renew the certificate of authority of the offending company, association or exchange.

This remedy is in addition to any other remedy provided by this chapter or any other act.

(b) Notice.—Before the commissioner shall take any action under this section, he shall give written notice to the person, company, association or exchange accused of a violation, stating specifically the nature of the alleged violation and fixing a time and place, at least ten days thereafter, when a hearing before the commissioner regarding the matter shall be held.

§ 7545. Report.

On January 3, 1996, the department shall submit a report on the implementation of this chapter to the Secretary of the Senate and the Chief Clerk of the House of Representatives.

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, a day or two ago I offered an amendment to this bill which I went into great detail with the members, so I will not belabor it because this amendment is very similar to that amendment with one important exception.

Mr. Speaker, I am trying to make this amendment as bipartisan as possible, so I can point out to all the members that if I wanted to be partisan on this issue, I would have offered an amendment that gutted the bill and replaced it with my amendment. However, I did not do that. This amendment simply attaches language to this bill.

The second point I want to make and the major difference between this amendment and the prior amendment which was offered was to overcome objections from some members about the tax credit language in the prior amendment. What I have done is redrafted the amendment without any tax credit. There will be no cost to the taxpayers if this proposal would go into law.

I understand that that overcomes objection from some members who felt they could not support the proposal because of the tax credit language contained in the prior amendment, and I would ask for a "yes" vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Part of this is identical to an amendment that the maker offered last week which included tax credits. This apparently does not. It deals with creating some sort of new policy that will allow certain mandates to be eliminated. We debated this last week and that amendment was defeated. I would suggest that we again defeat it because the mandates that they are talking about eliminating are, quite frankly, all mandates that all of you over the years have supported, that your constituents want.

I would also suggest that when we discussed this last week, we talked about the fact that in other jurisdictions these kinds of barebones policies have not worked. I picked up a report Monday which I had not seen before. It was put together by Families U.S.A., and they talked about the effectiveness of some of this legislation in other States, how ineffective it was, and basically came down with the result that barebones policies do not solve small group insurance problems because they simply do not provide meaningful insurance coverage. In some States, in fact, barebones coverage is available only to those who have allowed significant erosion of coverage. It has also reduced savings from premiums that become shifted to those individuals who need health care, who need access. It is a policy that has been tried in other States and has failed.

I would suggest that, especially with one or two of the amendments that have been offered, this bill has been seriously jeopardized if not already possibly destroyed unless it can be cleaned up. I think this makes it much worse, puts in policies that have already been rejected in other jurisdictions, and I would ask that this chamber do likewise and vote "no."

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

When we debated this amendment the other day, I made some comments, and Mr. Gannon had some quarrel with the comments that I made. He was partially correct and my comments were inaccurate to a degree on the issue of prenatal care. It is not true that there is no coverage for prenatal care in the amendment. However, the coverage is very limited. Coverage for prenatal care would be included on page 4, section 7523, number (2): "Coverage for at least four office visits per year for primary care, including prenatal and postnatal maternal care and well-baby care..."

The limit, however, of 4 days of care is where the problem comes in. If a woman goes into a doctor's office early in the year for pneumonia or some illness — the flu or a serious version of the flu — uses up one or two office visits, if the policy is only going to allow 4 days—and they are allowed to, under this, as long as they have a minimum of 4 days, they can limit the coverage to 4 days per year—if that woman were to get pregnant and go in for an initial visit later in the year,

she would be left with possibly 1 and maybe no additional days for prenatal care during the term of that pregnancy.

So while there is some coverage for prenatal care, it is very limited, and any coverage for prenatal care would have to be purchased separately, on page 5, under "additional offerings." Additional prenatal care would be additional days per year. I think that that is not something this House wants to do.

In addition, the coverage for obstetrical care is definitely an additional coverage. It is not covered in the minimum plan, and I think that is also something that this House does not want to do.

We have also previously voted to require insurance companies to cover services for drug and alcohol abuse and dependency, and that is also listed in this package as an additional offering. People would have to pay additional premiums for that coverage, and I do not think that is something this House would want to do either.

So I would ask again that the House would vote against the Gannon amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

I rise to, I guess, ask the House to be consistent today, because this morning we considered an amendment to, I believe, HB 294 which would basically give members of a religious organization a chance to become involved in the Christian Brotherhood Newsletter. Now, I, too, seriously had a problem with that because I thought that almost gave people too much freedom of choice, because that basically allowed them to sign up on, basically, a health insurance plan or a health insurance substitute with absolutely no guarantees of what was going to be covered, no pool of resources to draw upon if the Brotherhood could not provide benefits under the plan, but we, I guess, as a body decided, well, that was a good idea; we should allow people in those areas to choose to have less coverage than a regular health insurance policy.

Now, if we are going to be consistent, we at least should go along with Representative Gannon's plan here because what he is offering is much more than the Christian Brotherhood guaranteed. I think if we want to be consistent, if we want to give consumers, whether they be a member of a church or some other consumer, the right to choose what type of health insurance they should have, then certainly we should support Representative Gannon's amendment and vote for this amendment. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Yandrisevits.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. GANNON. Yes, Mr. Speaker.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Mr. Speaker, on page 4 of the amendment, section (b), it says, "Prohibition.—An employer is prohibited from canceling a health care policy or subscriber contract for a low-cost comprehensive health insurance policy." Is it your intention that an employer who is currently purchasing health insurance is not able to lower its coverage by purchasing a lesser policy?

Mr. GANNON. Yes, Mr. Speaker.

Mr. YANDRISEVITS. Mr. Speaker, is there anything in your amendment which would prohibit a company which is self-insured and does not purchase a policy from lowering the standard of coverage to a level that corresponds with the provisions of this amendment?

Mr. GANNON. Mr. Speaker, they are already covered under Federal law and exempt anyway, so they could do whatever they want today without any legislation. So the answer to your question is no.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Mr. Speaker, may I make a statement on the amendment?

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

Mr. YANDRISEVITS. Mr. Speaker, as the gentleman just pointed out, many of our larger employers in the Commonwealth are self-insured, and by Federal law they are exempted from mandatory coverages that we provide on the floor of this House — for instance, the recent enactment of child immunization. I believe many of you may have faced a situation where your constituents read about the fact that their health coverage was to be providing child immunizations, only to find that their contract did not apply because their employer was self-insured.

But we enact those mandates in the hope that self-insurers will see that this is a statement by the General Assembly that this is what we would like to have coverage in Pennsylvania insure and the hope that they would provide that coverage to their employees. My concern is that the enactment of this amendment would lower the floor that we ask self-insured employers to shoot for and that many of them would use this amendment as a statement by the General Assembly that it is now all right for self-insured employers to drop the coverages that they already provide to their employees.

Therefore, I ask for a negative vote on the Gannon amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I rise in strong support of the Gannon amendment.

It should be noted that this amendment is designed to cover Pennsylvania's uninsured workers. People who have no insurance and are working are covered under this amendment. This amendment does provide basic coverages to people, again, who are uninsured. I think we should keep in mind that some coverage is better than no coverage, and the Gannon amendment will do just that; it will give coverage to people. I think this amendment is good for both men and women. I prefer having some access to a doctor rather than no access at

all, and again, I think we should keep in mind that this will protect Pennsylvania's uninsured. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gannon, for the second time.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, one of the prior speakers said, well, this is just bare bones. What do you call the coverage on someone who has nothing at all right now — nothing; no coverage; no insurance?

Now, I heard one of the most convoluted arguments that I have ever heard on this floor, and that is that if we adopt this amendment, somehow we are going to send a message to these big corporations that do not provide any insurance through insurance now that somehow they can continue to do something that they do already. In fact, to further answer the question that was raised, if one of those self-insureds should elect to adopt this proposal—and I doubt that they will—but should that happen and they are not providing childhood immunization, they would in fact be required to provide it. So if you want to send a message to those folks who are under the Federal law that they should be providing childhood immunization, then you should vote for this amendment.

I think it is so important to stress, Mr. Speaker, because we have heard other people talk about the fact that this does not provide the right kind of coverage. Mr. Speaker, this amendment provides insurance to those people who do not have any right now, those people who are the working poor. They are struggling to pay their mortgages, to put food on the table, and they have no insurance, and this says, the Pennsylvania legislature is going to reach out to you and provide you some insurance coverage.

I urge a "yes" vote for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the chairman of the Insurance Committee, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, we defeated this amendment last week, and the reason why we defeated it was because we had mentioned that this particular amendment, this plan, has been tried in a number of States and practically nobody has taken advantage of this particular piece of health care. It is really an exercise in futility to pass something like this because nobody has taken advantage of it in any States where they did enact it.

For those reasons I ask you to oppose the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kukovich, for the second time.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would just like to remind the members that I do think it is important that we be consistent on this. We did vote this down last week. Last session we voted it down at least twice, although it was different; it included the tax credit. But as I

said in my remarks before, every significant study has shown that this simply does not work. Last week I quoted verbatim and I have got copies of a United States General Accounting Office report that says it has not worked. There was an investigative piece done by the New York Times that said these policies just are not worth it. The arguments that the chairman of the Insurance Committee made, I think, were well put.

I think common sense and consistency would dictate that we vote "no" on this 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—98

Adolph	Fichter	Lynch	Saurman
Allen	Fleagle	Maitland	Saylor
Argall	Flick	Marsico	Scheetz
Armstrong	Gannon	Masland	Schuler
Baker	Geist	Merry	Semmel
Barley	Getlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nickol	Snyder, D. W.
Bunt	Harley	Nyce	Stairs
Cessar	Hasay	Perzel	Steil
Chadwick	Heckler	Pettit	Stern
Civera	Hennessey	Phillips	Stritmatter
Clark	Herman	Piccola	Taylor, E. Z.
Clymer	Hershey	Pitts	Taylor, J.
Cohen, L. I.	Hess	Platts	Tomlinson
Cornell	Hutchinson	Raymond	True
Dempsey	Jadowiec	Reber	Tulli
Dent	Kenney	Reinard	Uliana
Druce	King	Roberts	Vance
Durham	Krebs	Rohrer	Waugh
Egolf	Laub	Rubley	Wogan
Fairchild	Lawless	Ryan	Wright, M. N.
Fargo	Lee	Sather	Zug
Farmer	Leh		

NAYS—101

Acosta	Fajt	Lucyk	Santoni
Battisto	Fee	Manderino	Scrimenti
Bebko-Jones	Freeman	Markosek	Staback
Belardi	Gamble	Mayernik	Steelman
Belfanti	George	McCall	Steighner
Bishop	Gigliotti	McGeehan	Stetler
Blaum	Gordner	McNally	Stish
Butkovitz	Gruitza	Melio	Sturla
Buxton	Hanna	Michlovic	Surra
Caltagirone	Hughes	Mihalich	Tangretti
Cappabianca	Itkin	Mundy	Thomas
Cam	James	Murphy	Tigue
Carone	Jarolin	Olasz	Trello
Cawley	Josephs	Oliver	Trich
Cohen, M.	Kaiser	Pesci	Van Horne
Colafella	Kasunic	Petrarca	Veon
Colaizzo	Keller	Petrone	Vitali
Cortigan	Kirkland	Pistella	Williams
Cowell	Kukovich	Preston	Wozniak
Coy	LaGrotta	Richardson	Wright, D. R.
Curry	Laughlin	Rieger	Yandrisevits

Daley	Lederer	Ritter	Yewcic
DeLuca	Lescovitz	Robinson	
Dermody	Levdansky	Roebuck	DeWeese,
Donatucci	Linton	Rooney	Speaker
Evans	Lloyd	Rudy	

NOT VOTING—1

O'Brien

EXCUSED—3

Bush Haluska O'Donnell

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

On the question recurring,

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

AMENDMENT A2804 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Ritter, who moves that the vote by which amendment A2804 to HB 733 was defeated on the 23d day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Stern
Buxton	Harley	Mundy	Stetler
Caltagirone	Hasay	Murphy	Stish
Cappabianca	Heckler	Nailor	Strittmatter
Carn	Hennessey	Nickol	Sturla
Carone	Herman	Nyce	Surra
Cawley	Hershey	O'Brien	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafrilla	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana

Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubleby	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—1

Steil

NOT VOTING—0

EXCUSED—3

Bush Haluska O'Donnell

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A2804:

Amend Sec. 1 (Chapter analysis), page 2, by inserting between lines 23 and 24
7318. Loss ratios.

Amend Sec. 1 (Chapter analysis), page 2, line 24, by striking out "7318" and inserting
7319

Amend Sec. 1, page 17, by inserting between lines 14 and 15
§ 7318. Loss ratios.

All insurers except nonprofit hospital plan corporations or nonprofit professional health service plans shall return benefits to group policyholders in the aggregate of not less than 83% of premium received and to individual policyholders in the aggregate of not less than 83% of premium received. Nonprofit hospital plan corporations or nonprofit professional health service plans shall return benefits to group policyholders in the aggregate of not less than 85% of premium received and to individual policyholders in the aggregate of not less than 85% of premium received. The Insurance Commissioner shall adopt rules to establish these minimum standards on the basis of experienced incurred claims and earned premiums for the entire period for which rates are computed to provide coverage in accordance with accepted actuarial principles and practices.

Amend Sec. 1 (Sec. 7318), page 17, line 15, by striking out "7318" and inserting
7319

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The question before us is amendment A2804.

On that question, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This was an amendment that was defeated a little bit ago, and Representative Ritter brought to my attention that I somewhat misspoke and it could make a significant difference.

I said that in order to level the playing field, now in light of the Colaizzo amendment being in this bill, that we needed to have a minimum loss ratio to make sure that there were not excessive administrative costs, et cetera. I said at that point that for every dollar paid in to premiums, at least 85 cents should go back to the consumer in terms of payments in benefits. That is a fairly large percentage, actually; very reasonable and conservative compared to medigap, medicare, and Blue Cross-Blue Shield. I said it was 85 percent across the board. I was wrong, as Representative Ritter reread the amendment and brought it to my attention. We do recognize the exemption the Blues get, and so though they would have to pay back at least 85, the private insurance industries would only have to pay 83 percent, so it gives the private insurance federation a little bit more of a break in keeping with tax-exempt status of the nonprofits.

I think that being said, in the interest of balance, in the interest of protecting health insurance consumers, that we vote "yes" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I hope that we are not going to turn out a whole series of formulas as to how businesses in this State are to operate, what their relative costs should be. I thought we had an opportunity within the State for businesses to function to determine what in fact their costs should be, what in fact their profits should be, so that they can be competitive rather than setting a rigid thing that says this is what this company has to do. Are we going to do that with every business that we have in the Commonwealth?

I think this is a dangerous thing and we should vote it down again. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. GANNON. Mr. Speaker, what Mr. Kukovich said does not change one thing. This is a bad amendment. We should vote "no" on it. I will not reiterate the remarks I made earlier, but they still stand.

I urge a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, there is no way we should not approve this amendment. If an insurance company cannot deliver the service that they are selling their policy for, using 15 cents of that dollar for administration, then they ought not be in the business.

Last year we heard testimony in Erie about the Canadian system, and they are delivering service for 3 cents on the dollar. Most of the Blues are delivering that service for 10 to 12 cents on the dollar, and we are allowing 15 cents. If you do not approve this amendment, then anything is legal — 15, 20, 25 cents, 30 cents for administrative costs. You are just adding in to the insurance companies' profits.

Mr. Speaker, this amendment adds a small modicum of protection for the consumer, saying at least 85 cents on the dollar ought to be delivered for the purpose for which they are buying that insurance policy. If you cannot vote for that amendment, then you are not voting for the consumers. Thank you, Mr. Speaker.

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—100

Acosta	Fee	Manderino	Rudy
Battisto	Freeman	Markosek	Santoni
Bebko-Jones	Gamble	Mayernik	Scrimenti
Belardi	George	McCall	Staback
Belfanti	Gigliotti	McGeehan	Steelman
Bishop	Gruitza	McNally	Steighner
Blaum	Hanna	Melio	Steller
Butkovitz	Hughes	Michlovic	Stish
Buxton	Itkin	Mihalich	Sturla
Caltagirone	James	Mundy	Surra
Cappabianca	Jarolin	Murphy	Tangretti
Carn	Josephs	O'Brien	Taylor, E. Z.
Carone	Kaiser	Olasz	Thomas
Cawley	Kasunic	Oliver	Tigue
Cohen, M.	Keller	Pesci	Trello
Colafella	Kirkland	Petrarca	Trich
Corrigan	Krebs	Petrone	Vance
Cowell	Kukovich	Pistella	Van Horne
Coy	LaGrotta	Preston	Veon
Curry	Laughlin	Richardson	Vitali
Daley	Lederer	Rieger	Williams
DeLuca	Lescovitz	Ritter	Yandrisevits
Dermody	Levdansky	Roberts	
Donatucci	Linton	Roebuck	DeWeese,
Evans	Lloyd	Rooney	Speaker
Fajt	Lucyk		

NAYS—99

Adolph	Farmer	Leh	Saurman
Allen	Fichter	Lynch	Saylor
Argall	Fleagle	Maitland	Scheetz
Armstrong	Flick	Marsico	Schuler
Baker	Gannon	Masland	Semmel
Barley	Geist	Merry	Serafini
Birmelin	Gerlach	Micozzie	Smith, B.
Boyes	Gladeck	Miller	Smith, S. H.
Brown	Godshall	Nailor	Snyder, D. W.
Bunt	Gordner	Nickol	Stairs
Cessar	Gruppo	Nyce	Steil
Chadwick	Harley	Perzel	Stem
Civera	Hasay	Pettit	Strittmatter
Clark	Heckler	Phillips	Taylor, J.
Clymer	Hennessey	Piccola	Tomlinson
Cohen, L. I.	Herman	Pitts	True

Colaizzo	Hershey	Platts	Tulli
Cornell	Hess	Raymond	Uliana
Dempsey	Hutchinson	Reber	Waugh
Dent	Jadlowiec	Reinard	Wozniak
Druce	Kenney	Robinson	Wright, D. R.
Durham	King	Rohrer	Wright, M. N.
Egolf	Laub	Rublely	Yewcic
Fairchild	Lawless	Ryan	Zug
Fargo	Lee	Sather	

NOT VOTING--1

Wogan

EXCUSED--3

Bush Haluska O'Donnell

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

On the question recurring,

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

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

Mr. GANNON. Mr. Speaker, I have an amendment.

The SPEAKER pro tempore. Did the gentleman say he has an amendment?

The Chair recognizes the gentleman, Mr. Gannon, for the purpose of offering an amendment, which the clerk will read.

Mr. GANNON. I am going to withdraw this amendment, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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?

The Chair recognizes the gentleman, Mr. Micozzie.

Mr. MICOZZIE. Mr. Speaker, although the Colaizzo amendment made a bad bill a little better, I stand to oppose HB 733 in its present form.

Mr. Speaker, accessibility is not a major problem in Pennsylvania; the problem is affordability. This bill does not address the affordability problem. Instead, it focuses solely on accessibility.

Mr. Speaker, if this bill becomes law, the cost of health care in the Commonwealth, the cost of health care insurance, will only escalate and it will not address the uninsured problem in Pennsylvania. With passage of this bill, we will be creating a climate where more people will go without coverage due to the increase in the cost of the product. Let us not in haste

adopt a bill which will have detrimental effects on the health costs of the people of the Commonwealth.

Mr. Speaker, today I ask my colleagues to vote "no" on HB 733 so that we can have time to work together to bring low-cost comprehensive health care coverage to the people of Pennsylvania. Let us work to bring both affordability and accessibility of health care coverage to our constituents. This bill in its present form will not contain health costs; it will only increase the costs of health care in Pennsylvania. We should be working to achieve true health care containment and accessibility, not a bill that will shift the cost of health care.

Mr. Speaker, I ask my colleagues to vote "no" on this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Gannon on final passage.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this was a bad bill in the first place. We made the bad bill not quite as bad with the Colaizzo amendment, and then we completely reversed ourselves and made it the worst of all possible bills by voting in the guaranteed loss ratio.

Now, I do not want to get into all of the technical terms and technical reasons of insurance to the members of the House, but if this bill would have a name, it would be called greed, because it represents the greed of one single company. Mr. Speaker, we have to have more insurance companies doing business in Pennsylvania, and we have to have insurance companies that pay taxes, that help support this Commonwealth. We have a couple companies— We have one company I know of that does not pay any taxes, and, Mr. Speaker, these other companies want to be good business people in Pennsylvania. They want to come here and they want to make money and they want to pay taxes, and the least we can do is make the climate in Pennsylvania as attractive as possible and not try to chase them out of the State with legislation like this.

Mr. Speaker, I urge a "no" vote on HB 733.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I rise to speak in opposition of this health insurance bill-of-rights legislation. In a sense, it is appropriately titled, as the consumer will be billed.

I am sure that the prime sponsor of this legislation introduced it in good faith. However, this legislation contains provisions which will make coverage more expensive for all those it proposes to benefit. Consumers, such as young families who are trying to manage to make insurance coverage payments, are sure to pay the price of guaranteed coverage and portability.

I would like to quote the National Association for the Self-Employed, "Guaranteed Issue: A One-way Road to Disaster":

For the past 14 months, the NASE has been studying the health care reform issue. What

we've found is that guaranteed issue does not work. If insurers are mandated to accept all applicants, there is little reason for healthy individuals to purchase insurance until they get sick. Guaranteed issue increases the pool of unhealthy individuals, which increases premiums until insurance once again becomes inaccessible.

We don't make this claim lightly. The facts are backed up with an all-too-horrible example of what happened in Connecticut, which adopted its small group reform proposal in 1990. The result?...From 1990-1992, 20 percent more people in Connecticut are uninsured and that number is still growing.

Mr. Speaker, I rise in opposition to this bill. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I cannot believe some of the things I heard, because nowhere in the debate was there ever a basis in fact for saying this would cost more. All this bill of rights does is deal with replacement insurance. All it says is that whenever coverage is changed, people cannot be discriminated against.

There have been some recent studies that have shown that as many as one in five workers in America who have better job offers are afraid to change because they are going to lose their health care benefits. Whenever you turn on the news, almost every night, and you see people talking about health care on CNN and ABC and CBS, et cetera, they are talking about basic reforms in health care, and protecting people from discrimination because of preexisting conditions is always one of them.

I suppose, as Representative Micozzie said, we do need to do other things to control costs. This does not really deal with controlling costs. It does not even really deal with access. It deals with making sure that people are not discriminated against, that people are protected.

Last session we dealt with access a little bit in HB 20. Because of that, we are able to probably provide access to 32,000 to 40,000 children who had no health care. This language, identical language, was in that bill and passed overwhelmingly, I think unanimously, and nobody said a word against it. Interesting that they are starting to pick on it now.

For somebody who said, oh, we do not have an access problem in this State, well, I guess for most of us that is true, but if you are one of the 350,000 children who have no coverage, if you are one of the 750,000 Pennsylvanian adults, most of whom are working, who have no coverage, you better believe you have got an access problem, and this is the bare minimum we can do in health insurance reform to protect people.

I would once again, as you have before, vote "yes" for this legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—106

Acosta	Fajt	Lucyk	Rudy
Battisto	Fee	Manderino	Santoni
Bebko-Jones	Freeman	Markosek	Scrimanti
Belardi	Gamble	Mayernik	Staback
Belfanti	George	McCall	Steelman
Bishop	Gigliotti	McGeehan	Steighner
Blaum	Gordner	McNally	Stetler
Butkovitz	Gruitza	Melio	Stish
Buxton	Hanna	Michlovic	Sturla
Callaghirone	Hughes	Mihalich	Surra
Cappabianca	Itkin	Mundy	Tangretti
Cam	James	Murphy	Taylor, J.
Carone	Jarolin	O'Brien	Thomas
Cawley	Josephs	Olasz	Tigue
Cohen, M.	Kaiser	Oliver	Trello
Colafella	Kasunic	Pesci	Trich
Colaizzo	Keller	Petrarca	Van Home
Corrigan	Kirkland	Petrone	Veon
Cowell	Krebs	Pistella	Vitali
Coy	Kukovich	Preston	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
DeLuca	Lederer	Ritter	Yandrisevits
Demody	Lescovitz	Roberts	Yewcic
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	DeWeese,
Fairchild	Lloyd	Rooney	Speaker

NAYS—94

Adolph	Fichter	Lynch	Saurman
Allen	Ficagle	Maitland	Saylor
Argall	Flick	Marsico	Scheetz
Armstrong	Gannon	Masland	Schuler
Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nickol	Snyder, D. W.
Bunt	Harley	Nyce	Stairs
Cessar	Hasay	Perzel	Steil
Chadwick	Heckler	Pettit	Stern
Civera	Hennessey	Phillips	Strittmatter
Clark	Herman	Piccola	Taylor, E. Z.
Clymer	Hershey	Pitts	Tomlinson
Cohen, I. I.	Hess	Platts	True
Cornell	Hutchinson	Raymond	Tulli
Dempsey	Jadlowiec	Reber	Uliana
Dent	Kenney	Reinard	Vance
Druce	King	Rohrer	Waugh
Durham	Laub	Rublely	Wogan
Egolf	Lawless	Ryan	Wright, M. N.
Fargo	Lee	Sather	Zug
Farmer	Leh		

NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee at the desk.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair also recognizes Chairman Oliver, who announces that there will be a State Government Committee meeting in the back of the House immediately.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair would like to announce an immediate meeting of the House Finance Committee in the back of the House. We appreciate all members being there immediately. Thank you.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

COMMUNICATIONS FROM ACTING GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Acting Governor:

HB 3, HB 110, and HB 958.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1099, PN 1255 By Rep. OLIVER

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for initial deposits by existing cemetery companies and for periodic deposits.

STATE GOVERNMENT.

SB 893 RECONSIDERED

The SPEAKER. The Chair has in its possession a reconsideration motion whereby SB 893, PN 977, which was passed on the 23d day of June, be reconsidered. The reconsideration motion is proffered by Mr. Serafini and Mr. Hasay.

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

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Hanna	Miller	Steil
Butkovitz	Harley	Mundy	Stern
Buxton	Hasay	Murphy	Stetler
Caltagirone	Heckler	Nailor	Stish
Cappabianca	Hennessey	Nickol	Strittmatter
Carn	Herman	Nyce	Sturla
Carone	Hershey	O'Brien	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trelo
Cohen, M.	Josephs	Phillips	Trich
Colafiglia	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Cowell	King	Preston	Van Horne
Coy	Kirkland	Raymond	Veon
Curry	Krebs	Reber	Vitali
Daley	Kukovich	Reinard	Waugh
DeLuca	LaGrotta	Richardson	Williams
Dempsey	Laub	Rieger	Wogan
Dent	Laughlin	Ritter	Wozniak
Dermody	Lawless	Roberts	Wright, D. R.
Donatucci	Lederer	Robinson	Wright, M. R.
Druce	Lee	Roebuck	Yandrisevits
Durham	Leh	Rohrer	Yewcic
Egolf	Lescovitz	Rooney	Zug
Evans	Levdansky	Rubley	
Fairchild	Linton	Rudy	DeWeese,
Fajt	Lloyd	Ryan	Speaker
Fargo			

NAYS—1

Godshall

NOT VOTING—0

EXCUSED—3

Bush Haluska O'Donnell

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—197

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucy	Sather
Allen	Fee	Maitland	Saurman
Argall	Fichter	Manderino	Saylor
Armstrong	Fleagle	Markosek	Scheetz
Baker	Flick	Marsico	Schuler
Barley	Freeman	Masland	Scrimenti
Battisto	Gamble	Mayernik	Semmel
Bebko-Jones	Gannon	McCall	Smith, B.
Belardi	Geist	McGeehan	Smith, S. H.
Belfanti	George	McNally	Snyder, D. W.
Birmelin	Gerlach	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boyes	Godshall	Micozzie	Steighner
Brown	Gordner	Mihalich	Steil
Bunt	Gruitza	Miller	Stern
Butkovitz	Gruppo	Mundy	Stetler
Buxton	Hanna	Murphy	Strittmatter
Caltagirone	Harley	Nailor	Stish
Cappabianca	Heckler	Nickol	Sturla
Carn	Hennessey	Nyce	Surra
Carone	Herman	O'Brien	Tangretti
Cawley	Hershey	Olasz	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrarca	Tomlinson
Clymer	Jadlowiec	Petrone	Trello
Cohen, L. I.	James	Pettit	Trich
Cohen, M.	Jarolin	Phillips	True
Colafrilla	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitalj
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt	Linton	Ryan	

NAYS—3

Hasay	Lynch	Serafini
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NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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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 return the same to the Senate with the information that the House has passed the same without amendment.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 801, PN 864**, entitled:

An Act providing for the integration of educational resources of schools, colleges and businesses in this Commonwealth.

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

The SPEAKER. The gentleman from Allegheny County, Mr. Cowell, has an amendment which the clerk will read.

Mr. COWELL. Mr. Speaker, that amendment is withdrawn.
The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
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—200

Acosta	Farmer	Lucy	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafrilla	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana

Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Home
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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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 return the same to the Senate with the information that the House has passed the same without amendment.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 1121, PN 2286 (Amended)

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, defining "investment company"; further defining "dividends" and "taxable income"; further providing for net gains or income from disposition of property; providing for the taxation of certain government obligations; and making a repeal.

FINANCE.

BILLS REREPORTED FROM COMMITTEE

HB 1718, PN 1996 By Rep. ITKIN

An Act authorizing the Township of Lower Merion, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

RULES.

HB 1721, PN 1999 By Rep. ITKIN

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for specific powers and duties.

RULES.

HB 1738, PN 2013 By Rep. ITKIN

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, including cities of the second class A and school districts therein.

RULES.

RESOLUTION REPORTED FROM COMMITTEE

HR 137, PN 2226 By Rep. ITKIN

A Resolution commemorating the occasion of the bicentennial celebration of Landisburg.

RULES.

BILLS ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 699, PN 2216 By Rep. ITKIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, implementing the constitutional amendment on judicial discipline; and further providing for Commonwealth portion of fines, etc.

RULES.

HB 1416, PN 2221 By Rep. ITKIN

An Act providing for the eligibility of certain persons for licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal.

RULES.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that the rules of the House be suspended for the adoption of two resolutions - HR 148 from Mr. Jarolin, HR 149 from Mr. Pistella.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkovitz	Hanna	Miller	Stern
Buxton	Harley	Mundy	Stetler
Caltagirone	Hasay	Murphy	Stish
Cappabianca	Heckler	Nailor	Strittmatter

Carn	Hennessey	Nickol	Sturla
Carone	Herman	Nyce	Surra
Cawley	Hershey	O'Brien	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colaella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—1

Schuler

EXCUSED—3

Bush Haluska O'Donnell

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

RESOLUTIONS

The SPEAKER. On HR 148, the gentleman, Mr. Jarolin, brings up the resolution.

The clerk will please read the resolution.

The following resolution was read:

House Resolution No. 148

A RESOLUTION

Congratulating the City of Nanticoke on its 200th Anniversary.

WHEREAS, The City of Nanticoke is celebrating the momentous occasion of its 200th Anniversary; and

WHEREAS, The City of Nanticoke owes its beginning to the water power provided by the Nanticoke Falls, which encouraged the establishment of mills by early settlers. The city's name was derived from Nentego, the Tidewater people, who moved here when their Maryland lands were spoiled for hunting by colonial settlement; and

WHEREAS, Throughout its glorious history, the City of Nanticoke has been blessed with a succession of civic leaders whose guidance and leadership have helped it to grow and flourish, as well as citizens whose diligence and dedication have

helped it to become a vital and inspiring presence in this Commonwealth. Today the community looks forward to the future with the same hope that filled the hearts of its early settlers; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania heartily congratulate the City of Nanticoke upon the joyous and momentous occasion of its bicentennial; extend profound best wishes for many more joyous celebrations in the years to come; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Stanley J. Jarolin on March 1, 1993, be transmitted to the City of Nanticoke.

Stanley J. Jarolin
Thomas M. Tigue
Kevin Blaum
Phyllis Mundy
Thomas B. Stish
George C. Hasay

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Durham	Lederer	Robinson	Wright, M. N.
Egolf	Lee	Roebuck	Yandrisevits

Evans	Leh	Rohrer	Yewcic
Fairchild	Lescovitz	Rooney	Zug
Fajt	Levdansky	Rubley	
Fargo	Linton	Rudy	DeWeese,
Farmer	Lloyd	Ryan	Speaker

NAYS—0

NOT VOTING—2

Bishop	Druce
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EXCUSED—3

Bush	Haluska	O'Donnell
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The question was determined in the affirmative, and the resolution was adopted.

* * *

The SPEAKER, HR 149, offered by the gentleman, Mr. Pistella.

The following resolution was read:

House Resolution No. 149

A RESOLUTION

Designating September 26, 1993, as "American Gold Star Mothers' Day" in Pennsylvania.

WHEREAS, American Gold Star Mothers, Incorporated, a nondenominational, nonprofit and nonpolitical organization was incorporated under the laws of the District of Columbia on January 5, 1929; and

WHEREAS, The original incorporators of the organization were women who lost a son or daughter in World War I; and

WHEREAS, Eligibility for membership in the organization has been subsequently expanded to include women who lost a son or daughter in World War II, the Korean Conflict, the Vietnam Conflict or the Persian Gulf War; and

WHEREAS, The organization derives its name from the practice of displaying a gold star, instead of traditional mourning attire, during World War I by a mother whose son or daughter had made the ultimate sacrifice for this country; and

WHEREAS, On June 12, 1984, the organization was granted a Federal charter. The act that provided for the granting of the charter, Public Law 98-314, declared the following to be the objects and purposes of the American Gold Star Mothers, Incorporated:

- (1) To keep alive and develop the spirit that promoted world services.
- (2) To maintain the ties of fellowship born of that service and to assist and further all patriotic work.
- (3) To inculcate a sense of individual obligation to the community, State and Nation.
- (4) To assist veterans of World War I, World War II, the Korean Conflict, Vietnam and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration and to aid in any way in their power the men and women who served and died or were wounded or incapacitated during hostilities.
- (5) To perpetuate the memory of those whose lives were sacrificed in our wars.
- (6) To maintain true allegiance to the United States of America.
- (7) To inculcate lessons of patriotism and love of country in the communities in which we live.
- (8) To inspire respect for the Stars and Stripes in the youth of America.

(9) To extend needful assistance to all Gold Star Mothers and, when possible, to their descendants.

(10) To promote peace and good will for the United States and all other Nations; and

WHEREAS, Members of the organization contribute countless hours of their time to provide volunteer services in hospitals for veterans and to assist veterans and their families in the community; and

WHEREAS, Under Federal law, the last Sunday in September has been designated as "Gold Star Mothers' Day"; and

WHEREAS, The sacrifices and contributions of the members of this exemplary organization merit further recognition; therefore be it

RESOLVED, That the House of Representatives designate September 26, 1993, as "American Gold Star Mothers' Day" in Pennsylvania.

- Frank J. Pistella
- Matthew E. Baker
- Joseph F. Markosek
- George C. Hasay
- Charles W. Dent
- Thomas F. Yewcic
- John R. Gordner
- Frank W. Yandrisevits
- Victor John Lescovitz
- Thomas J. Fee
- Timothy L. Pesci
- William Russell Robinson
- John W. Fichter
- Thomas E. Armstrong
- Ronald S. Marsico
- Camille "Bud" George
- Dante Santoni, Jr.
- Thomas B. Stish
- Terry E. Van Horne
- Robert J. Flick
- Thomas W. Dempsey
- Jere W. Schuler
- Carole A. Rubley
- Joseph W. Battisto
- James R. Merry
- Robert E. Nyce
- Jess M. Stairs
- T. J. Rooney
- Paul W. Semmel
- Susan Laughlin
- Daniel F. Clark
- Anthony L. Colaizzo
- Larry O. Sather
- Elaine F. Farmer
- Ruth C. Rudy
- Russ Fairchild
- Stephen R. Maitland
- Herman Mihalich
- Joseph M. Uliana
- Jerry L. Nailor
- Thomas M. Tigue
- Edward G. Staback
- Richard J. Cessar
- Lawrence Roberts
- Albert W. Pettit
- Ralph Kaiser
- Anthony M. DeLuca
- Richard A. Kasunic
- David Orr King
- Peter J. Zug
- C. Allan Egolf
- Elinor Z. Taylor
- Howard L. Fargo
- David G. Argall
- Katie True
- Arthur D. Hershey

Matthew N. Wright
 Gregory C. Fajt
 Todd R. Platts
 Dan A. Surra
 Ellen A. Harley
 Marie A. Lederer
 Peter J. Daley II
 Ron Raymond
 Frank J. Gigliotti
 Sheila M. Miller
 Timothy F. Hennessey
 Jerry A. Stern
 Robert W. Godshall
 Raymond Bunt, Jr.
 Lita Indzel Cohen
 Babette Josephs
 Michael L. Waugh
 Richard A. Geist
 Richard D. Olasz
 Stanley E. Saylor
 Thomas W. Druce
 Michael R. Veon
 Samuel E. Rohrer
 Ronald I. Buxton
 Edward J. Lucyk
 Keith R. McCall
 Donald W. Snyder
 Anthony J. Melio
 John A. Lawless
 Teresa E. Brown
 Nicholas A. Colafella
 Fred A. Trello
 Bruce Smith
 Jim Gerlach
 Thaddeus Kirkland
 Robert E. Belfanti, Jr.
 George E. Saurman
 Michael K. Hanna
 Joseph A. Steighner
 H. William DeWeese
 Dick L. Hess
 Joseph A. Petrarca
 Phyllis Mundy

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Fargo	Linton	Rudy
Adolph	Farmer	Lloyd	Ryan
Allen	Fee	Lucyk	Santoni
Argall	Fichter	Lynch	Sather
Armstrong	Fleagle	Maitland	Saurman
Baker	Flick	Manderino	Saylor
Barley	Freeman	Markosek	Scheetz
Battisto	Gamble	Marsico	Schuler
Bebko-Jones	Gannon	Masland	Scrimenti
Belardi	Geist	Mayernik	Semmel
Belfanti	George	McCall	Serafini
Birmelin	Gerlach	McGeehan	Smith, B.
Bishop	Gigliotti	McNally	Smith, S. H.
Blaum	Gladeck	Melio	Snyder, D. W.
Boyes	Godshall	Merry	Staback
Brown	Gordner	Michlovic	Stairs
Bunt	Gruitza	Micozzie	Steelman
Butkovitz	Gruppo	Mihalich	Steighner
Buxton	Hanna	Miller	Steil
Caltagirone	Harley	Mundy	Stern
Cappabianca	Hasay	Murphy	Stetler

Carn	Heckler	Nailor	Stish
Carone	Hennessey	Nickol	Strittmatter
Cawley	Herman	Nyce	Sturla
Cessar	Hershey	O'Brien	Surra
Chadwick	Hess	Olasz	Tangretti
Civera	Hughes	Oliver	Taylor, E. Z.
Clark	Hutchinson	Perzel	Taylor, J.
Clymer	Itkin	Pesci	Thomas
Cohen, L. I.	Jadlowiec	Petrarca	Tigue
Cohen, M.	James	Petrone	Tomlinson
Colafella	Jarolin	Pettit	Trello
Colaizzo	Josephs	Phillips	Trich
Cornell	Kaiser	Piccola	True
Corrigan	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Williams
Dermody	Laub	Rieger	Wogan
Donatucci	Laughlin	Ritter	Wozniak
Druce	Lawless	Roberts	Wright, D. R.
Durham	Lederer	Roebuck	Wright, M. N.
Egolf	Lee	Rohrer	Yandrisevits
Evans	Leh	Rooney	Yewcic
Fairchild	Lescovitz	Rubley	Zug
Fajt	Levdansky		

NAYS—0

NOT VOTING—2

Robinson DeWeese,
 Speaker

EXCUSED—3

Bush Haluska O'Donnell

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, a couple of members approached me with the fact that they were unable to sign onto the resolution we just adopted for the Gold Star Mothers and were wondering if it would be possible to leave the resolution at the bill clerk's desk for the purpose of receiving additional cosponsors.

The SPEAKER. It certainly is, and that will be done.

Mr. PISTELLA. Thank you, Mr. Speaker.

VOTE CORRECTION

The SPEAKER. The Chair would also like to announce that his switch malfunctioned and it did not illuminate. The Chair wishes to be recorded in the affirmative.

The Chair thanks the gentleman.

Mr. PISTELLA. Sure.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 734, PN 798**, entitled:

An Act designating a bridge in Union Township, Lawrence County, as the Richard E. Rentz Memorial 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—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scriminti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Callagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uljana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Home
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	

Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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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.

VOTE CORRECTION

The SPEAKER. Mr. Druce is recognized.

Mr. DRUCE. Mr. Speaker, just to make a comment for the record.

I would like to be recorded as having voted in the affirmative on HR 148.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

Mr. Geist is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

While we are at ease, just a question of the Chair, please.

The SPEAKER. The gentleman is in order and should state his question.

Mr. GEIST. Are you buying dinner tonight?

The SPEAKER. There are substantial negotiations going on at the majority leader's podium, and my answer will be contingent upon their resolution.

CITATION PRESENTED

The SPEAKER. While we have the attention of the members, I think it is important for you to be aware of a historic moment that we share and our staff, especially our staff, should be aware.

I am privileged to be the 135th person since the founding of our Commonwealth to have this podium, and Eric Myers is the first African-American who has ever been our mace bearer, and in a way, he has forged some history on his own.

The gentleman, Mr. Trello—we will not read the resolution—but the gentleman, Mr. Trello, has a remark, and as the pro tem, he would like to present Eric with a citation. Again, as we are getting ready to wrap up business for the summer in the very near future, this week or next week, it is good for us to realize that we are, both sides of the aisle, members and staff, a family.

Mr. TRELLO. I do not know how many of you over the years have had an opportunity to preside here as Speaker, but you know that I have been appointed Speaker pro tem, and I

began to realize how valuable the services of our mace bearer, Eric.

When I became Speaker pro tem and dealt with Eric, I began to research exactly what the duties of a mace bearer are, and that is too lengthy to describe to the members of the General Assembly, but I can tell you, all the way back to the days of the Romans when they wrapped sticks around an ax and carried it up to control order in their General Assembly.

I just want you to know that until you have been up here as Speaker pro tem, there is no way that you can appreciate the generosity of Erie Myers' time.

It is my pleasure to present to him a citation that I drafted honoring him as being the first Afro-American mace bearer in the history of this Commonwealth.

Eric, I congratulate you on behalf of all the House members and present you with this citation.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. It seems to me Mr. Trello has been very generous with his time. You should be generous with your money and give Eric a raise. And one for Clancy.

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

Mr. HUGHES. Mr. Speaker, I think it is in order to have a word from Mr. Myers, please.

The SPEAKER. The gentleman has been given that opportunity and has respectfully declined. The gentleman indicates he does not want to take up our valuable time, and he means it.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1344, PN 1479**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for self-insurance.

On the question,

Will the House agree to the bill on third consideration?

Mr. GODSHALL offered the following amendments No. A2688:

Amend Title, page 1, line 2, by inserting after "providing" for the definition of "abandoned vehicle" and

Amend Sec. 1, page 1, line 5, by striking out "Section 1787(a)" and inserting

The definition of "abandoned vehicle" in section 102

Amend Sec. 1, page 1, by inserting between lines 6 and 7 § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

(i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

(ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

(iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:

(A) A valid registration plate.

(B) A valid certificate of inspection.

(C) An ascertainable vehicle identification number.

(iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

Section 2. Section 1787 of Title 75 is amended to read: Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Godshall is recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

Very briefly, this is an agreed-to technical amendment. It corrects a deficiency in the Pennsylvania Vehicle Code dealing with abandoned vehicles. It is agreed to by PennDOT; it is agreed to by the bill sponsor. I ask for a favorable vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Washington County.

Mr. COLAIZZO. Mr. Speaker, this is an agreed-to amendment, and I urge the members on both sides of the aisle to vote for it.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner

Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colaella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Horne
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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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—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimanti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini

Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colaella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Horne
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush	Haluska	O'Donnell
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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.

HOUSE SCHEDULE

The SPEAKER. The gentleman, Mr. Itkin, is recognized for an announcement.

Mr. ITKIN. Mr. Speaker, I would like to advise the House at this time about our schedule.

I am going to recess the House or request the Speaker to recess the House for 2 hours, until about 8:30, for the purpose of having dinner.

It is my intention that if the Senate is productive and starts producing legislation to us that we need to address, that we will stay in tandem with the Senate. That could mean that we could be here for several hours upon our return at 8:30. It is conceivable that we might be here beyond the midnight hour. If we do that, we may also go into tomorrow's session to move a couple of bills that need a third reading so that we can pass them and send them to the Senate.

When we come back at 8:30, I am told that we will then be moving to page 4 on the calendar. HB 1706 will be called up by the gentleman from Allegheny, Mr. Gamble, for the purpose of offering an amendment. Most of you understand that has to do with outcome-based education, and the reason for me to give you this notice is I know that this is an issue that members would want to address and be here on the floor of the House to deal with.

So I am advising you now to be here promptly at 8:30 so we can begin with the business of the House and begin with consideration of HB 1706.

VOTE CORRECTIONS

The SPEAKER. Mr. Fee is recognized.

Mr. FEE. Mr. Speaker, to correct the record.

On HB 294, on the Pitts amendment, I voted in error. I would like to vote in the affirmative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

Mr. FEE. Thank you, sir.

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

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

The SPEAKER. The gentleman may proceed.

Mr. DONATUCCI. On HB 287 my switch did not operate. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

Mr. DONATUCCI. Thank you.

RECESS

The SPEAKER. The House stands in recess until 8:30 p.m.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR C

BILLS ON SECOND CONSIDERATION

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

HB 1718, PN 1996; and HB 1721, PN 1999.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Northampton.

Mr. NYCE. Mr. Speaker, a point of order.

Either my body is out of control or the air conditioning is off in the room. Is there any way we could request that it be turned on?

The SPEAKER. The gentleman's request is poignant, and the Chair will pursue it.

VOTE CORRECTION

The SPEAKER. The gentleman from the Monongahela Valley, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

To correct the record.

On HB 337 my finger malfunctioned and it was amendment 2738. I would have voted in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the Journal.

SUPPLEMENTAL CALENDAR D

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 699, PN 2216**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, implementing the constitutional amendment on judicial discipline; and further providing for Commonwealth portion of fines, etc.

On the question,

Will the House concur in Senate amendments?

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

Mr. FREEMAN. Mr. Speaker, I do not think supplemental calendar D has been distributed to all the members.

The SPEAKER. The Parliamentarian advises that it is on its way. We will yield momentarily.

Mr. FREEMAN. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd, seeks recognition.

Mr. LLOYD. Mr. Speaker, this promises to be an extraordinarily long and difficult evening. I do not want to have to stand at the microphone and object to each and every one of these bills coming back on concurrence. I would like to have someone explain the Senate amendments.

I sat in caucus today and heard the explanation of this. In fact, it was given by my staff member, who was not knowledgeable about the judicial discipline provisions in this bill. Someone on this floor presumably is. This is an extraordinarily important topic. I would like someone who is familiar with what the Senate has done on the issue of judicial discipline to take a few minutes and to tell us what that is, and

I would like to ask in advance that we have similar explanations on every concurrence vote tonight. Thank you, Mr. Speaker.

The SPEAKER. The gentleman's request is appropriate. The gentleman could conceivably have a sidebar with the floor leader.

Mr. McNALLY. Mr. Speaker?

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

Mr. McNALLY. Mr. Speaker, I would simply like to bring it to the attention of the Chair that I do not have HB 699, PN 2216, a copy of that at my desk. I am not aware of any other members who do, nor for that matter HB 1416. It is not in my daily calendar nor is it on my desk.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Apparently they were just handed out.

The SPEAKER. The Chair thanks the gentleman.

Mr. McNally, the measures are on their way to your desks.

Does the majority leader have a comment for the gentleman, Mr. Lloyd?

Mr. ITKIN. Mr. Speaker, we are attempting to get from the Senate summaries of what the amendments are contained in these various bills that are coming back to us on concurrence.

At this particular time I would prefer to move to HB 1706, which I said was going to be the first issue addressed for this evening, an education bill, so that Mr. Gamble can be recognized on the bill. Hopefully when we complete that piece of legislation, we will have an explanation of these bills coming over from the Senate.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will temporarily go over HB 699, PN 2216.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1706, PN 1918**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. GAMBLE offered the following amendments No. A3314:

Amend Title, page 1, lines 5 and 6, by striking out "further providing for community" in line 5, all of line 6 and inserting providing for learning outcomes and for strategic plans.

Amend Bill, page 1, lines 9 through 19; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 28, by striking out all of said lines on said pages and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding sections to read:

Section 1524. Curriculum.—(a) The regulations contained in 22 Pa. Code Chs. 3 (relating to student testing), 5 (relating to curriculum requirements) and 6 (relating to vocational education) as of January 1, 1992, shall continue to apply to every school district unless a school board shall adopt a resolution electing to be governed by the provisions of 22 Pa. Code Chs. 3, 5 and 6 which are in force at the time of the resolution and as thereafter may be amended.

(b) A school board which has adopted such a resolution may not repeal it within a period of four years following such adoption. A school board which has repealed such a resolution may not adopt a similar resolution within four years following such repeal.

(c) The Department of Education shall not offer any incentives or disincentives for the purpose, or which would have the effect, of influencing a school board in the exercise of its options under this section. As used in this subsection, "incentives" or "disincentives" includes, but is not limited to, awarding, granting, imposing or withholding financial rewards or penalties, regulatory waivers or special programs.

Section 1525. Strategic Plans.—The Department of Education shall not have the authority to approve or disapprove strategic plans submitted by school districts pursuant to 22 Pa. Code § 5.203 (relating to strategic plans) of State Board of Education curriculum regulations. The Department of Education shall review each strategic plan and may make recommendations for changes. School districts shall not be compelled to make any changes recommended by the Department of Education.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Ron Gamble.

Mr. GAMBLE. Mr. Speaker, the amendment before the House does the following: Number one, it strikes out the contents of the present bill, because this language was already enacted in another piece of legislation.

Number two, it then makes the following provisions with regard to OBE (outcome-based education): (a) A school district would not have to implement OBE unless the local elected school board, local elected school directors, voted to opt in. Those districts not voting to opt in would continue to be governed by the State regulations which were in effect as of January 1, 1992; (b) If a school district opts in, it could not reverse its decision for a period of 4 years; (c) The Department of Education would be prohibited from offering a school district any incentives or disincentives for opting in or out of OBE; and finally, as to those school districts which do decide to opt in, the Department of Education would have the authority to review, review their strategic plans, but it would not have the authority to approve or disapprove those strategic plans.

Mr. Speaker, the House of Representatives has repeatedly expressed its misgivings toward OBE, and we are not here to discuss the merits tonight, we are here to discuss local control. But in April of 1992 there was a resolution passed by 150 to 47 to set up an investigative committee. Last November by a vote of 170 to 22, we voted to remove OBE language from an environmental education bill. The same month, a select

committee met and unanimously recommended that OBE not be implemented at the present time. This past February we adopted the Gamble-Stairs amendment by a vote of 139 to 61, declaring pending student learning outcomes null and void, and we adopted Representative Carone's amendment on psychological testing and data collection by a vote of 197 to 4. We then passed that bill, HB 129, by a vote of 168 to 32. Despite these overwhelming majorities, the bureaucracy has plowed ahead, right over us, with its regulations. They have ignored us thus far, but ultimately they cannot ignore the people. OBE is an experiment, and that is the best that we can say about it.

Mr. Speaker, this amendment stands for the proposition that we are not going to impose this radical change on every student in the 501 school districts until we see whether or not it works. This amendment, therefore, stands for educational diversity, because some will opt in and some will not. Above all, this amendment stands for strong local control of our public school boards and those parents that we elect to those school boards. That is the campaign that most of us campaign on, the campaign slogan that we campaign on back in our districts. Now is our chance to make that pledge a reality.

I urge a "yes" vote on the amendment.

MOTION TO RECOMMIT

The SPEAKER. The gentleman from Allegheny County, Mr. Cowell, is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, HB 1706 in its current form is a piece of legislation that addresses community college funding. That issue was addressed in the State budget that we enacted several weeks ago, and therefore, HB 1706 in its current form is an irrelevant issue and in fact in some ways would contradict the current statute, legislation that we recently enacted as part of the budget package.

Although there are a number of amendments, a number of very controversial amendments, that apparently may be offered by those who see this legislation as a vehicle, I would suggest that that would make for a very long evening. I would suggest that the bill with those kinds of amendments attached will be going nowhere anyhow. I am perfectly willing to spend a very long evening discussing all of these issues, but at this time I would recommend and I would move that HB 1706, with any amendments which have been suggested, be recommitted to the House Education Committee.

The SPEAKER. The motion to recommit has been made by Representative Cowell.

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

The SPEAKER. For what purpose does the gentleman, Mr. Wozniak, rise?

Mr. WOZNIAK. Nothing right now. On the amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Dr. King does not seek recognition right now?

Mr. KING. No; I want to speak on the amendment, Mr. Speaker.

The SPEAKER. Thank you.

On the motion to recommit, the gentleman, Mr. Strittmatter, is recognized.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would ask the House to vote "no" on this proposition. I believe that we are here doing business, we are ready to do business, and I would ask that we vote "no" on this motion.

After this amendment there are other amendments, and the one that we have to offer will help save school districts as well as the Commonwealth money when it comes to building schools. So I would ask that we vote "no" on this motion so that we can get to the amendments. Thank you.

The SPEAKER. Does the gentleman, Mr. Gamble, wish to speak on the recommitment motion?

Mr. GAMBLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GAMBLE. I believe that this is nothing that all of us did not expect this evening. It has been a one-man obstacle course since OBE came up over a year ago.

I ask that you vote "no" on this recommitment motion, and let us get down to the business of giving some local control to our school districts.

The SPEAKER. Peter Daley is recognized.

Mr. DALEY. Thank you, Mr. Speaker.

I rise to oppose the Cowell motion to recommit. I do not buy the logic that the reason why we should recommit this issue now is because we have a long evening before us. We are charged by our constituents to be here to do the job of those constituents. I ask for a "no" vote, Mr. Speaker.

The SPEAKER. Dennis Leh is recognized.

Mr. LEH. Mr. Speaker, thank you.

I would also rise to oppose the motion to recommit. We had been told time and time again over the past year that we were going to deal with this issue. We are getting ready to go home now. We have got an opportunity to do this. Let us do it tonight.

I would recommend a "no" vote on this recommitment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—74

Acosta	Curry	McCall	Scrimenti
Battisto	Dent	McGeehan	Staback
Bebko-Jones	Dermody	McNally	Steelman
Belardi	Donatucci	Melio	Steighner
Belfanti	Fajt	Michlovic	Stetler
Bishop	Freeman	Mihalich	Sturla
Blaum	Hanna	Mundy	Surra
Butkovitz	Harley	Oliver	Thomas
Buxton	Hughes	Pesci	Tigue
Caltagirone	Itkin	Pistella	Trich
Cam	James	Preston	Van Home
Cawley	Josephs	Richardson	Veon

Cohen, L. I.	Keller	Rieger	Vitali
Cohen, M.	Kirkland	Ritter	Williams
Colafranca	Lederer	Robinson	Wright, D. R.
Colaizzo	Lescovitz	Roebuck	Yandrisevits
Corrigan	Levdansky	Rooney	
Cowell	Linton	Rudy	DeWeese,
Coy	Manderino	Santoni	Speaker

NAYS—125

Adolph	Gannon	Lloyd	Ryan
Allen	Geist	Lucyk	Sather
Argall	George	Lynch	Saurman
Armstrong	Gerlach	Maitland	Saylor
Baker	Gigliotti	Markosek	Scheetz
Barley	Gladeck	Marsico	Schuler
Birmelin	Godshall	Masland	Semmel
Boyes	Gordner	Mayernik	Serafini
Brown	Gruitza	Merry	Smith, B.
Bunt	Gruppo	Micozzie	Smith, S. H.
Cappabianca	Hasay	Miller	Snyder, D. W.
Carone	Heckler	Murphy	Stairs
Cessar	Hennessey	Nailor	Steil
Chadwick	Herman	Nickol	Stern
Civera	Hershey	Nyce	Stish
Clark	Hess	O'Brien	Strittmatter
Clymer	Hutchinson	Olasz	Tangretti
Cornell	Jadlowiec	Perzel	Taylor, E. Z.
Daley	Jarolin	Petrarca	Taylor, J.
DeLuca	Kaiser	Petrone	Tomlinson
Dempsey	Kasunic	Pettit	Trello
Druce	Kenney	Phillips	True
Durham	King	Piccola	Tulli
Egolf	Krebs	Pitts	Uliana
Fairchild	Kukovich	Platts	Vance
Fargo	LaGrotta	Raymond	Waugh
Farmer	Laub	Reber	Wogan
Fee	Laughlin	Reinard	Wozniak
Fichter	Lawless	Roberts	Wright, M. N.
Fleagle	Lee	Rohrer	Yewcic
Flick	Leh	Rubley	Zug
Gamble			

NOT VOTING—1

Evans

EXCUSED—3

Bush Haluska O'Donnell

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

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

The SPEAKER. On the amendment, the gentleman from Cambria County, John Wozniak, is recognized.

Mr. WOZNIAK. Thank you, Mr. Speaker.

May I have a little attention?

The SPEAKER. The House will please come to order.

The OBE question and our education subject in general is vital. As the gentleman, Mr. Leh, indicated, we are ready to go home very soon for our summer, so I would ask the members to pay attention to this evening's debate.

Mr. Wozniak may proceed.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I apologize to the General Assembly. I have been up in the past 2 weeks a little more than I usually do, but I am motivated this moment to support the Gamble amendment. It seems that we have been around this horn numerous times, and I do not want to belabor the issue of the merits or the nonmerits of OBE.

It was once said that the States of the Union are the laboratory of democracy. We are constantly brought to our attention by our local school boards that they would like to have us not mandate programs, projects, and things that might cost them money or extra effort. This is an opportunity, uniquely, that the controversy of OBE might be settled once and for all.

Now, obviously with the 501 school districts, with the difference in their finances and the makeup of their constituency and the differences in their peoples and all, it is not a controlled experiment. However, if the local elected officials that sit on those boards determine to move forward with OBE or not to move forward with OBE, it should be their decision. If a number of them do do so, we have the opportunity under the Gamble amendment to follow the history of it to see if indeed it creates better, brighter, more tolerant citizens of the Commonwealth of Pennsylvania. And I think that this experiment would not be jeopardizing those who decide not to but rather creates a more unique opportunity for those of us who sit in this hall today to watch the developments in those school districts, and if indeed outcome-based education is positive, then it would behoove the other school districts not to support and make their own volition.

I support the Gamble amendment and I would hope that the majority of this distinguished body would do the same, or do the other, but put this issue to rest because we have wrestled with it far too long. Thank you, Mr. Speaker.

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

Mr. KING. Thank you, Mr. Speaker.

I want to thank the Representative who passed out this handy booklet today, and many of you who may have it, if you would like to follow along with me in this booklet— Mr. Speaker, if I may have your indulgence, please.

The SPEAKER. You have my indulgence.

Mr. KING. Mr. Speaker, I rise to support this amendment. Representative Cowell has presented us, compliments of the Pennsylvania State Board of Education, with a handy booklet, and if you go through this booklet quickly from 1 through the last page where there are approximately 39 different sections, you will see that time and time and time again in this booklet, which they have just put out, that they are alluding to the local school boards of having control of the events of this outcome-based education.

There is nothing in this booklet that they have put out that should cause anybody with the State Board of Education to fear the local school boards' implementing this at their own decision and on their own timeframe. So I would suggest to you that thanks to their own homework, you have every reason to support this amendment.

And I would like to say that if you point out to them section No. 8, that "Michigan" is misspelled and maybe they would like to go out and proofread their booklet. But it says here in section 16, "People on the local level will plan their school district's approach to the reforms, so they will make decisions about how much to spend and how quickly they want the changes to happen." Now, if they truly believe this, they will support this amendment. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. King.

MOTION FOR PREVIOUS QUESTION

The SPEAKER. The gentleman, Mr. Tangretti, from Westmoreland.

Mr. TANGRETTI. Mr. Speaker, thank you.

We have been over and over and over this time and time again. There is not one mind that can be changed by virtue of this debate, and as a result of that, I think we ought to move the previous question and I make that motion.

The SPEAKER. Members please be seated. The gentleman has made a motion to call for the previous question. That move will have to be sustained by 20 members seconding, and they will have to stand in place so that we can recognize who they are.

The gentleman, Mr. Gigliotti, stands as a second; the gentleman, Mr. Yandrisevits; the gentleman, Mr. LaGrotta; the gentleman, Mr. Fajt; the gentleman, Mr. Gamble; the gentleman, Mr. Petrarca. Does the gentleman, Mr. Wozniak, wish to second the motion? Mr. Wozniak indicates that he does. The gentleman, Mr. Hasay; the gentleman, Mr. Leh; the gentleman, Mr. Hershey; the gentleman, Mr. Allen; the gentlelady, Mrs. Durham.

The Chair's count is 12 seconds. The motion to cut off debate—

Mr. GANNON. Mr. Speaker?

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman, Mr. Gannon, seek recognition?

Mr. GANNON. Yes. An inquiry, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GANNON. This motion to move the previous question applies only to the amendment?

The SPEAKER. Will the gentleman, Mr. Tangretti, please go to the microphone? The gentleman, Mr. Gannon, please interrogate the gentleman momentarily.

Mr. GANNON. Yes. The motion to move the previous question applies only to the amendment?

Mr. TANGRETTI. Yes.

Mr. GANNON. Thank you.

The SPEAKER. The Chair thanks both gentlemen, and the Chair, as the Parliamentarian advises, would have to rule that anyway. It would only be pertinent to what was pending at the time that the motion was made, which is the amendment. The Chair thanks the gentleman.

The motion to cut off debate has 12 seconds. Twelve individuals have seconded that debate.

Mr. Flick; Mr. Micozzie; Mr. Steil or Steil? I apologize; Mr. Steil. I apologized one other time, so I doubly apologize this time.

Mr. MICHLOVIC. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, do not drag this thing out so long that you have to get 20 votes—

The SPEAKER. The gentleman, Mr. Michlovic, will be seated, please.

The gentleman should recognize that the Chair is attempting to be fair, and the GOP was getting up one at a time and one of the freshman members had a name I did not recollect the pronunciation thereof. This Chair did not appreciate that remark.

Mr. Armstrong; Mr. Gerlach. Mr. Gerlach does not?

PARLIAMENTARY INQUIRY

Mr. GERLACH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Please state the point.

Mr. GERLACH. If this motion to move the previous question should fail, could the motion be raised again prior to a vote on the amendment for passage?

The SPEAKER. Only after the amendment would be voted upon. It would be appropriate on another amendment or for final passage but not on this amendment.

Mr. GERLACH. So in other words, Mr. Speaker, your ruling is, two motions to move the previous question cannot be raised prior to a vote on the amendment itself.

The SPEAKER. Yes.

Mr. GERLACH. Thank you, Mr. Speaker.

The SPEAKER. The motion to cut off debate fails. It had 16 seconds.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. Does the gentleman, Mr. Cowell, seek recognition?

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I will be reasonably brief, but there are some things that need to be said about the Gamble amendment and there are things that reflect an opinion different than those that have been stated thus far.

Mr. Speaker, first of all, we are choosing to flame the fires of an issue that burned out, for the most part, a good while ago. I brought along some editorials. I am not going to read them; you have read them in the clips. I will read them on another occasion. But they succinctly state and somewhat bluntly state in other editorials that this is about politics; this is about people getting their name in the paper; this is about people having no guts to be leaders. Mr. Speaker, I did not write the editorials; somebody else did. If you object to them, call up your local editor.

Mr. Speaker, there is no issue. We are not hearing from thousands of folks all over this State that they have got big problems with this. This purports to be a local control issue, but as recently as today, one of the prime proponents of this amendment called up the Pennsylvania School Boards Association, which represents and is the elected, selected representative of the 501 school boards in this State, and asked if they would support this amendment, and the answer was no, and the answer further stated that they continue to support the reforms. It is largely irrelevant that that caller then proceeded to threaten that organization. But that is the organization that represents school boards; that is the organization that represents and has represented school boards in this State for a long time, and that is the organization that refused to support this amendment, which purports to be a local control amendment, because it is really not.

Mr. Speaker, if we look at the amendment—and it is relatively brief, and I would make only three or four analytical arguments about it—if you look at the first paragraph, paragraph (a), this says that local school boards are going to live under the old regulations that were in place as of January 1, 1992, unless they decide to pass a resolution and say we want to be covered by the new regulations that will require us to have our kids actually learn something; that will require us, prior to graduating our kids, to demonstrate or have them demonstrate that they have learned something, that they have accomplished certain levels of knowledge and skill. That is effectively what school boards will be able to opt out of, the accountability, but they will not even have to opt out of it, because this amendment is crafted in such a way that they will have to opt in to the accountability measure. That is what this effectively does, it lets them off the hook if they do not want to be held accountable; if they do not want to have to demonstrate that their kids are learning anything; if they do not want their kids to demonstrate that they are learning something related to the outcomes before they graduate. That is the effect of that.

But more importantly, Mr. Speaker, it ties our hands, because the author of this amendment was not very thoughtful in looking down the road. The author of this amendment made the mistake of writing it in such a way that if a school board does not opt in to the new curriculum regulations, apparently they can live forever with those curriculum regulations that existed on January 1, 1992, and this says, in effect, we cannot do anything about it unless we go back in and change the law again.

We are fixing once and for all, permanently, the January 1, 1992, curriculum regulations, and nobody has ever suggested that they should be fixed in time forever and ever. In fact, we probably have a dozen bills introduced by members of this legislature that have suggested various changes to those old curriculum regulations, where you have suggested that kids ought to learn something different and something new and something additional, but this fixes it in time forever.

Secondly, Mr. Speaker, if you read paragraph (b), it says that a board, once it adopts a resolution, cannot change its

mind for 4 years, and then if it does change its mind and offers a repeal, it will not be able to change its mind again for another 4 years. How does the author of this amendment purport to be supporting local control over these issues when we say that a local board, following an election, will not be able to change its mind? We are saying that the voters of a local school district will be silenced, at least for 4 years. If they decide to throw out five members of a board, the new board will not be able to do anything different because they are stuck for 4 years with the old decision. It is a little bit hypocritical to come here and purport to be an advocate for local control, even a self-anointed advocate for local control, and then say we are going to deny the voters of a district the opportunity to effect change in their district for at least 4 years at a time. It does not make a whole lot of sense, Mr. Speaker.

Mr. Speaker, in summary, this amendment is about publicity. It is a feel-good amendment. Some people make their living around here making themselves feel good, getting their name in the paper, but accomplishing nothing. This amendment will accomplish nothing. It will have the same result that the other couple of actions that we took did when we created a committee and made a lot of noise about it and then the committee came back with no real recommendations other than, the State Board ought to wait.

Mr. Speaker, let us not kid ourselves. This is not the product of the bureaucrats. This is Governor Casey's package now, Mr. Speaker. It is a shame that we have to do it while he is laid up in the hospital recuperating from heart-liver transplant surgery, when his staff, as recently as Monday, believed this issue was going to be put off until the fall, but some people operate that way.

It is fair that we deal with it now, but we ought to deal with it fairly. We ought to give it the treatment that it really deserves.

Mr. Speaker, this will have the effect, if it were enacted—and it will not be—of creating further confusion among the 501 school districts of the State. It would have the effect that we would say in some school districts kids will live by certain curriculum requirements and in other school districts they will live by something pretty similar to that but they will not have to demonstrate that they have learned anything before they graduate, and that is what this amendment stands for. If you bothered to read and analyze the regulations and the effect of this amendment, its effect is to say, kids will not have to demonstrate that they have learned anything before they graduate. We can keep on doing what so many of us have complained about — handing out diplomas regardless of whether students have learned.

Mr. Speaker, the amendment also fails to take into account the fact that all students are going to be subjected to the statewide assessment system, and that statewide assessment system is going to be predicated on the statewide learning outcomes. This amendment does not address that, and so what it does is set up some of our students and in fact set up some of our school districts for failure, if this were to become the law, because they might be led to believe that they are not

going to be held accountable, but the statewide assessment instrument will still be applied to students in all 501 districts, and so in those districts students may look like failures and the districts may look like failures, and in large measure, if this were enacted, we would have contributed to that.

Mr. Speaker, I think it is also finally fair to say the Governor is not going to sign this. It is not likely that the Senate would approve this kind of thing. This is absurd. It is asinine. Mr. Speaker, this is phony, but we probably will approve it. We probably will approve this amendment, and then it will go nowhere, thank God, because other people will have more courage and maybe a little bit more wisdom than we have demonstrated in this chamber on this issue.

Mr. Speaker, I urge that we defeat the amendment.

The SPEAKER. On the Gamble amendment, Ms. Mundy is recognized.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, the first time that this amendment came up on the floor of this House, I sat in my chair, and frankly, I was appalled at the misinformation, the inflammatory rhetoric that was spiraling around this chamber, but it is time to stand up and it is time to tell the truth.

Mr. Gamble suggests that we need local control. I submit to you that that is all OBE is, local control. OBE means local control of strategic planning for each and every school district. OBE means local control by parents, business people, civic leaders, educators, taxpayers, as far as how fast to proceed and how much to spend on improving conditions of teaching and learning in their own district. OBE means local control and local accountability for educational standards in each of the 501 school districts in this State.

OBE is not a local control issue in the sense that Mr. Gamble would have us believe. In fact, voting for this amendment takes local control away from our school districts. I am not for that and I certainly hope that you are not either. Thank you.

The SPEAKER. On the amendment, Representative Carone is recognized.

Ms. CARONE. Mr. Speaker, I would like to interrogate the maker of the amendment, if he will stand for interrogation.

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

Ms. CARONE. Mr. Speaker, we have put into the budget for 1993-94 something like \$4 million to join the New Standards project at the University of Pittsburgh to have assessments prepared for our youngsters to take in the school districts across the State. If we pass your amendment and we make it voluntary for a school district to choose to accept the revisions of chapters 3, 5, and 6 or stay with the old regs, will those school districts who opt out of the revisions no longer have to take the test?

Mr. GAMBLE. It is my understanding, Mr. Speaker, that the \$4 million will be spread across the 501 school districts whether they opt in or they opt out and the assessments would be.

Ms. CARONE. So you are saying the assessments will be expected from all students?

Mr. GAMBLE. Yes, Mr. Speaker.

Ms. CARONE. Mr. Speaker, I know that I have been very upset with the direction that we went and the way the outcomes were prepared, the manner in which we encouraged the school districts to get involved, and I have spoken out in support of the Regulatory Commission not approving them. We now have, however, many months before we come back into session, for which I think it would make sense to allow the Department of Ed to demonstrate that they can write standards which are missing, and if they can demonstrate to us in the next several months that they can prepare standards that are academic, that we would be proud to have our youngsters be able to achieve, and if assessments can be prepared and started at the University of Pittsburgh's New Standards project, that would give us an indication as to whether we are ready to move on something far more academic and important in order to have accountability and performance standards for all of our students to be able to achieve.

I may be asking the impossible, but I would love to be able to see you bring this amendment back in the fall when we return in late September if we do not see the demonstration of anything occurring from the Department of Ed.

I would appreciate a withdrawal of this amendment and bring it back up in September. Thank you.

The SPEAKER. On interrogation, the gentleman may respond without using his second time at the microphone.

Mr. GAMBLE. Mr. Speaker, we, in all due respect, have no intentions of holding this amendment. There are some very responsible people in the Senate who are just as well concerned about OBE on both sides of this issue, and I am sure that they could address that issue which is of utmost importance to you and, of course, to all of us when they deal with this in the fall.

Ms. CARONE. Mr. Speaker, one last question.

Could you give an explanation as to why you chose 4 years as the period of time for which a school district would have to stay with either accepting the regs or staying with the old standards?

Mr. GAMBLE. We have made the statement many times that at best, OBE was an experiment. We think in 4 years that we could get a good track record and a good comparison between those schools that opt in and those schools that opt out. If we made it 1 year or 2 years, you really could not get a good reading on it, and that was the reason for the 4-year term. It had nothing to do with the terms of the school directors or anything like that.

Ms. CARONE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Elverson, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

I rise in support of this amendment for a couple of very basic reasons.

Regardless of what we heard from previous speakers that this is nothing more than a show and a pretense and that local control is not the issue, I would beg to differ. This very much

is a matter of local control. It is a matter of concern that is shared not just by us in this State; it is a matter of concern shared by members of State Houses and Senates in other States where the similar programs are being implemented.

If one would follow through the program and realize that the strategic plans that need to be implemented and put together have to be reviewed by the Board of Education and approved by them, it is very obvious that the local control does not rest ultimately with the local school board and elected officials and with the parents but with the State. This amendment, very plainly and very simply, gives that option to the local elected officials to do what they were elected to do.

In my county we have a very active business-education partnership coalition that is working very, very closely with the public schools. They made this statement: "Finally, the Berks Business Education Coalition strongly recommends..." the implementation of the regulations and also advises the Department of Education to "maintain the integrity of local control of the schools and shift their approval process of the school based strategic plans from one of review, approval, and possible punitive action to one of audit and publicly communicated recommendations for consideration by the local school community." That is simply all that this amendment does.

We could go on for a long time this evening and talk about a lot of things, but I just want to set the record straight. For my school boards, for my local superintendents, for my local business-education partnership coalitions, it is a matter of local control. This simply makes it a matter of choice for our local school boards.

I implore each of us to vote in favor of this amendment.

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Mr. Speaker, will the maker of the amendment rise for interrogation?

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

Mr. STURLA. Mr. Speaker, it is my understanding that under current regulations for outcome-based education, if a school district decides that their outcomes should be that everything remains status quo, they have the option of doing that. Is that correct?

Mr. GAMBLE. Are you talking about strategic planning?

Mr. STURLA. Yes.

Mr. GAMBLE. The strategic planning could be called a charade, because while a school district's strategic planning committee may come up with one set of curriculum, it has to be approved by the bureaucracy, the State Board of Education, so they do not have local control; they do not have the final say.

Mr. STURLA. So you are saying that even though they would decide something, that would not necessarily be what would take effect?

Mr. GAMBLE. That is exactly right.

Mr. STURLA. Mr. Speaker, it is my understanding that in development of a strategic plan, the thing that the State Board of Education looks for is to make sure that there is community participation and participation of businesses in the community, et cetera, et cetera. Is that not true?

Mr. GAMBLE. That is true.

Mr. STURLA. So in other words, if we used the current regulations, we would be mandating that there be local involvement and local participation in the development of strategic plans.

Mr. GAMBLE. Yes, but you leave out the one main ingredient, and that is Big Brother looking over their back and telling them they can do it or they cannot do it.

Mr. STURLA. I am done with my interrogation. May I make a comment, please?

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

Mr. STURLA. Mr. Speaker, it appears to me that under current regulation, what we as a State are doing is saying, you have to get local community involvement, and what this amendment is doing is saying, if the local school board says, no, we do not want any local community involvement, five people can decide that there will be no more local community involvement, and for the next 4 years, that school district has to live with that.

I strongly oppose this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I strongly support the Gamble amendment, and I urge my colleagues to also support this amendment.

It seems that for a long period of time, this spring and summer, we have been talking about OBE and then threatening that it be added to bills and holding up legislation, and I feel that it is about time that we vote on this in the House, and if it succeeds in the House, send it to the Senate and then to the Governor, and resolve the question once and for all.

I realize that some will stand and say they like this measure, some will say they do not like this measure, but the truth is that today as we speak, our local school districts, if they so desire, at this present time, can implement parts of OBE that they may like or not implement parts that they do not like, implement it into the present program that they already have. So by going ahead with OBE, through the Governor's suggestions, does not bring something new to the Commonwealth's schools that they cannot already do, but I feel that our local school boards, with the taxpayers they represent and the citizens they represent, certainly will be able to have a choice if we pass this amendment. If we do not pass this amendment, they must, by mandate, have a program of OBE, but this will give them an option.

I strongly feel that the OBE should be a pilot project. If it is so good, as many people say it is, let certain school districts try it, and if they have success, then we can implement it to other school districts throughout Pennsylvania. This amendment will allow this pilot project to take place and allow school districts to try it, and if they like it, they can continue, but it will not mandate that all 501 districts in Pennsylvania be committed to something that may fail or that may be good. I think we should try it in an experimental-type thing and see if it does work and then continue with it.

So I would hope that this amendment would pass, we would have the option in our local communities to decide what we want to do, and let the communities decide, and if they decide to go with it, then I think they should do that. So I certainly urge the colleagues of mine on the floor today to vote for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. King.

Mr. KING. Thank you, Mr. Speaker.

I wish to continue a little elaboration on this handy little booklet that was put out here and certainly want to put on the record that for all those who feel that the State Board of Education is trying to pull the wool over our eyes, this handy little booklet is proof evidence of it, and its presence in this chamber today is certainly proof that they are trying to emphasize the local school board's involvement.

I would like to, for the record, speak in terms of, in section No. 7 they state, "If outcomes are so important, why haven't schools been using them all along?" They say, "Many have been."

So therefore, the State Board of Education is already admitting that certain school boards in this State have the ability and the wherewithal to implement reforms which are academically improving for their students. Why they fear this amendment goes beyond any reasonable conclusion.

Also, in section No. 9, "Who decides if students meet the student learning outcomes?" It says, "Each local school board, working with members of its community, will set standards for determining when students have met the outcomes."

As we continue on, in section 12 it says, "Will the reforms mean a tax increase?" It says, "The new education regulations do not mandate any tax increases. Any increases would depend on changes your community and your school board decide to make in your schools during the...planning process..."

We then go on over and we see in a different portion of this particular booklet, in section 29, "Who controls what is being taught in schools - the state or the local school district?" They indicate that "The reforms set statewide targets for student achievement...and return to each community the authority to develop a local plan to help its students achieve them."

All this amendment will do is let those local school boards. This booklet here, this booklet does more to sustain the positive vote on this amendment than any document that has

come into this chamber and any comments from the opposition in the well of the House.

As I continue on here, "Will teachers have to teach differently?"

"The reforms require teachers to focus on what students know and can do. Many teachers already use good teaching strategies and techniques and will keep learning new ones. Some will need to adjust their approaches to instruction and assessment to provide all students with the best opportunities to learn."

So already it is being done at the local level, as indicated by this booklet.

In section 31, "Do school administrators and teachers have the skills to make these reforms work?"

"Most do, but some don't."

Now, all along we have been told through this whole process that there are no real changes that are going to have to occur with our education with our teachers, but here this booklet comes out and says, "Most do, but some don't. Focusing on success for all children represents"—and may I say this and underline it—"a major shift in emphasis for schools"—a major shift in emphasis for schools. "Strong, practical professional development programs for everyone who works in our schools...are a must."

Then it says in section 33—and I will conclude—"How significantly schools change their curriculum and teaching practices will depend on decisions made by each school district and its community."

Come on; let us go ahead and pass this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Gamble, seek recognition? Oh, I am sorry. The gentleman has spoken twice on the amendment.

Mr. GAMBLE. Mr. Speaker, I just ask for a "yes" vote.

This is not whether OBE is good or bad or indifferent. We have discussed that many times before. This is a vote on local control. This is a vote to say whether your school directors will direct your school or become a rubber stamp for the bureaucracy in Harrisburg. This is local control. Vote "yes."

The SPEAKER pro tempore. The Chair would like to remind the gentleman that he has spoken twice.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—132

Adolph	Fleagle	Leh	Reinard
Allen	Flick	Lescovitz	Roberts
Argall	Gamble	Lloyd	Rohrer
Armstrong	Gannon	Lynch	Rubleby
Baker	Geist	Maitland	Ryan
Barley	George	Markosek	Sather
Birmelin	Gerlach	Marsico	Saurman
Blaum	Gigliotti	Masland	Saylor
Boyes	Gladeck	Mayernik	Scheetz
Brown	Godshall	McGeehan	Schuler
Bunt	Gordner	McNally	Semmel
Carone	Gruitza	Melio	Serafini

Cessar	Gruppo	Merry	Smith, B.
Chadwick	Harley	Micozzie	Smith, S. H.
Civera	Hasay	Miller	Snyder, D. W.
Clark	Hecker	Murphy	Stairs
Clymer	Hennessey	Nailor	Steighner
Cornell	Herman	Nickol	Steil
Coy	Hershey	Nyce	Stern
Daley	Hess	O'Brien	Stish
DeLuca	Hutchinson	Olasz	Strittmatter
Dempsey	Jadlowiec	Perzel	Tangretti
Dermody	Jarolin	Pesci	Taylor, E. Z.
Donatucci	Kaiser	Petrarca	Tomlinson
Druce	Kasunic	Petrone	True
Durham	Kenny	Pettit	Uliana
Egolf	King	Phillips	Vance
Fairchild	Krebs	Piccola	Vitali
Fajt	LaGrotta	Pistella	Waugh
Fargo	Laub	Pitts	Wozniak
Farmer	Laughlin	Platts	Wright, M. N.
Fee	Lawless	Raymond	Yewcic
Fichter	Lee	Reber	Zug

NAYS—67

Acosta	Curry	McCall	Stetler
Battisto	Dent	Michlovic	Sturla
Bebko-Jones	Evans	Mihalich	Surra
Belardi	Freeman	Mundy	Taylor, J.
Belfanti	Hanna	Oliver	Thomas
Bishop	Hughes	Preston	Tigue
Butkovitz	Itkin	Richardson	Trello
Buxton	James	Rieger	Trich
Caltagirone	Josephs	Ritter	Tulli
Cappabianca	Keller	Robinson	Van Horne
Carn	Kirkland	Roebuck	Veon
Cawley	Kukovich	Rooney	Williams
Cohen, L. I.	Lederer	Rudy	Wright, D. R.
Cohen, M.	Levdansky	Santoni	Yandrissevit
Colafella	Linton	Scrimenti	
Colaizzo	Lucyk	Staback	DeWeese, Speaker
Corrigan	Manderino	Steelman	
Cowell			

NOT VOTING—1

Wogan

EXCUSED—3

Bush Haluska O'Donnell

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

On the question,

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

Mr. STRITTMATTER offered the following amendments No. A2611:

Amend Title, page 1, lines 5 and 6, by striking out "community college reimbursement payments." and inserting awarding of a contract or contracts, specifications and lowest responsible bids for the construction or lease or purchase of buildings.

Amend Bill, page 1, lines 9 through 19; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 28, by striking out all of said lines on said pages and inserting

Section 1. Section 701.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added June 27, 1973 (P.L.75, No.34), is amended to read:

Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.—(a) Except where the approval of the electors is obtained to incur indebtedness to finance the construction of a school project, the board of school directors of any school district of the second, third or fourth classes, shall not construct, enter into a contract to construct or enter into a contract to lease a new school building or substantial addition to an existing school building without the consent of the electors obtained by referendum or without holding a public hearing as hereinafter provided. In the event that a new school building or a substantial addition to an existing building is to be constructed or leased, the school board shall, by a majority vote of all its members, authorize a maximum project cost and a maximum building construction cost to be financed by the district or amortized by lease rentals to be paid by the district. Building construction cost shall consist of the cost of all building construction including general construction costs, plumbing, heating, electrical, ventilating and other structural costs, equipment and fixtures and architectural and engineering fees relating thereto, but not including costs for site acquisition and development, rough grading to receive the building, sewage treatment facilities or equivalent capital contributions, and architectural and engineering fees relating thereto. In all cases, a public hearing shall be held not later than thirty (30) days before the school district submits the initial building construction cost estimates to the Department of Education for approval. Notice of the hearing shall be given not later than twenty (20) days before the date of the scheduled hearing. In the event that the maximum building construction cost authorization exceeds the aggregate building expenditure standard hereinafter specified, the aforesaid authorization of the school board shall be submitted to the electors of the school district for their approval within six (6) months prior to submission of the final building construction cost bids to the Department of Education for approval. Such referendum shall be held in the same manner as provided by law for the approval of the incurring of indebtedness by referendum. The question as submitted shall specify the maximum project cost, the maximum building construction cost and the annual sinking fund charge or lease rental to be incurred by the school district and the portion of such charge or rental expected to be reimbursed by the Commonwealth. If the final building construction cost bids to be submitted to the Department of Education for approval are less than the aggregate building expenditure standard hereafter specified but exceed by eight (8) per cent or more the initial building construction cost estimates submitted to the Department for approval, a second public hearing shall be held before the Department shall give its final approval.

(b) The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars (\$2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars (\$4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars (\$5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars (\$5,200) for each pupil of rated vocational-technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational-technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

(c) The State Board of Education shall, by regulation, establish for leased buildings a method for determination of standards of measurement, including, without limitation, the maximum building construction cost, the maximum project cost and the aggregate building expenditure standard, which are comparable to those required by this section for the construction of buildings. Pending adoption and publication of final rules and regulations, the State Board of Education shall have the power and authority to promulgate, adopt, publish and use interim regulations for the implementation of this provision for a period of one year immediately following the effective date of this subsection or until the effective date of final rules and regulations, whichever first occurs. Notwithstanding any other provision of law to the contrary, the interim regulations proposed under the authority of this subsection shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(d) For purposes of this section:

(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights-of-way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.

(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.

(3) "Equipment and fixtures" means property fixed or movable which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any other special fixtures or equipment required to conduct a particular educational program.

(4) "Substantial addition" means more than twenty (20) per centum of the area and replacement value of the structure to which the improvement is to be added.

Section 2. Section 703.1 of the act, added December 6, 1972 (P.L.1445, No.323), is amended to read:

Section 703.1. Lease of Buildings or Portions of Buildings Constructed or Altered for School Use.—(a) The board of school directors of any district is hereby vested with the power and authority to lease for an extended period of five (5) years or more, with or without provisions for acquisition of same, buildings or portions of buildings constructed for school use and/or other buildings or portions of buildings altered for school use provided such buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

(b) The lease agreement must be executed prior to the commencement of any work on the construction of a new building or the commencement of any work for the alteration or renovation of any existing building. The term of the lease agreement must begin at any time prior to the occupancy of the building. Any provision of the lease agreement providing for assignment must require prior written consent of the board of school directors.

(c) The board of school directors shall not execute any lease agreement under the authority of this or any other provision of this act unless the lease agreement requires by its express terms that prevailing minimum wages shall be paid in accordance with the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," to all persons employed for the construction, reconstruction, alteration or renovation of the building subject to the lease, including, without limitation, improvements made during the term of the lease.

Section 3. Section 751 of the act, amended July 13, 1979 (P.L.94, No.41), October 10, 1980 (P.L.924, No.159) and May 4, 1990 (P.L.164, No.38), is amended to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—(a) (1) All construction, reconstruction, repairs, maintenance or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any

school building or upon any school property, or upon any building or portion of a building leased under the provisions of section 703.1, made by any school district, where the entire cost, value, or amount of such construction, reconstruction, repairs, maintenance or work, including labor and material, shall exceed ten thousand dollars (\$10,000), shall be done under a lease contract or separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. [Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder:] The board of school directors shall, in its discretion, have prepared separate specifications for construction, plumbing, heating and ventilating and electrical work, or separate bids on each of the branches of work or combinations thereof or a single bid on all the work. The board of school directors shall award the contract or contracts to the lowest responsible bidder or bidders: Provided, That if due to an emergency a school plant or any part thereof becomes unusable, a competitive bid or competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the Secretary of Education, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

(2) For the purposes of this subsection, "emergency" means an unforeseen event such as a fire, tornado, flood, explosion or other unforeseen event as may be determined by the Secretary of Education.

(a.1) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested by the board of school directors for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(b) The board of school directors in any school district may perform any construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is less than five thousand dollars (\$5000), by its own maintenance personnel. The board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is ten thousand dollars (\$10,000) or less, without soliciting competitive bids, subject, however, to the provisions of subsection (a.1).

(c) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(d) The board of school directors of any school district may, in addition to the power granted in subsection (b), utilize also its own maintenance or other personnel to perform maintenance work irrespective of the entire cost or value of such work.

(e) No person, consultant, firm or corporation contracting with a school district for purposes of rendering personal or professional services to the school district shall share with any school district officer or employe, and no school district officer or

employe shall accept, any portion of the compensation or fees paid by the school district for the contracted services provided to the school district except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of school directors.

(2) The board of school directors must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

(f) No board of school directors shall evade the provisions of this section as to advertising for bids or purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under ten thousand dollars (\$10,000) upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than ten thousand dollars (\$10,000). This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price.

Section 4. Section 791 of the act is amended by adding subsections to read:

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.—* * *

(c) A lease agreement authorized by this section must be executed prior to the commencement of any work on the construction of a new building or the commencement of any work for the alteration or renovation of any existing building. The term of the lease agreement must begin at any time prior to the occupancy of the building. Any provision of the lease agreement providing for assignment must require prior written consent of the board of school directors.

(d) The board of school directors shall not execute any lease agreement under the authority of this or any other provision of this act unless the lease agreement requires by its express terms that prevailing minimum wages shall be paid during and throughout the term of the lease in accordance with the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

Section 5. Section 2574.2 of the act, added December 6, 1972 (P.L.1445, No.323), is amended to read:

Section 2574.2. Approved Reimbursable Annual Rental for Leases of Buildings and Facilities for School Use.—(a) For extended leases of buildings and facilities for school use authorized under the provisions of section 703.1 which have been approved by the Secretary of Education, the Department of Education shall calculate an approved reimbursable annual rental charge.

(b) Approved reimbursable annual rental for such approved leases of building facilities constructed for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity as determined by the Department of Education at the time of initial lease times one hundred sixty dollars (\$160) for elementary schools, two hundred twenty dollars (\$220) for secondary schools, or two hundred seventy dollars (\$270) for area vocational-technical schools.

(c) Annual approved rental payable for approved leases of existing facilities altered for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity, as determined by the Department of Education at the time of initial lease, times one hundred twelve

dollars (\$112) for elementary, one hundred fifty-four dollars (\$154) for secondary, or one hundred eighty-nine dollars (\$189) for area vocational-technical schools.

(d) The State Board of Education shall, by regulation, establish for leased buildings a method for calculating reimbursement for leases relating to construction projects contracted for after the effective date of this act which shall provide reimbursement comparable to the reimbursement allowable for the construction of buildings. Pending adoption and publication of final rules and regulations, the State Board of Education shall have the power and authority to promulgate, adopt, publish and use interim regulations for the implementation of this provision for a period of one year immediately following the effective date of this subsection or until the effective date of final rules and regulations, whichever first occurs. Notwithstanding any other provision of law to the contrary, the interim regulations proposed under the authority of this subsection shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

Section 6. (a) All provisions of prior acts with respect to the separation of construction specifications, construction bids or construction contracts are hereby repealed insofar as they are inconsistent with the amendment of sections 701.1, 751, 791 and 2574.2 of the act.

(b) All additional and otherwise applicable statutory provisions relating to projects of public work, public construction, school construction or public buildings are applicable to projects undertaken under the amendment of sections 701.1, 751, 791 and 2574.2 of the act, except to the extent to which the amendment of sections 701.1, 751, 792 and 2574.2 of the act are specifically inconsistent.

Section 7. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would rise to ask for an affirmative vote on this amendment.

What this amendment will do is it will enable school districts to use the lease-purchase option for the construction of new school buildings or a substantial addition to an existing facility. School districts are required to continue to conform with the prevailing wage provisions for school construction projects under this amendment, and the district has the discretion to use a single contract or use separate bids for construction, plumbing, heating, ventilating, and electrical work. Contracts shall be awarded to the lowest responsible bidder or bidders. I would point out that by allowing the school districts this change, this amendment, they can exercise, if they want to—this is a "may" bill; it is flexible; they do not have to use this new system—but it does provide them with a chance to save up to 20 percent in the cost of construction.

We have approved, in this General Assembly, this same concept, along with the administration, when we were building prisons. Those prisons were built on a fast track; they came under budget, and yes, those contracts were even captured by union contractors.

This amendment, if approved, will go a long way to showing our school districts that we want to give them flexibility and work with them. I would please ask for an affirmative vote on this amendment. Thank you.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Will the gentleman, Mr. Strittmatter, please stand for interrogation?

Mr. STRITTMATTER. Yes.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, some of the language in this amendment, in fact, is language that I would agree with, and as the prime sponsor of the legislation that created the lease-purchase options for the construction of the prison facilities, I can agree with some of the language in the amendment as it pertains to leases. However, there is some operative language in the legislation that destroys, at least the way I read the bill, the Separations Act of 1913.

I would like to query the gentleman, Mr. Strittmatter, whether or not it is his intention to do away with separate contracts for plumbing, heating, and air conditioning and electrical in the case of school construction. That is the way I read one of the operative paragraphs of this amendment, and that would be very critical to construction projects involving school projects in the Commonwealth. So if the gentleman could elaborate on that section. I believe it is on page 4 of his amendment and may reappear elsewhere.

Mr. STRITTMATTER. Yes, sir. What this will do is it will allow the school districts the flexibility to use a single contract or multiple contracts when they are awarding the bids. So this is the same provision that is provided in other projects, such as in Philadelphia on a transportation project they had in building a parking garage. It was to allow the local government to privatize. It was allowed to go out and have a private landlord build the building in order to meet the needs of the city and meet the needs of the transportation network in Philadelphia. What this would do is it would bring to the school districts that same concept that has been used in many other areas.

I might add that it does not mean that these contractors, you know, will not be subjected to the same high standards. That was the reason that was the creation of the Separations Act back in 1913, but we have found, in other States and within our own State, that there are other provisions that this work can be guaranteed to be done in the utmost quality. As I said, there is nothing stopping a mechanical contractor, a union mechanical contractor, from being the sole bidder and then subbing the other work to other union contractors.

Mr. BELFANTI. Mr. Speaker, I believe I am finished with my interrogation. I guess I will, in the spirit of brevity, go right to my remarks.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, the amendment before us is very dangerous indeed to the quality of contracting that would be provided in cases of school construction. The act of 1913, the Separations Act, established that general contractors should not have the

responsibility of subcontracting the electrical, the plumbing, the heating, and the air conditioning; that they should be separately awarded and that those contractors should be held separately liable for any problems with those systems. I have a school district in my district, in fact, in the city of Shamokin, that has experienced numerous problems with their ventilation system, numerous problems, and it is the heating and ventilating contractor who is liable for that, not the general contractor.

Today is not the day for us to discuss the problems that members on both sides of the aisle know that we have with our outdated Mechanics Lien Law, and should this amendment pass, you can imagine the magnitude of additional mechanic lien problems that we would have when we only can hold one contractor liable for a problem in the construction.

There was some very good rationale behind the sentiment to separate these types of contractors. That is why the bill was established, and by no means is this a pro-union or antiunion issue only. Let me suggest to you that the Separations Act does allow and does provide for a union general contractor but perhaps a nonunion electrical contractor and vice versa. Once you go to a sole-source contract, one general contractor, who can sublet all of the other contractors, I think we could all assume that if it is a union general, all the subcontractors will be union. If it is a nonunion general, the subcontractors will all be nonunion, and again, there is that ever-present problem that we now are all facing with mechanics liens, which will probably also be a subject of debate later this session. It is very dangerous for us to toy with the Separations Act, particularly on a night like tonight when members are restless and we have a number of bills to discuss.

I am asking that the members vote "no" on this amendment. There are certain provisions of it which I could support, but not with the separations language that is inserted in the center. If it were possible to separate this amendment and vote on it separately, as I asked the Parliamentarian earlier this evening, I would suggest that we separate the amendment and vote on it section by section. But unfortunately, by the way it is drafted, whether that is intentional or not, we cannot vote on the provisions separately.

I am asking members from both sides of the aisle, who deal with contractors, who understand that contractors, particularly electrical, and plumbing, heating, and ventilation, who have been autonomous, who like to and want to continue bidding separately on their particular specifications of a job, both union and nonunion, be allowed to continue that and not be subjected to acting entirely as a subcontractor. They do not deserve that. Whether they are ABC (Associated Builders and Contractors) or whether they are IBEW (International Brotherhood of Electrical Workers), they do not deserve it. They deserve the right to continue a practice that has worked very well in this State, where there are very few problems, and the problems that we do have in this State are when one single contractor is allowed to sublet various portions of a contract, and that brings us back to a very complicated issue of mechanics lien, which I will not get into. But I am suggesting

to members of both sides of the aisle that the Strittmatter amendment be defeated.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair now grants a leave of absence for the gentleman from Philadelphia, Mr. WOGAN, for the rest of the day.

CONSIDERATION OF HB 1706 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. McGeehan.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to echo the chairman of the Labor Relations Committee. This is indeed a dangerous amendment. When we talk about gutting the Separations Act, an act that has been in force for 80 years in this State, a law that has worked, a law that has guaranteed that working people receive a decent wage, that working people deserve the same benefits as those persons not represented, Mr. Speaker, when we do this, I believe when we allow one contractor to subcontract work out, we lose a sense of quality; more importantly, though, Mr. Speaker, we lose a sense of accountability. For those individual people who are being subcontracted, we absolutely do not have a sense of accountability like we do under the Separations Act.

Mr. Speaker, this is a bad amendment. This will hurt working people in Pennsylvania; this will hurt the building and construction trades movement in Pennsylvania, and absolutely, we need to vote against this amendment to be fair to working people in Pennsylvania, and absolutely, to uphold the Separations Act that, again, has worked, is working, and is a darn good act for the last 80 years in this State.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, on the question, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I rise to support the Strittmatter amendment.

I have heard by two of the previous speakers that this is a dangerous amendment, and I am trying to figure out what is so dangerous about the amendment, and the only danger that I could see is that we might just save the taxpayers about 20 percent of the cost of building new schools. So if there is any danger in saving taxpayers money, I guess that is the danger that is in this bill.

If you live in a county such as I do, in Lancaster County, where we are building schools year in and year out because of the expansion of the enrollment, you would really appreciate the opportunity that this amendment will provide — to save at least 20 percent of the cost of the new school construction that is taking place.

So I just cannot understand any danger whatsoever in supporting this amendment and passing it, and I would just

hope that all of my colleagues would vote in favor of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, if there was ever a case of a single bill being overloaded, this amendment, if passed, would create that case.

It is extremely difficult for this bill to pass as it now stands. Sticking the Strittmatter amendment in it will only mean that there will be huge numbers of contractors, huge numbers of unions all over the State of Pennsylvania campaigning to defeat this bill. I would strongly like to suggest that anybody who voted for the Gamble amendment and who believes in the Gamble amendment ought to vote against this amendment because this amendment, if passed, will absolutely guarantee that this bill will go nowhere.

I urge defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge the defeat of the Strittmatter amendment.

I want to echo the remarks of a couple of previous speakers — Representative Belfanti and Representative McGeehan. I also want to point out that this act has worked well for over 80 years to protect, to protect the quality of work and to insure that the quality of work performed on public projects and, in fact, the integrity of that project is guaranteed and assured.

I also want to point out that while there is language in this amendment that appears to make sure that the Prevailing Wage Act is adhered to, you have got to understand that the Prevailing Wage Act does not need, does not need to be included in this amendment. It is a separate act; it stands on its own, and we do not need to sort of muddy and cloud this issue by including that language in this amendment. It is just a stocking horse to try to attract some support for what is otherwise a bad amendment.

This act, the Separations Act, has worked well for over 80 years to insure the quality of public contracts and public construction projects, and I urge the defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, for the second time, the Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

The reason I rise is to once again ask the members to please allow the taxpayers in our school districts this flexibility to try this concept. This concept has been tried in many other States and has been tried successfully.

If for 80 years we have been doing construction of schools one way and costing taxpayers extra money, I do not think it is time now to continue just to do that because we have been doing it for 80 years. If we found a new way and other States

have found where we can save money, I think that we should pass along those savings to our taxpayers. Right now many schools have not been built, working men and women have not been able to be able to enjoy employment because these decisions have been put off because the price is too high. The taxpayers can see when they look at price per square foot of building a school versus other commercial projects, that they can see that there is waste. If we could try to bring that in line, then maybe our schools would not be so overcrowded, maybe our schoolchildren would not have to be pushed into other private institutions, and it would help our public education system as well as helping our taxpayers.

The opportunities to change are here today. Several of the speakers have talked about, well, this late night. For 3 years we have worked on this process. We have tried to accommodate the AFL-CIO, the Philadelphia Building Trades. In fact, the prevailing wage rate being used in this amendment was supplied by the department and our staff on two different occasions in this bill for that specific effort of working together to try to make sure of that clarity.

We have worked with the department. In fact, this language was provided by the Department of Education. The Governor on different times over the last 3 years, as well as the Secretary of Education, has endorsed this concept. The language that appears here was provided by the department. The reason that it is this late night is the fact that for 3 years we have been thwarted an opportunity to get it passed. That is why I would please ask now, after all this time, to please allow these savings to be passed along to the taxpayers. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, for the second time, the Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

While I hate to do this, I cannot let the gentleman's last remarks go unchallenged. The administration and the Department of Education may have provided language as it deals with prevailing wage in this bill; they may have utilized some of my language on the lease-purchase options on prisons, which is also contained in this amendment; but no one supplied, not from this administration, not from this chamber, nor was it the subject of negotiation, any language dealing with the Separations Act.

Let me tell you that if you were able to call your local heating and ventilating contractor right now, whether he is union or nonunion, you call your local electrical contractors, you call your mechanical contractors, union and nonunion, go back and call them and ask them if they want to be the subject subjected to subcontracting every bid on a government job. They would be out of business within the next couple of years. Many of these contractors, who have staked their reputations on being specialists in a certain type of contracting, would be out of business. Beyond that, do not be fooled by the taxpayer idea here either, because as these bids are asked for, when an electrical spec goes out or a mechanical, heating, or air conditioning spec goes out, they go out to mechanical, heating,

and electrical contractors, and the lowest bid on that respective contract gets the job; the lowest bid gets the job.

This amendment would put everyone under a general contractor; they would be beholding to them; they would lose their integrity as specialists, and in fact, many general contractors would probably branch into these other types of specialties and probably not do it as well. It takes 5 or 6 or 7 years of an apprenticeship, union or nonunion, to learn how to arc weld. It takes the same number of years to learn how to put in construction electrical work where you are running 4- and 5-inch conduit and working with 500,000 volts, et cetera, MCM wire. You do not learn these things by being a laborer with a pick and shovel for a general contractor.

I urge the members to think about this. Do not look at this as a Democrat-Republican issue, a union or nonunion issue. This is an issue of getting quality work on time or ahead of schedule and a system that no one has found fault with that I am aware of in my 14 years down here. If it were not for that provision in this amendment, I would probably be standing here asking for support of the balance of 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—75

Adolph	Fleagle	Marsico	Saylor
Armstrong	Flick	Masland	Scheetz
Baker	Geist	Merry	Schuler
Barley	Gerlach	Micozzie	Semmel
Birmelin	Gladeck	Miller	Smith, B.
Brown	Harley	Nailor	Smith, S. H.
Cessar	Heckler	Nickol	Snyder, D. W.
Chadwick	Hennessey	Perzel	Steil
Clark	Hershey	Pettit	Stern
Clymer	Hess	Piccola	Strittmatter
Cohen, I. I.	Hutchinson	Pitts	Taylor, E. Z.
Cornell	Jadlowiec	Platts	Tomlinson
Dempsey	King	Reber	True
Dent	Laub	Reinard	Tulli
Druce	Lawless	Rohrer	Vance
Egolf	Lee	Rublely	Waugh
Fargo	Leh	Ryan	Wright, M. N.
Farmer	Lynch	Sather	Zug
Fichter	Maitland	Saurman	

NAYS—124

Acosta	Fairchild	Linton	Rooney
Allen	Fajt	Lloyd	Rudy
Argall	Fee	Lucyk	Santoni
Battisto	Freeman	Manderino	Scrimenti
Bebko-Jones	Gamble	Markosek	Scrafini
Belardi	Gannon	Mayernik	Staback
Belfanti	George	McCall	Stairs
Bishop	Gigliotti	McGeehan	Steelman
Blaum	Godshall	McNally	Steighner
Boyes	Gordner	Melio	Stetler
Bunt	Gruitza	Michlovic	Stish
Butkovitz	Gruppo	Mihalich	Sturla
Buxton	Hanna	Mundy	Surra
Callagirono	Hasay	Murphy	Tangretti

Cappabianca	Hernan	Nyce	Taylor, J.
Cam	Hughes	O'Brien	Thomas
Carone	Itkin	Olasz	Tigue
Cawley	James	Oliver	Trello
Civera	Jarolin	Pesci	Trich
Cohen, M.	Josephs	Petrarca	Uliana
Colafella	Kaiser	Petrone	Van Horne
Cofaizzo	Kasunic	Phillips	Veon
Corrigan	Keller	Pistella	Vitali
Cowell	Kenney	Preston	Williams
Coy	Kirkland	Raymond	Wozniak
Curry	Krebs	Richardson	Wright, D. R.
Daley	Kukovich	Rieger	Yandrisevits
DeLuca	LaGrotta	Ritter	Yewcic
Dermody	Laughlin	Roberts	
Donatucci	Lederer	Robinson	DeWeese,
Durham	Lescovitz	Roebuck	Speaker
Evans	Levdansky		

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. GANNON offered the following amendments No. A3377:

Amend Title, page 1, line 6, by removing the period after "payments" and inserting

; and providing for unfunded mandates.

Amend Bill, page 9, by inserting between lines 27 and 28 Section 2. The act is amended by adding a section to read: Section 2597. Unfunded Mandates.—(a) Any mandate imposed by the Commonwealth pursuant to this act, including mandates created before the effective date of this section, which imposes a direct financial cost on school districts, other than costs of a de minimis nature, shall not be binding on school districts, as provided in subsection (b), until the costs are fully funded by the Commonwealth.

(b) Within sixty (60) days after the effective date of this section or within sixty (60) days after any subsequent Commonwealth failure to fully fund a mandate subject to this section, whichever is applicable, the Department of Education shall notify school districts of all mandates which have become discretionary under this section. On receipt of this notification, a school board may vote to discontinue any or all such mandates for the length of time prescribed in this section. The school district shall again comply with a discontinued mandate within sixty (60) days or after notification by the Department of Education that the mandate has been fully funded by the Commonwealth or as soon thereafter as the department states in such notification that compliance is feasible. An unfunded mandate shall remain binding on a school district until it is discontinued by vote of the school board. The Department of Education shall comply with the notification requirements of this subsection through publication of notices in the Pennsylvania Bulletin.

(c) This section shall not apply to any of the following:

(1) A mandate as to which noncompliance would result in a violation of a constitutional provision or of Federal law. This clause includes a court order based on a constitutional provision or Federal law.

(2) A contractual obligation.

(3) A mandate as to which noncompliance would result in the loss of Federal funds.

(4) Mandates of a nonprogrammatic nature, including, but not limited to, mandates relating to audits, taxes, debt, budget procedures, contract and purchasing procedures, conflict of interest and anti-discrimination requirements, school construction and renovation standards.

(5) The transportation of pupils.

(6) The duty to provide a free public education to children for the age levels and the grade levels prescribed pursuant to this act.

Amend Sec. 2, page 9, line 28, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, one of the predominant issues that we have to deal with back home from our elected school boards is the issue of unfunded mandates. This amendment simply says that unfunded mandates are not binding until fully paid for by the State, and these mandates become discretionary until we in Harrisburg pay for what we are telling our school boards to do.

Now, these unfunded mandates must be discontinued—that is, they must be stopped—by a vote of the elected school board, and certain important requirements continue, such as transportation of schoolchildren, et cetera.

Mr. Speaker, I ask for a "yes" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Mr. Cowell.

Mr. COWELL. Mr. Speaker, would the maker of the amendment consent to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, obviously the key word in this amendment is the term "mandate."

Mr. GANNON. No. The key words are "unfunded mandate."

Mr. COWELL. Mr. Speaker, could you tell us what you mean by "mandate"? Could you define that—

Mr. GANNON. I mean something that this State tells the school boards to do and says, we are not going to pay for it; you are going to go to those senior citizens, you are going to go to those taxpayers, and they are going to have to foot the bill. That is what I mean.

Mr. COWELL. Good speech, Mr. Speaker; good speech.

Mr. Speaker, the School Code, as you suggest, is full of mandates. In fact, the very existence of school districts is mandated by the State, the school board is mandated by the State—

Mr. GANNON. Is that a question or what?

Mr. COWELL. It will be, Mr. Speaker.

Mr. Speaker, I am not trying to be cute. I am trying to ask a question, if we can get to it.

Mr. Speaker, the existence of school directors is a mandate. Where do you draw the line when you speak about all of these unfunded mandates? Everything that we say in the School Code, which is approximately 500 pages in length, can be characterized as a mandate because everything in that School Code flows out of the constitutional obligation given to this General Assembly. So where do you draw the line in terms of your definition of "mandate," or is there no line?

Mr. GANNON. Everything that you just mentioned is excluded.

Mr. COWELL. Mr. Speaker, what in your amendment would exclude everything that I just mentioned?

Mr. GANNON. Subsection (c).

Mr. COWELL. Mr. Speaker, would you be more specific in identifying the words in subsection (c) that would exempt all of those things from this definition of "unfunded mandate."

Mr. GANNON. Subsection (c)(4). Excuse me; that would be (c)(1) and (c)(4) as well as (c)(2) and (c)(3).

Mr. COWELL. Mr. Speaker, let me ask about the position of school nurses. We do not provide specific funding to school districts for school nurses. Would the current requirement that there be a school nurse and that there be a certain ratio of nurses to students be one of those so-called unfunded mandates that you would have excluded?

Mr. GANNON. Mr. Speaker, good question. I cannot see one single school board in this Commonwealth denying the children in a school a school nurse.

Mr. COWELL. Mr. Speaker, I appreciate your confidence in the school boards, but I am reminded that the elimination of the current requirement that there be a certain ratio of students to nurses or nurses to students is high on the list of mandates that some school board officials would like to see eliminated, and the suggestion is, they believe they will save money there. Is there anything in your language, not good intentions, not good wishes, but anything in your language that would protect the current requirement that school nurses be provided to students?

Mr. GANNON. Mr. Speaker, I cannot speak for the school directors in your district, but I can tell you the school directors in my district care about their children, and I think the school directors of all of the other members on this side of the aisle care about their children, and as I said before, there is not one school board that would tell their children, we are going to deny you the services of a school nurse.

Mr. COWELL. Mr. Speaker, you have not answered the question, obviously. You are ducking. But let me ask for another example.

What about the current provisions in the special education regulations that speak to the issue of class size for special education students? Mr. Speaker, that, again, might be defined or characterized as an unfunded mandate. What would you do—because this is not a matter of Federal law; this is a matter of State regulation—how would your amendment treat the State regulations that pertain to class size for special education students?

Mr. GANNON. I refer you to section 93.142 of Federal law. This is under Federal law. It is exempted — absolutely exempted.

And if it would cause the loss of Federal funds it would be exempted, so it does not apply. It is exempted.

Mr. COWELL. Mr. Speaker, that is not an accurate answer, and I would ask you to read the language of the Federal law that you just tried to cite, because that language does not speak to the issue of class size; it does not guarantee special education students a reasonable class size, and I ask you, if you can find that language in the Federal law, please read it, because I suggest it does not exist. But please read it.

Mr. GANNON. I am referring to the Federal law. If you want to read it, you read it. I am aware of it. This exempts anything that is inconsistent with Federal law.

Mr. COWELL. Mr. Speaker, you again have ducked the question.

Mr. GANNON. You may not like the answer, but that is the answer and that is a fact and that is the truth. You may not like it.

Mr. COWELL. Mr. Speaker, yelling a little louder will not make it any more accurate.

Mr. Speaker, there is nothing in Federal law that speaks to the issue of class size. That has only been and it has solely been and it has traditionally been in this State a function of State regulation. It is one of those so-called mandates that you would relieve school districts of an obligation to fulfill, and if there is something in Federal law—you cited a section—please read it. I do not think it exists, Mr. Speaker.

Mr. Speaker, there is also in our State laws a requirement that school districts have a library and offer library services to their school children. Mr. Speaker, is there anything in your amendment that would exempt that kind of mandate from the discretion of a local school board?

Mr. GANNON. The school board has to make that decision.

Mr. COWELL. Is the answer, Mr. Speaker, there is nothing in your amendment that would protect school libraries and school library services for kids?

Mr. GANNON. Mr. Speaker, this is not a question of protection, it is a question of paying for it. If you want it, have the decency and the honesty to say I am going to pay for it. I answered your question and I said it is up to the school board. They are the ones that have to make that decision. If you want to make the decision, then you better be willing to pay for it.

Mr. COWELL. Mr. Speaker, there is also language in the special education regulations that provides for teachers' aides under some circumstances to provide assistance to special-needs kids in special education classes. Again, that is not a matter of Federal law; it is a matter of State law. Is there anything in your language that would exempt from this discretionary authority you would give to school boards the requirement that special education aides be made available in certain special education classrooms?

Mr. GANNON. Mr. Speaker, as you know, the school board is developing a whole new set of regulations dealing with that specific issue.

Mr. COWELL. Mr. Speaker, again you have not answered the question. Is there anything in your amendment that would continue to protect that State mandate or is that the kind of thing you would allow school districts to opt out of?

Mr. GANNON. Mr. Speaker, if it violates Federal law, if it loses Federal funding, then it is going to be an issue that is decided by the local school board. If you want it up here in the State Capitol, then you should be willing to pay for it. Plain and simple — if you want it, you have got to pay for it.

Mr. COWELL. Mr. Speaker, there currently are in the old chapter 5 regulations and in statute requirements enacted by this legislature and/or by the State Board, but largely by this legislature, which require school districts to offer to all children in their school districts certain courses. There are certain courses which all children ought to have an opportunity to sign up for in their elementary schools or in their high schools. Mr. Speaker, that is not mandated by Federal law; that is simply a mandate of State government, in which it is unfunded to the extent that we do not provide a separate pot of money for that, although we give our school districts more than \$3 billion.

Mr. Speaker, would your amendment in any way exempt those course requirements from your general principle that school districts could pick and choose everything they would do?

Mr. GANNON. Mr. Speaker, on that area, chapter 5, which deals with the curriculum, that would be a decision by the Secretary of Education as to whether or not that in fact was an unfunded mandate. If he made that decision, then it would be up to the school board.

Mr. COWELL. Mr. Speaker, this General Assembly not too many years ago passed a new law, and if my memory is correct, you voted for it, that required school districts to provide alcohol, chemical, and tobacco abuse programs to all children. Mr. Speaker, that, again, might be characterized by some as an unfunded mandate. Is that the kind of mandate that you would now reverse your position on and tell school districts that they could eliminate the alcohol, chemical, and tobacco abuse programs that they currently are required to provide the children?

Mr. GANNON. Mr. Speaker, that would be the type of curriculum that would be at the discretion of the Secretary to determine, first of all, whether it was an unfunded mandate. If he made that decision, then it would be up to the local school board, and I would venture to say that if any school board in this Commonwealth felt that they had a need for that type of program, they would give it to their students.

Mr. COWELL. Mr. Speaker, do I understand then that you want to give to the Secretary of Education, that big bureaucrat over there in that big bureaucracy, all this discretionary authority to decide what is funded and what is not funded?

Mr. GANNON. No, I did not say that, Mr. Speaker.

Mr. COWELL. Oh, what did you say, Mr. Speaker?

Mr. GANNON. You will have to read the transcript, Mr. Speaker.

Mr. COWELL. Mr. Speaker, why do you not clarify for the information of the members what you intended to say about the authority of the Secretary, because several times I think I have heard you say that the Secretary of Education will decide if that is an unfunded mandate or not.

Mr. GANNON. Mr. Speaker, the Secretary cannot take anything away from the regulations. He cannot add to the regulations, excuse me. He cannot add to the regulations; he can only take away from them. When you are talking about those chapter 5 areas, that would be at the discretion of the Secretary of Education.

Mr. COWELL. Mr. Speaker, another requirement that this legislature, Republican and Democrat alike, has demonstrated a great deal of enthusiasm for in recent years is background checks for these people who work in our school buildings with our vulnerable young children. Mr. Speaker, that is not a funded mandate, I am sure, because we do not provide any money to the school districts for those background checks and we have been told by them that there are costs incurred by school districts. Is that the kind of mandate that you would leave to the discretion of the school district?

Mr. GANNON. Mr. Speaker, let me put a stop to this. That is exempt. Now, are you asking a question or are you whining that, oh, I want to have this mandate but I do not want to pay for it. At least say look, I want to have this but I do not want to pay for it. The bottom-line issue here is whether you want the mandate. If you want it, have the decency to pay for it instead of putting it on the burden of those taxpayers down home. Let the school board decide, not us. They are elected to do that, not us.

By the way, those applications are paid for by the applicant.

Mr. COWELL. Mr. Speaker, gifted education, or education for gifted and talented students, is not mandated by Federal law. This General Assembly over the last 20 years has taken the initiative to insure and to require that school districts provide special services to students who are gifted and talented. Mr. Speaker, when we did away with the excess cost provisions, we clearly provided for a policy that makes that at least a partially unfunded mandate. Mr. Speaker, would you leave it to the discretion of school districts to decide if they are going to continue to provide education programs to the gifted and talented, or if not, where does your amendment protect those students and those programs?

Mr. GANNON. Mr. Speaker, that would be covered under section (c)(6).

Mr. COWELL. Mr. Speaker, that provision of the law that created programs and mandated programs for gifted and talented students has nothing to do with that section that provides for free public education to children for age levels and grade levels prescribed pursuant to this act. That was an answer, but it was an answer that has nothing to do with the problem that I presented you. Where does your amendment protect programs for gifted and talented students?

Mr. GANNON. Mr. Speaker, that is the very kind of question that is covered under (c)(6). That would be within the discretion of the Secretary of Education where it properly belongs.

Mr. COWELL. Mr. Speaker, that is another issue that will be left to the discretion of the Secretary?

Mr. GANNON. Mr. Speaker, I believe it is covered under section (c)(6). You may disagree. I have talked to my people over here; they say it is covered under (c)(6). You want to defeat the amendment; you are going to bring up all kinds of arguments. I say section (c)(6) covers all those topics we are talking about with curriculum, that they would not be exempt, and those that may be exempt would come under the Secretary of Education. I am sure that if he felt that good education was not being given to the students, that he would send a message down to the school districts that you have to do that, and then those that he would exempt, it would be up to the school board.

Mr. COWELL. Mr. Speaker, your amendment also would seem to possibly exempt some school districts from various requirements that pertain to fire and emergency evacuation drills and certain fire and safety requirements. Is it your intent that those kinds of items also be left to the discretion of the local school board?

Mr. GANNON. I am sorry, Mr. Speaker. Could you repeat the question?

Mr. COWELL. Mr. Speaker, there is language in the School Code that speaks to the issue of fire and emergency evacuation drills as part of the fire and safety provisions in a school district for the protection of kids and employees. There is no State funding for that kind of activity. Is that again the kind of mandate that you might provide discretionary authority for for the school board?

Mr. GANNON. Mr. Speaker, if the Secretary does not designate it as an unfunded mandate, it is exempt. But if you are talking about— What did you say, fire drills?

Mr. COWELL. Fire and emergency drills.

Mr. GANNON. They would be de minimis costs and they would be exempt. They would not be covered by this amendment.

Mr. COWELL. What in the amendment protects those requirements, because your language begins, "Any mandate imposed by the Commonwealth pursuant to this act...."

Mr. GANNON. Mr. Speaker, a fire drill would certainly be a de minimis expense and that would be exempt. That would not be covered under this amendment.

Mr. COWELL. Thank you, Mr. Speaker.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

Mr. COWELL. Mr. Speaker, I would like to be recognized for some remarks.

The SPEAKER. The gentleman is in order.

Mr. COWELL. Mr. Speaker, you can interpret this amendment in one of two ways. We are either going to turn over to locally elected school boards vast authority to exempt

themselves from most requirements pertaining to the administration of and management of schools and school programs, or we are going to turn over to the Secretary of Education this awesome authority to unilaterally, without input from anybody else and checks by anybody else, make decisions about what is an unfunded or a funded mandate.

Mr. Speaker, this amendment, while, well, perhaps well intentioned, and I think that it is, is an amendment that would be awful for the education system of this Commonwealth; it would be awful for education programs for kids; it would be awful for the safety and protection of kids in our schools.

Mr. Speaker, we spend \$5 billion a year of State taxpayers' money on public education. We distribute that to the school districts. Fortunately, we do not try to divide that \$5 billion up into specific little pots of money for each and every provision of the School Code. Nobody wants that. Even school officials in your local community, your superintendents and your board members, will say that would be the worst thing we could do, because we would tie their hands. We would make it impossible for them to administer their schools, and we would effectively say that we distrust giving them any kind of discretionary authority about how they budget their moneys. And so historically this legislature has given most of the money to our school districts in lump sum through things like ESBE (equalized subsidy for basic education) and we have said, you as superintendents and school board members decide how you can best administer those dollars. In doing that, we have left ourselves vulnerable to the argument that we have mandates that we do not fund, but that ignores the fact that we provide billions of dollars to schools that are not earmarked for specific mandates.

In response to that, Representative Gannon, through his amendment, would turn over apparently absolute or near absolute authority to school officials to decide what they want to adhere to and what they will not adhere to, and unless we give awesome authority, as he has suggested perhaps we should, to the Secretary of Education to define all these things, keep in mind just some of the matters we have just discussed, programs and protections that we have provided in the law that would be placed at risk: programs for gifted and talented students; requirements about certain class sizes for special ed students; requirements that there be class aides in certain special education classrooms; requirements that school districts offer to all kids certain courses — language courses, English courses, math courses, social studies courses. Those are all mandates, and there is not a specific pot of money that we provide for those mandates.

The very existence of a school board, which costs money, because they spend money to meet, they spend money to join the Pennsylvania School Boards Association, they spend money to go to conferences, and I think they should, all are unfunded mandates because we tell them to form a school board and we give them certain responsibilities, but we do not have a special pot of money.

Practically everything a district does is a mandate. The existence of the district is a mandate. We mandate it in our

State law. Mr. Gannon's amendment is faulty in that it is so broad sweeping, it treats everything in the School Code as a mandate and it says that for everything in the School Code, unless the Secretary of Education intervenes, everything in the School Code will be subject to the discretionary authority of a local board. Not even our local school boards have asked for that kind of broad authority. They have not asked that we do anything like this where retroactively we go back and undo the whole body of law that exists in this Commonwealth that has shaped our school systems and our school districts.

Mr. Speaker, I urge that we defeat this amendment.

The SPEAKER. On the Gannon amendment, the gentleman, Mr. Stairs, is recognized.

Mr. STAIRS. Thank you, Mr. Speaker.

May I ask the sponsor of the amendment to stand so I could ask him a few questions?

The SPEAKER. Will the gentleman, Mr. Gannon, respond to the gentleman, Mr. Stairs? He indicates he will.

Mr. STAIRS. Thank you, Mr. Speaker.

I would like to ask the sponsor of the amendment, in section (c) at the bottom of the page he specifically mentions four or five lines of different programs or different mandates that this does not pertain to, and many mandates are listed. The question to him would be, what mandates is he referring to, since he is exempting a number of mandates that we have here, which mandates in particular is he addressing or which ones is he trying to point out to us?

Mr. GANNON. Mr. Speaker, do you mean what is being excluded in the amendment?

Mr. STAIRS. My question to you, Mr. Speaker, is, which mandates are you trying to exclude from the State to place upon our school districts? You have many exceptions. Which ones do you want to exclude?

Mr. GANNON. Okay. Examples of mandates which would still be required would include pupil transportation, collective-bargaining contracts, federally funded mandates—those that are required by Federal law or require Federal funding—the duty for a free public education for our children, and those mandates that would be de minimis, like fire drills.

Mr. STAIRS. I understand what you are saying, Mr. Speaker, but maybe you do not understand my question. You are listing that these certain things will be exempt, that you do not want them to be included, but what are some mandates that you believe are being imposed upon school districts that would no longer be imposed upon school districts?

Mr. GANNON. Do you mean those mandates that a school board can opt out of?

Mr. STAIRS. Yes, Mr. Speaker.

Mr. GANNON. Well, the head of the list is OBE. Certain counseling services and certain education extension requirements.

Now, Mr. Speaker, this amendment does not say that these mandates are no longer in place; they simply put them on hold until we fund them. Once the legislature in its wisdom decides to pay for what it requires the school districts to do, then these

mandates go back into place. This amendment simply says that if this mandate is required, then the State should pay for it.

And, Mr. Speaker, it is a two-step process. This is not a blank check to the school districts. It has to go through the Secretary of Education, who would have to publish in the Pennsylvania Bulletin those mandates which are not funded, and then at that point the school districts can then, by a vote of the school board, decide whether or not they are going to continue those mandates that the Secretary of Education has certified as being unfunded.

Mr. STAIRS. I take it, Mr. Speaker, that you are saying that the Secretary of Education would determine which mandates would or would not be imposed upon our school students in our school districts.

Mr. GANNON. Yes. And, Mr. Speaker, I recognize that the Commonwealth of Pennsylvania provides funds to the school districts in a lump sum that pays for any number of programs. Some of them are very important to the education of our children, and the Secretary of Education could recognize that fact and he could publish in the Pennsylvania Bulletin those programs that are in place, mandated by this legislature but not funded, and at that point the burden now shifts to the local elected school board to determine which mandates they will continue in place. Once the funds are put in place, once the chairman of the Education Committee of the House, who feels very strongly about this, decides to come up with the money to pay for it, then the school board would then be required to put the program in place, because now they are getting the money to pay for it from Harrisburg.

Mr. STAIRS. Thank you for those remarks, and I would conclude my interrogation and ask the Speaker if I could speak on the amendment.

With that approval, I will speak on the amendment. Thank you, Mr. Speaker.

I certainly appreciate your position on this, Mr. Speaker, and of course, I agree with you that we have to address these unfunded mandates. So I can agree with your philosophy, but I must say that I do oppose your amendment. The fact is, we are allowing the Secretary of Education, we are allowing a bureaucrat, to decide what are going to be unfunded mandates upon our school districts. I feel that the correct way to resolve this problem, which you address and I can agree to, is the procedure that we are now doing at this present time.

The School Boards Association has been circulating many bills, a number of bills in the House and the Senate, and they are addressing particular mandates that they feel are offensive and that are not in the best interests of our school districts, and they are, of course, circulating them and they are going to address them that way. So I feel the best way to address this problem, rather than to be vague, relying on a Secretary who may or may not come up with these recommendations, is to do it legislatively.

The bills have been circulated, some have been introduced, and the Education Committee can address each particular piece of legislation. We know specifically what we are talking about, and there is nothing ambiguous and vague here if we really get

down to the point. And if our school districts, if our taxpayers and our citizens tell us that they do not want this, we do not need this, we can address this through the legislative process and get rid of these unfunded mandates that we feel are oppressive to our school districts.

So I can certainly agree with your point of view, but I do not particularly care for the way you are going about it. So I would ask that we would oppose this amendment, although we would address this situation at hand through the legislative process. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cowell for the second time.

Mr. COWELL. Mr. Speaker, just two quick points.

Once again, the maker of the amendment has emphasized it will be up to the Secretary of Education to determine which laws of the Commonwealth will actually be enforced. We get to pass the laws, but under his system, the Secretary of Education will decide what is enforced.

Secondly and finally, Mr. Speaker, every time any of us speaks here and somebody wants to interrogate you, you hope someone will throw you a nice, big, fat softball you can knock out of the park. Representative Stairs just threw to the maker of the amendment a big, fat softball. He said, after all that discussion about what is excluded, give me an example of a mandate you want to get rid of. After all this discussion and all the thought, presumably, that went into this amendment, the maker of the amendment could not think of a single mandate for example that he wanted to get rid of.

Enough said, Mr. Speaker. Let us defeat this awful amendment.

The SPEAKER. Mr. Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the discussion that has gone on for many, many minutes and probably into an hour now I think illustrates why this amendment is necessary, because here on the floor of this House here in this legislature where we pass mandates, we cannot agree on what should be done. We say that we want this done at this time; this done at that time. We have mandates that we do not even know about, and yet we continue to roll them out and to not fund them so that the school district has to pick up the cost.

Mr. Speaker, one of the previous speakers talked about all the horrible things that would happen if in fact these mandates were taken off, and yet we have a system that runs parallel to our public education system, that of the private education system, which does not have these mandates, which is not straddled and is not strapped and held down and the initiative denied to the teachers and the administration, and it turns out kids that equal the kids from the public school.

I had a public school education, but there are a number of legislators here that went to private schools or parochial schools. They did not have these mandates, yet they not only survived but they did real well.

Mr. Speaker, what we have done is created a monster in the public school system by putting in these expensive mandates that have driven the cost of education up. This

amendment that is being offered tonight offers us an opportunity to level that playing field and to do something positive about reforming our educational-financial aspect of the schools that we have, and I ask you to support this amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Gannon is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of misunderstanding and misinterpretation of what this amendment does and does not do.

This legislation does not say these mandates go away or that they do not exist anymore. It simply says that it is time for this Commonwealth to put up or shut up. We have imposed requirement upon requirement on the taxpayers of Pennsylvania and we have told them that they are going to pay for it directly out of their pockets through their property taxes, and that means those senior citizens, those working people, those unemployed who simply are living on unemployment compensation or welfare, we are saying, dig deeper, dig up those property tax dollars, and pay for this State requirement. It is time to put a stop to that kind of nonsense.

Mr. Cowell says that this will undo what we have done in the past, and he is absolutely right. The intention here is to undo that tax burden that we have put on those property owners in the Commonwealth of Pennsylvania.

Most importantly, Mr. Speaker, this amendment does not add any additional powers to the Secretary of Education. This does not give him the discretion to add any additional programs, to add one additional word to the regulations or the requirements. But somebody who has that power to determine what the school budgets are going to be for this Commonwealth has to be able to give some guidelines to those school districts, and I think it is best for those who are the professionals in this business to give those guidelines, and that professional is in the Secretary of Education and his department and his advisers. Those folks are far better capable of telling the school districts what part of those mandates is being paid for and what is not, and that is through publication in the Pennsylvania Bulletin. This does not give one additional power to the Secretary of Education.

The bottom line is, we have finally got to realize that enough is enough, and we are going to put these requirements on the taxpayers. We better say, look; we are going to stop. We are going to say, yes, it is a great idea; we really like it, and better yet, we are going to come up with the money to pay for it, not you.

I ask for a "yes" vote on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—91

Adolph	Fichter	Maitland	Ryan
Allen	Fleagle	Markosek	Sather
Argall	Flick	Marsico	Saurman

Armstrong	Gannon	Masland	Saylor
Baker	Geist	Mayernik	Scheetz
Barley	Gerlach	Merry	Schuler
Birmelin	Gladeck	Micozzie	Semmel
Brown	Godshall	Miller	Serafini
Bunt	Harley	Nailor	Smith, B.
Cessar	Hasay	Nickol	Smith, S. H.
Chadwick	Heckler	Nyce	Snyder, D. W.
Civora	Hennessey	O'Brien	Steil
Clark	Herman	Perzel	Stern
Clymer	Hershey	Pettit	Strittmatter
Cohen, L. I.	Hess	Phillips	Taylor, E. Z.
Cornell	Hutchinson	Piccola	Taylor, J.
Dent	Jadlowiec	Pitts	True
Druce	Kenney	Platts	Tulli
Durham	King	Raymond	Vance
Egolf	Laub	Reber	Waugh
Fairchild	Lawless	Reinard	Wright, M. N.
Fargo	Leh	Rohrer	Zug
Farmer	Lynch	Rubley	

NAYS—106

Acosta	Fajt	Linton	Scrimenti
Battisto	Fee	Lloyd	Staback
Belardi	Freeman	Lucyk	Stairs
Belfanti	Gamble	Manderino	Steelman
Bishop	George	McCall	Steighner
Blaum	Gigliotti	McGeehan	Stetler
Boyes	Gordner	McNally	Stish
Butkovitz	Gruitza	Melio	Sturla
Buxton	Gruppo	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Hughes	Murphy	Thomas
Carn	Itkin	Olasz	Tigue
Carone	James	Oliver	Tomlinson
Cawley	Jarolin	Pesci	Trello
Cohen, M.	Josephs	Petrarca	Trich
Colafrilla	Kaiser	Petrone	Uliana
Colaizzo	Kasunic	Pistolla	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kirkland	Richardson	Vitali
Coy	Krebs	Rieger	Williams
Curry	Kukovich	Ritter	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Yandrisevits
Dempsey	Lederer	Roebuck	Yewcic
Dermody	Lec	Rooney	
Donatucci	Lescovitz	Rudy	DeWeese,
Evans	Levdansky	Santoni	Speaker

NOT VOTING—2

Bebko-Jones	Michlovic
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EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. BAKER offered the following amendments No. A2533:

- Amend Title, page 1, line 5, by inserting after "thereto," providing for the weather emergency and school strike of 1992-1993; and
- Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1051.6. Weather Emergency and School Strike of 1992-1993.—For the school year 1992-1993, no school district of the third class located in a county of the sixth class with a market value/personal income aid ratio of eight thousand one hundred fifty-one ten-thousandths (0.8151) for the 1991-1992 school year, payable for the 1992-1993 school year, which was closed because of the weather emergency of 1993 and a strike by the employe organization and which makes a good faith effort as determined by the Secretary of Education to keep open for at least one hundred eighty (180) days of instruction shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year 1992-1993.

Amend Sec. 1, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 2. Section 1913-A(a) and (b) of the act,

Amend Sec. 2, page 9, line 28, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Matthew Baker.

Mr. BAKER. Thank you, Mr. Speaker.

This amendment attempts to compassionately assist one of the poorest school districts in the Commonwealth. Rural in nature and economically distressed, the aid ratio is in excess of .81. I ask for support of this amendment, as it would allow for the waiver of the 180-day rule due to exigent circumstances beyond the control of the school district.

This school district is now going on its third year of an unsettled teachers' contract. To make matters worse, the snowstorms of 1993 and snow accumulation in excess of 42 inches in some areas have exacerbated the school scheduling problem that now has pushed their students to the June 30 time schedule for classes.

Mr. Speaker, this amendment authorizes the Secretary of Education to waive the 180-days-of-instruction requirement specifically for the Northern Tioga School District. Such waiver would entitle the school district to receive its full share of ESBE funding for the 1992-93 school year. The money is already in the budget. Unless such a waiver is granted by the Secretary, the Northern Tioga School District stands to lose approximately \$200,000. Now, that does not seem like a lot, but to a school district that is the seventh poorest school district in the entire Commonwealth, that is a lot. They literally have walls that are crumbling. They are teaching out of a building that is condemned, and they desperately need this money. It would not provide additional money. It just merely prohibits the loss of \$200,000.

At this point, the district has no chance to complete the 180 days of instruction by June 30. The significant loss of subsidy money will further deteriorate an already economically troubled school district.

The Northern Tioga School District's 1992-93 market value/personal income aid ratio of .8151 ranks them as the seventh poorest school district in the Commonwealth. They

have a 27.1 equalized millage rate, which is the 49th highest tax effort in the Commonwealth.

It is my understanding that the Secretary of Education is not opposed to this amendment. Mr. Speaker, this is a chance for the members on both sides of the aisle to demonstrate their understanding and compassion for what I believe is the only school district in the State that missed the 180-day requirement by 5 days, at a loss of over \$200,000. I spoke with the Secretary of Education and his staff, and the Secretary, again, is not opposed to this amendment, as the budget already calls for the school district to receive its money. This amendment merely prevents the school from losing desperately needed funds.

The collective support of members on both sides of the aisle will be greatly appreciated. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cowell, on the Baker amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the amendment offered by Representative Baker is an attempt to provide some relief to the Northern Tioga School District. It is a school district that is indeed uniquely situated this year, because of a strike and because of the snowstorm that struck this State, in its inability to make up the full 180 days, despite all good-faith efforts. If we approve the Baker amendment, there will be no adverse financial effect on any other school district. It is also my understanding that the Secretary of Education has indicated agreement to this amendment.

I would urge that we approve Representative Baker's amendment.

Mr. BAKER. Thank you, Mr. Cowell.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS--193

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayermik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruppo	Micozzie	Steelman
Brown	Hanna	Mihalich	Steighner
Bunt	Harley	Miller	Steil
Butkovitz	Hasay	Mundy	Stern
Caltagirone	Heckler	Murphy	Stetler
Cappabianca	Hennessey	Nailor	Stish
Carn	Herman	Nickol	Strittmatter
Carone	Hershey	Nyce	Surra
Cessar	Hess	O'Brien	Tangretti
Chadwick	Hughes	Olasz	Taylor, E. Z.

Civera	Hutchinson	Oliver	Taylor, J.
Clark	Itkin	Perzel	Thomas
Clymer	Jadlowiec	Pesci	Tigue
Cohen, L. I.	James	Petrarca	Tomlinson
Cohen, M.	Jarolin	Petrone	Trello
Colafrilla	Josephs	Pettit	Trich
Colaizzo	Kaiser	Phillips	True
Cornell	Kasunic	Piccola	Tulli
Corrigan	Keller	Pistella	Uliana
Cowell	Kenney	Pitts	Vance
Coy	King	Platts	Van Horne
Curry	Kirkland	Preston	Veon
DeLuca	Krebs	Raymond	Vitali
Dempsey	Kukovich	Reber	Waugh
Dent	LaGrotta	Reinard	Williams
Dermody	Laub	Richardson	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker
Farmer	Lloyd	Ryan	

NAYS-5

Buxton	Daley	Gruitz	Sturla
Cawley			

NOT VOTING-1

Rieger

EXCUSED-4

Bush	Haluska	O'Donnell	Wogan
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Just a housekeeping chore.

The hour of 11 o'clock being upon us, I move that the House suspend rule 15 so we can continue in session.

The SPEAKER. Can the gentleman momentarily suspend—we do have 2 minutes—until the final passage vote is taken.

Mr. FREEMAN. Mr. Speaker, is this not the second time this evening that we have questioned the accuracy of this clock?

The SPEAKER. Just so the gentleman from Media does not question the accuracy of the clock.

Mr. FREEMAN. I will yield to the Speaker at this time.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HB 1706 CONTINUED

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—171

Acosta	Farmer	Linton	Ryan
Adolph	Fee	Lloyd	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Markosek	Saylor
Baker	Gamble	Marsico	Scheetz
Barley	Gannon	Masland	Schuler
Bebko-Jones	Geist	Mayernik	Scrimenti
Belardi	George	McCall	Semmel
Belfanti	Gerlach	McGeehan	Serafini
Birmelin	Gigliotti	McNally	Smith, B.
Blaum	Gladeck	Melio	Smith, S. H.
Boyes	Godshall	Merry	Snyder, D. W.
Brown	Gordner	Micozzie	Staback
Bunt	Gruitza	Miller	Stairs
Butkovitz	Gruppo	Murphy	Steelman
Caltagirone	Harley	Nailor	Steil
Cappabianca	Hasay	Nickol	Stern
Carn	Heckler	Nyce	Stish
Carone	Hennessey	O'Brien	Strittmatter
Cawley	Herman	Olasz	Tangretti
Cessar	Hershey	Oliver	Taylor, F. Z.
Chadwick	Hess	Perzel	Taylor, J.
Civera	Hughes	Pesci	Tigue
Clark	Hutchinson	Petrarca	Tomlinson
Clymer	Jadlowiec	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Colaella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Veon
Daley	King	Preston	Vitali
DeLuca	Kirkland	Raymond	Waugh
Dempsey	Krebs	Reber	Williams
Dent	LaGrotta	Reinard	Wozniak
Dermody	Laub	Rieger	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Fairchild	Leh	Rooney	DeWeese,
Fajt	Lescovitz	Rubley	Speaker
Fargo			

NAYS—27

Battisto	Freeman	Manderino	Stetler
Bishop	Hanna	Michlovic	Sturla
Buxton	Itkin	Mihalich	Surra
Cohen, M.	James	Mundy	Thomas
Cowell	Kukovich	Ritter	Van Horne
Curry	Levdansky	Rudy	Yandrisevits
Evans	Lucyk	Steighner	

NOT VOTING—1

Richardson

EXCUSED—4

Bush Haluska O'Donnell Wogan

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.

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Freeman, is recognized at this time.

Mr. FREEMAN. Thank you, Mr. Speaker.

I appreciate the Speaker bringing my attention to the accuracy of our timepiece here in this chamber.

I move that we suspend rule 15 so that we may continue in session.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Staback
Bishop	Gladeck	Merry	Stairs
Blaum	Godshall	Michlovic	Steelman
Boyes	Gordner	Micozzie	Steighner
Brown	Gruitza	Mihalich	Steil
Bunt	Gruppo	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Heckler	Nailor	Strittmatter
Carone	Hennessey	Nickol	Sturla
Cawley	Herman	Nyce	Surra
Cessar	Hershey	O'Brien	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colaella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali

DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dermody	LaGrotta	Richardson	Wozniak
Donatucci	Laub	Rieger	Wright, D. R.
Druce	Laughlin	Ritter	Wright, M. N.
Durham	Lederer	Roberts	Yandrisevits
Egolf	Lee	Robinson	Yewcic
Evans	Leh	Roebuck	Zug
Fairchild	Lescovitz	Rohrer	
Fajt	Levdansky	Rooney	DeWeese,
Fargo	Linton	Ryan	Speaker

NAYS—6

Dent	Lawless	Rublely	Snyder, D. W.
Hasay	Maitland		

NOT VOTING—3

Butkovitz	Cam	Rudy
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EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

SUPPLEMENTAL CALENDAR D CONTINUED

CONSIDERATION OF HB 699 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Piccola, for an explanation of the amendment.

Mr. PICCOLA. Mr. Speaker, this bill is back to the House on concurrence in Senate amendments, and it was requested that an explanation be given as to what the Senate did in HB 699.

Presently in our Judicial Code, Title 42, there is implementing legislation implementing Article V, section 18, of the Constitution, which provides for the Judicial Inquiry and Review Board. As the members of the House know, the people of Pennsylvania ratified a constitutional amendment changing Article V, section 18, in the May 18 primary, and HB 699 deletes that portion of Title 42 which would have been applicable to the Judicial Inquiry and Review Board and implements the statutory language necessary to put into effect the two-tiered system required by the constitutional amendment adopted by the people of Pennsylvania.

It also provides appropriation language which will reappropriate those funds that have been designated to go to the Judicial Inquiry and Review Board and will generally specify that approximately two-thirds of those funds will be applied to the Judicial Conduct Board, which is the investigatory board under the new constitutional amendment, and approximately one-third of those funds will be appropriated to the Court of Judicial Discipline.

I would urge that the House concur in the Senate amendments.

On the question recurring, Will the House concur in Senate amendments? The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—197

Acosta	Fargo	Lloyd	Ryan
Adolph	Farmer	Lucyk	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel
Bebko-Jones	Gannon	Mayernik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Cam	Heckler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrarca	Tomlinson
Cohen, L. I.	Jadlowiec	Petrone	Trelo
Cohen, M.	James	Pettit	Trich
Colaella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Home
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wozniak
Dent	LaGrotta	Rieger	Wright, D. R.
Dermody	Laub	Ritter	Wright, M. N.
Donatucci	Laughlin	Roberts	Yandrisevits
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Lescovitz	Rooney	DeWeese,
Fairchild	Levdansky	Rublely	Speaker
Fajt	Linton	Rudy	

NAYS—2

Leh	Saurman
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NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome the lady in the yellow outfit in the corner of the hall of the House, Dorothy A. Cooper, a guest of Representative Joe Steighner and Representative Frank LaGrotta. Welcome to the hall of the House. You got here on a good night.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS CONTINUED

The House proceeded to consideration of concurrence in Senate amendments to **HB 1416, PN 2221**, entitled:

An Act providing for the eligibility of certain persons for licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal.

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

The SPEAKER. The Democratic whip, Mark Cohen, will explain the amendment.

Mr. COHEN. Mr. Speaker, this is the bill to provide fairness to those students who were taken by surprise by the unforeseen loss of Federal recognition of their chiropractic colleges' accrediting agency. The House passed the bill unanimously last week, and the Senate passed it unanimously this week with an amendment.

The Senate amendment states that relief is to be granted only to students at a Pennsylvania college or to bona fide Pennsylvania residents of an out-of-State college. The Senate amendment makes it more clear that the bill applies only to those students who matriculated prior to June 4, 1993, and not thereafter. The Senate amendment strengthens the disclosure to be made to applicants and current students and requires the filing of signed copies of each disclosure statement by each student. Finally, the Senate amendment includes a sunset requirement for January 1, 1997, or the gaining of accreditation for each institution, whichever comes first.

This amendment was hammered out and agreed to by all interested parties prior to the Senate's adoption of it. I worked hard along with the interest groups to get this agreement.

I ask that House members vote "yes" on concurrence.

The SPEAKER. The Chair thanks the gentleman.

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

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

YEAS—198

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather

Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimanti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Cam	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Williams
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—1

Curry

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that the rules be temporarily suspended in order that SB 1052, HB 6, HB 52,

and HB 696 will go directly to the calendar when read by the clerk.

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

The following roll call was recorded:

YEAS—197

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Merry	Stairs
Brown	Gordner	Michlovic	Steelman
Bunt	Gruitza	Micozzie	Steighner
Butkovitz	Gruppo	Mihalich	Steil
Buxton	Hanna	Miller	Stern
Caltagirone	Harley	Mundy	Stetler
Cappabianca	Hasay	Murphy	Stish
Carn	Heckler	Nailor	Strittmatter
Carone	Hennessey	Nickol	Sturla
Cawley	Herman	Nyce	Surra
Cessar	Hershey	O'Brien	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colafiglia	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Preston	Van Horne
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Krebs	Reinard	Waugh
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Linton	Ryan	

NAYS—1

Platts

NOT VOTING—1

Birmelin

EXCUSED—4

Bush Haluska O'Donnell Wogan

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 SENATE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1052, PN 1524.**

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

SENATE MESSAGE

AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 6, PN 2220; HB 52, PN 2279; and HB 696, PN 2215,** with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 696, PN 2215,** entitled:

An Act amending the act of May 11, 1949 (P.L.1116, No.330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Justice and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," transferring the powers and duties of the Department of Justice to the Department of Agriculture; specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

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

The SPEAKER. The gentleman from Armstrong County, Mr. Pesci, will give an explanation on Senate amendments.

Mr. PESCI. Mr. Speaker, the amendment is on page 3, line 15. The amendment by the Senate was the date and the time of delivery that was added to the bill, sir.

The SPEAKER. The Chair thanks the gentleman.

Mr. Wright is recognized from Bucks County.

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

Could I interrogate the maker of the original bill, please?

Just for a matter of record, this particular bill mandates certain information to be required when a fuel oil delivery goes to someone's house, and it gives a whole list of various information — the address, the name, the amount of gallons, et cetera. But I just want to find out for the record, do the items listed, every individual item, have to be printed by a machine or can the various information be handwritten onto the delivery slip?

Mr. PESCI. My understanding is, the intent of the amendment is that it can be handwritten.

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

I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS--199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruzta	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Cam	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafranca	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug

Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1052, PN 1524**, entitled:

An Act reenacting and amending the act of July 8, 1986 (P. L. 408, No. 89), entitled "Health Care Cost Containment Act," changing the title; further providing for legislative policy, for the Health Care Cost Containment Council and its powers and duties for data submission and collection, for data dissemination and publication, for health care for the medically indigent, for mandated health benefits, for access to council data, for special studies and reports, for enforcement and penalties and for contracts with vendors; eliminating provisions on appropriations; providing for reporting; further providing for termination; and making editorial changes.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The gentleman, Mr. Kukovich, from Westmoreland County will explain what was done in the other chamber.

Mr. KUKOVICH. Mr. Speaker, this is the bill that will extend the sunset period beyond June 30, 1993. The only amendment that the Senate added was one that will allow the Health Care Cost Containment Council to apply for participation in the Pennsylvania employee benefit program so the employees at HC4 can purchase health and welfare benefits similar to all other Commonwealth employees. Parenthetically, this will also produce a cost saving compared with the current small group policy that the council currently purchases. I think we can safely concur in this.

The SPEAKER. The Chair thanks Mr. Kukovich.

Mr. Heckler asks us to be at ease momentarily. At the gentleman's request, we shall be at ease momentarily.

The Chair thanks Mr. Heckler.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—196

Acosta	Fargo	Lloyd	Rudy
Adolph	Farmer	Lucyk	Ryan
Allen	Fee	Lynch	Santoni
Argall	Fichter	Maitland	Sather
Armstrong	Fleagle	Manderino	Saurman
Baker	Flick	Markosek	Saylor
Barley	Freeman	Marsico	Scheetz
Battisto	Gamble	Masland	Schuler
Bebko-Jones	Gannon	Mayernik	Scrimenti
Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Heckler	Nailor	Strittmatter
Carn	Hennessey	Nickol	Sturla
Carone	Herman	Nyce	Surra
Cawley	Hershey	O'Brien	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wozniak
Dent	Laub	Rieger	Wright, D. R.
Dermody	Laughlin	Ritter	Wright, M. N.
Donatucci	Lawless	Roberts	Yandrisevits
Druce	Lederer	Robinson	Yewcic
Durham	Lee	Roebuck	Zug
Egolf	Leh	Rohrer	
Evans	Lescovitz	Rooney	DeWeese,
Fairchild	Levdansky	Rubley	Speaker
Fajt	Linton		

NAYS—3

Hasay	Serafini	Snyder, D. W.
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NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to the House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR F

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 6, PN 2220**, entitled:

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further defining "police officer" and "police department"; adding a definition; and further providing for powers and duties of the commission, for police training, for penalties and for reimbursement of training expenses.

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

The SPEAKER. The gentleman, Mr. Corrigan, will explain the Senate amendments. The gentleman, Mr. Corrigan, is recognized.

Mr. CORRIGAN. Thank you, Mr. Speaker.

Mr. Speaker, this bill provides for additional training for campus police. The amendment inserted by the Senate gives that officer a 1-year period in which to qualify for this training, and I recommend that we concur in this Senate amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson

Cohen, M.	Jarolin	Pettit	Treffo
Colafrilla	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	Truc
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 52, PN 2279**, entitled:

An Act providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty transfer tax revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, Department of Community Affairs, Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; requiring a transfer from the Realty Transfer Tax Account in the General Fund; and making an appropriation.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The gentleman, Mr. Lloyd, from Somerset will give an explanation of the amendments in the Senate.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the legislation which allocates or earmarks a portion of the State's share of the realty transfer tax for deferred maintenance projects in our State parks, the State System of Higher Education, and at our State-owned museums and historical sites.

When the bill left the House, it allocated 10 percent of the State's share. The Senate has combined into this bill portions of Key-93, and so now the bill will allocate 15 percent of the State's share of the realty transfer tax. It will also provide on the ballot this fall for a referendum question on a \$50-million bond issue, and the program would cover parks, forests, some projects locally involving rails-to-trails and open spaces through land trusts. It would provide funding for grants through the Department of Community Affairs for local indoor and outdoor recreational facilities; it would provide some funding for rehabilitation of zoos; it would also provide funding for acquisition, construction, and improvement of libraries; and it would provide some funding for Fish Commission and Game Commission properties.

Mr. Speaker, I would ask that we concur in the Senate amendments.

The SPEAKER. The Chair thanks the gentleman.

Mr. Lee is recognized.

Mr. LEE. Thank you, Mr. Speaker.

I would just rise to speak on this bill.

When this bill originally left the House, it just dealt with deferred maintenance. It now has a large bond referendum in it which we will vote on this fall, I guess, to provide for the State to buy a lot more land throughout the State or to purchase additional lands.

I intend to concur in the amendments, but I just want to point out to the folks in this chamber that the folks in my district are concerned about the State purchasing more land, either for the State forest system, the State park system, et cetera, because as many of you know, when the State purchases land, that land is taken off the tax rolls and we only get 60 cents an acre in return, so we will lose over 100— Most land up my way is taxed about \$4 or \$5 an acre, then we get 60 cents an acre, so it is a serious shortfall to our local municipalities and school boards. It is a concern that both I and Representative Hanna have, and hopefully in the near future, we can work on that and get an increase in lieu of tax amounts so folks in my area will support additional land acquisitions. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—196

Acosta	Fargo	Linton	Rublely
Adolph	Farmer	Lloyd	Rudy
Allen	Fee	Lucyk	Ryan
Argall	Fichter	Lynch	Santoni
Armstrong	Fleagle	Maitland	Sather
Baker	Flick	Manderino	Saylor
Barley	Freeman	Markosek	Scheetz
Battisto	Gamble	Marsico	Schuler
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback

Boyes	Godshall	Merry	Stairs
Brown	Gordner	Michlovic	Steelman
Bunt	Gruitza	Micozzie	Steighner
Butkovitz	Gruppo	Mihalich	Steil
Buxton	Hanna	Miller	Stern
Caltagirone	Harley	Mundy	Stetler
Cappabianca	Hasay	Murphy	Stish
Carn	Heckler	Nailor	Strittmatter
Carone	Hennessey	Nickol	Sturla
Cawley	Herman	Nyce	Surra
Cessar	Hershey	O'Brien	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tomlinson
Cohen, L. I.	Jadlowiec	Petrarca	Trello
Cohen, M.	James	Petrone	Trich
Colafrilla	Jarolin	Pettit	True
Colaizzo	Josephs	Phillips	Tulli
Cornell	Kaiser	Piccola	Uliana
Corrigan	Kasunic	Pistella	Vance
Cowell	Keller	Pitts	Van Horne
Coy	Kenney	Platts	Veon
Curry	King	Preston	Vitali
Daley	Kirkland	Raymond	Waugh
DeLuca	Krebs	Reber	Williams
Dempsey	Kukovich	Reinard	Wozniak
Dent	LaGrotta	Richardson	Wright, D. R.
Dermody	Laub	Rieger	Wright, M. N.
Donatucci	Laughlin	Ritter	Yandrisevits
Druce	Lawless	Roberts	Yewcic
Durham	Lederer	Robinson	Zug
Egolf	Lee	Roebuck	
Evans	Leh	Rohrer	DeWeese,
Fairchild	Lescovitz	Rooney	Speaker
Fajt	Levdansky		

NAYS—3

Saurman	Scrimenti	Tigue
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NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. EVANS. Mr. Speaker, I would like to call the members of the House Appropriations Committee to meet in the majority caucus room immediately for the purpose of disposing of a number of bills. Thank you.

The SPEAKER. The gentleman from Philadelphia, Mr. Evans, indicates that the House Appropriations Committee will meet at 11:25 this evening. We will be temporarily at ease, but we should be ready to commence activity at approximately 11:35.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 27, PN 476**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 687, PN 1359**.

BILLS SIGNED BY SPEAKER

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

HB 27, PN 476

An Act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension.

SB 687, PN 1359

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

SB 801, PN 864

An Act providing for the integration of educational resources of schools, colleges and businesses in this Commonwealth.

SB 864, PN 1209

An Act providing for a cause of action for damages resulting from violations of unemployment compensation and workmen's compensation laws by bidders on construction contracts.

SB 893, PN 977

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," providing for cigarette sales and licensing; and making repeals.

**THE SPEAKER PRO TEMPORE
(PHYLLIS MUNDY) PRESIDING**

BILLS REREPORTED FROM COMMITTEE

HB 956, PN 2297 (Amended)

By Rep. EVANS

An Act prohibiting discrimination against persons who use

lawful products, providing for enforcement and for penalties.

APPROPRIATIONS.

HB 1303, PN 1553 By Rep. EVANS

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for refusal, suspension or revocation of licenses.

APPROPRIATIONS.

HB 1515, PN 2296 (Amended) By Rep. EVANS

An Act providing for the assessment of real property subject to an agricultural conservation easement.

APPROPRIATIONS.

SB 263, PN 1383 By Rep. EVANS

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; providing for certain training programs; and providing for temporary above-ground refrigerated low-pressure storage regulatory authority.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1192, PN 1411 By Rep. EVANS

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1993-1994.

APPROPRIATIONS.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes Mr. Curry.

Mr. CURRY. Madam Speaker, I was away from my chair on the vote on HB 1416, and I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. Uliana.

Mr. ULIANA. Madam Speaker, this afternoon on amendment 3092 to HB 294, I inadvertently pushed the button in the affirmative. I would like to be recorded as voting in the negative. Thank you.

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

SUPPLEMENTAL CALENDAR G

BILL ON SECOND CONSIDERATION

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

SB 263, PN 1383.

SUPPLEMENTAL CALENDAR I

BILLS ON SECOND CONSIDERATION

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

HB 1515, PN 2296; and HB 1303, PN 1553.

HB 1706 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Richardson, who moves that the vote by which HB 1706, PN 1918, was passed on the 23d day of June be reconsidered.

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

The following roll call was recorded:

YEAS—196

Acosta	Fargo	Lucyk	Santoni
Adolph	Farmer	Lynch	Sather
Allen	Fee	Maitland	Saurman
Argall	Fichter	Manderino	Saylor
Armstrong	Fleagle	Markosek	Scheetz
Baker	Flick	Marsico	Schuler
Barley	Freeman	Masland	Scrimenti
Battisto	Gamble	Mayernik	Semmel
Bebko-Jones	Gannon	McCall	Serafini
Belardi	Geist	McGeehan	Smith, B.
Belfanti	George	McNally	Smith, S. H.
Birmelin	Gerlach	Melio	Snyder, D. W.
Bishop	Gigliotti	Mery	Staback
Blaum	Gladeck	Michlovic	Stairs
Boyes	Godshall	Micozzie	Steelman
Brown	Gordner	Mihalich	Steighner
Bunt	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafrilla	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Horne
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Roberts	Wright, D. R.

Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Lescovitz	Rubley	
Evans	Levdansky	Rudy	DeWeese,
Fairchild	Linton	Ryan	Speaker
Fajt	Lloyd		

NAYS--2

Leh Ritter

NOT VOTING--1

Hennessey

EXCUSED--4

Bush Haluska O'Donnell Wogan

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. On the question, Chairman Cowell is recognized.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, I do not know who asked for the reconsideration of this bill, but folks need to be reminded that this is the legislation that now includes Representative Gamble's amendment, the legislation dealing with the curriculum reforms. Apparently somebody has asked for reconsideration. That is now before us again. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS--148

Adolph	Fee	Lescovitz	Roebuck
Allen	Fichter	Lloyd	Rohrer
Argall	Fleagle	Lucyk	Rubley
Armstrong	Flick	Lynch	Ryan
Baker	Gamble	Maitland	Sather
Barley	Gannon	Markosek	Saurman
Belardi	Geist	Marsico	Saylor
Birmelin	George	Masland	Scheetz
Blaum	Gerlach	Mayermik	Schuler
Boyes	Gigliotti	McGeehan	Semmel
Brown	Gladeck	McNally	Serafini
Bunt	Godshall	Melio	Smith, B.
Caltagirone	Gordner	Merry	Smith, S. H.
Carone	Gruppo	Micozzie	Snyder, D. W.
Cessar	Harley	Miller	Stairs
Chadwick	Hasay	Murphy	Steighner
Civera	Heckler	Nailor	Steil
Clark	Hennessey	Nickol	Stern
Clymer	Herman	Nyce	Stish
Cohen, L. I.	Hershey	O'Brien	Strittmatter
Colaizzo	Hess	Olasz	Tangretti
Cornell	Hughes	Oliver	Taylor, E. Z.
Corrigan	Hutchinson	Perzel	Taylor, J.

Coy	Jadlowiec	Pesci	Tomlinson
Daley	Jarolin	Petrarca	Trello
DeLuca	Kaiser	Petrone	Trich
Dempsey	Kasunic	Pettit	True
Dont	Kenney	Phillips	Tulli
Dermody	King	Piccola	Uliana
Donatucci	Krebs	Pistella	Vance
Druce	LaGrotta	Pitts	Vitali
Durham	Laub	Platts	Waugh
Egolf	Laughlin	Raymond	Wozniak
Fairchild	Lawless	Reber	Wright, D. R.
Fajt	Lederer	Reinard	Wright, M. N.
Fargo	Lee	Rieger	Yewcic
Farmer	Leh	Roberts	Zug

NAYS--50

Battisto	Evans	McCall	Steelman
Bebko-Jones	Freeman	Michlovic	Stetler
Belfanti	Gruitza	Mihalich	Sturla
Bishop	Hanna	Mundy	Surra
Butkovitz	Itkin	Preston	Thomas
Buxton	James	Richardson	Tigue
Cappabianca	Josephs	Ritter	Van Horne
Carn	Keller	Robinson	Veon
Cawley	Kirkland	Rooney	Williams
Cohen, M.	Kukovich	Rudy	Yandrisevits
Colafella	Levdansky	Santoni	
Cowell	Linton	Scrimenti	DeWeese,
Curry	Manderino	Staback	Speaker

NOT VOTING--1

Acosta

EXCUSED--4

Bush Haluska O'Donnell Wogan

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.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Madam Speaker, I move that the rules be suspended to consider HR 154.

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

The following roll call was recorded:

YEAS--199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayermik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.

Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

RESOLUTION

The SPEAKER pro tempore. The gentleman, Mr. Kasunic, calls up HR 154, which will be read by the clerk.

The following resolution was read:

House Resolution No. 154

A RESOLUTION

Congratulating the city of Connellsville on the 200th Anniversary of its Charter.

WHEREAS, The city of Connellsville is celebrating the momentous occasion of the 200th Anniversary of its charter; and

WHEREAS, Zachariah Connell, an early settler of the region, surveyed a tract of land on the east bank of the Youghiogheny

River containing 147 acres, which he called Mud Island. This piece of land became a natural stopping place for emigrants and travelers to build rafts to float down the river. He decided that this important route to the west would be an excellent site for a city. Mr. Connell surveyed a town of 180 quarter acre lots and secured a charter on March 21, 1793, for the town which he called Connellsville; and

WHEREAS, Throughout its history, Connellsville has been blessed with a succession of civic leaders whose guidance and leadership have helped it to grow and flourish, as well as citizens whose hard work and dedication have helped it to become a vital presence in this Commonwealth. Today the community looks forward to the future with the same hope that filled the hearts of its early settlers; therefore be it

RESOLVED, That the House of Representatives congratulate the city of Connellsville upon the joyous celebration of its 200th Anniversary and offer profound best wishes for continued growth and prosperity in the years to come; and be it further

RESOLVED, That a copy of this resolution be transmitted to the city of Connellsville.

Richard A. Kasunic

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak

Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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The question was determined in the affirmative, and the resolution was adopted.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader for the purpose of suspending the rules.

Mr. ITKIN. Madam Speaker, I move that the rules of the House be suspended so that when the extract on HB 41 is read, the bill will go immediately to the calendar rather than to the Rules Committee.

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

The following roll call was recorded:

YEAS—198

Acosta	Fargo	Lloyd	Ryan
Adolph	Farmer	Lucyk	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saurman
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello

Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—1

Freeman

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 41, PN 2277**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR H

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 41, PN 2277**, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors, for appropriations and for expiration of the Pennsylvania Conservation Corps and the act; making a repeal; and making editorial changes.

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

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

Mr. LLOYD. Thank you, Madam Speaker.

This is the Pennsylvania Conservation Corps bill. The Senate made three changes. When the bill left the House, it had bracketed out references to work experience projects and it just referred to projects. The Senate restored the words "work experience."

Secondly, when the bill left the House, it had bracketed out or repealed a specific requirement that within 2 weeks all people who are members of the PCC were to be referred to the local employment office for an ability assessment. The Senate restored that language but changed the 2 weeks to 4 weeks.

And finally, when the bill left the House, it would have repealed a specific requirement that there not be a release of a crew member for more than 260 hours in a 6-month period of time for job training or adult education. The Senate restored the specific language.

Madam Speaker, I agree with the Senate changes and ask that we concur in the Senate amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Mery	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali

DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1640, PN 1862**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, imposing a surcharge to provide funding for regional poison control centers; and establishing the Poison Control Fund.

On the question,

Will the House agree to the bill on third consideration?

Mrs. TAYLOR offered the following amendments No. A3078:

Amend Sec. 1 (Sec. 807), page 2, line 11, by inserting after "section"

for certified copies of birth records

Amend Sec. 2 (Sec. 807.1), page 2, line 17, by inserting after "Fund.—"

(a)

Amend Sec. 2 (Sec. 807.1), page 2, by inserting between lines 21 and 22

(b) The Department of Health shall promulgate regulations necessary to carry out the distribution of moneys from the fund to those regional poison control centers in this Commonwealth which meet the criteria of the American Association of Poison Control Centers for designation as a regional poison control center.

(c) A regional poison control center under subsection (b) shall receive money from the fund based on the call volume or case load of the regional poison control center as compared to total call volume or case load for the Commonwealth.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Representative Taylor.

Mrs. TAYLOR. Thank you very much, Madam Speaker.

This amendment to the bill, which has been introduced to provide a dedicated funding for our three poison centers, does three things. First of all, my amendment says that the original birth certificate would be issued at no cost. There would be a fee for additional certified copies of the birth records.

Secondly, it says that the poison centers, to receive the funding, must meet the criteria of the American Association of Poison Centers in order to be designated as a regional poison center.

And thirdly, the amendment says that the funding will be distributed or based on call volume or caseload of the regional poison control centers as compared to the total call volume or caseload for the Commonwealth.

Madam Speaker, it is my understanding that the sponsor of the bill has agreed to this amendment, and I urge its adoption.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Mr. McNally.

Mr. McNALLY. Thank you, Madam Speaker.

I urge the House to adopt amendment 3078. 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—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayermik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafrella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne

Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 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—110

Acosta	Evans	Linton	Santoni
Battisto	Fajt	Lucyk	Saurman
Bebko-Jones	Farmer	Manderino	Smith, B.
Belardi	Fee	Markosek	Staback
Belfanti	Fichter	Masland	Stairs
Birmelin	Freeman	Mayermik	Steelman
Bishop	Gamble	McGeehan	Steighner
Blaum	George	McNally	Stish
Boyes	Gerlach	Melio	Sturla
Butkovitz	Gigliotti	Michlovic	Surra
Buxton	Gruitza	Mihalich	Tangretti
Caltagirone	Hennessey	Mundy	Taylor, E. Z.
Cappabianca	Hershey	Murphy	Taylor, J.
Carn	Hughes	O'Brien	Thomas
Cessar	Itkin	Olasz	Trello
Cohen, L. I.	James	Oliver	Trich
Cohen, M.	Jarolin	Pesci	Tulli
Colafrella	Josephs	Petrarca	Vance
Colaizzo	Kaiser	Petrone	Van Horne
Cornell	Keller	Pistella	Veon
Corrigan	Kirkland	Preston	Vitali
Cowell	Kukovich	Reber	Williams
Coy	LaGrotta	Richardson	Wozniak
Curry	Laub	Rieger	Wright, D. R.
Daley	Laughlin	Ritter	Yandrisevits
DeLuca	Lederer	Robinson	
Dermody	Lescovitz	Roebuck	DeWeese,
Donatucci	Levdansky	Rubley	Speaker

NAYS—89

Adolph	Gannon	Lynch	Ryan
Allen	Geist	Maitland	Sather
Argall	Gladeck	Marsico	Saylor
Armstrong	Godshall	McCall	Scheetz
Baker	Gordner	Merry	Schuler
Barley	Gruppo	Micozzie	Scrimenti
Brown	Hanna	Miller	Semmel
Bunt	Harley	Nailor	Serafini
Carone	Hasay	Nickol	Smith, S. H.
Cawley	Heckler	Nyce	Snyder, D. W.
Chadwick	Herman	Perzel	Steil
Civera	Hess	Pettit	Stern
Clark	Hutchinson	Phillips	Stetler
Clymer	Jadlowiec	Piccola	Strittmatter
Dempsey	Kasunic	Pitts	Tigue
Dent	Kenney	Platts	Tomlinson
Druce	King	Raymond	True
Durham	Krebs	Reinard	Uliana
Egolf	Lawless	Roberts	Waugh
Fairchild	Lee	Rohrer	Wright, M. N.
Fargo	Leh	Rooney	Yewcic
Fleagle	Lloyd	Rudy	Zug
Flick			

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

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The House proceeded to third consideration of **HB 292, PN 1790**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for out-of-State coverage and for notice of compensation; and further providing for group accident and sickness insurance.

On the question,
Will the House agree to the bill on third consideration?
Bill 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—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler

Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 296, PN 1792**, entitled:

An Act amending the act of May 11, 1949 (P.L.1210, No.367), referred to as the Group Life Insurance Policy Law, further providing for types of policies, for policies issued to employers or trustees of employer funds, for policies issued to creditors, for

policies issued to unions and for policies issued to trustees of joint funds; and providing for policies issued to associations.

On the question,
Will the House agree to the bill on third consideration?
Bill 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—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kennedy	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egoff	Lch	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Haluska O'Donnell Wogan

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 297, PN 1793**, entitled:

An Act amending the act of June 11, 1947 (P.L. 551, No. 247), known as The Fire, Marine and Inland Marine Rate Regulatory Act, further providing for rate filings.

On the question,
Will the House agree to the bill on third consideration?
Bill 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—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli

Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 298, PN 1794**, entitled:

An Act amending the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, further providing for rate filings.

On the question,
Will the House agree to the bill on third consideration?
Bill 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—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback

Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Callagirono	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 1268, PN 1411**, entitled:

An Act providing for the observance of April 28 of each year as Workers' Memorial Day.

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

Mr. PICCOLA offered the following amendments No. A1636:

Amend Title, page 1, line 1, by striking out "April 28 of each year as"

Amend Sec. 1, page 1, lines 8 and 9, by striking out "April 28" and inserting

the Sunday before the first Monday in September

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

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Madam Speaker.

This bill is a bill that will create a Workers' Memorial Day, ostensibly in recognition of the courage and integrity of Pennsylvania's labor force. What it does is it calls for the Governor to annually proclaim April 28 as Workers' Memorial Day.

It seems to me, Madam Speaker, that we already have a holiday nationally proclaimed in honor of not only Pennsylvania's workers but all of America's workers, and that is Labor Day. It would therefore seem to me to be appropriate that rather than create a whole new timeframe for this holiday, that we call upon the Governor to designate the Sunday before Labor Day each year as Workers' Memorial Day.

Therefore, this amendment would strike out the April 28 date and insert into it the Sunday before the first Monday in September, which, of course, is Labor Day. I think it would be appropriate that we honor workers in this fashion in our churches and synagogues and other places of worship and have the Governor make that proclamation in accordance with this particular House bill.

I urge the adoption of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Veon.

Mr. VEON. Thank you, Madam Speaker.

It is always a pleasure to work with my friend and colleague, Mr. Piccola, and I appreciate his interest in memorializing injured workers.

I would ask for opposition to the amendment. I think the gentleman, Mr. Piccola, characterized the effort a little incorrectly in saying that we desire a holiday. We do not desire a holiday; we actually desire a memorial day, a day of commemoration, and we picked April 28 in connection with the International AFL-CIO, other national workers' groups who have picked April 28 and are attempting to make a coordinated effort nationwide just to memorialize and to commemorate injured workers on that particular day all across the country.

So I would ask for a negative vote on 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-95

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Fichter, Fleagle, Flick, Gannon, Geist, Maitland, Marsico, Masland, Merry, Micozzie, Saurman, Saylor, Scheetz, Schuler, Semmel.

Table with 4 columns of names: Barley, Birmelin, Boyes, Brown, Bunt, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cornell, Dempsey, Druce, Durham, Egolf, Fairchild, Fargo, Farmer, Gerlach, Gladeck, Godshall, Gruppo, Harley, Heckler, Hennessey, Herman, Hershey, Hess, Hutchinson, Jadlowiec, Kenney, King, Laub, Lawless, Lee, Leh, Lynch, Miller, Nailor, Nickol, Nyce, O'Brien, Perzel, Pettit, Phillips, Piccola, Pitts, Platts, Raymond, Reber, Reinard, Roebuck, Rohrer, Rubley, Ryan, Sather, Smith, B., Smith, S. H., Snyder, D. W., Stairs, Steil, Stern, Strittmatter, Taylor, E. Z., Taylor, J., Tomlinson, True, Tulli, Vance, Vitali, Waugh, Williams, Wright, M. N., Zug.

NAYS-103

Table with 4 columns of names: Acosta, Battisto, Bebkco-Jones, Belardi, Belfanti, Bishop, Blaum, Butkovitz, Buxton, Caltagirone, Cappabianca, Cam, Carone, Carney, Cohen, M., Colafella, Colaizzo, Corrigan, Cowell, Coy, Curry, Dalsey, DeLuca, Dent, Dermody, Donatucci, Evans, Fajt, Fee, Freeman, Gamble, George, Gigliotti, Gordner, Gruitza, Hanna, Hasay, Hughes, Itkin, James, Jarolin, Josephs, Kaiser, Kasunic, Kirkland, Krebs, Kukovich, LaGrotta, Laughlin, Lederer, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, Manderino, Markosek, Mayernik, McCall, McGeehan, McNally, Melio, Michlovic, Mihalich, Mundy, Murphy, Olasz, Oliver, Pesci, Petrarca, Petrone, Pistella, Preston, Richardson, Rieger, Ritter, Roberts, Robinson, Rooney, Rudy, Santoni, Scrimenti, Serafini, Staback, Steelman, Steighner, Stetler, Stish, Sturla, Surra, Tangretti, Thomas, Tigue, Trello, Trich, Uliana, Van Horne, Veon, Wozniak, Wright, D. R., Yandrisevits, Yewcic, DeWeese, Speaker.

NOT VOTING-1

Keller

EXCUSED-4

Table with 4 columns of names: Bush, Haluska, O'Donnell, Wogan

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?

Mr. GLADECK offered the following amendments No. A1583:

Amend Sec. 1, page 1, line 6, by inserting before "In" (a) Establishment:--

Amend Sec. 1, page 1, by inserting between lines 11 and 12 (b) Restrictions.--

(1) No costs may be incurred with regard to the observance of Workers' Memorial Day by the Commonwealth, a political subdivision or an agency or instrumentality of either.

(2) Workers' Memorial Day shall be regarded as a secular or business day. The observance of this day may not be the subject of a collective bargaining agreement to which the Commonwealth, a political subdivision or an agency or instrumentality of either is a party.

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

The SPEAKER pro tempore. The Chair recognizes Mr. Gladeck.

Mr. GLADECK. Thank you.

Madam Speaker, my amendment is simply—I would like to say it is technical, but it is a little bit further than that—my goal is simply to insure that there are no additional costs to the State of Pennsylvania that would be able to be associated with the passage of this bill; and secondly, it would be my intent, with section (2) of the amendment, that there shall be no paid holidays that may be negotiated as part of a collective-bargaining agreement. I think it is something that puts some clarifying language into the legislation to insure I think what the original intent of the sponsor of the bill happens to be.

I would appreciate very much your positive vote on the amendment. Thank you.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, I would ask my colleagues to join with me in voting for the Gladeck amendment.

I ask for an affirmative vote.

Mr. GLADECK. This is our new spirit of cooperation.

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

The following roll call was recorded:

YEAS—182

Acosta	Fleagle	Lucyk	Ryan
Adolph	Flick	Lynch	Sather
Allen	Gamble	Maitland	Saurman
Argall	Gannon	Manderino	Saylor
Armstrong	Geist	Markosek	Scheetz
Baker	George	Marsico	Schuler
Barley	Gerlach	Masland	Scrimenti
Battisto	Gigliotti	Mayernik	Semmel
Bebko-Jones	Gladeck	McCall	Serafini
Belardi	Godshall	McNally	Smith, B.
Birmelin	Gordner	Melio	Smith, S. H.
Bishop	Gruitza	Merry	Snyder, D. W.
Blaum	Gruppo	Michlovic	Staback
Boyes	Harley	Micozzie	Stairs
Brown	Hasay	Miller	Steelman
Bunt	Heckler	Mundy	Steighner
Butkovitz	Hennessey	Murphy	Steil
Cappabianca	Herman	Nailor	Stern
Carn	Hershey	Nickol	Stetler
Carone	Hess	Nyce	Stish
Cessar	Hughes	O'Brien	Strittmatter
Chadwick	Hutchinson	Olasz	Sturla

Civera	Itkin	Oliver	Surra
Clark	Jadlowiec	Perzel	Tangretti
Clymer	James	Pesci	Taylor, E. Z.
Cohen, L. I.	Jarolin	Petrarca	Taylor, J.
Colafella	Josephs	Petrone	Thomas
Colaizzo	Kaiser	Pettit	Tigue
Cornell	Kasunic	Phillips	Tomlinson
Corrigan	Keller	Piccola	Trello
Cowell	Kenney	Pistella	Trich
Coy	King	Pitts	True
DeLuca	Kirkland	Platts	Tulli
Dempsey	Krebs	Preston	Uliana
Dent	Kukovich	Raymond	Vance
Dermody	LaGrotta	Reber	Veon
Donatucci	Laub	Reinard	Vitali
Druce	Laughlin	Richardson	Waugh
Durham	Lawless	Rieger	Williams
Egolf	Lederer	Roberts	Wright, D. R.
Evans	Lee	Robinson	Wright, M. N.
Fairchild	Leh	Roeback	Yandrisevits
Fargo	Lescovitz	Rohrer	Zug
Farmer	Levdansky	Rooney	
Fee	Linton	Rubley	DeWeese,
Fichter	Lloyd	Rudy	Speaker

NAYS—16

Belfanti	Cohen, M.	Freeman	Ritter
Buxton	Curry	Hanna	Santoni
Caltagirone	Daley	McGeehan	Van Horne
Cawley	Fajt	Mihalich	Yewcic

NOT VOTING—1

Wozniak

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 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?

On the question, the Chair recognizes Mr. Veon.
Mr. VEON. Thank you, Madam Speaker.

I just wanted to ask if my good friend and colleague, Mr. Gladeck, might be able to reciprocate our effort and join me in memorializing workers on April 28.

Mr. GLADECK. I would be delighted to urge the ladies and gentlemen of the House to support this legislation. Thank you.

Mr. VEON. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlemen.

On the question recurring,
Shall the bill pass finally?

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

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Cam	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tighe
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 1356, PN 2058**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for hearing impairment devices.

On the question,

Will the House agree to the bill on third consideration?

Mr. GORDNER offered the following amendments No. A2917:

Amend Title, page 1, line 2, by removing the period after "devices" and inserting

; and providing for increased penalties for multiple convictions for driving under influence of alcohol or controlled substance.

Amend Bill, page 2, by inserting between lines 10 and 11

Section 2. Section 3731(e)(1) of Title 75 is amended to read:

§ 3731. Driving under influence of alcohol or controlled substance.

* * *

(e) Penalty.—

(1) Any person violating any of the provisions of this section is guilty of a misdemeanor of the second degree, except that a person convicted of a fourth or subsequent offense is guilty of a misdemeanor of the first degree, and the sentencing court shall order the person to pay a fine of not less than \$300 and serve a minimum term of imprisonment of:

(i) Not less than 48 consecutive hours.

(ii) Not less than 30 days if the person has previously accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition, been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act (42 Pa.C.S. § 6301 et seq.) based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iii) Not less than 90 days if the person has twice previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iv) Not less than one year if the person has three times previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

* * *

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

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Gordner.

Mr. GORDNER. Thank you, Madam Speaker.

I join with my colleague, Representative Masland, in presenting this amendment.

Right now, in regard to the driving-under-the-influence law, there are certain mandatory minimum provisions. For a first offense, there is a mandatory minimum of 48 hours; for a second offense, a mandatory minimum of 30 days; for a third offense, a mandatory minimum of 3 months; and for a fourth offense, a mandatory minimum of 1 year. What that means also is that DUI (driving under the influence) is a misdemeanor of the second degree. The maximum offense for a misdemeanor of the second degree is 1 to 2 years. Under our mandatory minimum, if you have a fourth or subsequent offense, the mandatory minimum is 1 to 2 years. So let me repeat that again: For a fourth or subsequent offense, the mandatory minimum is 1 to 2 years; also, the maximum offense is 1 to 2 years.

As a result, what is happening is, any person that is charged with a fourth or subsequent offense is taking their case to trial because they have nothing to lose. I speak as a former criminal defense attorney and public defender. Mr. Masland will speak as a district attorney. It is a situation where I, as a P.D. (public defender) or a criminal defense attorney, could not get my client to plead guilty to an offense because, again, they have nothing to lose. The maximum offense is the minimum offense.

I was approached by a president judge of Lycoming County Court, along with the district attorney there, who requested that this legislation be introduced. Again, what is happening with this legislation is we would be increasing the penalty for a fourth or subsequent offense to a misdemeanor of the first degree so that the maximum offense for a fourth or subsequent offense would be 2 1/2 to 5 years.

Again, we are not trying to increase any mandatory minimum; we are not trying to create more jail time. We are just trying to put a situation where the minimum is not at the maximum in a case where we would waste the time of the court, waste the time of the D.A.'s (district attorney) office, and waste the time of the criminal defense attorney or public defender.

I would urge your support for this amendment.

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

Mr. MASLAND. Thank you, Madam Speaker.

Gordner and Masland probably will not go down in the halls along the same lines of Gladeck and Veon, but it is a start. We do come from different perspectives, and I think this is truly a bipartisan or even a nonpartisan amendment.

This bill does not change any mandatory sentencing for those of you who are concerned about that. It does not tie the court's hands. What it does is give the court some discretion in dealing with some serious repeat offenders. And I should point out that this is not unique, what we are doing here today. In the case of a bad check offense, if someone commits a third or subsequent offense, it changes from a summary to a misdemeanor. In the case of retail theft, if someone commits a third or subsequent offense, it changes to a felony 3.

So what we are doing here is recognizing the serious nature of this problem, and I would submit that in the case of a fourth

or subsequent DUI offense, you are dealing with somebody with a serious problem, and to give the court the opportunity to put a longer tail on the parole — instead of a 1- to 2-year sentence, a 1- to 5-year sentence — and keep that person under observation by the parole office, I think that that is truly, truly the design of this bill and will be of great benefit to all of us here in Pennsylvania.

So I urge you to make a "yes" vote on this. Again, it is nonpartisan, bipartisan, whatever you want to say. It is the start of a Gordner-Masland combination here.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Mr. McNally.

Mr. McNALLY. Madam Speaker, a point of parliamentary inquiry.

I am wondering if there is a fiscal note for this amendment.

The SPEAKER pro tempore. There is no existing fiscal note. However, the Chair would ask the gentleman, Mr. Evans, if a fiscal note is required since there appears to be no fiscal impact.

Mr. McNALLY. Madam Speaker?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. McNALLY. Clearly the intent is to create a fiscal impact since the intent is to create longer terms, or at least create the possibility of longer terms, for those convicted of a fourth or subsequent offense. Clearly there would be a fiscal impact on counties.

The SPEAKER pro tempore. If Mr. McNally would please restate his question, Mr. Evans has arrived on the floor. If the gentleman would please restate his question for Mr. Evans.

Mr. McNALLY. Would it not be true that this amendment, which would create the possibility of longer maximum terms for fourth and subsequent offenses of driving under the influence of alcohol or controlled substances, would in fact result in or would have a potential fiscal impact on counties and the State due to higher expenses for incarceration and parole and probation?

The SPEAKER pro tempore. The House will be at ease for a second.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The amendment and the bill will go over temporarily.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
June 23, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 22, 1993, unless sooner recalled by the President of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 28, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of June 28, 1993, it reconvene on Monday, September 27, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of September 27, 1993, it reconvene on Monday, October 4, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 4, 1993, it reconvene on Tuesday, October 12, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 12, 1993, it reconvene on Monday, November 22, 1993, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

**THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING**

The SPEAKER. Does Mr. Ryan wish recognition?

Mr. RYAN. Mr. Speaker, it was my understanding—and I am not here quarreling with it; I am simply trying to understand exactly what we are doing—it was my understanding that on the declaration of the adjournment this week, that we would in effect be adjourning for the summer. Earlier this week and in the past few weeks I was under the impression we would be in session next week, and when this resolution was drafted—I am guessing—it said that we were adjourning and we would be coming back for a final adjournment or coming back in on Monday, June 28. I am curious as to whether or not it was intended that this be included in this concurrent adjournment resolution.

I sent this up to the desk, and the Parliamentarian is familiar with the question I am raising.

The SPEAKER. Does the gentleman, Mr. Itkin, care to intercede?

Mr. ITKIN. Mr. Speaker, when the consideration was given to the adjournment process, it was my feeling that it would be appropriate for the House to be in session next week. The assumption was that the Senate would stay in session through this week, through perhaps Thursday and even possibly Friday, and that we would come back on Monday—after recessing on Wednesday—come back on Monday and Tuesday and basically finish the process by acting on bills that the Senate sent us.

What happened, however, is that the Senate is not planning to open their desk next week. In view of their not opening the

desk, any bills that we would pass on concurrence in Senate amendments next week would then have no place to go. They could not go to the Governor because they had not been signed in the Senate. Consequently, in view of that, it was my intention to try to be as productive as we possibly could and therefore change gears and say that we would then work in tandem with the Senate, working through this evening in an attempt to enact as much legislation as we possibly could do before we recess for the summer.

I think that you now are part of the process, as you see here at 12:45, and I am confident that within the next hour or two we can finish our work and recess for the summer. Consequently, at this point in time it is my desire, rather than to amend the adjournment resolution and have it sent back to the Senate, that if we finish all our work this evening, to then just have Monday as a token, a nonvoting session so we meet the requirements of the concurrent resolution, and then we will be adjourning at that time until September 27, which is when we are scheduled to come back in the fall.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan.

Mr. RYAN. At such time as it is proper to speak to the resolution, I would like to be recognized.

The SPEAKER. It is proper at this time, sir.

Mr. RYAN. Mr. Speaker, it was a question, really, as to whether or not I would have an opportunity to talk to my caucus in caucus or from the floor of the House regarding this resolution. There have been any number of rumors, I will call them, over the past several hours as to just what is going on around here, and that is natural. It has been going on as long as I guess this House has been in business. As you get close to summer recess, the rumors abound, and no one really knows what is going on and all of a sudden we adjourn.

At one point I had suggested to some of my members—and I am saying this by way of explanation for a shifting of gears—I had said to our members that I thought it would be appropriate for us to resist this particular concurrent resolution for the simple reason that the Senate, in my judgment, is acting in an inappropriate fashion—if it is permitted that I pass judgment on them—inappropriate in the sense that here they are adjourning until November 22, which is—I do not know how long it is. It is certainly a long time. How long is it? Five months. That is a long time, and I thought, I should not be critical of the Senate because I do not like it when they are critical of us, and what they do over there, you know, so be it. But it does affect us. It truly affects us.

Here we are passing a resolution to come back and go back to work at the conclusion of the summer, and our majority leader and Speaker have a period of time during the summer months and our committee chairmen have a period of time during the summer months when I am sure they will have meetings, they will have hearings, they will do investigations or whatever they do during the summer months, and we will come back in September prepared to handle legislation.

It is really not going to make any difference what we are prepared to do. It is not going to make any difference what we

do, because it is going to serve no useful purpose until, really, sometime next year, because we are really not coming back until December 1, which is the Christmas season. We all know what that means. We are not going to be around here much in December. The session, for all practical purposes, is over until next year, I think as we adjourn now.

However— So I was going to oppose this, and I even went so far—and I have not done this since I was in law school many, many years ago—I even went so far as to ask somebody to look up the Constitution. You thought I was going to say I looked it up myself. I did not. But I asked someone to look up the Constitution, and Don Snyder was good enough to do it. I do not know that he looked up the right paragraph, but he had been to law school more recently than I and he found a paragraph in the Constitution that says how long the Senate is allowed or we are allowed to go out without permission of the other House — 3 days. I always thought it was 5 days. Maybe they have amended the Constitution since the one that Mr. Snyder read. And if we did not give permission, well, then they were in big trouble, but it did not say what happened if, you know, they just stayed away. I do not know what happens. Maybe they do not get per diems or something. But the fact remains that we could cause some havoc. However, again we are letting the Senate control our lives, and that is not really right either.

The majority leader—I am going to say this; I will probably bite my tongue at a later date and say that I never said it—has been very fair with his treatment of me over the past several months, I think—not with respect to the budget though—and I appreciate it. Woody Kozloff, who is his very able assistant, has been the same way. And he said, you know, you can create some havoc tonight. I know it. I can count; he can count. He had his shoes and socks off, but he can count. And he agreed that I probably won tonight. But I can count. I had my shoes and socks off and I can count and I was going to lose on Monday; he was going to bring us all back here on Monday, and we were going to come back here and we were going to pass an adjournment resolution on Monday. So that being the case, I see no useful purpose served in just trying to prove a point by winning a battle and losing a war; winning a battle tonight of “we have more guys than you have tonight” and then getting our brains beat out on Monday, because I do not think I would have many converts on Monday.

That being the case, I have explained what I was going to do in caucus; you do not have to listen to me now. You do what you want to do, of course, but that is what I think we are faced with. We are faced with coming back here on Monday and having it happen to us, so we might as well do it to ourselves. Thank you.

Mr. ITKIN. Mr. Speaker?

The SPEAKER. Mr. Itkin.

Mr. ITKIN. I would just like to thank the Republican floor leader for his cooperation. I think that is why we are doing so well compared to the other body.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—104

Barley	Fajt	Lucyk	Rudy
Battisto	Fargo	Manderino	Ryan
Bebko-Jones	Fee	Markosek	Santoni
Belardi	Freeman	Masland	Scrimanti
Belfanti	Gamble	McCall	Serafini
Birmelin	Geist	McGeehan	Smith, B.
Bishop	George	McNally	Staback
Blaum	Gigliotti	Melio	Steelman
Butkovitz	Gordner	Michlovic	Steighner
Caltagirone	Gruitza	Mihalich	Stetler
Cappabianca	Hanna	Mundy	Stish
Carone	Hughes	Murphy	Sturla
Cawley	Itkin	Olasz	Surra
Cohen, L. I.	Jarolin	Oliver	Tangretti
Cohen, M.	Josephs	Perzel	Tigue
Colafella	Kaiser	Pesci	Trello
Colaizzo	Kasunic	Petrarca	Trich
Cornell	Keller	Petrone	Van Horne
Corrigan	Krebs	Pettit	Veon
Cowell	Kukovich	Piccola	Wozniak
Coy	LaGrotta	Pistella	Wright, D. R.
Curry	Laughlin	Preston	Yewcic
Daley	Lederer	Rieger	Zug
DeLuca	Lee	Ritter	
Dermody	Lescovitz	Roberts	DeWeese,
Donatucci	Levdansky	Robinson	Speaker
Evans	Lloyd		

NAYS—85

Adolph	Fleagle	Lynch	Saurman
Allen	Flick	Maitland	Saylor
Argall	Gannon	Marsico	Scheetz
Armstrong	Gerlach	Mayernik	Schuler
Baker	Gladeck	Merry	Semmel
Boyes	Godshall	Micozzie	Smith, S. H.
Brown	Gruppo	Miller	Snyder, D. W.
Bunt	Harley	Nailor	Stairs
Buxton	Hasay	Nickol	Steil
Cessar	Heckler	Nyce	Stern
Chadwick	Hennessey	O'Brien	Strittmatter
Civera	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Pitts	Taylor, J.
Clymer	Hess	Platts	Tomlinson
Dempsey	Hutchinson	Raymond	True
Dent	Jadlowiec	Reber	Tulli
Druce	Kenney	Reinard	Uliana
Durham	King	Rohrer	Vance
Egolf	Laub	Rooney	Waugh
Fairchild	Lawless	Rublely	Wright, M. N.
Farmer	Leh	Sather	Yandrisevits
Fichter			

NOT VOTING—10

Acosta	Kirkland	Roebuck	Vitali
Carr	Linton	Thomas	Williams
James	Richardson		

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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The question was determined in the affirmative, and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The Chair would like the attention of the members.

The gentleman, Mr. Lawless, the gentleman, Mr. Hess, and the gentleman, Mr. Raymond, and others have inquired to me about the traditions of the House when it comes to the dress codes of the House and the rules and regulations that are generalized, and yet accepted, by generations of members who have served in the chamber. Before all of us don further apparel, I would like to quote one of our former colleagues, Mr. Davies, when he asked Mr. Irvis, and I quote—and this will only take about 2 minutes, and I am going to take 2 minutes in 6 months for myself and for Mr. Hess and Mr. Lawless and Mr. Raymond—Mr. Davies said: Mr. Speaker, my comments of recent time concerning the decorum and the dress code of the House evidently fell on deaf ears. This week I noticed again a shirt of the mallet-and-horse variety—I guess that is a polo shirt—and several gentlemen without proper neckwear. I would ask you, Mr. Irvis, to note that and be so presumptuous as to ask those individuals and gentlemen to come properly attired for the next session.

Mr. Irvis, in his very gentlemanly way, indicated that he agreed with Mr. Davies but there were no written rules, but that many times children come to the hall of the House and that sometimes the impressions they have about this Assembly would probably be perceptions that they might carry with them through their lives.

Now, obviously some of us have undergone closer scrutiny to our rules, to our regulations, and to our traditions, and for some reason I just wanted to share with the membership tonight that in the past, members have been mildly and politely admonished for coming in as if they had just come off the jogging track. Although I have no intention of making those admonitions tonight, I wanted the historical record to reflect that I agree with Mr. Irvis and I agree with Mr. Davies. Thank you.

CONSIDERATION OF HB 1356 CONTINUED

The SPEAKER. On page 10, HB 1356, PN 2058. The gentleman, Mr. Gordner, has an amendment. The clerk has read the amendment.

Does the gentleman, Mr. Gordner, seek recognition? The gentleman indicates he does not.

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

The following roll call was recorded:

YEAS—188

Adolph	Fargo	Lynch	Santoni
Allen	Farmer	Maitland	Sather
Argall	Fee	Manderino	Saurman
Armstrong	Fichter	Markosck	Saylor
Baker	Fleagle	Marsico	Scheetz

Barley	Flick	Masland	Schuler
Battisto	Freeman	Mayernik	Scrimenti
Bebko-Jones	Gamble	McCall	Semmel
Belardi	Gannon	McGeehan	Serafini
Belfanti	Geist	McNally	Smith, B.
Birmelin	George	Melio	Smith, S. H.
Bishop	Gerlach	Merry	Snyder, D. W.
Blaum	Gigliotti	Michlovic	Staback
Boyes	Gordner	Micozzie	Stairs
Brown	Gruitza	Mihalich	Steelman
Bunt	Gruppo	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Callagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carone	Hennessey	Nyce	Strittmatter
Cawley	Herman	O'Brien	Sturla
Cessar	Hershey	Olasz	Surra
Chadwick	Hess	Oliver	Tangretti
Civera	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	Jarolin	Petrone	Tomlinson
Cohen, M.	Josephs	Pettit	Trello
Colafella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Corrigan	Kenney	Pitts	Uliana
Cowell	King	Platts	Vance
Coy	Krebs	Preston	Van Horne
Curry	Kukovich	Raymond	Veon
Daley	LaGrotta	Reber	Vitali
DeLuca	Laub	Reinard	Waugh
Dempsey	Laughlin	Rieger	Wozniak
Dent	Lawless	Ritter	Wright, D. R.
Dermody	Lederer	Roberts	Wright, M. N.
Donatucci	Lee	Robinson	Yandrisevits
Druce	Leh	Rohrer	Yewcic
Durham	Lescovitz	Rooney	Zug
Egolf	Levdansky	Rubley	
Evans	Linton	Rudy	DeWeese,
Fairchild	Lloyd	Ryan	Speaker
Fajt	Lucyk		

NAYS—0

NOT VOTING—11

Acosta	Godshall	Kirkland	Thomas
Carn	Hughes	Richardson	Williams
Gladeck	James	Roebuck	

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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?

Mr. M. N. WRIGHT offered the following amendments
No. A3069:

Amend Title, page 1, line 2, by inserting after "providing" an exemption from certain fees and
Amend Bill, page 1, lines 5 through 7, by striking out all of said lines and inserting

Section 1. Section 1902 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read: § 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

* * *

(8) Volunteer emergency service personnel who require a certified driving record for certification under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

Section 2. Section 3314 of Title 75, amended May 20, 1993 (P.L. , No.10), is amended to read:

Amend Bill, page 2, line 11, by striking out all of said line and inserting

Section 3. Section 619-A(1)(i) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed insofar as it is inconsistent with the provisions of 75 Pa.C.S. § 1902(8).

Section 4. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 3314 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Wright is recognized.

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

This amendment has been around before. It waives the fee for the certified driver's record for our volunteer rescue squads.

It passed unanimously last time, and I would appreciate an affirmative vote again. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Table listing names of members who voted YEAS, including Adolph, Allen, Argall, Armstrong, Baker, Barley, Battisto, Bebkco-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boyes, Brown, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Carone, Cawley, Cessar, Chadwick, Civera, Fargo, Farmer, Fee, Fichter, Fleagle, Flick, Freeman, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Hanna, Harley, Hasay, Heckler, Hennessey, Herman, Hershey, Hess, Lucyk, Lynch, Maitland, Manderino, Markosek, Marsico, Masland, Mayeraik, McCall, McGeehan, McNally, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Mundy, Murphy, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Pezsel, Santoni, Sather, Saurman, Saylor, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steighner, Steil, Stern, Stetler, Stish, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J.

Table listing names of members who voted NAYS, including Clark, Clymer, Cohen, L. I., Cohen, M., Colaella, Colaizzo, Cornell, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, Donatucci, Druce, Durham, Egolf, Evans, Fairchild, Fajt, Hutchinson, Itkin, Jadlowiec, Jarolin, Josephs, Kaiser, Kasunic, Keller, Kenney, King, Krebs, Kukovich, LaGrotta, Laub, Laughlin, Lawless, Lederer, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Pesci, Petrarca, Petrone, Pettit, Phillips, Piccola, Pistella, Pitts, Platts, Preston, Raymond, Reber, Reinard, Rieger, Ritter, Roberts, Robinson, Roebuck, Rohrer, Rooney, Rubley, Rudy, Ryan, Thomas, Tigie, Tomlinson, Trello, Trich, True, Tulli, Uliana, Vance, Van Home, Veon, Vitali, Waugh, Williams, Wozniak, Wright, D. R., Wright, M. N., Yandrisevits, Yewcic, Zug, DeWeese, Speaker.

NAYS—0

NOT VOTING—5

Table listing names of members who did not vote, including Acosta, Hughes, James, Kirkland, Richardson.

EXCUSED—4

Table listing names of members who were excused, including Bush, Haluska, O'Donnell, Wogan.

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Table listing names of members who voted YEAS, including Acosta, Adolph, Allen, Argall, Armstrong, Baker, Barley, Battisto, Bebkco-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boyes, Brown, Bunt, Butkovitz, Fargo, Farmer, Fee, Fichter, Fleagle, Flick, Freeman, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Lloyd, Lucyk, Lynch, Maitland, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McNally, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Ryan, Santoni, Sather, Saurman, Saylor, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steighner, Steil.

Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	Olasz	Tangretti
Chadwick	Hess	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Wozniak
Dent	Laub	Rieger	Wright, D. R.
Dermody	Laughlin	Ritter	Wright, M. N.
Donatucci	Lawless	Roberts	Yandrisevits
Druce	Lederer	Robinson	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rublely	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt	Linton		

NAYS—0

NOT VOTING—3

Hughes	Roebuck	Williams
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EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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 1767, PN 2046**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain restrictions on trucks registered in Class 10 or higher.

On the question,

Will the House agree to the bill on third consideration?

Mr. ADOLPH offered the following amendments No. A3108:

Amend Title, page 1, line 3, by removing the period after "higher" and inserting
and for speed timing devices.

Amend Bill, page 1, by inserting between lines 16 and 17 Section 2. Section 3368(c) of Title 75 is amended to read: § 3368. Speed timing devices.

* * *

(c) Mechanical, electrical and electronic devices authorized.—

(1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police.

(3) Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.

(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than [ten] five miles per hour in excess of the legal speed limit. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (3) within a school zone.

* * *

Amend Sec. 2, page 1, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Acosta	Fairchild	Lescovitz	Rudy
Adolph	Fajt	Levdansky	Santoni
Allen	Fargo	Lloyd	Sather
Argall	Farmer	Lucyk	Saurman
Armstrong	Fee	Lynch	Saylor
Baker	Fichter	Maitland	Scheetz
Barley	Fleagle	Markosek	Schuler
Battisto	Flick	Marsico	Scrimenti
Bebko-Jones	Freeman	Masland	Semmel
Belardi	Gamble	Mayernik	Serafini
Belfanti	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McNally	Staback
Blaum	Gerlach	Melio	Stairs
Boyes	Gigliotti	Merry	Steelman
Brown	Gladeck	Michlovic	Steighner
Bunt	Godshall	Micozzie	Steil
Butkovitz	Gordner	Mihalich	Stern
Buxton	Gruitza	Miller	Stetler
Caltagirone	Gruppo	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter
Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Heckler	Nyce	Tangretti
Cessar	Hennessey	O'Brien	Taylor, E. Z.
Chadwick	Herman	Olasz	Taylor, J.
Civera	Hershey	Oliver	Thomas
Clark	Hess	Pesci	Tigue
Clymer	Hutchinson	Petrarca	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich

Colafella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Cornell	Josephs	Pistella	Uliana
Corrigan	Kaiser	Pitts	Vance
Cowell	Kasunic	Platts	Van Home
Coy	Keller	Preston	Veon
Curry	Kenney	Raymond	Vitali
Daley	King	Reber	Waugh
DeLuca	Kirkland	Reinard	Wozniak
Dempsey	Krebs	Richardson	Wright, D. R.
Dent	Kukovich	Rieger	Wright, M. N.
Dermody	LaGrotta	Ritter	Yandrisevits
Donatucci	Laub	Roberts	Yewcic
Druce	Laughlin	Robinson	Zug
Durham	Lawless	Rohrer	
Egolf	Lee	Rooney	DeWeese,
Evans	Leh	Rubley	Speaker

NAYS—1

Snyder, D. W.

NOT VOTING—8

Hughes	Linton	Perzel	Ryan
Loderer	Manderino	Roebuck	Williams

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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?

Mr. M. N. WRIGHT offered the following amendments No. A3070:

Amend Title, page 1, line 2, by striking out "further providing" and inserting

further providing an exemption from certain fees and

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 1902 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read: § 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

* * *

(8) Volunteer emergency service personnel who require a certified driving record for certification under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

Section 2. Section 3311 of Title 75 is amended by adding a subsection to read:

Amend Bill, page 1, by inserting between lines 16 and 17

Section 3. Section 619-A(1)(i) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed insofar as it is inconsistent with the provisions of 75 Pa.C.S. § 1902(8).

Amend Sec. 2, page 1, line 17, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

(1) The amendments or additions of section 3311 of Title 75 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Wright.

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

This is the amendment we just passed again into another bill. It was agreed to a couple of times now, and I would appreciate an affirmative vote. Thank you.

The SPEAKER. Does Mr. Fee desire recognition? The gentleman is recognized on the Wright amendment.

Mr. FEE. Mr. Speaker, the gentleman just had this put in unanimously two bills ago. I do not know why he wants to put it into another bill, so I would recommend that we not concur in his amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Wright requests permission for the second time on the amendment.

Mr. M. N. WRIGHT. Could I speak with Mr. Fee, please?

The SPEAKER. Sidebar or interrogating? Sidebar? Please, the House will be at ease momentarily.

(Conference held.)

Mr. FEE. Mr. Speaker?

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

Mr. FEE. We have agreed to the amendment.

The SPEAKER. The Chair thanks the gentleman; commends Representative Wright.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel
Bebko-Jones	Gannon	Mayermik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Mery	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Hockler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Ikin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello

Cohen, M.	Jarolin	Pettit	Trich
Colafrella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wozniak
Dent	Laub	Rieger	Wright, D. R.
Dermody	Laughlin	Ritter	Wright, M. N.
Donatucci	Lawless	Roberts	Yandrisevits
Druce	Lederer	Robinson	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt	Linton	Ryan	

NAYS—0

NOT VOTING—2

Hughes Roebuck

EXCUSED—4

Bush Haluska O'Donnell Wogan

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter

Carone	Herrnan	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafrella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Haluska O'Donnell Wogan

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.

**RESOLUTION ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HR 106, PN 2222**, entitled:

A Concurrent Resolution urging members of the Pennsylvania Congressional delegation to meet periodically with the General Assembly regarding unfunded Federal mandates.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Representative Cappabianca is recognized. Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I would ask the House to concur in the Senate amendments, please. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS--198

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lucyk	Sather
Argall	Fichter	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Manderino	Scheetz
Barley	Freeman	Markosek	Schuler
Battisto	Gamble	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Merry	Stairs
Brown	Gordner	Michlovic	Steelman
Bunt	Gruitza	Micozzie	Steighner
Butkovitz	Gruppo	Mihalich	Steil
Buxton	Hanna	Miller	Stern
Caltagirone	Harley	Mundy	Stetler
Cappabianca	Hasay	Murphy	Stish
Carn	Heckler	Nailor	Strittmatter
Carone	Hennessey	Nickol	Surla
Cawley	Herman	Nyce	Surra
Cessar	Hershey	O'Brien	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colaella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Home
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wozniak
Dermody	Laub	Rieger	Wright, D. R.
Donatucci	Laughlin	Ritter	Wright, M. N.
Druce	Lawless	Roberts	Yandrisevits
Durham	Lederer	Robinson	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker
Fajt	Levdansky	Rudy	

NAYS--0

NOT VOTING--1

Roebuck

EXCUSED--4

Bush Haluska O'Donnell Wogan

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION

Mr. D. R. WRIGHT called up **HR 134, PN 2209**, entitled:

A Resolution honoring stepgrandparents by designating June 7 as "Stepgrandparents Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS--198

Acosta	Fargo	Lloyd	Ryan
Adolph	Farmer	Lucyk	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saurman
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Markosek	Scheetz
Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Scrimenti
Bebko-Jones	Gannon	Mayernik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Snyder, D. W.
Blaum	Gladeck	Merry	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Surla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	Olasz	Tangretti
Chadwick	Hess	Oliver	Taylor, E. Z.
Civera	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrarca	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colaella	Jarolin	Phillips	Trich
Colaizzo	Josephs	Piccola	True
Cornell	Kaiser	Pistella	Tulli
Corrigan	Kasunic	Pitts	Uliana
Cowell	Keller	Platts	Vance
Coy	Kenney	Preston	Van Home
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	DeWeese,
Fairchild	Levdansky	Rubley	Speaker
Fajt	Linton	Rudy	

NAYS--0

NOT VOTING--1

Krebs

EXCUSED—4

Bush Haluska O'Donnell Wogan

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

VOTE CORRECTION

The SPEAKER. Mr. Godshall is recognized.
Mr. GODSHALL. Thank you, Mr. Speaker.
I would like to correct the record.

On amendment 2917 to HB 1356, the Gordner amendment, my switch was inoperative. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman from Montgomery County.

RULES SUSPENDED

The SPEAKER. On page 5 of today's calendar, HB 1704, PN 2265.

The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move that the rules of the House be temporarily suspended so that Representative Levdansky's proposal can be considered at this time.

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

The following roll call was recorded:

YEAS—188

Acosta	Fargo	Lucyk	Santoni
Adolph	Farmer	Lynch	Sather
Allen	Fee	Manderino	Saurman
Argall	Fichter	Markosek	Saylor
Baker	Flick	Marsico	Schuler
Barley	Freeman	Masland	Scrimenti
Battisto	Gamble	Mayernik	Semmel
Bebko-Jones	Gannon	McCall	Serafini
Belardi	Geist	McGeehan	Smith, B.
Belfanti	George	McNally	Smith, S. H.
Birmelin	Gerlach	Melio	Snyder, D. W.
Bishop	Gigliotti	Merry	Staback
Blaum	Gladeck	Michlovic	Stairs
Boyes	Godshall	Micozzie	Steelman
Brown	Gordner	Mihalich	Steighner
Bunt	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafiglia	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli

Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Preston	Vance
Cowell	Kenney	Raymond	Van Home
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Waugh
Daley	Kukovich	Richardson	Williams
DeLuca	LaGrotta	Rieger	Wozniak
Dempsey	Laub	Ritter	Wright, D. R.
Dent	Laughlin	Roberts	Wright, M. N.
Dermody	Lawless	Roebuck	Yandrisevits
Donatucci	Lederer	Rohrer	Yewcic
Druce	Leh	Rooney	Zug
Durham	Lescovitz	Rublely	
Evans	Levdansky	Rudy	DeWeese,
Fairchild	Linton	Ryan	Speaker
Fajt	Lloyd		

NAYS—10

Armstrong	Hanna	Maitland	Robinson
Egolf	Krebs	Platts	Scheetz
Fleagle	Lee		

NOT VOTING—1

Veon

EXCUSED—4

Bush Haluska O'Donnell Wogan

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.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1704, PN 2265**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for protective material required.

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—189

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Manderino	Saurman
Baker	Flick	Markosek	Saylor
Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Scrimenti
Bebko-Jones	Gannon	Mayernik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Snyder, D. W.

Blaum	Gladeck	Merry	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Cam	Heckler	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	Olasz	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrarca	Trello
Colafrella	Jadlowiec	Petrone	Trich
Colaizzo	James	Pettit	True
Cornell	Jarolin	Phillips	Tulli
Corrigan	Josephs	Piccola	Uliana
Cowell	Kaiser	Pistella	Vance
Coy	Kasunic	Pitts	Van Horne
Curry	Keller	Preston	Veon
Daley	Kenney	Raymond	Vitali
DeLuca	King	Reber	Waugh
Dempsey	Kirkland	Reinard	Williams
Dent	Kukovich	Richardson	Wozniak
Dermody	LaGrotta	Rieger	Wright, D. R.
Donatucci	Laub	Ritter	Wright, M. N.
Druce	Laughlin	Roberts	Yandrisevits
Durham	Lawless	Robinson	Yewcic
Egolf	Lederer	Roebuck	Zug
Evans	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	DeWeese,
Fajt	Levdansky	Rubley	Speaker
Fargo	Linton	Rudy	

NAYS—8

Armstrong	Krebs	Maitland	Scheetz
Carone	Lee	Platts	Steil

NOT VOTING—2

Cohen, M.	Steelman
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EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on HB 1704 I was inadvertently voted in the affirmative. I would like to be recorded in the negative, please. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does Mr. Blaum seek to correct the record?

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, on final passage of SB 864, my switch malfunctioned. I would like to be recorded in the affirmative.

The SPEAKER. Mrs. Harley is recognized.
Mrs. HARLEY. Mr. Speaker, on HB 1640 I was recorded in the negative. I would like to be recorded in the affirmative.
The SPEAKER. The Chair thanks the lady. Her remarks will be spread across the record.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. ITKIN. Mr. Speaker, I move that the rules of the House be temporarily suspended in order that Representative Farmer's proposal, HB 1513, can be considered this evening.

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

The following roll call was recorded:

YEAS—186

Acosta	Fairchild	Levdansky	Ryan
Adolph	Fajt	Linton	Santoni
Allen	Fargo	Lloyd	Sather
Argall	Farmer	Lucyk	Saurman
Armstrong	Fec	Lynch	Saylor
Baker	Fichter	Manderino	Scheetz
Barley	Fleagle	Markosek	Schuler
Battisto	Flick	Marsico	Scrimenti
Bebko-Jones	Gamble	Maysnik	Semmel
Belardi	Gannon	McCall	Serafini
Belfanti	Geist	McGeehan	Smith, B.
Birmelin	George	McNally	Smith, S. H.
Bishop	Gerlach	Melio	Snyder, D. W.
Blaum	Gigliotti	Merry	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steighner
Bunt	Gordner	Mihalich	Steil
Butkovitz	Gruitza	Miller	Stern
Buxton	Gruppo	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Cam	Heckler	Nyce	Surra
Cawley	Hennessey	O'Brien	Tangretti
Cessar	Herman	Olasz	Taylor, E. Z.
Chadwick	Hershey	Oliver	Taylor, J.
Civera	Hess	Perzel	Thomas
Clark	Hughes	Pesci	Tomlinson
Clymer	Hutchinson	Petrarca	Trello
Cohen, L. I.	Itkin	Petrone	Trich
Cohen, M.	Jadlowiec	Pettit	True
Colafrella	James	Phillips	Tulli
Colaizzo	Jarolin	Piccola	Uliana
Cornell	Josephs	Pistella	Vance
Corrigan	Kaiser	Pitts	Van Horne
Cowell	Kasunic	Preston	Veon
Coy	Keller	Raymond	Vitali
Curry	Kenney	Reber	Waugh
Daley	King	Reinard	Williams
DeLuca	Kirkland	Richardson	Wozniak
Dempsey	Kukovich	Rieger	Wright, D. R.
Dent	LaGrotta	Ritter	Wright, M. N.
Dermody	Laub	Roberts	Yandrisevits
Donatucci	Laughlin	Roebuck	Yewcic
Druce	Lawless	Rohrer	Zug
Durham	Lederer	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker

NAYS—13

Carone	Lee	Nickol	Steelman
Freeman	Maitland	Platts	Stetler
Hanna	Masland	Robinson	Tigue
Krebs			

NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1513, PN 2213**, entitled:

An Act authorizing the release of Project 500 restrictions imposed on certain land owned by Allegheny County, in return for the imposition of Project 500 restrictions on certain land to be acquired by Allegheny County.

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

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Schoetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayermik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturta
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	Olasz	Tangretti
Chadwick	Hess	Oliver	Taylor, E. Z.
Civera	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrarca	Tigue

Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafiglia	Jarolin	Phillips	Trich
Colaizzo	Josephs	Piccola	True
Cornell	Kaiser	Pistella	Tulli
Corrigan	Kasunic	Pitts	Ujiana
Cowell	Keller	Preston	Vance
Coy	Kenney	Raymond	Van Home
Curry	King	Reber	Veon
Daley	Kirkland	Reinard	Vitali
DeLuca	Kukovich	Richardson	Waugh
Dempsey	LaGrotta	Rieger	Williams
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese, Speaker
Fajt	Linton	Ryan	
Fargo	Lloyd		

NAYS—3

Carone	Krebs	Platts
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NOT VOTING—0

EXCUSED—4

Bush	Haluska	O'Donnell	Wogan
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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.

BILL SIGNED BY SPEAKER

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

HB 41, PN 2277

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors, for appropriations and for expiration of the Pennsylvania Conservation Corps and the act; making a repeal; and making editorial changes.

FAREWELL ADDRESSES

The **SPEAKER**. The Chair would respectfully request the attention of the membership. There is a very good possibility, as we wait for the Senate to forward some additional legislation, that two of our members will not be coming back to our midst. They will be going on to other endeavors.

The Chair would like to ask David Heckler, one of our friends and colleagues, to take the microphone for a minute or two or three, and you do not have to button your shirt and fasten your tie.

Mr. **HECKLER**. Thank you, Mr. Speaker.

This is going to require me to wake up.

The SPEAKER. You will get lots of sleep on the other side of the building.

Mr. HECKLER. I am sure I will sleep soundly indeed.

It had occurred to me a little while ago that this could be my last evening here on the floor of the House. It has been a great privilege to serve with all of you who are here now and many who are no longer here. The intensity of at least some of what we do here, both in contention and in comradeship, makes for friendships and memories that are lasting. I will always carry with me memories of those I have served with here and what we have done. At times it could have been better. Hopefully it will be in the future. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The standing ovation, I think, is reflective of the comradeship and not the contention that you were referring to.

The Chair would like to momentarily reflect upon the help and intellectuality that you offered to me when I was the nonlawyer chairman of the Judiciary Committee. I was always hoping that you would have been a little bit more of a Rockefeller-wing Republican, but notwithstanding that, I wish you all the best.

Is the gentleman, Mr. Linton, in the hall of the House? Our friend and colleague, Gordon Linton, is going to the Federal administration, and tonight we would like to hear a few moments of reflections from Gordon.

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

I guess I, too, was sitting in the halls earlier and wondering whether or not this would probably be my last day here as well. Even though I am getting a chance to go on hopefully to the Federal Government, it has been very difficult thinking about separating from people that I have lived with for almost 11 years.

I value your friendship; I value your time, not just the members of the House but also the staff. I think this is a unique institution, one that we should all treasure. It is a unique opportunity that we all have an opportunity to be elected by the people in our districts to serve on their behalf.

I think, if nothing else, you should all value what you do here, and hopefully, finally the public will value what you do here. The sacrifices that you make, the time that you put in — I think only those who serve here understand that and experience that and really value that. I say to those in the public that you never really understand the amount of sacrifices that the people who are elected to office give up in trying to serve you and serve you well. I have had experience to work with most of you, and I had a chance to share in those sacrifices and those experiences, and I truly value the time that I have spent here.

I wish you all well. I wish you good luck and Godspeed. Thank you very much.

The SPEAKER. The Chair thanks the gentleman and wishes him all the best in Washington, DC.

HB 1704 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration petition from Terry Scheetz and Matthew Ryan. The gentlemen move that the vote by which HB 1704, PN 2265, was passed on the 23d day of June be reconsidered.

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

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Cam	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulfi
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Haluska O'Donnell Wogan

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL
PASSAGE POSTPONED CALENDAR**

The SPEAKER. HB 1704, PN 2265, will be placed on the final passage postponed calendar.

BILLS SIGNED BY SPEAKER

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

HB 6, PN 2220

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further defining "police officer" and "police department"; adding a definition; and further providing for powers and duties of the commission, for police training, for penalties and for reimbursement of training expenses.

HB 52, PN 2279

An Act providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty transfer tax revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, Department of Community Affairs, Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; requiring a transfer from the Realty Transfer Tax Account in the General Fund; and making an appropriation.

HB 696, PN 2215

An Act amending the act of May 11, 1949 (P.L.1116, No.330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Justice and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," transferring the powers and duties of the Department of Justice to the Department of Agriculture; specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

HB 699, PN 2216

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, implementing the constitutional amendment on judicial discipline; and further providing for Commonwealth portion of fines, etc.

HB 1416, PN 2221

An Act providing for the eligibility of certain persons for licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1882 By Representatives GEORGE, DeWEESE, SURRA, FEE, VEON, D. R. WRIGHT, MIHALICH, ARGALL, BELFANTI, VITALI, LAUGHLIN, JAROLIN, ROONEY, SCHEETZ, RUBLEY, BISHOP, CURRY, CLARK, BATTISTO, STISH, McNALLY, MELIO, FAIRCHILD and WOZNIAK

An Act providing for hazardous and residual waste minimization; establishing the Office of Waste Minimization within the Department of Environmental Resources and providing for its powers and duties, the Small Business Technical and Financial Assistance Program and the Office of Small Business Ombudsman; providing for a program for research, development and implementation of methods to reduce the output of hazardous and residual waste at the source; and establishing the Waste Minimization Advisory Board within the Department of Environmental Resources.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1883 By Representatives GIGLIOTTI, WILLIAMS, STEIGHNER, ITKIN, DeWEESE, VEON, FEE, McGEEHAN, WOZNIAK, TANGRETTI, DALEY, PRESTON, LEVDANSKY, SANTONI, RAYMOND, KELLER, KASUNIC, KENNEY, PERZEL, EVANS, BELARDI, BELFANTI, BUTKOVITZ, CALTAGIRONE, CAPPABIANCA, CARN, M. COHEN, COLAFELLA, COWELL, DeLUCA, DERMODY, HALUSKA, HUGHES, JAMES, JAROLIN, LAUGHLIN, LESCOVITZ, LUCYK, MARKOSEK, McNALLY, MELIO, MICHLOVIC, MIHALICH, MURPHY, OLASZ, OLIVER, PESCI, PETRARCA, PISTELLA, RICHARDSON, RIEGER, ROBINSON, ROEBUCK, SCRIMENTI, STISH, SURRA, THOMAS, TRICH, VAN HORNE, LaGROTTA, TIGUE, KUKOVICH, JOSEPHS, CESSAR and CORNELL

An Act authorizing limited gambling on excursion boats; imposing a tax on adjusted gross receipts from such gambling; requiring licenses; imposing fees; providing penalties for violations; establishing the Excursion Boat Gambling Proceeds Fund; and making an appropriation.

Referred to Committee on FINANCE, June 23, 1993.

No. 1884 By Representatives REBER, TIGUE, CORRIGAN, GORDNER, MASLAND, HENNESSEY, B. SMITH, WAUGH, GLADECK, PLATTS, LEH, COLAIZZO, GERLACH, FICHTER, HASAY, HARLEY, BATTISTO, TRELLO and BUNT

An Act amending the act of April 9, 1929 (P.L.177, No.175),

known as The Administrative Code of 1929, further providing for powers of the Environmental Quality Board.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1885 By Representatives VAN HORNE, EVANS, VEON, GORDNER, BAKER, YANDRISEVITS, OLASZ, DONATUCCI, FAJT, LYNCH, PISTELLA, BATTISTO, E. Z. TAYLOR, HUTCHINSON, DeLUCA, MELIO, SATHER, DURHAM, STERN, STEELMAN, GEIST, LaGROTTA and MANDERINO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for fines for handicapped parking violators.

Referred to Committee on TRANSPORTATION, June 23, 1993.

No. 1886 By Representatives VAN HORNE, DALEY, MIHALICH, DeLUCA, FAJT, BELFANTI, PISTELLA, HENNESSEY, MELIO, STERN, STEELMAN, KENNEY and LaGROTTA

An Act relating to the practice of hypnotism and hypnotherapy; providing for the licensing of hypnotists and hypnotherapists and for regulation and control in the public interest and welfare of those practicing hypnotism and hypnotherapy; imposing penalties; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, June 23, 1993.

No. 1887 By Representatives CORNELL, FICHTER, MASLAND, BISHOP, GIGLIOTTI, LAUB, TRELLO, PETTIT, MICOZZIE, DERMODY, E. Z. TAYLOR, GEIST, ADOLPH, L. I. COHEN and CIVERA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of safety helmets by pedalcycle users.

Referred to Committee on TRANSPORTATION, June 23, 1993.

No. 1888 By Representatives CORNELL, NYCE, FARGO, VAN HORNE, L. I. COHEN, HENNESSEY, BELFANTI, BUNT, HUTCHINSON, FICHTER, CLARK, SAURMAN and GEIST

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, eliminating certain requirements for notarial seals; and making a repeal.

Referred to Committee on STATE GOVERNMENT, June 23, 1993.

No. 1889 By Representatives CORNELL, BUNT, FAIRCHILD, FARGO, KENNEY, BELFANTI, J. TAYLOR, MELIO, SCHULER, TRELLO, L. I. COHEN, HENNESSEY, WOGAN, MICHLOVIC, E. Z. TAYLOR, BATTISTO, CIVERA, GLADECK and ADOLPH

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amending the definition of "crime" for purposes of crime victims' compensation.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1890 By Representatives STEIGHNER, D. R. WRIGHT, COY, B. SMITH, VEON, MASLAND, FARGO, TIGUE, TRELLO, STEELMAN, FLEAGLE, RAYMOND, YEWIC, ROBINSON, FAIRCHILD, EGOLF, SATHER, FREEMAN, BELFANTI, CARONE, JAROLIN, MAITLAND, STERN and TRICH

An Act amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, further providing for effect of condemnation on subsequent value.

Referred to Committee on LOCAL GOVERNMENT, June 23, 1993.

No. 1891 By Representatives ROEBUCK, EVANS, RIEGER, CALTAGIRONE, VEON, PRESTON, ROBINSON, JOSEPHS and STABACK

An Act amending the act of October 12, 1984 (P.L.964, No.188), referred to as the Philadelphia Quarter Sessions Clerk Fee Law, increasing fees and providing for additional fees.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1892 By Representatives MARKOSEK, HASAY, DENT, MAYERNIK, DERMODY, GIGLIOTTI, GORDNER, YANDRISEVITS, PESCI, SANTONI, VAN HORNE, MERRY, NYCE, ROONEY, LAUGHLIN, SEMMEL, COLAIZZO, CESSAR, STABACK, KENNEY, MIHALICH, E. Z. TAYLOR, HERSHEY, BAKER, KING, M. N. WRIGHT, PISTELLA, FAJT, RAYMOND, PETTIT, SATHER, BUNT, GODSHALL, CLARK, OLASZ, GEIST, PRESTON, DRUCE, McCALL, MELIO, COLAFELLA, B. SMITH, TRELLO, LEH and BELFANTI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emissions program.

Referred to Committee on TRANSPORTATION, June 23, 1993.

No. 1893 By Representatives CURRY, COWELL, ROEBUCK, KREBS, VEON, RICHARDSON, ROBINSON, JAMES, D. W. SNYDER, LAWLESS, TRELLO, LEDERER, GODSHALL, CARONE, NYCE, OLASZ, CLARK, NICKOL, SAURMAN, LEH, ROHRER, GORDNER, YEWIC, ROONEY, LaGROTTA, TANGRETTI, LAUGHLIN, MELIO, SANTONI, WILLIAMS, DeLUCA, DALEY, CALTAGIRONE, TRICH, GEORGE, RUDY and CORRIGAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, regulating psychological practice in schools; and providing a penalty.

Referred to Committee on EDUCATION, June 23, 1993.

No. 1894 By Representatives PRESTON, GORDNER, FARMER, FARGO, ARMSTRONG, HANNA, PESCI, LAUGHLIN, RAYMOND, HENNESSEY, VEON, DALEY and PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for Department of Transportation towing vehicles.

Referred to Committee on TRANSPORTATION, June 23, 1993.

No. 1895 By Representatives LESCOVITZ, STETLER, HASAY, STURLA, LAUGHLIN, COLAIZZO, WOZNIAK, MUNDY, SERAFINI, GERLACH, CESSAR, ALLEN, SEMMEL, KENNEY, COLAFELLA and DENT

An Act providing for the voluntary cleanup of abandoned industrial sites; further defining the cleanup responsibilities of innocent prospective purchasers; and further providing for grants to defray costs of comprehensive site assessments by prospective purchasers of abandoned industrial sites.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, June 23, 1993.

No. 1896 By Representatives STURLA, FAJT, VEON, STETLER, MIHALICH, COLAIZZO, TIGUE, MERRY, DENT, CLARK, HALUSKA, STISH, BUXTON, ULIANA, PRESTON, SCHULER, PETRONE, MELIO, COY, ROBINSON, BATTISTO, SATHER, STABACK, FREEMAN, PISTELLA, LAUGHLIN, TRICH, ROONEY, HARLEY, KASUNIC, PLATTS, HENNESSEY, OLASZ, KIRKLAND, SAYLOR, COLAFELLA and LEDERER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for penalties for truancy; and granting the powers of school attendance officers to State, municipal and housing authority police officers.

Referred to Committee on EDUCATION, June 23, 1993.

No. 1897 By Representative HERMAN

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, reinstating inflation dividends for eligible senior citizens.

Referred to Committee on AGING AND YOUTH, June 23, 1993.

No. 1899 By Representatives GEORGE, WOZNIAK, FEE, STEIGHNER, SURRA, COLAIZZO, GIGLIOTTI, FAJT, VAN HORNE, JAROLIN and MIHALICH

An Act providing for abandoned industrial site redevelopment, for cleanup liability and for transferability; establishing the Abandoned Industrial Site Cleanup Loan Fund; providing for economic development agency eligibility, for participation in management of property, for enforcement and for penalties.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1900 By Representatives BATTISTO, McCALL, VAN HORNE, SCHULER, D. W. SNYDER, PRESTON, TIGUE, CHADWICK, S. H. SMITH, PLATTS, MILLER, NYCE, COLAIZZO, CURRY, CLARK, BEBKO-JONES, MELIO, SEMMEL, VEON, SATHER, STABACK, BELFANTI, SANTONI, MUNDY, JAROLIN, LAUGHLIN, KASUNIC, COLAFELLA and GERLACH

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

Referred to Committee on EDUCATION, June 23, 1993.

No. 1901 By Representatives RUBLEY, PITTS, E. Z. TAYLOR, HERSHEY, FLICK, SAYLOR, GEIST, TRELLO, HENNESSEY, VITALI, GERLACH, HUTCHINSON, M. N. WRIGHT, GLADECK, MILLER, STEELMAN, S. H. SMITH, MASLAND and FICHTER

An Act establishing minimum certification requirements for individuals for operating solid waste management facilities; providing for enforcement; and imposing penalties.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1902 By Representative BUNT

An Act amending the act of May 26, 1988 (P.L.403, No.66), entitled "An act providing for certain disclosures by practitioners of the healing arts when making patient referrals; providing penalties; and conferring powers and duties on the several licensing boards in the Bureau of Professional and Occupational Affairs," providing for written fee information.

Referred to Committee on PROFESSIONAL LICENSURE, June 23, 1993.

No. 1903 By Representatives STURLA, KUKOVICH, BELARDI, VEON, STEIGHNER, BATTISTO, TOMLINSON, VAN HORNE, MIHALICH, BUNT, NYCE, MELIO, CAWLEY, STISH, BELFANTI, CURRY, STETLER, GERLACH, JAROLIN, FREEMAN and PETRONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for realty transfer tax for acquired companies.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1904 By Representatives STURLA, STETLER, KUKOVICH, THOMAS, VEON, YANDRISEVITS, DEMPSEY, KREBS, LEVDANSKY, FREEMAN, MELIO, MIHALICH, TANGRETTI, WOZNIAK, CURRY, COY, LEDERER, LAUGHLIN, BELFANTI, TRELLO, KASUNIC, J. TAYLOR, JAMES, STEIGHNER, PISTELLA, RAYMOND, JOSEPHS, STEELMAN, STISH, VAN HORNE, ROONEY, BELARDI, GERLACH,

JAROLIN, BATTISTO, CAWLEY, LINTON and PETRONE

An Act to promote the welfare of the people of this Commonwealth by rendering financial assistance to certain areas of this Commonwealth found to be distressed areas, urban areas and enterprise zones engaged in promoting the development and expansion of business, industry and commerce in the respective municipalities of the Commonwealth; providing for the creation of the State Targeted Urban Redevelopment Loan Assistance Program; conferring powers and duties on the Department of Commerce; and providing for an appropriation.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1905 By Representatives STABACK, McCALL, FEE, GODSHALL, HERSHEY, DALEY, VEON, BUXTON, TRELLO, ROONEY, VAN HORNE, JAROLIN, MARKOSEK, MELIO and KASUNIC

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" for purposes of State employees' retirement.

Referred to Committee on STATE GOVERNMENT, June 23, 1993.

No. 1906 By Representatives GODSHALL, DEMPSEY, BUSH, LAUGHLIN, LAUB, KING, EGOLF, KASUNIC and KENNEY

An Act providing for the tax exemption of institutions of purely public charity; and making repeals.

Referred to Committee on FINANCE, June 23, 1993.

No. 1907 By Representative CLYMER

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, providing for an exclusion from certain permitting requirements.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1908 By Representatives FLICK, TRELLO, SAYLOR, CARN, VEON, HANNA, EGOLF, PETTI, BAKER, MELIO, GANNON, FARGO, HENNESSEY, HERSHEY, HUTCHINSON, ROHRER, CLARK, LAUGHLIN, MERRY and GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driver improvement school.

Referred to Committee on TRANSPORTATION, June 23, 1993.

No. 1909 By Representatives VAN HORNE, PESCI, CALTAGIRONE, CAPPABIANCA, KUKOVICH, MAYERNIK, TANGRETTI, ROONEY, PRESTON, DALEY, COLAFELLA and LAUGHLIN

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for service increments to pensions of police and firefighters.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1910 By Representatives HASAY, CAWLEY, JAROLIN, LYNCH, FARGO, ROONEY, TRELLO, E. Z. TAYLOR, STABACK, TIGUE, STEELMAN, GEIST, BUNT, EGOLF and SERAFINI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for mandatory arrest in domestic violence cases.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1911 By Representatives HANNA, FLICK, DEMPSEY, CLARK, YANDRISEVITS, M. N. WRIGHT, LAWLESS, FAIRCHILD, DURHAM, RUBLEY, E. Z. TAYLOR, LAUB, SCHEETZ, HUTCHINSON, HERSHEY, SAURMAN, CARONE, LEH, FAJT, PLATTS, MELIO, ROHRER, MASLAND, RAYMOND, MAITLAND, DRUCE, VAN HORNE, GODSHALL, VANCE, NYCE and ADOLPH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for causes for suspension, the order of suspension and reinstatement of professional employees.

Referred to Committee on EDUCATION, June 23, 1993.

No. 1912 By Representatives HANNA, FLICK, DEMPSEY, CLARK, MUNDY, M. N. WRIGHT, LYNCH, FAIRCHILD, YANDRISEVITS, JAROLIN, EGOLF, NICKOL, CURRY, RUBLEY, FARGO, E. Z. TAYLOR, LAUB, SCHEETZ, HUTCHINSON, HERSHEY, KREBS, SAURMAN, MILLER, CARONE, PLATTS, HALUSKA, SATHER, STEELMAN, MELIO, ROHRER, MASLAND, MAITLAND, DRUCE and GODSHALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for granting of tenure to professional employees.

Referred to Committee on EDUCATION, June 23, 1993.

No. 1913 By Representatives PISTELLA, BELFANTI, DeLUCA, GIGLIOTTI, PETRONE, MELIO and TRELLO

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for labor disputes.

Referred to Committee on LOCAL GOVERNMENT, June 23, 1993.

No. 1914 By Representatives LESCOVITZ, MARKOSEK, FAJT, LaGROTTA, M. N. WRIGHT, COLAFELLA, CLARK, VAN HORNE, KREBS, WOZNIAC, CAPPABIANCA, D. W. SNYDER, ROONEY,

RAYMOND, DeLUCA, FAIRCHILD, KENNEY, STISH, PRESTON, GODSHALL, LEVDANSKY, ACOSTA and RUBLEY

An Act amending the act of November 26, 1978 (P.L.1309, No.317), referred to as the Public Works Contract Regulation Law, further providing for prompt payment schedules.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, June 23, 1993.

No. 1915 By Representatives STEIGHNER, TRELLO, BOYES, VEON, DURHAM, FARGO, NICKOL, PRESTON, COLAFELLA, ROHRER, TIGUE and M. N. WRIGHT

An Act authorizing interexchange telecommunications carriers to itemize State gross receipts taxes; and making a repeal.

Referred to Committee on FINANCE, June 23, 1993.

No. 1916 By Representatives RICHARDSON, CURRY, BEBKO-JONES, PRESTON, ROBINSON, VEON, LAUGHLIN, PISTELLA and CARN

An Act establishing an urban leadership training program; providing for rules and regulations; imposing duties on the Department of Community Affairs and the Department of Education; and making an appropriation.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1917 By Representatives RICHARDSON, CURRY, BEBKO-JONES, DeWEESE, PRESTON, ROBINSON, VEON, LAUGHLIN, PISTELLA, ROONEY and CARN

An Act providing authority for urban homesteading and the procedure for establishing an urban homesteading program; expanding local government's authority in dealing with urban blight and decay; and providing exclusions from certain statutes.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1918 By Representatives RICHARDSON, CURRY, BEBKO-JONES, DeWEESE, PRESTON, ROBINSON, D. W. SNYDER, VEON, LAUGHLIN, PISTELLA, ROONEY, CARN and HENNESSEY

An Act establishing within the Department of Public Welfare the Homeless Prevention and Assistance Activities Program; providing for a voluntary contribution system for homeless prevention and assistance activities; imposing additional powers and duties on the Department of Public Welfare and the Department of Revenue; establishing the Homeless Prevention and Assistance Activities Fund; making an appropriation; and making a repeal.

Referred to Committee on HEALTH AND WELFARE, June 23, 1993.

No. 1919 By Representatives RICHARDSON,

PRESTON, BEBKO-JONES, ROBINSON, LAUGHLIN and CARN

An Act acknowledging the fundamental injustice, cruelty, brutality and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865, and in Pennsylvania during a portion of that time; establishing the African-American Reparation Study Commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans and the impact of these forces on living African-Americans; making recommendations to the General Assembly on appropriate remedies; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, June 23, 1993.

No. 1920 By Representatives WAUGH, PLATTS, CIVERA, BROWN, NICKOL, MASLAND, JAROLIN, CLARK, STERN, ZUG, FICHTER, L. I. COHEN, BAKER, HESS, PITTS, FARGO, STEIL, RAYMOND, PETTIT, ROHRER, KREBS, BARLEY, MILLER, ARMSTRONG, PHILLIPS, STETLER, VITALI, ADOLPH, FLICK, SAYLOR, SATHER, B. SMITH and VANCE

An Act amending the act of May 28, 1993 (P.L. , No.1A), known as the General Appropriation Act of 1993, decreasing the general government appropriation to the Department of Community Affairs; and increasing the appropriation to the State Fire Commissioner.

Referred to Committee on APPROPRIATIONS, June 23, 1993.

No. 1921 By Representatives J. TAYLOR, TRELLO, DEMPSEY, SATHER, FARMER, NAILOR, FAJT, ROONEY, VAN HORNE, HUTCHINSON, KENNEY, STABACK, RAYMOND, WOGAN, STERN, LEH, E. Z. TAYLOR, PERZEL, M. N. WRIGHT, O'BRIEN and TOMLINSON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "sale at retail" and defining "nonprofit association" and "sports program."

Referred to Committee on FINANCE, June 23, 1993.

No. 1922 By Representatives FAJT, FARGO, MARKOSEK, FAIRCHILD, STURLA, FARMER, DENT, FLEAGLE, MASLAND, GORDNER, McNALLY, ROBINSON, PESCI, KUKOVICH, SAYLOR, VAN HORNE, COY, DEMPSEY, STISH, ROONEY, STETLER, STAIRS, DURHAM, SEMMEL, S. H. SMITH, CLARK, NAILOR, KREBS, KASUNIC, CESSAR, PETTIT, ROBERTS, SCHEETZ, ARGALL, HERSHEY, MIHALICH, MERRY, KING, RUBLEY, SURRA, LEVDANSKY, PHILLIPS, GODSHALL, BUNT, L. I. COHEN, RAYMOND, O'BRIEN, M. N. WRIGHT, HARLEY, MILLER, STEIL, PRESTON, LYNCH, CLYMER, TULLI, STERN, OLASZ, GEIST, TRICH, TIGUE, DRUCE, ROHRER, BUXTON, McCALL, BROWN, GAMBLE,

SAURMAN, HUTCHINSON, HANNA, WOGAN,
DERMODY, ADOLPH, YEWIC, NYCE and MUNDY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the treatment of net operating losses.

Referred to Committee on FINANCE, June 23, 1993.

No. 1924 By Representatives GORDNER, COY, DeWEESE, FAIRCHILD, BAKER, SCRIMENTI, LYNCH, MELIO, STERN, STAIRS, VEON, SURRA, KASUNIC, DALEY, HANNA, KING, BATTISTO, COLAIZZO, HUTCHINSON, MILLER, STABACK, FAJT and BELFANTI

An Act establishing a rural community-based economic development program; providing for the creation of rural investment seed capital funds; providing for duties of the Department of Commerce; and making an appropriation.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, June 23, 1993.

No. 1925 By Representatives STURLA, DeWEESE, FAJT, COY, JOSEPHS, VEON, GORDNER, BUXTON, PLATTIS, MUNDY, DALEY, TRELLO, ROONEY, SANTONI, PISTELLA, HENNESSEY, BATTISTO, WILLIAMS, KASUNIC, McCALL, STABACK, MELIO, BELFANTI, STEELMAN, SAURMAN and LEDERER

An Act establishing the Substance Abuse and Chemical Dependency Assessment Program; providing for pretrial substance abuse and chemical dependency assessments for certain criminal offenders, for substance abuse treatment and for mandatory chemical testing of certain probationers and parolees; imposing duties on the Department of Health and participating counties; providing for substance abuse assessment grants and for rules and regulations; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, June 23, 1993.

No. 1926 By Representatives HECKLER, STEIL, HENNESSEY, TRUE, FICHTER, L. I. COHEN, LAUB, MELIO, CLARK, MILLER, FAJT, RAYMOND, PLATTIS, NYCE, STABACK, PETTIT and SCRIMENTI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the provision of butane to minors.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1927 By Representatives HECKLER, MASLAND and GODSHALL

An Act providing for substance-exposed infants and high-risk infant follow-up programs; imposing responsibilities on the Department of Public Welfare and counties; and providing for confidentiality of certain information.

Referred to Committee on HEALTH AND WELFARE, June 23, 1993.

No. 1928 By Representatives MELIO, DeLUCA, BELARDI, VANCE, McCALL, PETRARCA, DEMPSEY, CURRY, GEORGE, GORDNER, STISH, SATHER, KREBS, MASLAND, FLEAGLE, MAYERNIK, ROBERTS, FAJT, FAIRCHILD, SANTONI, VAN HORNE, HUTCHINSON, PRESTON, TRELLO, KASUNIC, MERRY, KENNEY, COY, STABACK, YANDRISEVITS, DENT, CARONE, TIGUE, MANDERINO, RAYMOND, BATTISTO, M. N. WRIGHT, J. TAYLOR, PLATTIS, BELFANTI, D. R. WRIGHT, VEON, CAPPABIANCA, GIGLIOTTI, MIHALICH, COLAIZZO, TANGRETTI, ITKIN, LAUGHLIN, CESSAR, M. COHEN, CORRIGAN, MUNDY, STEIGHNER, BEBKO-JONES, COLAFELLA, FEE and RUDY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for applications for assistance.

Referred to Committee on HEALTH AND WELFARE, June 23, 1993.

No. 1929 By Representatives LEE, MICHLOVIC, CURRY, PETRONE, TRELLO, S. H. SMITH, E. Z. TAYLOR, ARMSTRONG, GERLACH and HARLEY

An Act providing for State aid for medical insurance for needy individuals; establishing the Health Care Services Commission and conferring powers and duties upon it; conferring powers and duties upon the Insurance Department and the Department of Public Welfare; establishing the Health Insurance Fund and the Employer Health Incentive Fund and providing for their administration; and making a repeal.

Referred to Committee on HEALTH AND WELFARE, June 23, 1993.

No. 1930 By Representatives BUXTON, GEORGE, STISH, MIHALICH, LAUGHLIN, GORDNER, KUKOVICH, MELIO, BATTISTO, ROONEY, DeLUCA, SANTONI, VAN HORNE, COY, STABACK, ROBINSON, MANDERINO, LEVDANSKY, PISTELLA, FREEMAN, JOSEPHS, PETRARCA, VEON, BELFANTI, RAYMOND, ADOLPH and LAUB

An Act providing for the designation of certain enterprise zones as recycling manufacturing zones; providing for powers and duties of the Department of Community Affairs; and providing tax credits for investments in recycling manufacturing zones.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1931 By Representatives CALTAGIRONE and GERLACH

An Act establishing the Joint Venture Enterprise Board and providing for its powers and duties; providing for employment of inmates by private industry and for subcontracts with correctional agencies; establishing guidelines for inmate compensation; providing for location of joint ventures; and making repeals.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1932 By Representative CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending contempt of court powers to district justices and clarifying their subpoena powers.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1933 By Representatives CALTAGIRONE and MILLER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending contempt of court powers to district justices and judges of the Traffic Court of Philadelphia and clarifying their subpoena powers.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1934 By Representatives CALTAGIRONE and GERLACH

An Act amending the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, further providing for use of steel products by public agencies.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, June 23, 1993.

No. 1935 By Representatives CALTAGIRONE and MILLER

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, requiring property owners to have demolition insurance.

Referred to Committee on URBAN AFFAIRS, June 23, 1993.

No. 1936 By Representative CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting operators of repair service from charging an amount for repairs different from the required estimated amount for those repairs.

Referred to Committee on JUDICIARY, June 23, 1993.

No. 1937 By Representatives YANDRISSEVITS, KUKOVICH and FREEMAN

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for right to cancel certain agreements or contracts for the sale of residential real estate.

Referred to Committee on CONSUMER AFFAIRS, June 23, 1993.

No. 1938 By Representatives SCHEETZ, FAIRCHILD, DENT, ARMSTRONG, NICKOL, FLICK, PLATTS, BUNT, SAURMAN, TULLI, HANNA, HERMAN, LYNCH, PHILLIPS, FICHTER, HECKLER, TRELLO, MASLAND, D. W. SNYDER, HARLEY, LEE, EGOLF, KREBS, GODSHALL, LEH, ZUG, CARONE,

LAWLESS, PETTIT, HUTCHINSON, STEIL, HENNESSEY, WAUGH, TRUE, ROHRER, LAUB, BAKER, RUBLEY and TIGUE

An Act providing for a constitutional convention with limited powers; providing for a referendum on the question; providing for the selection, nomination and election of delegates; defining the powers and duties of the convention; providing for its operation; conferring powers and imposing duties on the Governor, the Secretary of the Commonwealth, officers of the General Assembly and county election boards; providing for a referendum on the convention's report; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, June 23, 1993.

No. 1939 By Representatives WOZNIAK, RAYMOND, LAUGHLIN, PESCI, TRICH, CLARK, GODSHALL, D. W. SNYDER, DeLUCA, FARGO, KREBS, S. H. SMITH, BOYES, BUXTON, SAYLOR, STERN, GRUTZA, BELFANTI and LEH

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for official plans, for permits, for powers and duties of local agencies, the Environmental Quality Board and the Department of Environmental Resources, and for hearings and appeals.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1940 By Representatives WOZNIAK, RAYMOND, BOYES, D. W. SNYDER, GRUTZA, KREBS and LEH

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for powers and duties of the Department of Environmental Resources relating to permit applications and public notice of certain actions.

Referred to Committee on CONSERVATION, June 23, 1993.

No. 1941 By Representatives TIGUE, CLARK, LAWLESS, GODSHALL, HENNESSEY, D. W. SNYDER and S. H. SMITH

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "basic contribution rate" by providing for additional employee contributions.

Referred to Committee on EDUCATION, June 23, 1993.

No. 1942 By Representatives TIGUE, FLICK, CLARK, YANDRISSEVITS and LAWLESS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for school health services; and making editorial changes.

Referred to Committee on EDUCATION, June 23, 1993.

No. 1943 By Representatives S. H. SMITH, TIGUE, FLICK, CLARK, YANDRISSEVITS, GODSHALL, D. W. SNYDER and PLATTS

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

Referred to Committee on EDUCATION, June 23, 1993.

No. 1944 By Representatives STURLA, JOSEPHS, COY, FAJT, DeWEESE, ROEBUCK, YEWIC, PESCI, KUKOVICH, SCHULER, BATHISTO, ROONEY, COLAIZZO, CLARK, MIHALICH, TIGUE, KREBS, BISHOP, STABACK, PISTELLA, HARLEY, RAYMOND, GIGLIOTTI, MILLER, MELIO, TRELLO, BELFANTI, VANCE, BAKER, STEELMAN, TOMLINSON, SCHEETZ, EGOLF, DeLUCA, BLAUM, BELARDI, CAPPABIANCA, WOZNAK and SCRIMENTI

An Act providing options for blood transfusions to persons undergoing certain medical procedures; and further providing for duties of attending physicians, duties of health care facilities, duties of blood banks, disposal of blood and payment of service fees.

Referred to Committee on HEALTH AND WELFARE, June 23, 1993.

No. 1945 By Representatives D. R. WRIGHT, S. H. SMITH, STEIGHNER, MILLER, SURRA, GEORGE, McCALI, HANNA, KASUNIC, GORDNER, FEE, BLAUM and HERSHEY

An Act amending the act of June 30, 1987 (P.L.157, No.15), known as the Rural Economic Development Program Act, further providing for rural tourism; and making an appropriation.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 23, 1993.

No. 1946 By Representatives D. R. WRIGHT, S. H. SMITH, STEIGHNER, MILLER, SURRA, GEORGE, McCALI, HANNA, KASUNIC, GORDNER, FEE, BLAUM and HERSHEY

An Act authorizing the establishment of the Pennsylvania Scenic Byways System; imposing certain duties on the Department of Community Affairs and on the Department of Transportation; and making an appropriation.

Referred to Committee on TRANSPORTATION, June 23, 1993.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 150 By Representatives RICHARDSON, TULLI, RIEGER, CURRY, BEBKO-JONES, BUXTON, PRESTON, ROBINSON, ACOSTA, STURLA, FAJT, LAUGHLIN, PISTELLA, ROONEY and CARN

A Resolution memorializing the President of the United States and Congress to appoint a national commission to investigate racism.

Referred to Committee on RULES, June 23, 1993.

No. 151 By Representatives RICHARDSON, TULLI, RIEGER, CURRY, BEBKO-JONES, BUXTON, PRESTON, ROBINSON, M. N. WRIGHT, ACOSTA, STETLER, STURLA, LAUGHLIN, PISTELLA, ROONEY, CARN, E. Z. TAYLOR and ROHRER

A Resolution providing for an investigation of the public welfare system by the Health and Welfare Committee.

Referred to Committee on RULES, June 23, 1993.

No. 152 By Representatives RICHARDSON, RIEGER, CURRY, BEBKO-JONES, BUXTON, PRESTON, ROBINSON, M. N. WRIGHT, ACOSTA, STURLA, LAUGHLIN, PISTELLA, ROONEY, CARN, E. Z. TAYLOR and COLAFELLA

A Resolution providing for a joint investigation by the Health and Welfare Committee and the Insurance Committee of health insurance rates within this Commonwealth.

Referred to Committee on RULES, June 23, 1993.

No. 153 By Representatives RICHARDSON, TULLI, RIEGER, CURRY, BEBKO-JONES, BUXTON, PRESTON, ROBINSON, ACOSTA, STURLA, LAUGHLIN, PISTELLA, ROONEY and CARN

A Concurrent Resolution establishing the Select Committee to Investigate Racism.

Referred to Committee on RULES, June 23, 1993.

SENATE BILLS FOR CONCURRENCE

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

SB 569, PN 1454

Referred to Committee on AGING and YOUTH, June 23, 1993.

SB 800, PN 863

Referred to Committee on GAME and FISHERIES, June 23, 1993.

SB 813, PN 1455

Referred to Committee on EDUCATION, June 23, 1993.

SB 863, PN 941

Referred to Committee on BUSINESS and ECONOMIC DEVELOPMENT, June 23, 1993.

SB 955, PN 1046

Referred to Committee on CONSERVATION, June 23, 1993.

SB 1126, PN 1531

Referred to Committee on BUSINESS and ECONOMIC DEVELOPMENT, June 23, 1993.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Franklin County, Representative Coy.

Mr. COY. Thank you, Mr. Speaker.

There is a need for an immediate Democratic caucus in the caucus room to consider legislation. I would hope that we could return to the floor by 2:15. So an immediate Democratic caucus in the majority caucus room. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Geist is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

I would like to call a Republican caucus before the Republicans leave the floor. We have more bills to caucus on than the telecommunications piece of legislation, so I would certainly appreciate it if all the Republicans would report to the caucus room. We should be able to conclude by 2:15, in time for the Speaker's breakfast.

The SPEAKER. The Chair thanks the gentleman from Blair County. Republican caucus immediately in the Republican caucus room.

RECESS

The SPEAKER. The House will stand in recess until 2:15.

RECESS EXTENDED

The time of recess was extended until 2:45 a.m.; further extended until 3:15 a.m.; further extended until 3:45 a.m.; further extended until 4:15 a.m.; further extended until 4:30 a.m.

AFTER RECESS

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

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

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

SB 1047, PN 1438; SB 508, PN 1518; and SB 1018, PN 1124.

HOUSE BILL**INTRODUCED AND REFERRED**

No. 1923 By Representatives FREEMAN, DURHAM, LEVDANSKY, JOSEPHS, DeWEESE, HANNA, BELFANTI, ACOSTA, PISTELLA, KENNEY, MICHLOVIC, TRICH and JAMES

An Act providing for item pricing; providing additional duties of the Department of Agriculture; providing for enforcement and civil penalties.

Referred to Committee on CONSUMER AFFAIRS, June 23, 1993.

SUNSHINE NOTICE

The SPEAKER. The clerk will please read the sunshine notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, No. 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

THURSDAY, JUNE 24, 1993 AT 4:40 A.M.

John J. Zubeck
Chief Clerk
House of Representatives

June 24, 1993

**BILLS AND RESOLUTIONS
PASSED OVER**

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that this House do now adjourn until Thursday, June 24, 1993, at 4:40 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:39 a.m., e.d.t., June 24, 1993, the House adjourned.