

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, OCTOBER 27, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 58

### HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

#### PRAYER

REV. KENNETH R. ARTHUR, Chaplain of the House of Representatives and executive director of the United Methodist Home for Children and Family Services, Inc., Mechanicsburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God, it is in Thee that we live and move and have our being. We rejoice in the knowledge of that presence among us and ask for Your guidance in the living of this day. Motivate us to highest achievement, clear our minds of the trivia that would distract us from the major decisions that must be made, and help us to enthusiastically face the challenges that confront our Commonwealth.

Please watch over our families while we are separated during the sessions, and continue to remind us of their love, Your love, and the trust that our constituents have placed in all of us. 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 Wednesday, October 22, 1997, will be postponed until printed. The Chair hears no objection.

#### JOURNALS APPROVED

The SPEAKER. Without objection, the Journals for Wednesday, April 16; Thursday, April 17; and Monday, April 28, 1997, will stand approved. The Chair hears no objection.

### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the gentleman from York, Mr. NICKOL, for the week. The Chair hears no objections. The leave will be granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests leave for the gentleman, Mr. LaGROTTA; the gentleman, Mr. ROBERTS; the gentleman, Mr. TRAVAGLIO. Without objection, leaves will be granted. The Chair hears no objections. The leaves will be granted.

#### ANNOUNCEMENT BY MR. SCRIMENTI

The SPEAKER. The gentleman, Mr. Scrimenti.

Mr. SCRIMENTI. Point of personal privilege, please.

The SPEAKER. The gentleman is in order.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

Mr. Speaker, with October being Grape Month, as we have passed this House with a resolution back on October 6, I think it is appropriate for us to celebrate, and in due course, I have brought in grapes from Erie County, Pennsylvania, specifically—

The SPEAKER. Will the gentleman yield.

The House will come to order.

Mr. Scrimenti.

Mr. SCRIMENTI. As I was saying, Mr. Speaker, I have brought in grapes from Erie County, Pennsylvania, specifically from North East, Pennsylvania, where we are in the midst of the harvest, of harvesting grapes. So I have brought in those grapes here to share with everyone and to celebrate.

The gracious donor of these fine grapes, these Concord grapes, is Mobilia Fruit Farm in North East, and we hope you will sample these grapes and enjoy that experience as well as maybe it will encourage you all to come to Erie County, Pennsylvania, to enjoy the experience of the harvest. With the smell in the air, the aroma in the air, it is positively intoxicating, and it is one that I relish year round just from that one experience.

So I thank you very much for this opportunity. I hope that members will enjoy the grapes, and I wish them the best, and may all of you have a grape day. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair notices that the gentleman, Mr. Gigliotti, has taken off his shoes and socks and he is going back to the grape bin.

Mr. SCRIMENTI. Mr. Speaker?

The SPEAKER. Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

I failed to mention that those grapes are in the members' lounge.

The SPEAKER. Would the gentleman repeat that.

Mr. SCRIMENTI. I failed to mention in my earlier announcement that those grapes are in the members' lounge for members to partake.

The SPEAKER. The Chair thanks the gentleman.

Mr. SCRIMENTI. Thank you.

### HOUSE BILLS INTRODUCED AND REFERRED

#### No. 3 By Representatives PLATTS and MASLAND

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for contributions and expenditures of political action committees.

Referred to Committee on STATE GOVERNMENT, October 23, 1997.

**No. 4** By Representatives HARHART, VEON, ALLEN, BROWNE, DALLY, DENT, GRUPPO, SEMMEL, BARLEY, CORNELL, FARGO, E. Z. TAYLOR, BARRAR, BATTISTO, BELARDI, CLYMER, COY, DEMPSEY, DeWEESE, FEESE, FICHTER, GEIST, HENNESSEY, HERMAN, KENNEY, LAUGHLIN, MAJOR, McILHATTAN, MYERS, ORIE, ROSS, RUBLEY, SAYLOR, SCHRODER, VANCE, M. N. WRIGHT, YOUNGBLOOD, ZUG, BAKER, BARD, BLAUM, HORSEY and SEYFERT

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information to consumer reporting agency, for cooperation of government and nongovernment agencies and for general administration of support matters; providing for duties of Title IV-D attorney; further providing for order of support, for mandatory inclusion of child medical support, for commencement of support actions or proceedings, for expedited procedure, for paternity, for attachment of income, for costs and fees, for continuing jurisdiction over support orders, for duty to report and for denial or suspension of licenses; providing for Title IV-D program and related matters; further providing for acknowledgment and claim of paternity, for custody and visitation awards, for continuing, exclusive jurisdiction, for recognition of child support orders, for duties of initiating tribunal, for duties and powers of responding tribunal, for inappropriate tribunal, for duties of support enforcement agency, for supervisory duty, for duties of the Department of Public Welfare and for income-withholding order of another state; providing for compliance; further providing for notice of registration order, for procedure to contest validity or enforcement of registered order and for modification of child support order of another state; providing for jurisdiction to modify child support order of another state and for notice to issuing tribunal of modification; further providing for supervisory duty; and making repeals.

Referred to Committee on JUDICIARY, October 27, 1997.

**No. 5** By Representatives TRAVAGLIO, ITKIN, BELARDI, M. COHEN, MELIO, GIGLIOTTI, LAUGHLIN, B. SMITH, TIGUE, BENNINGHOFF, C. WILLIAMS, TRELLO, DeLUCA, PISTELLA, HORSEY, YOUNGBLOOD and SAINATO

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

Referred to Committee on EDUCATION, October 27, 1997.

**No. 6** By Representatives BARD, BARRAR, SEYFERT, RUBLEY, TIGUE, ITKIN, BOSCOLA, YOUNGBLOOD, JAMES, SCRIMENTI, TRAVAGLIO, BELARDI, C. WILLIAMS, WALKO, OLASZ and THOMAS

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for notice to taxpayers.

Referred to Committee on LOCAL GOVERNMENT, October 27, 1997.

**No. 1957** By Representatives ITKIN, RUBLEY, GIGLIOTTI, MYERS, SAINATO, RAMOS, L. I. COHEN, McNAUGHTON, BELARDI, ROONEY, RIEGER, WOGAN, LAUGHLIN, WOJNAROSKI, MELIO, McCALL, LUCYK, PESCI, WALKO, ROBERTS, SCRIMENTI, BELFANTI, PRESTON, LEDERER, YOUNGBLOOD, TRAVAGLIO, STABACK, STURLA, KENNEY, TRELLO, C. WILLIAMS, BENNINGHOFF, CAPPABIANCA and DERMODY

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, authorizing retail dispenser eating place and club licensees to accept credit cards for purchases.

Referred to Committee on LIQUOR CONTROL, October 23, 1997.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 289** By Representatives DENT, D. W. SNYDER, BEBKO-JONES, BROWNE, ADOLPH, ARGALL, BARD, BELARDI, BENNINGHOFF, BISHOP, CARN, L. I. COHEN, CURRY, DALEY, DALLY, DRUCE, GEIST, HALUSKA, HENNESSEY, HERSHEY, ITKIN, JAMES, JOSEPHS, KENNEY, KIRKLAND, MELIO, MILLER, MUNDY, RAMOS, ROONEY, ROSS, RUBLEY, SAYLOR, SCHRODER, SEMMEL, STERN, STURLA, E. Z. TAYLOR, TIGUE, TRELLO, TRUE, VANCE, C. WILLIAMS and YOUNGBLOOD

A Concurrent Resolution urging the Supreme Court to establish training programs relating to domestic violence.

Referred to Committee on RULES, October 23, 1997.

### SENATE BILLS FOR CONCURRENCE

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

**SB 263, PN 313**

Referred to Committee on EDUCATION, October 23, 1997.

**SB 494, PN 1415**

Referred to Committee on EDUCATION, October 23, 1997.

**SB 771, 1346**

Referred to Committee on JUDICIARY, October 23, 1997.

**SB 981, PN 1409**

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 23, 1997.

**SENATE RESOLUTION FOR CONCURRENCE**

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

**SR 89, PN 1416**

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 23, 1997.

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take today's master roll call. The members will please take their seats. The Chair is about to take the master roll call. The members will please take their seats. The Chair apologizes to the members for the delay occasioned by a meeting with the various leaders. The members will proceed to vote.

The following roll call was recorded:

**PRESENT—198**

- |             |            |            |               |
|-------------|------------|------------|---------------|
| Adolph      | DeWeese    | Lucyk      | Saylor        |
| Allen       | DiGirolamo | Lynch      | Schroder      |
| Argall      | Donatucci  | Maher      | Schuler       |
| Armstrong   | Druce      | Maitland   | Scrimenti     |
| Baker       | Eachus     | Major      | Semmel        |
| Bard        | Egolf      | Manderino  | Serafini      |
| Barley      | Evans      | Markosek   | Seyfert       |
| Barrar      | Fairchild  | Marsico    | Shaner        |
| Battisto    | Fargo      | Masland    | Smith, B.     |
| Bebko-Jones | Feese      | Mayernik   | Smith, S. H.  |
| Belardi     | Fichter    | McCall     | Snyder, D. W. |
| Belfanti    | Fleagle    | McGeehan   | Staback       |
| Benninghoff | Flick      | McGill     | Stairs        |
| Birmelin    | Gannon     | McIlhattan | Steelman      |
| Bishop      | Geist      | McNaughton | Steil         |
| Blaum       | George     | Melio      | Stern         |
| Boscola     | Gigliotti  | Michlovic  | Stetler       |
| Boyes       | Gladeck    | Micozzie   | Stevenson     |
| Brown       | Godshall   | Miller     | Strittmatter  |
| Browne      | Gordner    | Mundy      | Sturla        |
| Bunt        | Gruitza    | Myers      | Surra         |
| Butkovitz   | Gruppo     | Nailor     | Tangretti     |
| Buxton      | Habay      | O'Brien    | Taylor, E. Z. |
| Caltagirone | Haluska    | Olasz      | Taylor, J.    |
| Cappabianca | Hanna      | Oliver     | Thomas        |
| Carn        | Harhart    | Orie       | Tigue         |
| Carone      | Hasay      | Perzel     | Trello        |
| Casorio     | Hennessey  | Pesci      | Trich         |
| Cawley      | Herman     | Petrarca   | True          |
| Chadwick    | Hershey    | Petrone    | Tulli         |
| Civera      | Hess       | Phillips   | Vance         |

- |              |            |          |                  |
|--------------|------------|----------|------------------|
| Clark        | Horsey     | Pippy    | Van Horne        |
| Clymer       | Hutchinson | Pistella | Veon             |
| Cohen, L. I. | Itkin      | Platts   | Vitali           |
| Cohen, M.    | Jadlowiec  | Preston  | Walko            |
| Colafrilla   | James      | Ramos    | Washington       |
| Colaizzo     | Jarolin    | Raymond  | Waugh            |
| Conti        | Josephs    | Readshaw | Williams, A. H.  |
| Cornell      | Kaiser     | Reber    | Williams, C.     |
| Corpora      | Keller     | Reinard  | Wilt             |
| Corrigan     | Kenney     | Rieger   | Wogan            |
| Cowell       | Kirkland   | Robinson | Wojnaroski       |
| Coy          | Krebs      | Roebuck  | Wright, M. N.    |
| Curry        | Laughlin   | Rohrer   | Yewcic           |
| Daley        | Lawless    | Rooney   | Youngblood       |
| Dally        | Lederer    | Ross     | Zimmerman        |
| DeLuca       | Leh        | Rubley   | Zug              |
| Dempsey      | Lescovitz  | Sainato  |                  |
| Dent         | Levdansky  | Santoni  | Ryan,<br>Speaker |
| Dermody      | Lloyd      | Sather   |                  |

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

- |          |        |         |           |
|----------|--------|---------|-----------|
| LaGrotta | Nickol | Roberts | Travaglio |
|----------|--------|---------|-----------|

LEAVE ADDED—1

Perzel

LEAVE CANCELED—1

Perzel

**ADDITIONS AND DELETIONS OF SPONSORS**

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

**CALIFORNIA UNIVERSITY OF PENNSYLVANIA LADY VULCANS SOFTBALL TEAM PRESENTED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Peter Daley, the Lady Vulcans softball team, coached by Rick Bertagnolli. This is the 1997 NCAA Division II national champion softball team.

The Chair recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Ladies and gentlemen of the House of Representatives, it is a privilege and honor for me to present to you this afternoon the California University of Pennsylvania Lady Vulcans softball team, which captured the 1997 NCAA Division II national championship, which included a 34-game winning streak.

Early in the season, the Lady Vulcans lost three straight games, and they had a record of 12 and 4. They came back to win 41 of their remaining 42 games, their ninth straight PSAC-West title by going 20 and 0 in their division for the third straight year, and the NCAA Division II Mid-Atlantic Regional title. They won

five games in 5 days, outscoring their opponents 11 to 1. This is the first time in the school's history and the first national championship title achieved by a softball squad in the Pennsylvania State Athletic Conference. Their record over the last 4 years is 61 and 1.

Behind me I have coach Rick Bertagnolli, Sarah Cassin, Gianna Amatangelo, and Keri Weaver. We also have, please, standing in the back, Kerry Novak, Dana Boyer, Danielle Penner, Jennifer Valeriote, Lith Webb, Dena Morrow, Tara Douglas, Stephanie Bromhead, Heather Beal, Nora Zimmerman, Jill Witt, Melissa Mader, Nikki Fiedler, Kate Vaughan, and Tracie Watts. Please stand up. Ladies and gentlemen, let us give them a welcome to the House of Representatives.

### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Tracy Seyfert, Mrs. Melanie Williams and guest pages Bobby Raver and Cory Chevalier. Would the guests please rise.

### HOUSE BILL INTRODUCED AND REFERRED

No. 7 By Representatives BARLEY and EVANS

An Act making a supplemental appropriation to the Department of the Auditor General.

Referred to Committee on APPROPRIATIONS, October 27, 1997.

### RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, who asks that the members of the Rules Committee meet immediately at the majority leader's desk.

### RESOLUTION REPORTED FROM COMMITTEE

HR 253, PN 2293

By Rep. SNYDER

A Resolution directing the Department of Education to establish an "Adopt a Classroom Program."

RULES.

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

HB 1327, PN 2501 (Amended)

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the operation of the State System of Higher Education; making a repeal; and making editorial changes.

EDUCATION.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Barley, is recognized for the purpose of announcing a meeting.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call a meeting of the House Appropriations Committee upon our recess in the majority Appropriations Committee meeting room.

The SPEAKER. The Chair thanks the gentleman.

### INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair has been requested to announce there will be an immediate meeting of the Intergovernmental Affairs Committee on the first break. That will take place at the rear of the hall of the House and concerns itself with HR 285.

### REPUBLICAN CAUCUS

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

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus immediately upon recess. We will plan to come back on the floor at 3 p.m.

The SPEAKER. The Chair thanks the gentleman.

### DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen. Do you have any caucus announcements?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Democratic Caucus to discuss the schedule for this afternoon and tomorrow and maybe Wednesday, if we are in session Wednesday. I urge the attendance of all Democratic members.

### RECESS

The SPEAKER. It is the intention of the Chair to declare a recess until 3 p.m.

Is there any further business?

Hearing none, this House will stand in recess until 3 p.m.

### AFTER RECESS

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

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

HB 7, PN 2500

By Rep. BARLEY

An Act making a supplemental appropriation to the Department of the Auditor General.

APPROPRIATIONS.

**BILLS REREPORTED FROM COMMITTEE****HB 76, PN 2465** By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for police animals; and providing penalties.

APPROPRIATIONS.

**HB 439, PN 2502 (Amended)** By Rep. BARLEY

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

APPROPRIATIONS.

**HB 911, PN 2463** By Rep. BARLEY

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for the powers and duties of the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission, for county plans, for training, for rules and regulations and for expenditures for mobile communications equipment; and providing for immunity.

APPROPRIATIONS.

**HB 1058, PN 1180** By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for licenses.

APPROPRIATIONS.

**HB 1561, PN 2503 (Amended)** By Rep. BARLEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing the department to arrange for burial details in the Indiantown Gap National Cemetery.

APPROPRIATIONS.

**HB 1744, PN 2466** By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements.

APPROPRIATIONS.

**HB 1745, PN 2467** By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restitution for injuries to person or property.

APPROPRIATIONS.

**HB 1756, PN 2180**

By Rep. BARLEY

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for the power to parole.

APPROPRIATIONS.

**SB 10, PN 1407**

By Rep. BARLEY

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, further defining "financing programs"; and providing for the Community Development Bank Grant and Loan Program.

APPROPRIATIONS.

**SB 95, PN 1408**

By Rep. BARLEY

An Act amending the act of December 14, 1967 (P.L.746, No.345), entitled Savings Association Code of 1967, adding or amending certain definitions; providing for conversion to federally insured status; further providing for refund of capital deposits, for alternate conversion procedures, for dissolution of associations, for appointment of directors and for the dissolution of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

APPROPRIATIONS.

**SB 641, PN 674**

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records concerning juveniles.

APPROPRIATIONS.

**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 76, PN 2465; HB 439, PN 2502; HB 911, PN 2463; HB 1058, PN 1180; HB 1561, PN 2503; HB 1744, PN 2466; HB 1745, PN 2467; HB 1756, PN 2180; SB 10, PN 1407; SB 95, PN 1408; and SB 641, PN 674.**

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**SB 55, PN 953**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for operating watercraft under influence of alcohol or controlled substance, for chemical testing and for classification of offenses and penalties.

Whereupon, the Speaker, in the presence of the House, signed the same.

**BILL REMOVED FROM TABLE**

The SPEAKER, The Chair recognizes the majority leader. Mr. PERZEL, Mr. Speaker, I move that HB 7 be taken from the table.

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

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned HB 1475, PN 2472, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**COMMUNICATION FROM  
AUDITOR GENERAL**

The SPEAKER, The Chair acknowledges receipt of the Auditor General's certificate submitted pursuant to Article VIII of the Constitution of the Commonwealth of Pennsylvania and section 1604-B of the Fiscal Code.

**SUPPLEMENTAL REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER, The clerk will read the following supplemental report of the Committee on Committees.  
The following report was read:

**COMMITTEE ON COMMITTEES**

In the House of Representatives  
October 27, 1997

RESOLVED, That

Representative James A. Casorio, Westmoreland County, is elected a member of the House Environmental Resources and Energy Committee, replacing the late Representative Herman Mihalich.

Respectfully submitted,  
Representative Anthony M. DeLuca  
Democratic Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

**LEAVE OF ABSENCE**

The SPEAKER, The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests that the gentleman, Mr. PERZEL, be placed on leave of absence for the balance of today's session. Without objection, leave will be granted. The Chair hears none.

**CALENDAR**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of HB 656, PN 2470, 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 reimbursement for diabetic supplies.

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

Mr. ITKIN offered the following amendment No. A4269:

Amend Title, page 1, line 12, by removing the period after "supplies" and inserting  
and for the Insurance Consumer Advocate; and making  
a limited appropriation.  
Amend Sec. 1, page 2, lines 2 and 3, by striking out "a section" and inserting  
an article

Amend Sec. 1, page 2, by inserting between lines 3 and 4

**ARTICLE III-A  
INSURANCE CONSUMER ADVOCATE**

Section 301-A. Definitions.—As used in this article:

"Consumer" means any person who is a named insured, insured or beneficiary of a policy of insurance or any other person who may be affected in any way by the Insurance Department's exercise of or the failure to exercise its authority.  
"Department" means the Insurance Department of the Commonwealth and includes the Insurance Commissioner.  
"Fund" means the Insurance Consumer Advocate Fund established pursuant to section 307-A.

"Insurer" means any "company," "association" or "exchange" as such terms are defined in section 101 of the act of May 17, 1921 (P.L. 789, No. 285), known as "The Insurance Department Act of 1921."

Section 302-A. Office of Insurance Consumer Advocate.—(a) There is hereby established within the Office of Insurance Consumer Advocate within the Office of Attorney General an Office of Insurance Consumer Advocate to represent the interest of consumers before the Insurance Department.

(b) The Insurance Consumer Advocate shall be a person who, by reason of training, experience and attainment is qualified to represent the interest of consumers. Compensation shall be set by the Executive Board.

(c) No individual who serves as an Insurance Consumer Advocate shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities, nor shall he seek or accept employment nor render beneficial services for compensation with a legal entity engaged in the business of insurance subject to the authority of the department during the tenure of the appointment and for a period of two years after the appointment is served or terminated.

(d) Any individual who is appointed to the position of Insurance Consumer Advocate shall not seek election nor accept appointment to any

political office during the tenure as Insurance Consumer Advocate and for a period of two years after the appointment is served or terminated. The Attorney General, in consultation with the Consumer Advocate, shall appoint an Insurance Consumer Advocate which appointment shall be subject to the approval of a majority of the members elected to the Senate. The Insurance Consumer Advocate, with respect to the department and matters affecting consumers of insurance, shall perform the same duties and have the same powers of the Consumer Advocate set forth in Article IX-A of "The Administrative Code of 1929."

Section 303-A. Assistant Insurance Consumer Advocates; Employees.—The Insurance Consumer Advocate, with the approval of the Consumer Advocate and Attorney General, shall appoint attorneys as assistant insurance consumer advocates and such additional clerical, technical and professional staff as may be appropriate, and may contract for such additional services as shall be necessary for the performance of his function. The compensation of assistant insurance consumer advocates and such clerical, technical and professional staff shall be set by the Executive Board. No assistant insurance consumer advocate or other staff employe shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities.

Section 304-A. Powers and Duties of the Insurance Consumer Advocate.—(a) In addition to any other authority conferred upon him by this article, the Insurance Consumer Advocate is authorized, and it shall be his duty in carrying out his responsibilities under this article to represent the interest of consumers as a party, or otherwise participate for the purpose of representing an interest of consumers before the department in any matter properly before the department, and before any court or agency, initiating proceedings if, in his judgment, such may be necessary in connection with any matter involving regulation by the department or the corresponding regulatory agency of the United States whether on appeal or otherwise initiated.

(b) The Insurance Consumer Advocate may monitor all cases before corresponding regulatory agencies of the United States which impact upon the interests of Pennsylvania consumers and may formally participate in those proceedings which, in his judgment, warrant such participation.

(c) The Insurance Consumer Advocate may exercise discretion in determining the interests of consumers which will be advocated in any particular proceeding and in determining whether or not to participate in or initiate any particular proceeding and, in so determining, shall consider the public interest, the resources available and the substantiality of the effect of the proceeding on the interest of consumers. The Insurance Consumer Advocate may refrain from intervening when, in the judgment of the Insurance Consumer Advocate, such is not necessary to represent adequately the interest of consumers.

(d) In addition to any other authority conferred upon him by this article, the Insurance Consumer Advocate is authorized to represent an interest of consumers which is presented to him for his consideration upon petition, in writing, by a substantial number of persons, who are consumers of an insurer subject to regulation by the department. The Insurance Consumer Advocate shall notify the principal sponsors of any such petition within a reasonable time after receipt of any such petition of the action taken or intended to be taken by him with respect to the interest of consumers presented in such petition. If the Insurance Consumer Advocate declines or is unable to represent such interest, he shall notify such sponsors and shall state his reasons therefor.

(e) Any action brought by the Insurance Consumer Advocate before a court or an agency of this Commonwealth shall be brought in the name of the Insurance Consumer Advocate. The Insurance Consumer Advocate may name a consumer or group of consumers in whose name the action may be brought or may join with a consumer or group of consumers in bringing the action.

(f) At such time as the Insurance Consumer Advocate determines, in accordance with applicable time limitations, to initiate, intervene or otherwise participate in any department, agency or court proceeding, he

shall issue publicly a written statement, a copy of which he shall file in the proceeding in addition to any required entry of his appearance, stating concisely the specific interest of consumers to be protected.

Section 305-A. Assessment Upon Insurers, Disposition, Appropriation and Disbursement of Such Assessments.—(a) Before November 1 of each year, the Office of Insurance Consumer Advocate shall estimate the total expenditures for the Office of Insurance Consumer Advocate and submit the estimate to the Governor in accordance with section 610 of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929." At the same time the Insurance Consumer Advocate submits his estimate to the Governor, the Insurance Consumer Advocate shall also submit that estimate to the General Assembly and the Consumer Advocate. Such estimate shall not exceed the amount provided in section 306-A. The Insurance Consumer Advocate or his designated representatives shall be afforded an opportunity to appear before the Governor, the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives regarding his estimate. If the General Assembly fails to approve the Insurance Consumer Advocate's budget for the purposes of this article by March 30, the department shall assess insurers on the basis of the last approved allocation. At such time as the General Assembly approves the proposed budget, the Insurance Consumer Advocate and the department shall make an adjustment in the assessments to reflect the approved budget. The Office of Insurance Consumer Advocate shall subtract from the budget finally approved by the General Assembly any balance of the appropriation to be carried over into such fiscal year from the preceding one. The remainder so determined shall constitute the total assessment, and shall be allocated to, and paid by, insurers in the manner hereafter prescribed.

Section 306-A. Assessments Upon Insurance Entities.—(a) Prior to the first day of April following the effective date of this article and prior to the first day of April of each year thereafter so long as this article shall remain in effect, each insurer who writes coverages for fire and casualty, accident and health, credit accident and health under life/annuity/accident, health and life, including annuities in this Commonwealth, as a condition of its authorization to transact business in this Commonwealth, shall pay into the fund in trust an amount equal to the product obtained by multiplying five million dollars (\$5,000,000) by a fraction, the numerator of which is the direct premium collected for all coverages by that insurer in this Commonwealth during the preceding calendar year, and the denominator of which is the direct premium written on such coverages in this Commonwealth by all insurers in the same period. Any insurer who fails to pay the required assessment under this article shall be prohibited from writing any insurance within this Commonwealth.

(b) In succeeding years the General Assembly may vary the base amount of five million dollars (\$5,000,000) based upon the actual funding experience and requirements of the Office of Insurance Consumer Advocate.

(c) Assessments under this section shall be imposed and collected by the department. Moneys collected by the department under this article shall be transferred to the Insurance Consumer Advocate Fund established in section 307-A.

(d) The department shall give notice by registered or certified mail to each insurer of the amount lawfully charged against it under the provisions of this article, which amount shall be paid by the insurer within thirty (30) days of receipt of such notice, unless the department specifies on the notices sent to all insurers an installment plan of payment, in which case each insurer shall pay each installment on or before the date specified therefor by the department. Within fifteen (15) days after receipt of such notice, the insurer against which such assessment has been made may file with the department objections setting out in detail the grounds upon which the objector regards such assessment to be excessive, erroneous, unlawful or invalid. The department, after notice to the objector, shall hold a hearing upon such objections. After such hearing, the department shall record upon its minutes its findings on the objections and shall

transmit to the objector, by registered or certified mail, notice of the amount, if any, charged against it in accordance with such findings, which amount, or any installment thereof, then due shall be paid by the objector within ten (10) days after receipt of notice of the findings of the department with respect to such objections. If any payment prescribed by this article is not made as aforesaid, the department may suspend or revoke authorizations to transact business in this Commonwealth, or, through the Office of the Attorney General, may institute an appropriate action at law for the amount lawfully assessed, together with any additional cost incurred by the department or the Office of Attorney General by virtue of such failure to pay.

(e) No suit or proceeding shall be maintained in any court for the purpose of restraining or in anywise delaying the collection or payment of any assessment made under this article, but every insurer against which an assessment is made shall pay the same as provided in this article. Any insurer making any such payment may, at any time within two (2) years from the date of payment, sue the Commonwealth in an action at law to recover the amount paid, or any part thereof, upon the ground that the assessment was excessive, erroneous, unlawful, or invalid, in whole or in part, provided objections, as hereinbefore provided, were filed with the department, and payment of the assessment was made under protest either as to all or part thereof. In any action for recovery of any payments made under this article, the claimant shall be entitled to raise every relevant issue of law, but the findings of fact made by the department, pursuant to this article, shall be prima facie evidence of the facts stated therein. Any records, books, data, documents, and memoranda relating to the expenses of the Office of Insurance Consumer Advocate shall be admissible in evidence in any court and shall be prima facie evidence of the truth of their contents. If it is finally determined in any such action that all or any part of the assessment for which payment was made under protest was excessive, erroneous, unlawful, or invalid, the Office of Insurance Consumer Advocate shall make a refund to the claimant out of the appropriation specified herein as directed by the court.

(f) The procedure in this article, providing for the determination of the lawfulness of assessments and the recovery of payments made pursuant to such assessments shall be exclusive of all other remedies and procedures.

(g) It is the intent and purpose of this article that each insurer shall advance to the Office of Insurance Consumer Advocate its reasonable share of the cost of administering this article. The Office of Insurance Consumer Advocate shall keep records of the cost incurred in connection with the administration and enforcement of this article or any other act. The Office of Insurance Consumer Advocate and the department shall also keep record of the manner in which it shall have computed the amount assessed against every insurer. Such records shall be open to inspection by all interested parties. The determination of such costs and assessments by the Office of Insurance Consumer Advocate and the department, and the record and data upon which the same are made, shall be considered prima facie correct. In any proceeding instituted to challenge the reasonableness or correctness of any assessment under this article, the party challenging the same shall have the burden of proof.

(h) All such assessments, allocated to and paid by insurers shall be held in trust solely for the purpose of defraying the cost of the administration and performance of the duties of the Office of Insurance Consumer Advocate relating to proceedings before the department, the corresponding regulatory agencies of the United States, related judicial proceedings, and other such matters within the jurisdiction of the Office of Insurance Consumer Advocate, and shall be earmarked for the use of, and annually appropriated to, the Office of Insurance Consumer Advocate for disbursement solely for that purpose.

(i) All requisitions upon such appropriation shall be signed by the Insurance Consumer Advocate or such deputies as he may designate, in writing, to the State Treasurer and shall be presented to the State Treasurer and dealt with by him and the Treasury Department in the manner

prescribed by the act of April 9, 1929 (P.L. 343, No. 176), known as "The Fiscal Code."

Section 307-A. Insurance Consumer Advocate Fund.—(a) There is hereby established a separate account in the State Treasury to be known as the Insurance Consumer Advocate Fund. This fund shall be administered by the State Treasurer.

(b) All moneys deposited into the fund shall be held in trust and shall not be considered general revenue of the Commonwealth but shall be held in trust solely for the purpose of defraying the cost of the administration and performance of the duties of the Office of Insurance Consumer Advocate relating to proceedings before the department, the corresponding regulatory agencies of the United States, related judicial proceedings, and other similar matters within the jurisdiction of the Office of Insurance Consumer Advocate, and shall be earmarked for the use of, and annually appropriated to, the Office of Insurance Consumer Advocate for disbursement solely for that purpose.

(c) Assessments made under this article shall not be considered burdens and prohibitions under section 212 of the act of May 17, 1921 (P.L. 789, No. 285), known as "The Insurance Department Act of 1921."

(d) In the event that the trust fund is dissolved or the Office of Insurance Consumer Advocate is terminated by operation of law, any balance remaining in the fund, after deducting administrative costs for liquidation, shall be returned to insurers in proportion to their financial contributions to the fund in the preceding calendar year.

Section 308-A. Duties of Department.—In dealing with any proposed action which may substantially affect the interest of consumers, including, but not limited to, a proposed change of rates and the adoption of rules, regulations, guidelines, orders, standards or final policy decisions, the department shall:

(1) Notify the Insurance Consumer Advocate when notice of the proposed action is given to the public or at a time fixed by agreement between the Insurance Consumer Advocate and the department in a manner to assure the Insurance Consumer Advocate reasonable notice and adequate time to determine whether to intervene in such matter.

(2) Consistent with its other statutory responsibilities, take such action with due consideration to the interest of consumers.

Section 309-A. Savings Provision; Construction.—(a) Nothing contained herein shall in any way limit the right of any consumer to bring a proceeding before either the department or a court.

(b) Nothing contained herein shall be construed to impair the statutory authority or responsibility of the department to regulate insurance entities in the public interest.

Section 310-A. Reports.—The Insurance Consumer Advocate shall annually transmit to the Governor and the Attorney General and to the General Assembly, and shall make available to the public, an annual report on the conduct of the Office of Insurance Consumer Advocate. The Insurance Consumer Advocate shall make recommendations as may from time to time be necessary or desirable to protect the interest of consumers.

Section 2. The act is amended by adding a section to read:

Amend Bill, page 3, line 26, by striking out all of said line and inserting

Section 3. (a) The sum of \$2,500,000, or as much thereof as may be necessary, is hereby appropriated to the Insurance Consumer Advocate Fund for the fiscal year July 1, 1997, to June 30, 1998, to carry out the provisions of Article III-A of the act.

(b) The appropriation under subsection (a) shall be repaid to the General Fund from money deposited in the fund under section 306-A of the act.

Section 4. This act shall take effect as follows:

(1) The addition of section 633 of the act shall take effect in 120 days.

(2) The remainder of this act shall take effect immediately.



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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, thank you very much for the opportunity to discuss this amendment to HB 656.

I think it is an important amendment which would create a Consumer Advocate for Insurance, and I would like to just reacquaint the members of the House with a list of bills that the House has approved relative to mandated insurance coverage.

The SPEAKER. Will the gentleman yield.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. Micozzie, rise?

Mr. MICOZZIE. A point of parliamentary inquiry.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. MICOZZIE. Mr. Speaker, has there been a fiscal note on this amendment?

The SPEAKER. Will the gentleman, Mr. Itkin, advise the Chair as to whether or not a fiscal note is available on this amendment.

Mr. ITKIN. Mr. Speaker—

The SPEAKER. Just yes or no.

Mr. ITKIN. The answer is, no, there is no cost to the Commonwealth. That is the reason why—

The SPEAKER. The question is, is there a fiscal note?

Mr. ITKIN. There is no fiscal note because there is no fiscal impact.

The SPEAKER. Mr. Itkin, would you come to the desk, please.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

### AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. The gentleman, Mr. Itkin, temporarily withdraws his amendment.

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

Mr. GEORGE offered the following amendment No. A4289:

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

and for hearing aid coverage.

Amend Sec. 1, page 2, lines 2 and 3, by striking out "a section" and inserting

sections

Amend Sec. 1, page 3, by inserting between lines 25 and 26

Section 634. Hearing Aid Coverage.—Any insurer that underwrites Medicare or Medicaid insurance for insureds residing in this Commonwealth shall provide coverage in such insurance for a hearing aid sold in accordance with section 403 of the act of November 24, 1976 (P.L.1182, No.262), known as the "Hearing Aid Sales Registration Law."

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

The SPEAKER. On the question of the adoption of the George amendment, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer amendment A4289.

My amendment is very simple but extremely important to the thousands of hearing impaired, but as I said, Mr. Speaker, equally important to the thousands of hearing-impaired individuals in this Commonwealth.

Currently the insurance industry in Pennsylvania views hearing aids as cosmetic devices. As someone who wears a hearing aid, I can personally attest that they are indeed much more important than just for cosmetic purposes. Many of us take our hearing for granted, but for thousands of Pennsylvanians, the ability to hear and function normally in society depends entirely on their access to a hearing aid.

You know, Mr. Speaker, this General Assembly has had a long tradition of protecting our citizens by compelling the insurers to cover certain diagnostic tests and procedures. Just recently we took a giant step by requiring insurers to put a stop to the so-called drive-by mastectomies. My amendment seeks to achieve similar results. Simply put, my amendment will require insurers who underwrite Medicare or Medicaid coverage to provide reimbursement for the cost of a hearing aid. The simple fact is that Pennsylvania has the second highest elderly population in the country. Many of our seniors, however, cannot in any way afford a hearing aid.

I am not in any way trying to change Federal law with this amendment. I understand fully that we as a State cannot change what is covered under the Federal Medicare program. However, supplemental policies do not fall under that program, and Pennsylvania can regulate the so-called medigap policies.

In addition, with the current move by the State to move Medicaid recipients into health maintenance programs — HMO's — it is our responsibility to make sure that these HMO's are providing an adequate level of reimbursement for our poor who can otherwise not afford hearing aids.

Recently President Clinton—

The SPEAKER. Will the gentleman, Mr. George, please yield.

### POINT OF ORDER

The SPEAKER. Mr. Micozzie, for what reason do you rise?

Mr. MICOZZIE. Point of order, Mr. Speaker.

The SPEAKER. What is your point of order?

Mr. MICOZZIE. Mr. Speaker, I have a question on germaneness, and I would just like to read the fiscal note. He may be amending the Hearing Aid Sales Registration— He should be amending the Hearing Aid Sales Registration Law, and this bill amends the Insurance Company Law, and if you read the fiscal note, it points that out. So could you make a determination, Mr. Speaker, whether this is germane? I can read the fiscal note, if you want.

The SPEAKER. That is not necessary.

The question of germaneness is not decided by me.

## PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Coy, do you have a—

Mr. COY. Yes; a point of parliamentary inquiry, Mr. Speaker.

I understand the gentleman's objection, but I suspect this is debate, and he should not interrupt the gentleman's remarks for the amendment for the purpose of this clarification.

Mr. MICOZZIE. Mr. Speaker, I make a motion—

The SPEAKER. Will the gentleman yield.

I inquired of the Parliamentarian on that point before I recognized the gentleman—

Mr. GEORGE. Mr. Speaker?

The SPEAKER. Will the gentleman yield.

—before I recognized the gentleman, Mr. Micozzie, both this time and the last time, and on a point of order you can properly interrupt debate, although we do not normally do it, and I would prefer if you would wait until Mr. George has concluded his remarks, if you have no objection.

Mr. MICOZZIE. I have no objection, Mr. Speaker.

The SPEAKER. And I will recognize you as soon as Mr. George has concluded his remarks.

Mr. MICOZZIE. Okay.

The SPEAKER. Thank you, Mr. Coy.

Mr. George.

Mr. GEORGE. If you will pardon me, Mr. Speaker, I really did not hear your interpretation, please.

The SPEAKER. I said we are waiting anxiously for you to continue.

Mr. GEORGE. If you get a gift at Christmastime and it is unsigned, you will know where it came from, Mr. Speaker.

The SPEAKER. I will wait until I see what it is.

Mr. GEORGE. I thank the Speaker for his upright approach to what I know he knows as legitimate language when offered, and it does so, Mr. Speaker; it does not amend anything but the Insurance Law, and I will continue, if I may.

While the President, who can well afford a hearing aid, Mr. Speaker, and Our Excellency, the Governor, who wears one as well, and Bud George and the rest in here that have been able to buy a hearing aid, if you would dare to look at your individual counties, you would see just how alarming the situation I bring to your attention is.

Now, Mr. Speaker, I do not know why the gentleman who sponsored this bill would concern himself, in that it does nothing to hurt the bill; it does nothing to force HMO's to cover anybody. What it does is, with the fact that the government, the Federal Government, says that we will place the type of coverage that we are affording people on Medicare, we will place that with an HMO. More than that, it says, Mr. Speaker, if they would listen a moment— Maybe that is the way they want to beat this amendment, but it is worthy of their attention, Mr. Speaker.

The SPEAKER. I agree.

Conferences on the floor, please. Please, conferences on the floor, break up.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the sponsor knows that the Medigap policies are written for those people whom we have been caring for for years, both in the Federal Government and the State Government. The gentleman well knows and I am sure he would admit that what we

are trying to do is simply continue the coverage that was there, that no longer will be there, and place it into HMO's. No one is placing a burden on the HMO's. These HMO insurance entities will make a profit on all of the coverage that is put in their hands. I simply do not understand, and even though I am glad, Mr. Speaker, that we are going to vote "yes" or "no," I am certainly glad that we did not put something this important aside by a technicality or a procedural vote.

And for those of you that would take a moment, and I am not going to read them to embarrass, how many counties that are represented by Republican legislators and how many senior citizens there are, and I am not going to even do that to the Democrats; I am simply going to say, I respectfully and honestly feel that the majority of you who are listening are not going to be controlled by some kind of effort by the HMO's, whose ox is not being gored. They are not going to be hurt one iota. We are going to take people who never heard the wind blow or a pin fall or anything that is more important to their life and their safety other than we want to provide them a mechanism; we want to provide them coverage that the taxpayers are paying for. We are out there to see that in no way are the poor or the senior citizens encumbered by this kind of improper approach to what is good and what is beneficial.

Mr. Speaker, I can shorten it up. They are either going to vote for something good, or they are going to vote for something that they think is bad. Let them explain that when they go back home. I am respectfully asking my colleagues to join with me in providing one of life's necessities for the thousands of Pennsylvanians that you and I represent. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes at this time the gentleman from Delaware, Mr. Micozzie.

Mr. MICOZZIE. Mr. Speaker, the problem I have with this amendment is that this is not the bill to attach the amendment to. I heard many times on this floor by the leaders on the other side about the committee process, that the process is not working. In fact, the honorable whip, Representative Itkin, just had a news conference, and with some of the members on our side also, to talk about that the committee system has fallen down.

I held three hearings on the diabetes bill. I had four informational meetings of all sides of the issue, and that is Democrats and Republicans. Not once, not once did Representative Itkin or Representative George approach me and ask me if at all possible they could amend the bill.

I am awaiting your comments, Mr. Speaker. Am I off on the—

The SPEAKER. Yes; you are off base a little bit there.

Mr. MICOZZIE. Well, we are arguing about the bill, are we not?

The SPEAKER. Yes, but the personalities need not be involved.

Mr. MICOZZIE. Oh, I am sorry — the honorable whip and my good friend from whatever county.

The thing about it is, if we are going to spend the time, the chairmen of these different committees are going to spend the time and the effort in having the hearings and to bring a bill up that is agreed to by everyone — it is agreed to by Blue Cross/Blue Shield, the Federation, the diabetes people, every provider — and then come onto the floor and load it up or Christmas-tree it — and you know what happens in the process — I think it is a disservice not only to the committees but to the people who are the special

interests, the diabetic people, across this State of Pennsylvania and across the country, for that matter, to come up with amendments that are going to more or less bog down the system. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I am very much concerned with the amendment from the standpoint of what I believe it does: It effectuates change on Medicare policies. We do not have the ability to dictate to Medicare exactly what type of procedures it benefits. This is a two-part amendment: one is Medicare and one is Medicaid. Now, Medicaid we do, but Medicare we do not, and it is very clear, if you look at the fiscal note for it, it talks about that this effectuates change for Medicare. If you look at it closely — read it — it says, clearly, that we cannot tell the Federal Government how to develop benefit packages for Medicare, and I want to make that very clear.

I am opposed to this. It is not written well. I agree with what he is trying to do, but he is trying to effectuate change for Medicare policies, and it is not going to work. We are going to run into problems here. It is going to bog up the system. He is working on a bill; if we do not have it right, it is going to mess up a bill that is going to go someplace.

So I am asking everybody to vote “no,” to hold off, and let him later on amend it to some other bill. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

A point of information, Mr. Speaker.

We are not debating germaneness now, are we?

The SPEAKER. No; the question has not been raised.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the George amendment is an extremely meritorious amendment. It deals with a very real problem that millions of Pennsylvanians either have now or are going to have in the future. The fact that Governor Ridge and President Clinton both have hearing aids indicates the huge numbers of people who have hearing problems.

Governor Ridge and President Clinton can well afford hearing aids without this amendment, but there are hundreds of thousands of Pennsylvanians at any one time who have hearing problems, who simply cannot afford to go to a doctor and have their hearing checked. The process for having hearing checked is a very expensive process often. It involves expensive equipment. It involves complex exams. In addition, some of the hearing aids are more expensive than others. There are very complex calculations, very complex adjustments of the machinery that are needed. This is not a simple process, getting hearing aids; it is not an inexpensive process often. Sometimes it is inexpensive; other times it is not.

Pennsylvanians really need hearing aids. The failure to have hearing aids undermines productivity in the workplace. Very often there are communications problems at work caused by misunderstandings by people who simply do not understand correctly what the instructions are, people who just sort of fake going through work and assume they hear; when they hear a few fragments of a sentence, they think they know what the meaning is or think they know from the combination of fragments and tone of voice what is being requested of them.

The ability to hear fully and to hear with total understanding is really vital to the productivity of people in jobs throughout this Commonwealth, and it is vital to people in terms of their personal relationships with family and friends. There are numerous misunderstandings that occur in people's lives, numerous frustrations that occur, because people simply do not understand what somebody important to them is trying to convey to them.

Bud George deserves an enormous amount of credit for introducing this amendment to this bill. I do not really see how this amendment will do anything except strengthen this bill. Representative George is addressing a major concern to hundreds of thousands of Pennsylvanians at any one time and millions of Pennsylvanians over time, because sooner or later, large numbers of people who currently have no hearing problem will have a hearing problem.

This is a very simple amendment. If there are any minor problems of wording, the problems can easily be worked out in the Senate. This is a very simple amendment of a single sentence, yet it does more for senior citizens and more for many people who are not yet senior citizens than any legislation that we have pushed in this House in many years.

Bud George deserves our commendations. We all ought to get behind this legislation, pass it overwhelmingly. This will strengthen the bill that the Insurance Committee reported out. It will increase the chances of HB 656 passing promptly, because it will get a lot of other people behind HB 656. I strongly urge that we pass the George amendment and do something really meaningful for hundreds of thousands of senior citizens who are suffering now and millions of people who eventually are going to have hearing problems.

### GERMANENESS QUESTIONED

The SPEAKER. The gentleman, Mr. Wright, for the second time on the question.

Mr. WRIGHT. Thank you, Mr. Speaker.

I want to raise a point of germaneness on two different points.

One is that, first of all, we are kidding ourselves if we are going to pass an amendment here to effectuate change, to require that Medicare — Medicare — cover something. Medicare cannot. We cannot do it; the Federal Government can.

Second of all, a little known fact: The Insurance Act does not cover Medicaid; ERISA (Employment Retirement Income Security Act) does. It is a self-insured fund. We cannot mandate onto Medicaid specific things through this act.

That is two specific reasons, two reasons that I am opposed to this, and I am raising germaneness. I am raising germaneness on this issue.

The SPEAKER. The gentleman, Mr. Wright, has raised the question of whether or not the amendment offered by the gentleman, Mr. George, is germane.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the gentleman, Mr. George. Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I read the other day in the dictionary the terminology or description of the word “germane.” I will not have

you admonish me by making a statement that even I would be embarrassed about, so I will be very particular in what I say, but one of the dictionaries said, if you have the same father and mother as your brother, then you are germane. Now, if that is what "germane" means, if it is similar, if it is particular and it is similar— Well, you can laugh, but that is what it said. Now, it is germane, and it does not change anything in the Insurance Law, does not change anything of the Federal Government, and remember, Mr. Speaker, please remember, all it does is what I think you would want to do for your senior citizens and for those that are poor: It insists that where the government now is insisting that all of the payments, Mr. Speaker, that go out to buy, to buy this protection, that at this time has been forwarded to the people in programs of Medicaid and Medicare, all this does, it says, okay, we are going to put these out to HMO's, and they are going to carry this program, and we are going to pay them to provide this protection. The funny thing about it is, for all of you that do not know, if they make beaucoup money, they do not have to give any back, these HMO's.

The SPEAKER. Mr. George, that is interesting, but the question is whether or not the amendment is germane.

Mr. GEORGE. Mr. Speaker, I think I told them twice that I think it is germane, and I do not think anyone has stood before our colleagues and said anything other than they want to slow down the process by saying it is not germane. Mr. Speaker, I told you, I have got the same dad and mom, I am germane, and the amendment that I am putting in is germane, Mr. Speaker.

Now, for these people that are afraid of the amendment, Mr. Speaker, let them vote it down, but let us not do this any longer. Mr. Speaker, you did not come from that old school. You stood on this floor and you argued with Jim Manderino—

The SPEAKER. And that is not germane either.

Mr. GEORGE. Well, Mr. Speaker, if I am embarrassing you, I apologize. I would not do that for the world. You can forget the Christmas gift, but I would not do that for the world.

Mr. Speaker, I did not do anything wrong. I am trying to help the people in their districts.

The SPEAKER. Mr. George, you are far too clever a debater to have forgotten the rules, and the rules are, stick to the subject. The subject is your amendments, are they germane?

Mr. GEORGE. Mr. Speaker, I am asking those who challenged the germaneness to live up to the rules, in that the legislation is germane in that it deals with the propriety and the purpose of the bill itself.

Mr. Speaker, the sponsor got up a while and said, you are trying to change the context of this bill; it deals with those who need and concern themselves about diabetes. Mr. Speaker, there are many of us that are hard of hearing and still have to deal with diabetes. It does nothing, Mr. Speaker, to change any of the context in the legislation. It does nothing to violate any premise of what this is all about. What it simply does is, it says we are going to spend millions of dollars with the HMO to provide the same protection we are providing now with the tax dollars that you and I provide. The only thing is, it is possible that the service that the people will get for the same dollars may not be adequate, and there are people now in Medicaid that are getting hearing aids and they may not get them. So what this legislation says is that we want to give the people a service that we are paying for. So it is germane, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, perhaps it is a dull roar in this House, is the reason why you cannot hear me.

The SPEAKER. The gentleman will yield; the gentleman will yield.

#### QUESTION OF GERMANENESS WITHDRAWN

The SPEAKER. Mr. Wright.

Mr. WRIGHT. Mr. Speaker, after discussion, we have determined that it probably will not have much of an impact on Medicaid, so we are going to withdraw the germaneness question and support the amendment.

The SPEAKER. Mr. George? Mr. George, congratulations.

On the question of the adoption of the amendment, those in favor of the amendment will vote—

Mr. OLASZ. Mr. Speaker?

The SPEAKER. Mr. Olasz, are you going to risk this amendment?

Mr. OLASZ. No, but I have a nice line. We are not talking about the helmet law, but "HMO" seems to stand on the other side of the aisle for "here is my out," because the subject of germaneness always seems to arise.

For my good friend on the other side of the aisle, Mr. Speaker, you said you would have hearings, but we cannot have a hearing without a hearing aid. Thank you.

Mr. BLAUM. Mr. Speaker?

The SPEAKER. Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the George amendment, and it is interesting that in a matter of about 5 minutes, the George amendment, which was once declared not germane, once it was found out that it probably would not be all that harmful to the insurance companies, all of a sudden now the issue of germaneness was withdrawn. I think that makes it quite clear how the issue of germaneness has been used over the last several weeks.

This amendment offered by the gentleman from Clearfield obviously is a good one that provides a necessary service to people of Pennsylvania who are in need of hearing aids. It was always germane. It was always appropriate to be added to this bill. But does it require insurance companies to do something they do not want to do? Absolutely, and that was the real issue. It was not about germaneness. And if we take the comments of the recent debate just over the last few minutes, I think it is very clear to the people of Pennsylvania that the issue of germaneness is used many times to avoid voting on the issue, on whether or not the insurance companies would have to spend some money that they did not want to spend. That was the issue. It was not about germaneness. It was not even about providing hearing aids to the people of Pennsylvania who actually needed them.

I congratulate the gentleman on offering the amendment, and I ask for an affirmative vote.

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, Mr. George has an excellent idea. I think a lot of members may not be clear as to exactly what Mr. George wants to

do. Mr. George's amendment only applies to insurance companies who provide coverage to medical assistance patients and to those who cover senior citizens under the Medicare supplement coverage. It is not a mandate on insurance companies, to business or other individuals.

This is an excellent idea, and I urge everyone to support this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

Adolph	DeWeese	Lucy	Schroder
Allen	DiGirolamo	Lynch	Schuler
Argall	Donatucci	Maher	Scrimenti
Armstrong	Druce	Maitland	Semmel
Baker	Eachus	Major	Serafini
Bard	Egolf	Manderino	Seyfert
Barley	Evans	Markosek	Shaner
Barrar	Fairchild	Marsico	Smith, B.
Battisto	Fargo	Masland	Smith, S. H.
Bebko-Jones	Feese	Mayermik	Snyder, D. W.
Belardi	Fichter	McCall	Staback
Belfanti	Fleagle	McGeehan	Stairs
Benninghoff	Flick	McGill	Steelman
Birmelin	Gannon	McIlhattan	Steil
Bishop	Geist	McNaughton	Stern
Blaum	George	Melio	Stetler
Boscola	Gigliotti	Michlovic	Stevenson
Boyes	Gladeck	Micozzie	Stritmatter
Brown	Godshall	Miller	Sturla
Browne	Gordner	Mundy	Surra
Bunt	Gruitza	Myers	Tangretti
Butkovitz	Gruppo	Nailor	Taylor, E. Z.
Buxton	Habay	O'Brien	Taylor, J.
Caltagirone	Haluska	Olasz	Thomas
Cappabianca	Hanna	Oliver	Tigue
Carn	Harhart	Orie	Trello
Carone	Hasay	Pesci	Trich
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petrone	Tulli
Chadwick	Hershey	Phillips	Vance
Civera	Hess	Pippy	Van Home
Clark	Horsey	Pistella	Veon
Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colafella	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Corrigan	Kenney	Robinson	Wojnaroski
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rohrer	Yewcic
Curry	Laughlin	Rooney	Youngblood
Daley	Lawless	Ross	Zimmerman
Dally	Lederer	Rublely	Zug
DeLuca	Leh	Sainato	
Dempsey	Lescovitz	Santoni	
Dent	Levdansky	Sather	
Dermody	Lloyd	Saylor	

NAYS—0

NOT VOTING—0

EXCUSED—5

LaGrotta Perzel Roberts Travaglio  
Nickol

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

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

MOTION TO SUSPEND RULES

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

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

I rise to ask for a motion to suspend the rules so that I could offer an amendment to HB 656.

The SPEAKER. The gentleman, Mr. Olasz, moves that the rules of the House be suspended to permit him to offer amendment—  
What number, Mr. Olasz?

Mr. OLASZ. My amendment number is 4322.

The SPEAKER. To allow him to offer amendment 4322 to the bill presently before the House.

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

The SPEAKER. On that question, the Chair recognizes— Does the Democratic leader yield to the gentleman, Mr. Olasz?  
Mr. DeWeese, do you yield to the gentleman?

Mr. Olasz, on the question of suspension, do you care to debate it?

Mr. OLASZ. Mr. Speaker, necessity arises for me to ask for a suspension of the rules because of the games that were played in this House since October 6.

Mr. Speaker, I do not want to arouse any animosity in this House, but since you and I are in the same age bracket, approximately, I think you might remember—

The SPEAKER. I believe that is out of order.

Mr. OLASZ. —I think you might remember an old song made popular by Phil Harris about a poker game. He was being taken to the cleaners when he said, "I've had enough of this," and he put a six-gun down on the table, and he said, "We are now going to forget everything about Mr. Hoyle. We are going to play according to my rules." Well, the only thing that is missing in this House in the last couple of years is the gun.

When I referred to chicanery, Mr. Speaker, it was always a common practice that when there was a minute error in the bill, there was always an agreed-to amendment on the House floor to accept the amendments as they were drafted to the original bill. But here we are today on the 25th of October, and the reason I have to ask for a suspension of the rules is because of the game that was played on line 24, page 3, where the amendment that made my amendments invalid, we had a one-word change from "act" to "section." That is line 24; the amendment went from "act" to "section," Mr. Speaker.

The SPEAKER. Will the gentleman yield a moment.

Would you be good enough to send a copy of your amendment to the desk. We have not seen it. The amendment clerk advises us that you never turned it in.

Mr. OLASZ. Well, here is the first amendment. It was amended to PN 2260. That was timely.

The SPEAKER. Just send us a copy of it; let us look at it.

Mr. OLASZ. Mr. Speaker, for your information, nothing has changed in that amendment—

The SPEAKER. Will the gentleman yield.

(Conference held at Speaker's podium.)

The SPEAKER. Will the amendment clerk come to the desk.

Mr. Olasz, may we see the original amendment that you prepared.

(Conference held at Speaker's podium.)

#### MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. Olasz, withdraws his amendment and motion.

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. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

Today we have the opportunity to help nearly 1.1 million Pennsylvania children and adults who have the incurable disease of diabetes. Many of you in this room suffer from it yourself or know of a friend or relative who has it. Diabetes is the leading cause of death by disease in Pennsylvania. Left untreated, diabetes can lead to heart disease, blindness, a kidney failure, and amputations. More than 11,500 Pennsylvanians will die from diabetes complications this year alone.

This disease will cost citizens of Pennsylvania more than \$6.7 billion annually through direct medical-care expenses and indirect costs such as disability, work loss, and premature death. However, the studies have proven that when people with diabetes have proper medication—

#### PARLIAMENTARY INQUIRY

Mr. ITKIN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. Itkin, rise?

Mr. ITKIN. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. ITKIN. Earlier today I introduced an amendment, which I temporarily removed—

The SPEAKER. Will the gentleman yield.

Conferences on the floor, please break up.

Mr. Itkin.

Mr. ITKIN. Mr. Speaker, earlier today I presented an amendment for consideration by the House relative to HB 656. I temporarily withdrew it in order that a fiscal note might be prepared, even though I believed that the fiscal note was not required but that some people may feel it was required, and I have been waiting for the last 50 minutes to get a fiscal note for the amendment.

I assume that the House Appropriations Committee is not acting in a dilatory fashion and will provide that fiscal note soon enough. Consequently, I would like to have my amendment considered at this time before we go to final passage.

The SPEAKER. Mr. Itkin?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER. In the progress of the day's calendar, your amendment was called up and determined to need a fiscal note. Now, I understand that you did not agree with that decision, but the decision was made nevertheless, and there is still no fiscal note.

Mr. ITKIN. Mr. Speaker, I would like to explain to the members of the House why I do not believe that a fiscal note is required or to provide the members of the House with sufficient information regarding the fiscal content of the bill, which will allow them to conclude that a fiscal note is not necessary—

The SPEAKER. Will the gentleman yield.

Mr. ITKIN. —for this legislation.

The SPEAKER. Mr. Itkin, that is not your job; that is my job. I made the decision after consulting with the experts, and you were here when I consulted with the experts, and I think you would agree that indeed I did consult with them and that they agreed with me that a fiscal note was required. And now what is left to you, in my judgment, is a motion to suspend the rules to permit you to offer your amendment without a fiscal note or an appeal from the Chair, an appeal from the decision of the Chair that a fiscal note is required, but just to explain to the members your thinking, that is not in order at this time.

Mr. ITKIN. Mr. Speaker, normally we agree, and I respect you very sincerely. However, you put the bar to suspension of the rules much higher than the bar for appealing the ruling of the Chair. So without any disrespect, Mr. Speaker, I would like, first, to, in the hierarchy of my attempt to get this amendment, which I think is good public legislation, approved by this House, I will sort of escalate the discussion and the requirements I need to get this House to consider the legislation.

#### RULING OF CHAIR APPEALED

Mr. ITKIN. Consequently, Mr. Speaker, I would like to appeal the ruling of the Chair to determine why a fiscal note is required, and I would like to have the chance now to articulate my reasons why a fiscal note is not necessary.

The SPEAKER. Will the gentleman yield for a second.

The question before the House, raised by the gentleman, Mr. Itkin, is, shall the decision of the Chair that a fiscal note is required to the amendment desired to be offered by the gentleman, Mr. Itkin — Mr. Itkin, could you give me that number again, please — 4269, amendment 4269—

Mr. SNYDER. Mr. Speaker?

The SPEAKER. —should that amendment, 4269, be required to have a fiscal note attached to it?

Mr. WRIGHT. Mr. Speaker?

On the question,

Will the House sustain the ruling of the Chair?

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, I am sorry; I was trying to get your attention before the motion was actually put before the House, because I wanted to raise the parliamentary question that since we are already on final passage, that there is nothing else before the House except for the final vote on this legislation.

The SPEAKER. A strict, strict, strict constructionist might agree with you. I, however, am not going to agree with you at this time, but rather, I am going to allow Mr. Itkin to continue. But I think I could reverse my having decided that the bill had been agreed to, because I did go past Mr. Itkin in agreeing to the bill. I should have— I probably should have recognized him sooner.

Mr. Itkin.

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

First, I would like to have the members look at rule 19 under the rules of the House, which specifically deal with fiscal notes, and go to the fifth point in this rule under fiscal notes, and for those of you who do not have your rules in front of you, I will read the precise language. It says that "No amendment to a bill, concurrences in Senate amendments, or adoption of a conference report which may result," and the operative phrase is, "in an increase in the expenditure of Commonwealth funds or those of a political subdivision or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed changes nor any bill requiring a fiscal note for which re-referral to the Appropriations...has been waived by the Rules Committee shall be voted upon until a fiscal note is available for distribution to the members with respect to such changes or to such bill showing the fiscal effect of the changes with respect to the bill, and containing the information set forth by subsection (3) of this rule."

Number one, under the present time, the amendment is not being voted upon, and this is the debate on appeal. Two, the fiscal note is required when it results in an increase in the expenditure, not just merely an expenditure of Commonwealth funds, and I think that is an important point to note, because otherwise, that would be a phrase that would not be required in the rule; that is, requiring an increase in the expenditure, not just simply an expenditure.

Looking at the amendment, looking at the amendment, section 3(a) of the amendment states, "The sum of \$2,500,000, or as much thereof as may be necessary, is hereby appropriated to the Insurance Consumer Advocate Fund for the fiscal year July 1, 1997, to June 30, 1998, to carry out the provisions of Article III-A of the act." Subsection (b) states that "The appropriation under subsection (a) shall be repaid to the

General Fund from money deposited in the fund under section 306-A of the act," and section 306-A of the act says that *the insurance companies, private insurance companies, would be assessed, in proportion to their premium payments, the moneys to provide for the reimbursement of the \$2½ million. And so therefore, this bill, although it does require an expenditure of Commonwealth funds, will not result in an increase in the expenditure, because the insurance companies will provide for this additional appropriation.*

Consequently, Mr. Speaker, I do not believe that a fiscal note is required, and I ask the House — because this is an extremely important bill that would provide for a Consumer Advocate for Insurance, which I believe is extremely well needed today — consequently, I would ask that the members support me in the appeal of the ruling of the Chair, if not for the strict interpretation of rule 19, but to give the House an opportunity to get to the major issue, which is, does this House wish to consider having in place in our government a Consumer Advocate for Insurance? And that is the principal issue before this House today, not on whether in a fiscal note every "i" was dotted and every "t" was crossed, but that do we collectively want to provide for a Consumer Advocate for Insurance in the Commonwealth of Pennsylvania?

Mr. Speaker, I would respectfully ask that the House support my desire to appeal the ruling of the Chair and not require a fiscal note in this regard. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, we have been here a couple hours now debating procedure and filibustering in terms of getting to this process, and while the speaker certainly thinks that his amendment is very important, this legislation is also very important.

But I would ask my members to vote "yes" to uphold the decision of the Speaker that this does require a fiscal note.

Mr. Speaker, all one has to do is look at section 3(a) of the amendment, which states that "The sum of \$2,500,000, or as much thereof as may be necessary, is hereby appropriated to the Insurance Consumer Advocate Fund..." Now, the fact that this money may be returned to the Commonwealth over a period of time through the assessments that are proposed under this amendment still requires the appropriations of funds upon the enactment of his proposal.

And, Mr. Speaker, despite the fact that the stock market has taken a downturn, you can still earn interest on \$2½ million over a certain period of time until this money is replaced. So if nothing else, you are losing the time value of \$2½ million, which is an appropriation of State funds; it means a loss of revenues to the State, which is one of the requirements for a fiscal note.

This certainly falls under the rule requiring a fiscal note, so that the members, before they vote on a proposal such as this, understand fully what the consequences are to the taxpayers so they can balance the interests of the amendment that is being proffered while also looking at the cost to the taxpayers to implement this proposal.

The Speaker has certainly made a sound and rational decision that a fiscal note is required for this amendment, and again we ask for a "yes" vote.

The SPEAKER. On the question, Mr. Cohen.



Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I join Mr. Itkin in asking for a "no" vote on the motion to appeal the ruling.

We, over the past year, have received numerous fiscal notes giving us no information whatever about the bill. We have received numerous fiscal notes that are merely technical compliances with the rule and give us no substantive information about how much this costs. Now, the purpose of the fiscal-note rule is to give us new, additional information that will enable us to make better decisions.

Mr. Itkin's amendment gives us the information as to how much it costs. It costs \$2.5 million. That information is available there. That money will be repaid back to the State.

Now, the question Mr. Snyder raises about, well, if the money is going to be spent and then paid back, there may be an interest loss to the Commonwealth. But we have experience with the Appropriations Committee as to what information the Appropriations Committee puts in the fiscal notes. They will say they do not know what the interest loss is, because what the interest loss will be depends on precisely how many months it will take for us to be paid back.

Mr. Itkin assures us that it will be paid back by April. Now, this is the end of October. The Senate will not promptly pass it. The earliest possible date the Senate could pass this would be in December, and then it will not take effect immediately. The earliest it could possibly take effect will be January.

Now, will this act take effect in January? Will it take effect in February? Will it take effect in March? Will it take effect in April? We do not know because we do not know precisely when the Senate will pass it.

Will this money come from an interest-bearing account? I do not think we really know the answer to that either. If it does come from an account and we do have to pay interest, we do not know precisely what the interest rate will be, and whatever it is, we are talking about a very, very short period of time and a very, very small amount of money.

So there is no real information that a fiscal note would give us. In all likelihood, when the fiscal note is prepared, it will say, like the vast majority of fiscal notes that I have seen on legislation that I have been interested in, the fiscal note will probably itemize all the factors of uncertainty and say, we do not know exactly what the fiscal cost is, but it probably will not be very much; it probably will be de minimis.

Now, we should not, we should not be in a position of stopping Mr. Itkin or anybody else from introducing an amendment so that we can get a fiscal note that gives us no real information. We know all the facts here already. At best, there is going to be a few thousand dollars' cost. At worst, there will be no cost and there will be many, many dollars of savings.

Now, the State of Pennsylvania is a purchaser of insurance. Among the other things we do not know is how much money the State of Pennsylvania will save as a result of lower insurance costs. Whatever the actual number of dollars that may be spent in extra interest, assuming the money is borrowed from an account that is earning interest, assuming that is true, the State will also save many millions of dollars if this act passes. The State buys health insurance. The State buys auto insurance. The State buys numerous forms of insurance. The State buys workers— The State is actually self-insured in most cases for workers' comp

insurance, but the State, I am sure, is affected by workers' compensation costs in various ways. Local governments certainly are not all self-insured. So there is enormous room for savings, which, in all likelihood, will far exceed the negligible amount of interest that could be lost.

We do not know precisely what the savings will be; we cannot possibly know what the costs will be exactly, so there is no real information to be given.

I would strongly urge a "no" vote on sustaining the ruling of the Chair so that Pennsylvania taxpayers, the millions of taxpayers throughout Pennsylvania, can get advocacy before the Insurance Commission, can get lower costs, and that we not allow the minor form of a fiscal note to override the need of Pennsylvania taxpayers to pay as little as possible on their insurance rates.

I urge again a "no" vote, in support of Mr. Itkin's amendment.

The SPEAKER. The Chair thanks the gentleman.

For the information of the House, the Chair has been advised that inasmuch as this question was raised by the gentleman, Mr. Snyder, that the Dow went down 550 points and trading ceased at 3:45 this afternoon.

The Chair recognizes the gentleman, Mr. Blaum, who appears to be very upset by this news.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Itkin, is offering an amendment to create a Consumer Advocate in the Attorney General's Office for Insurance, something that is long overdue in Pennsylvania. The Speaker has ruled that Mr. Itkin's amendment requires a fiscal note, and though the Speaker is very important, that ruling at this moment is largely unimportant. The fact is that if we are going to have an up-or-down vote on whether Pennsylvania gets a Consumer Advocate for Insurance, it is up to each of us whether or not we require, in our individual seats, on our desks, do we require a fiscal note?

We know how the Consumer Advocate for the PUC (Public Utility Commission) works; we know how it is funded. As the utilities fund the Consumer Advocate for the PUC, insurance companies will fund the Consumer Advocate under this legislation. It also carries with it a \$2.5-million appropriation. So each of us now knows what this will cost. We do not need a fiscal note. We thank the Speaker for his ruling, but we do not need the fiscal note that he says is required.

So if we vote "no," if we vote "no," and say, thank you, Mr. Speaker, but we do not need a fiscal note, the people of Pennsylvania will get an up-or-down vote on whether or not we have a Consumer Advocate for Insurance, and, Mr. Speaker, let me tell you that the people of Pennsylvania do want an up-or-down vote on whether or not we will have a Consumer Advocate for Insurance in Pennsylvania. The insurance industry does not want that up-or-down vote. They want you to vote "yes" — "yes" that it requires a fiscal note — vote "yes" so that Mr. Itkin's amendment cannot be considered on this floor. That is what the insurance industry wants you to do. But the people of Pennsylvania want you to vote "no" — "no," a fiscal note is not required — so therefore Mr. Itkin's amendment will then be before this chamber, so we can have an up-or-down vote, once and for all, whether or not Pennsylvania will have a Consumer Advocate, a Consumer Advocate to represent the views of the people of Pennsylvania against ever-increasing auto insurance rates, health insurance rates,



homeowner's insurance rates, insurance rates that continue to go up and be rubber-stamped; we can have a Consumer Advocate who will fight for the people of Pennsylvania against ever-increasing insurance rates.

And if you do not think that is important, take a look at the election that—

The SPEAKER. Will the gentleman yield.

My ruling dealt with whether or not a fiscal note was required. You are straying much beyond the subject of my ruling. You are into the merits of the amendment itself, and you really should contain yourself, please, or you will open up this whole debate.

Mr. BLAUM. Thank you, Mr. Speaker.

I will try and keep it contained.

My point is, the Speaker has ruled that a fiscal note is required; I do not think that any of us really believe that a fiscal note is required. The Speaker did his job, but I do not think any of us really require a fiscal note to vote on this.

Vote "no," on the fact that a fiscal note is not required, so that we can put before the House the very important issue of creating a Consumer Advocate for Insurance in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

On the question, the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I think that the issue of whether a fiscal note is required or not has been amply debated. In fact, in trying to ensure that those that disagree with me would be able to have their cake and eat it, too, almost an hour and 15 minutes ago I hand-delivered a request to the House Appropriations Committee to provide a fiscal note, which obviously would say that this bill appropriates \$2½ million and then which will be repaid on assessments from insurance companies.

Now, it is an hour and 15 minutes into the process. I have a secretary standing outside the door of the Appropriations Committee, waiting for the great experts of the Appropriations Committee to deliver that fiscal note—

The SPEAKER. Mr. Itkin, the location and the whereabouts of your secretary is of interest, but that is not before the House at the moment. It is my ruling that is before the House.

Mr. ITKIN. I agree, Mr. Speaker. I am just saying that this debate should not have been required, because by now, any competent Appropriations Committee agency would have been able to provide that fiscal note. Here we are, at 4:45 now, debating whether we need to appeal the ruling of the Chair when in fact in 15 minutes I could have provided that fiscal note to the floor. So I am not holding the House; it is the House Appropriations Committee staff or its leadership of that committee that is not allowing this House to proceed.

The SPEAKER. Has the gentleman concluded his remarks?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and recognizes the presence on the floor of the House of the gentleman, Mr. Perzel, and asks that he be added to the master roll call.

CONSIDERATION OF HB 656 CONTINUED

On the question recurring,  
Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS-104

Table listing names of members who voted 'YEAS' (104 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Benninghoff, Birmelin, Boyes, Brown, Browne, Bunt, Carone, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Colaizzo, Conti, Cornell, Dally, Dempsey, Dent, DiGirolamo, Druce, Egolf, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, Gladeck, Godshall, Gruppo, Habay, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Hutchinson, Jadlowiec, Kenney, Krebs, Lawless, Leh, Lynch, Maher, Maitland, Major, Marsico, Masland, McGill, McIlhattan, McNaughton, Micozzie, Miller, Nailor, O'Brien, Orié, Perzel, Phillips, Pippy, Platts, Raymond, Reber, Reinard, Rohrer, Ross, Rubley, Sather, Saylor, Schroder, Schuler, Semmel, Serafini, Seyfert, Smith, E. B., Smith, S. H., Snyder, D. W., Stairs, Steil, Stern, Stevenson, Strittmatter, Taylor, E. Z., Taylor, J., True, Tulli, Vance, Waugh, Wilt, Wogan, Wright, M. N., Zimmerman, Zug, and Ryan, Speaker.

NAYS-93

Table listing names of members who voted 'NAYS' (93 total). Includes names like Battisto, Bebko-Jones, Belardi, Belfanti, Bishop, Blaum, Boscola, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Casorio, Cawley, Cohen, M., Colafella, Corpora, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dermody, DeWeese, Donatucci, Eachus, Evans, George, Gigliotti, Gordner, Gruitza, Haluska, Hanna, Horsey, Itkin, James, Jarolin, Josephs, Kaiser, Keller, Kirkland, Laughlin, Lederer, Lescovitz, Levdansky, Lloyd, Lucyk, Manderingo, Markosek, Mayernik, McCall, McGeehan, Melio, Michlovic, Mundy, Myers, Olasz, Pesci, Petrarca, Petrone, Pistella, Preston, Ramos, Readshaw, Rieger, Robinson, Roebuck, Rooney, Sainato, Santoni, Scrimenti, Shaner, Staback, Steelman, Stetler, Sturla, Surra, Tangretti, Thomas, Tigue, Trello, Trich, Van Home, Veon, Vitali, Walko, Washington, Williams, A. H., Williams, C., Wojnaroski, Yewcic, and Youngblood.

NOT VOTING-1

Oliver

EXCUSED-4

Table listing names of members who were excused (4 total): LaGrotta, Nickol, Roberts, Travaglio.

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

On the question recurring,  
Shall the bill pass finally?

### MOTION TO SUSPEND RULES

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

Mr. ITKIN. Mr. Speaker, I would like us not to go to final passage because I still have motions to offer.

The SPEAKER. Mr. Itkin, we have been on final passage for the past half hour.

Mr. ITKIN. Well, Mr. Speaker, since the motion to appeal the ruling of the Chair failed and the assumption being that the House believes that a fiscal note should have been provided, I now seek a waiver of offering that fiscal note and therefore will make a motion to suspend the rules so that a fiscal note may be waived by the House in order to consider this amendment.

The SPEAKER. The gentleman, Mr. Itkin, moves that the rules of the House be suspended so that no fiscal note be required in connection with the offering of his amendment.

Mr. Itkin, the number please; the number of your amendment. Amendment 4269.

This is debatable by the two floor leaders only.

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

### PARLIAMENTARY INQUIRY

Mr. BLAUM. Mr. Speaker?

The SPEAKER. Mr. Blaum.

Mr. BLAUM. Just a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAUM. I do not know if this is appropriate at this time, but the gentleman, Mr. Itkin, has indicated that he has filed a request for a fiscal note an hour and a half ago, and I wonder if it would be permissible to interrogate the chairman of Appropriations to ask him just how long in fact it will take to get a simple fiscal note on a very clear bill here to the floor of the House. It may take a shorter amount of time than it is to debate suspension of the rules.

The SPEAKER. At this time it would be inappropriate. The only thing before the House is the motion of the gentleman, Mr. Itkin, to suspend the rules.

Mr. BLAUM. Thank you, Mr. Speaker.

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, we are on the threshold of some very, very important legislation; legislation that the people of Pennsylvania want very much.

Over the past few years, this chamber has approved an increasing, growing list of mandated insurance coverage.

We had concerns about drive-through deliveries, and so we then went ahead, after a long period of time, after being forced and

dragged to pass a bill, finally provided for maternal hospital stays of sufficient duration for the woman, for the mother.

We had the same problem in another women's health area of mastectomies, where women would go in in the morning and be released in the afternoon after having their breast removed, and it took a long time for this House to respond, but finally, after a long time, we provided for mastectomy hospital stays.

Then the insurance companies did not really care that women who had the problem of potential breast cancer, whether or not the insurance companies would pay for mammograms, and so this House, after a long, long period of cajoling and demanding—

The SPEAKER. Mr. Itkin, you know the rules as well as I do. This is not a debatable motion. However, we do allow the floor leaders — and I am assuming Mr. DeWeese, of course, has waived his rights in your favor — we do allow the floor leaders to make a brief statement as to why the rules should or should not be suspended, and I would ask you to do that.

Now, as a reminder, a gentle reminder, I am going to go back to an inquiry by Mr. Manderino on that point, and he raises the point, "...which govern the conduct of this House, or is it within the precedents of this House that even though a motion is not debatable, that a statement can be made by the majority and minority leader?" That is the point raised by Mr. Manderino. The Speaker, who happened to be Jack Seltzer at the time, says, "I cannot respond from a rule of this House" — so there was no written rule, and there still is no written rule — "but, from experience, the Chair would suggest that it would be proper" — and we have followed this, incidentally, since this date — "it would be proper for a majority and minority leader to make a brief statement on the motion; not to debate it, but to make a brief statement of their position on the motion. Unless I hear objection from the members of the House, I would suggest that it would be proper, and the Chair would recognize Mr. Manderino at this time for a brief statement on his position."

Now, I am restating that, as we have done several times this year, simply as a gentle reminder that the leaders, when they take the floor on suspension of the rules, should briefly advise the House as to why they are asking for the suspension, and it is not a license for a full-blown debate on the merits of whatever it is they want to do should the rules be suspended. Please.

Mr. ITKIN. Mr. Speaker, I will take your advice. I just felt it was important that the members of the House understand a compelling need that exists out there to ensure that State government has someone who can represent the interests of consumers in insurance matters, and it is becoming extremely more difficult for our constituents and the general public to be able to get the proper consideration from insurance companies.

I think that the failure on my part to get a simple fiscal note, which would show any de minimis expenditure, if even that, I am asking this House to suspend the rules so we can debate the important issue of the day, not whether or not a fiscal note was required or not required but whether this issue is important enough for this House to take on at this time.

The question is, does the House wish to consider a Consumer Advocate of Pennsylvania at this time or it does not think it is important enough to do that? That is the issue that I will propose to the membership today.

The SPEAKER. The Chair thanks the gentleman.

I would admonish the gentleman, Mr. Snyder, along the same lines, and I hope more successfully than I did the previous speaker.

Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

The admonishment is noted.

The motion before us is to waive the requirement for a fiscal note so that this amendment can be presented to the House of Representatives.

Mr. Speaker, I have before me the amendment, and it is single-lined, 7 pages long of an amendment, and while we discussed prior to this question the impact of the \$2½ million that is appropriated, further review of this amendment shows that there is other potential liability here for the Commonwealth. For instance, on page 4 of the amendment, it talks about \$5 million being the maximum—

The SPEAKER. Mr. Snyder—

Mr. SNYDER. I thought we are talking about the need for a fiscal note. It is a question of the fiscal note.

The SPEAKER. The question before the House is, may the rules of the House be suspended, not the merits of the amendment or the faults of the amendment.

Mr. SNYDER. Mr. Speaker, the complexity of this amendment and various fiscal requirements of the Commonwealth and responsibilities in it require a fiscal note, and therefore, I ask that we vote “no” on suspension.

On the question recurring,

Will the House agree to the motion ?

The following roll call was recorded:

YEAS—95

Battisto	Dermody	Lucyk	Santoni
Bebko-Jones	DeWeese	Manderino	Scrimenti
Belardi	Donatucci	Markosek	Shaner
Belfanti	Eachus	Mayermik	Staback
Bishop	Evans	McCall	Steelman
Blaum	George	McGeehan	Stetler
Boscola	Gigliotti	Melio	Sturla
Butkovitz	Gordner	Michlovic	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Cappabianca	Hanna	Olasz	Tiguc
Carn	Horsey	Oliver	Trello
Casorio	Itkin	Pesci	Trich
Cawley	James	Petrarca	Van Home
Cohen, M.	Jarolin	Petrone	Veon
Colafella	Josephs	Pistella	Vitali
Colaizzo	Kaiser	Preston	Walko
Corpora	Keller	Ramos	Washington
Corrigan	Kirkland	Readshaw	Williams, A. H.
Cowell	Laughlin	Rieger	Williams, C.
Coy	Lederer	Robinson	Wojnaroski
Curry	Lescovitz	Roebuck	Yewcic
Daley	Levdansky	Rooney	Youngblood
DeLuca	Lloyd	Sainato	

NAYS—102

Adolph	Druce	Maher	Schuler
Allen	Egolf	Maitland	Semmel
Argall	Fairchild	Major	Serafini
Armstrong	Fargo	Marsico	Seyfert
Baker	Feese	Masland	Smith, B.
Bard	Fichter	McGill	Smith, S. H.
Barley	Fleagle	McIlhattan	Snyder, D. W.

Barrar	Flick	McNaughton	Stairs
Benninghoff	Gannon	Micozzie	Steil
Birmelin	Geist	Miller	Stern
Boyes	Gladeck	Nailor	Stevenson
Brown	Godshall	O'Brien	Strittmatter
Browne	Gruppo	Orie	Taylor, E. Z.
Bunt	Habay	Perzel	Taylor, J.
Carone	Harhart	Phillips	True
Chadwick	Hasay	Pippy	Tulli
Civera	Hennessey	Platts	Vance
Clark	Herman	Raymond	Waugh
Clymer	Hershey	Reber	Wilt
Cohen, L. I.	Hess	Reinard	Wogan
Conti	Hutchinson	Rohrer	Wright, M. N.
Cornell	Jadlowiec	Ross	Zimmerman
Dally	Kenney	Rublely	Zug
Dempsey	Krebs	Sather	
Dent	Leh	Saylor	Ryan,
DiGirolamo	Lynch	Schroder	Speaker

NOT VOTING—1

Lawless

EXCUSED—4

LaGrotta	Nickol	Roberts	Travaglio
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally ?

The SPEAKER. The gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, as we advance now to final passage of HB 656, I would like to discuss with the members of the House why we are doing this particular piece of legislation. This is one of a series of bills that have come before the House because of complaints we have received, day in and day out, from the insurance industry of Pennsylvania.

Now, let us recapitulate what are failings in insurance coverage. I mentioned before maternal hospital stays. The insurance industry said, they do not have to stay in the hospital for more than a day. Mastectomy hospital stays – they do not have to stay in the hospital; they can go home the same day. The women of Pennsylvania do not need mammograms; they do not need Pap smears. And only recently, only recently, Mr. Speaker, did this House rise up and say, we ought to immunize children. Is that not terrible? And we sit here today saying, we do not need an advocate; we will handle it one at a time; maybe next year we will handle cancer, and the year after, we will handle something else, if the pressure builds up and we feel the heat from our constituents.

Today we are seeing that situation develop, where we have passed an amendment for hearing aids and the main bill dealing with diabetes-related items. Now, I am told that this was a bill that was agreed to by the insurance companies, something that they could accept. In fact, I was even told it was all right to vote for the hearing-aids amendment because it will not cost the insurance companies very much. Well, Mr. Speaker, if it is that small investment of money, why are the insurance companies not doing it on their own? Do they need a mandate from us to do what is

right? Do they need a mandate from us to ensure that maternal health care is provided by in-hospital stays; mastectomy hospital stays; that women get mammograms, Pap smears; that children get immunized? These are the questions that the insurance companies ought to be providing.

But let me say this, Mr. Speaker: We have been doing the job of the insurance companies for them, and we are doing it piecemeal, and we have nobody there at those hearings before the Insurance Commissioner demanding that the people that we represent are represented in insurance matters.

Now, what we are going to have right now is that diabetes patients will be able to have some of their expenses paid for — now, after we pass this and this becomes law — but if it was right for now, what about all of the costs before?

You know, we have been kind of our own HMO, but there is one big difference between our deliberations and the deliberations of the insurance industry. Our bottom line is health care for our constituents, not profit care for the health insurance industry.

This does not mean just health insurance. You know, there is an election going on in New Jersey right now because the people of the Garden State are very angry about automobile insurance costs, and the race is razor-thin because of the failure of the New Jersey State government to temper auto insurance rates. And I look to my colleagues from Philadelphia and the Delaware Valley and I say to you, is it any easier for our constituents in Philadelphia and its environs to get economical automobile insurance, and the answer is, no, it is not, and it is going to be an issue for this legislature.

Ever since the Casey administration, the legislature has been in effect Pennsylvania's consumer advocate for insurance, and we are the guardians of the consumers' interests because no one else is. Unlike utility customers, business consumers, and nursing-home residents, insurance customers have no protection in government, and that is a shame, because in today's profit-chasing atmosphere, insurance companies are tossing around our constituents, the insurance consumers, like french fries in a food fight.

Now, I am disappointed that the House today did not consider this amendment to provide for a Consumer Advocate for Pennsylvania. I think that this piecemeal attitude on the part of us in terms of dealing with one complaint after another complaint with respect to the insurance industry has to end; otherwise, we will be blessed with an endless parade of insurance mandate considerations.

Mr. Speaker, there will be another day to deal with this issue. This issue is not going to go away. And as I speak now, it is now 1 hour and 35 minutes since I requested the fiscal note and it is not forthcoming, and so I guess under the very strict interpretation of the rules of the House, this will not be considered at this time.

Mr. Speaker, I will vote for this measure, but I do not think it is complete. I think without a Consumer Advocate who could initiate hearings, accept citizens' petitions, intervene in our State and Federal regulatory agencies, we have no one to represent our constituents, because their voice is drowned out by the corporate fast-talkers, the surrogates who go before the Insurance Commissioner and have the only voice present at the hearings.

Mr. Speaker, I think that this bill is a very, very small step forward. I would like to see us be bolder. I would like to see this House fight for the rights of our constituents and ensure that they get the proper treatment by the insurance companies that are licensed under our State auspices.

## MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. ITKIN. At this time I am going to make one final motion, and that motion is to postpone final passage of HB 656 until Tuesday, October 28. I assume, by that time, even the most incompetent of our Appropriations staffers can present a reasonable facsimile for a fiscal note. I would like to have the opportunity to offer the Consumer Advocate amendment tomorrow.

This issue is in your hands. It is within your vote to allow Pennsylvanians to have this right and privilege. The bill today indicates why it is needed. It is a great example as to why changes have to occur and why we need someone to represent the interests of our constituents before the Insurance Department.

Thank you very much, Mr. Speaker. I move to postpone until Tuesday, October 28, final consideration of HB 656.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is that motion put by the gentleman, Mr. Itkin, that HB 656, together with amendments, be held over until Tuesday, October 28, 1997.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, we just heard concern by the maker of this motion about his amendment and the proposal that he would like to see this House consider. What we are not considering by accepting his motion are the needs and concerns of the 1.1 million adults and children in this Commonwealth who are suffering from diabetes. That is the issue before us right now, Mr. Speaker.

Mr. Speaker, this legislation has 109 sponsors. It has been the subject of three hearings. It was reported out of the Insurance Committee unanimously, Mr. Speaker. Currently people in this Commonwealth, between themselves and their families, are spending almost \$7 billion a year in extraordinary costs that could be alleviated or reduced by this legislation.

Mr. Speaker, the focus of this House's action today is to help those people in Pennsylvania who are looking to get preventative education and the medical treatment that they need for the leading cause of death in Pennsylvania. That is diabetes. Let us not get off track here and be swayed by other arguments and other issues.

The issue today is diabetes, and we ask that this bill not be postponed so that we can continue this legislation through the process to serve those 1.1 million people in Pennsylvania who really need this legislation. Thank you.

The SPEAKER. Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

The SPEAKER. On the motion to postpone.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask that the motion to postpone be upheld, and I take issue with the comments of the previous speaker.

Mr. Speaker, even Pennsylvanians suffering from diabetes are concerned about that insurance. It is insulting to think that they are not, that they are not concerned with their health insurance, that they are not concerned with their homeowner's insurance, that they are not concerned with their auto insurance — rates that keep

going up and up, rates that a Consumer Advocate for Insurance can help moderate and perhaps even reduce.

There is nothing that will be lost by voting on this bill tomorrow, and the gentleman, Mr. Itkin's amendment will be prepared with a fiscal note.

So I would ask that the members vote "yes" to hold this over until tomorrow so that we can vote not only the merits of the bill itself but also to create a Consumer Advocate for Insurance for all Pennsylvanians. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would go a little bit further than Representative Blaum. Probably there is no group of patients in the State of Pennsylvania who would be more concerned about insurance rates than people with diabetes. Diabetes is a long, slow, torturing disease that can go on for decades. Every year people with diabetes are going to be paying health insurance premiums. Every year they are going to be worried about how they pay all their other bills, with the high cost of treating diabetes. Diabetes seriously weakens people's financial condition as well as their physical condition because of the huge costs that are incurred and the significant loss of work over a period of time. It could be a few days one year, then—

The SPEAKER. Will the gentleman yield. The question before the House is the motion to postpone; please.

Mr. COHEN. That is correct, Mr. Speaker, but—

The SPEAKER. Thank you.

Mr. COHEN. —Mr. Snyder raised the issue of whether this motion affects people with diabetes, and the point I am making in response to Mr. Snyder is that people with diabetes are probably the people in the Commonwealth of Pennsylvania who are most affected by high insurance rates because of the long nature of their disease.

Mr. Speaker, the fact is that it takes 3 days for this bill to pass the Senate; that if we pass this bill tonight, there is no way the Senate can pass this bill before the end of November, at the very earliest, anyway. The people with diabetes, the people who benefit from this bill, have absolutely nothing to lose by passing this bill tomorrow at 11:30 instead of today at 5:30. There is absolutely nothing that anybody with diabetes has to lose, and there is plenty that people with diabetes have to gain.

So I would strongly urge that we support Mr. Itkin's motion and postpone this bill until tomorrow. We could vote on it as the first item of business, and we can strengthen this bill and strengthen the protection for all Pennsylvanians. I would strongly urge a "yes" vote on Mr. Itkin's motion.

The SPEAKER. The Chair thanks the gentleman, Mr. Cohen. Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. On the question to postpone.

Mr. GANNON. Mr. Speaker, at one time I had an amendment to this bill, and I withdrew it because I did not want to create the controversy that that amendment would cause and tie it to this issue and I did not want to delay this legislation passing through this chamber, and for that reason I am asking the members to vote against the motion to postpone, Mr. Speaker. I think this is a very important issue to the people of Pennsylvania, as I believe my amendment was a very important issue to the people of

Pennsylvania. However, I think this is the time to treat the issue of diabetes. It is before the House. We need to get this bill through and get it to the Senate, and I would urge a "no" vote on the motion to postpone.

The SPEAKER. The lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

We are being asked to vote immediately on this bill, and we were told by a previous speaker that the urgency of this issue is so great that we could not possibly delay its consideration for another 20 hours. I would like to point out for the members that this bill was originally introduced in the House on February 28 of this year. That is almost 6 months ago. During that period we could have had hearings on this bill and brought it to the floor far earlier than we actually did. In fact, it was the same Republican leadership that is now telling us that we have got to rush to pass this bill that also imposed upon us a 3-month-long hiatus in the activity of the legislature during the summer. It was not Representative Itkin who put off consideration of this bill for 3 months. Representative Itkin is asking us to postpone the bill for less than 1 day in order to improve it. But now the people who are telling us that we must rush to pass the bill are the same ones who said before, well, it is not so important that we cannot take off 3 months for vacation.

I am going to agree with Representative Itkin that 1 more day is going to have a more beneficial effect on the bill than rushing to pass it now. Thank you.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

The SPEAKER. On the question of postponement.

Mr. MICOZZIE. The comment was made about how long it took to get the bill to the House floor. To get a bill of this nature to the House floor, it took four hearings throughout the State, four informational meetings with all stakeholders who were interested — who were opposed to it, who were for it, and whatever — to get a consensus and to go through the committee, the Insurance Committee, and vote it unanimously by both Democrats and Republicans.

And by the way, the committee process in the Insurance Committee does work, and that is why you have a bill that is agreed to by everybody.

So, Mr. Speaker, let us please pass this bill and get on with it. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Battisto	DeWeese	Manderino	Santoni
Bebko-Jones	Donatucci	Markosek	Scrimenti
Belardi	Eachus	Mayernik	Staback
Belfanti	Evans	McCall	Steelman
Bishop	George	McGeehan	Stetler
Blaum	Gigliotti	Melio	Sturla
Boscola	Gordner	Michlovic	Surra
Butkovitz	Gruitza	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Cappabianca	Hanna	Olasz	Tigue
Carn	Horsey	Oliver	Trello
Casorio	Itkin	Pesci	Trich

Cawley	James	Petrarca	Van Horne
Cohen, M.	Jarolin	Petrone	Veon
Colafrilla	Josephs	Pistella	Vitali
Colaizzo	Kaiser	Preston	Walko
Corpora	Keller	Ramos	Washington
Cowell	Kirkland	Readshaw	Williams, A. H.
Coy	Lederer	Rieger	Williams, C.
Curry	Lescovitz	Robinson	Wojnarowski
Daley	Levdansky	Roebuck	Yewcic
DeLuca	Lloyd	Rooney	Youngblood
Demody	Lucyk	Sainato	

NAYS-106

Adolph	DiGirolamo	Lynch	Schuler
Allen	Druce	Maher	Semmel
Argall	Egolf	Maitland	Serafini
Armstrong	Fairchild	Major	Seyfert
Baker	Fargo	Marsico	Shaner
Bard	Feese	Masland	Smith, B.
Barley	Fichter	McGill	Smith, S. H.
Barrar	Fleagle	McIlhattan	Snyder, D. W.
Benninghoff	Flick	McNaughton	Stairs
Birmelin	Gannon	Micozzie	Steil
Boyes	Geist	Miller	Stern
Brown	Gladeck	Nailor	Stevenson
Browne	Godshall	O'Brien	Strittmatter
Bunt	Gruppo	Orie	Taylor, E. Z.
Buxton	Habay	Perzel	Taylor, J.
Carone	Harhart	Phillips	True
Chadwick	Hasay	Pippy	Tulli
Civera	Hennessey	Platts	Vance
Clark	Herman	Raymond	Waugh
Clymer	Hershey	Reber	Wilt
Cohen, L. I.	Hess	Reinard	Wogan
Conti	Hutchinson	Rohrer	Wright, M. N.
Cornell	Jadlowiec	Ross	Zimmerman
Corrigan	Kenney	Rubley	Zug
Dally	Krebs	Sather	
Dempsey	Laughlin	Saylor	Ryan,
Dent	Leh	Schroder	Speaker

NOT VOTING-1

Lawless

EXCUSED-4

LaGrotta	Nickol	Roberts	Travaglio
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The gentleman, Mr. Godshall.  
Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate Insurance Committee Chairman Micozzie, please.

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

Mr. GODSHALL. Mr. Speaker, in committee you placed an amendment that states, "Diabetes outpatient self-management training and education shall be provided under the supervision of a licensed health care professional...." In order to clarify legislative intent, I am asking you and I would like to know if my

interpretation of that amendment is correct, and that is that a registered dietician can provide the prescribed medical nutrition therapy and education covered in HB 656 as part of the continuum of care without direct supervision of a licensed health-care professional, and the key word in there is "direct."

Mr. MICOZZIE. Yes.

Mr. GODSHALL. Thank you, Mr. Speaker.

That concludes my interrogation, and I ask the House to get on and pass this bill.

The SPEAKER. The gentleman, Mr. Olasz.

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

I did not wish to get embroiled in the debate that just preceded this final passage vote, but one thing I think we should all consider: If we had such a great concern for all the diabetics in this land, in the Commonwealth of Pennsylvania, the question you should ask yourself is, why was this bill kicked back and held in the Appropriations Committee for approximately 19 days before it came out on this floor for final passage? You think about it. This should not happen on any legislation that controls the lives of all of us that reside in Pennsylvania.

I have a very personal effect with diabetes. It was for that reason I chose not to delay the debate any longer and I withdrew my "any willing provider" to it. I thank the Insurance Committee chairman from the Republican side for agreeing to hold hearings back in Pittsburgh on the "willing provider" legislation.

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

The SPEAKER. The Chair thanks the gentleman.

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

Adolph	DeWeese	Lynch	Schroder
Allen	DiGirolamo	Maher	Schuler
Argall	Donatucci	Maitland	Scrimenti
Armstrong	Druce	Major	Semmel
Baker	Eachus	Manderino	Serafini
Bard	Egolf	Markosek	Seyfert
Barley	Evans	Marsico	Shaner
Barrar	Fairchild	Masland	Smith, B.
Battisto	Fargo	Mayernik	Smith, S. H.
Bebko-Jones	Feese	McCall	Snyder, D. W.
Belardi	Fichter	McGeehan	Staback
Belfanti	Fleagle	McGill	Stairs
Benninghoff	Flick	McIlhattan	Steelman
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Melio	Stern
Blaum	George	Michlovic	Stetler
Boscola	Gigliotti	Micozzie	Stevenson
Boyes	Gladeck	Miller	Strittmatter
Brown	Godshall	Mundy	Sturla
Browne	Gordner	Myers	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Gruppo	O'Brien	Taylor, E. Z.
Buxton	Habay	Olasz	Taylor, J.
Caltagirone	Haluska	Oliver	Thomas
Cappabianca	Hanna	Orie	Tigue
Carn	Harhart	Perzel	Trello
Carone	Hasay	Pesci	Trich
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petrone	Tulli
Chadwick	Hershey	Phillips	Vance
Civera	Hess	Pippy	Van Horne

Clark	Horsey	Pistella	Veon
Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colafrella	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Corrigan	Kenney	Robinson	Wojnaroski
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rohrer	Yewcic
Curry	Laughlin	Rooney	Youngblood
Daley	Lederer	Ross	Zimmerman
Dally	Leh	Rublely	Zug
DeLuca	Lescovitz	Sainato	
Dempsey	Levdansky	Santoni	Ryan,
Dent	Lloyd	Sather	Speaker
Dermody	Lucyk	Saylor	

NAYS—0

NOT VOTING—1

Lawless

EXCUSED—4

LaGrotta      Nickol      Roberts      Travaglio

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.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. For what purpose does the gentleman, Mr. Wright, seek recognition?

Mr. WRIGHT. My comments for the record based on HB 656, please.

The SPEAKER. The gentleman is in order. Send them to the desk.

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

Today we have the opportunity to help the nearly 1.1 million Pennsylvania children and adults who have the incurable disease of diabetes. Many of you in this room suffer from it yourself or know of a friend or relative who has it.

Diabetes is the leading cause of death by disease in Pennsylvania. Left untreated, diabetes can lead to heart disease, blindness, kidney failure, and amputations. More than 11,500 Pennsylvanians will die from diabetes complications each year. This disease will cost citizens of Pennsylvania more than \$6.7 billion annually through direct medical-care expenses and indirect costs such as disability, work loss, and premature mortality.

However, studies have proven that when people with diabetes have proper medication, adequate monitoring supplies, and the education necessary to maintain normal blood glucose levels, the severe

complications associated with diabetes can be delayed and even prevented.

But unfortunately, many people cannot afford the daily multiple monitoring supplies or the prescription and syringe costs to maintain proper blood glucose levels. They often skip testing and insulin dosages or reuse test strips and syringes and simply guess at what they should be doing, resulting in expensive complications.

Many studies have demonstrated that good preventative management actually reduces the long-term costs associated with diabetes. Traditional medical insurance plans would typically not provide for preventative care coverage, wait for the patient to develop complications and then end up in a hospital, costing the insurer thousands of dollars.

Studies such as the "Diabetes Control and Complications Trial" tracked diabetes patients over a 10-year period, finding that preventative techniques reduced expensive complications by 70 percent. Another study by the State of Maine concluded that after they passed similar legislation, diabetes-related hospitalizations were reduced by 32 percent.

Studies such as these have led 23 other States to adopt similar uniform and comprehensive insurance coverage requirements. Analysis of the performance of these other States' requirements so far has shown no increase of diabetes claims — no increased insurance reimbursements, no increased costs associated with diabetes, and no increased premiums. We would like Pennsylvania to be State No. 24.

HB 656, sponsored by myself, House Insurance Committee Chairmen Micozzie and Colafella, and 107 additional House members, will go a long way to help those who suffer this terrible disease. This proposal establishes uniform and comprehensive diabetes benefits. It requires that all health insurance policies shall include coverage for necessary prescriptions, syringes, diabetic supplies and equipment, and outpatient diabetes self-management training and education.

Education is a critical component of a successful preventative campaign against the progression of this disease. Personal management of one's lifestyle through diet, weight control, and activity will help reduce the dependency of medications. Medical and educational tools collectively form the necessary preventative program.

The current wording of HB 656 has been developed over the last 6 months through three public hearings and countless smaller meetings. I am proud to say what we have today is an agreement forged between the diabetes advocates, medical providers, and insurers. Yes, you heard what I said — insurers.

Specifically, I would like to thank the American Diabetes Association, the Pennsylvania Dietetic Association, the Pennsylvania Medical Society, the Pennsylvania Insurance Federation, the Blues, the Managed Care Association of Pennsylvania, and especially Chairmen Micozzie and Colafella for their active support and role in reaching this agreed-to proposal.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1948, PN 2468**, entitled:

An Act making additional appropriations of State and Federal funds to the Department of Public Welfare for welfare-to-work projects.

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

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Myers. Mr. Myers, you understand it will be necessary for you to suspend the rules of the House to offer an amendment?

Mr. MYERS. Thank you, Mr. Speaker.

That is correct. This amendment is a technical amendment. It has been brought to my attention that in order for the Welfare Department to do what this bill asks it to do, that it would need 30 days, so I would like to offer a technical amendment to change the effective date from "immediately" to "30 days."

The SPEAKER. Mr. Snyder.

Mr. SNYDER. We support the suspension for the purpose of introducing the amendment.

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

The following roll call was recorded:

YEAS-194

Adolph	DeWeese	Lucyk	Saylor
Allen	DiGirolamo	Lynch	Schroder
Argall	Donatucci	Maher	Schuler
Armstrong	Druce	Maitland	Scrimenti
Baker	Eachus	Major	Semmel
Bard	Egolf	Manderino	Serafini
Barley	Evans	Markosek	Seyfert
Barrar	Fairchild	Marsico	Shaner
Battisto	Fargo	Masland	Smith, B.
Bebko-Jones	Feese	Mayermik	Smith, S. H.
Belardi	Fichter	McCall	Snyder, D. W.
Belfanti	Fleagle	McGeehan	Staback
Benninghoff	Flick	McGill	Stairs
Birmelin	Gannon	McIlhattan	Steelman
Bishop	Geist	McNaughton	Stern
Blaum	George	Melio	Stetler
Boscola	Gigliotti	Michlovic	Stevenson
Boyes	Gladeck	Micozzie	Strittmatter
Brown	Godshall	Miller	Sturla
Browne	Gordner	Mundy	Surra
Bunt	Gruitza	Myers	Tangretti
Butkovitz	Gruppo	Nailor	Taylor, E. Z.
Buxton	Habay	O'Brien	Taylor, J.
Caltagirone	Haluska	Olasz	Thomas
Cappabianca	Hanna	Oliver	Tigue
Carn	Harhart	Orie	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Pesci	True
Chadwick	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Vance
Clark	Hess	Phillips	Van Home
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Itkin	Platts	Walko
Colafrilla	Jadlowiec	Preston	Washington
Colaizzo	James	Ramos	Waugh
Conti	Jarolin	Raymond	Williams, A. H.
Cornell	Josephs	Readshaw	Williams, C.
Corpora	Kaiser	Reber	Wilt
Corrigan	Keller	Reinard	Wogan
Cowell	Kenney	Robinson	Wojnaroski
Coy	Kirkland	Roebuck	Wright, M. N.
Curry	Krebs	Rohrer	Yewcic
Daley	Laughlin	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermoddy	Lloyd	Sather	Speaker

NAYS-2

Carone Steil

NOT VOTING-2

Lawless Rieger

EXCUSED-4

LaGrotta Nickol Roberts Travaglio

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. MYERS offered the following amendment No. A4307:

Amend Sec. 2, page 1, line 17, by striking out "immediately" and inserting  
in 30 days

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

The SPEAKER. Will the gentleman, Mr. Myers, explain again, briefly, what his amendment does.

Mr. MYERS. Yes. Mr. Speaker, it has been brought to my attention that in order for the initiative that this bill is addressing, in order for it to be carried out, the Department of Welfare would need 30 days. The bill as it is written says, to be effective "immediately," and we are asking that that language be changed from "immediately" to be effective "in 30 days."

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-197

Adolph	DeWeese	Lynch	Schroder
Allen	DiGirolamo	Maher	Schuler
Argall	Donatucci	Maitland	Scrimenti
Armstrong	Druce	Major	Semmel
Baker	Eachus	Manderino	Serafini
Bard	Egolf	Markosek	Seyfert
Barley	Evans	Marsico	Shaner
Barrar	Fairchild	Masland	Smith, B.
Battisto	Fargo	Mayermik	Smith, S. H.
Bebko-Jones	Feese	McCall	Snyder, D. W.
Belardi	Fichter	McGeehan	Staback
Belfanti	Fleagle	McGill	Stairs
Benninghoff	Flick	McIlhattan	Steelman
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Melio	Stern
Blaum	George	Michlovic	Stetler
Boscola	Gigliotti	Micozzie	Stevenson
Boyes	Gladeck	Miller	Strittmatter
Brown	Godshall	Mundy	Sturla
Browne	Gordner	Myers	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Gruppo	O'Brien	Taylor, E. Z.
Buxton	Habay	Olasz	Taylor, J.
Caltagirone	Haluska	Oliver	Thomas
Cappabianca	Hanna	Orie	Tigue



Carn	Harhart	Perzel	Trello
Carone	Hasay	Pesci	Trich
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petrone	Tulli
Chadwick	Hershey	Phillips	Vance
Civera	Hess	Pippy	Van Horne
Clark	Horsey	Pistella	Veon
Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colaella	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Corrigan	Kennedy	Robinson	Wojnaroski
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rohrer	Yewcic
Curry	Laughlin	Rooney	Youngblood
Daley	Lederer	Ross	Zimmerman
Dally	Leh	Rubleby	Zug
DeLuca	Lescovitz	Sainato	
Dempsey	Levdansky	Santoni	Ryan,
Dent	Lloyd	Sather	Speaker
Dermody	Lucyk	Saylor	

NAYS-0

NOT VOTING-1

Lawless

EXCUSED-4

LaGrotta	Nickol	Roberts	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am a little confused, but I guess what we are doing is particularly right in that I had an amendment - it was a school amendment - and I had been advised that maybe we should tighten it up a little because we do not want the frivolous activities of not being germane and not being constitutional. So you are accurate, Mr. Speaker, and I apologize. We will withdraw our amendment, waiting until tomorrow or another day. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Adolph	DeWeese	Lynch	Schroder
Allen	DiGirolamo	Maher	Schuler
Argall	Donatucci	Maitland	Scrimenti
Armstrong	Druce	Major	Semmel
Baker	Eachus	Manderino	Serafini
Bard	Egolf	Markosek	Seyfert
Barley	Evans	Marsico	Shaner
Barrar	Fairchild	Masland	Smith, B.
Battisto	Fargo	Mayernik	Smith, S. H.
Bebko-Jones	Feese	McCall	Snyder, D. W.
Belardi	Fichter	McGeehan	Staback
Belfanti	Fleagle	McGill	Stairs
Benninghoff	Flick	McIlhattan	Steelman
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Melio	Stern
Blaum	George	Michlovic	Stetler
Boscola	Gigliotti	Micozzie	Stevenson
Boyes	Gladeck	Miller	Strittmatter
Brown	Godshall	Mundy	Sturla
Browne	Gordner	Myers	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Gruppo	O'Brien	Taylor, E. Z.
Buxton	Habay	Olasz	Taylor, J.
Caltagirone	Haluska	Oliver	Thomas
Cappabianca	Hanna	Orie	Tigue
Carn	Harhart	Perzel	Trello
Carone	Hasay	Pesci	Trich
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petrone	Tulli
Chadwick	Hershey	Phillips	Vance
Civera	Hess	Pippy	Van Horne
Clark	Horsey	Pistella	Veon
Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colaella	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Corrigan	Kennedy	Robinson	Wojnaroski
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rohrer	Yewcic
Curry	Laughlin	Rooney	Youngblood
Daley	Lederer	Ross	Zimmerman
Dally	Leh	Rubleby	Zug
DeLuca	Lescovitz	Sainato	
Dempsey	Levdansky	Santoni	Ryan,
Dent	Lloyd	Sather	Speaker
Dermody	Lucyk	Saylor	

NAYS-0

NOT VOTING-1

Lawless

EXCUSED-4

LaGrotta	Nickol	Roberts	Travaglio
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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 565, PN 1291**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

#### VOTE STRICKEN

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Is it possible to strike the board? There is some administrative confusion on our side.

The SPEAKER. Indeed. Strike the board.

Mr. DeWEESE. Thank you.

(Conference held at Speaker's podium.)

#### BILL PASSED OVER

The SPEAKER. Without objection, HB 565 is over for today.

\* \* \*

The House proceeded to third consideration of **HB 943, PN 1057**, entitled:

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

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

#### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 943 be recommitted to Appropriations.

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

\* \* \*

The House proceeded to third consideration of **HB 1331, PN 1519**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for false identification to law enforcement authorities.

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

#### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1331 be recommitted to the Committee on Appropriations.

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

\* \* \*

The House proceeded to third consideration of **HB 1272, PN 2435**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the possession of weapons on school property.

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?

Does the gentleman, Mr. Vitali, seek recognition on this bill?  
Mr. VITALI. Thank you, Mr. Speaker.

I have an amendment filed to HB 1272. I believe it is marked "over" for the day, but I do in fact have an amendment filed to it.

The SPEAKER. The gentleman is correct; the computer indicates you do have one. We had been told it was withdrawn.

Are there any other amendments other than the Vitali amendments to HB 1272? We are under the impression that all amendments had been withdrawn. Now we understand Mr. Vitali has amendments. Are there any other amendments?

Mr. VITALI. Mr. Speaker, I will withdraw that amendment.

The SPEAKER. The Chair thanks the gentleman.

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-195

Adolph	DiGirolamo	Lynch	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGeehan	Snyder, D. W.
Belfanti	Flick	McGill	Staback
Benninghoff	Gannon	McIlhattan	Stairs
Birmelin	Geist	McNaughton	Steelman
Bishop	George	Melio	Steil
Blaum	Gigliotti	Michlovic	Stern
Boscola	Gladeck	Micozzie	Stetler
Boyes	Godshall	Miller	Stevenson
Browne	Gordner	Mundy	Strittmatter
Bunt	Gruitza	Myers	Sturla
Butkovitz	Gruppo	Nailor	Surra
Buxton	Habay	O'Brien	Tangretti
Caltagirone	Haluska	Olasz	Taylor, E. Z.
Cappabianca	Hanna	Oliver	Taylor, J.
Carn	Harhart	Orie	Tigue
Carone	Hasay	Perzel	Trello
Casorio	Hennessey	Pesci	Trich
Cawley	Herman	Petrarca	True
Chadwick	Hershey	Petrone	Tulli
Civera	Hess	Phillips	Vance
Clark	Horsey	Pippy	Van Horne
Clymer	Hutchinson	Pistella	Veon
Cohen, L. I.	Itkin	Platts	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafrilla	James	Ramos	Washington
Colaizzo	Jarolin	Raymond	Waugh
Conti	Josephs	Readshaw	Williams, A. H.
Cornell	Kaiser	Reber	Williams, C.
Corpora	Keller	Reinard	Wilt
Corrigan	Kenney	Rieger	Wogan
Cowell	Kirkland	Robinson	Wojnaroski
Coy	Krebs	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lederer	Rooney	Youngblood
Dally	Leh	Ross	Zimmerman
DeLuca	Lescovitz	Rubley	Zug
Dempsey	Levdansky	Sainato	
Dent	Lloyd	Santoni	Ryan,
Dermody	Lucyk	Sather	Speaker
DeWeese			

NAYS-1

Brown

NOT VOTING-2

Lawless Thomas

EXCUSED-4

LaGrotta Nickol Roberts Travaglio

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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BILLS PASSED OVER

The SPEAKER. All the bills on page 3 are over.

RESOLUTIONS

RESOLUTIONS PASSED OVER

The SPEAKER. Page 4. The first two resolutions on page 4 are over.

RESOLUTION PURSUANT TO RULE 35

Ms. WASHINGTON called up HR 286, PN 2474, entitled:

A Resolution declaring October 20, 1997, as "Pennsylvania Child Care Day."

On the question, Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

Adolph	DeWeese	Lynch	Schroder
Allen	DiGirolamo	Maher	Schuler
Argall	Donatucci	Maitland	Scrimenti
Armstrong	Druce	Major	Semmel
Baker	Eachus	Manderino	Serafini
Bard	Egolf	Markosek	Seyfert
Barley	Evans	Marsico	Shaner
Barrar	Fairchild	Masland	Smith, B.
Battisto	Fargo	Mayernik	Smith, S. H.
Bebko-Jones	Feese	McCall	Snyder, D. W.
Belardi	Fichter	McGeehan	Staback
Belfanti	Fleagle	McGill	Stairs
Benninghoff	Flick	McIlhattan	Steelman
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Melio	Stern
Blaum	George	Michlovic	Stetler
Boscola	Gigliotti	Micozzie	Stevenson
Boyes	Gladeck	Miller	Strittmatter
Brown	Godshall	Mundy	Sturla
Browne	Gordner	Myers	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Gruppo	O'Brien	Taylor, E. Z.
Buxton	Habay	Olasz	Taylor, J.
Caltagirone	Haluska	Oliver	Thomas
Cappabianca	Hanna	Orie	Tigue
Carn	Harhart	Perzel	Trello
Carone	Hasay	Pesci	Trich
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petrone	Tulli
Chadwick	Hershey	Phillips	Vance
Civera	Hess	Pippy	Van Horne
Clark	Horsey	Pistella	Veon
Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colafrilla	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Corrigan	Kenney	Robinson	Wojnaroski
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rohrer	Yewcic

Curry	Laughlin	Rooney	Youngblood
Daley	Lederer	Ross	Zimmerman
Dally	Leh	Rublely	Zug
DeLuca	Lescovitz	Sainato	
Dempsey	Levdansky	Santoni	Ryan,
Dent	Lloyd	Sather	Speaker
Dermody	Lucyk	Saylor	

NAYS—0

NOT VOTING—1

Lawless

EXCUSED—4

LaGrotta	Nickol	Roberts	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**SUPPLEMENTAL CALENDAR A**

**RESOLUTION PURSUANT TO RULE 35**

Mr. STAIRS called up **HR 253, PN 2293**, entitled:

A Resolution directing the Department of Education to establish an "Adopt a Classroom Program."

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS—197

Adolph	DeWeese	Lynch	Schroder
Allen	DiGirolamo	Maher	Schuler
Argall	Donatucci	Maitland	Scriminti
Armstrong	Drucé	Major	Semmel
Baker	Eachus	Manderino	Serafini
Bard	Egolf	Markosek	Seyfert
Barley	Evans	Marsico	Shaner
Barrar	Fairchild	Masland	Smith, B.
Battisto	Fargo	Mayernik	Smith, S. H.
Bebko-Jones	Feese	McCall	Snyder, D. W.
Belardi	Fichter	McGeehan	Staback
Belfanti	Fleagle	McGill	Stairs
Benninghoff	Flick	Mclhattan	Steelman
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Melio	Stern
Blaum	George	Michlovic	Stettler
Boscola	Gigliotti	Micozzie	Stevenson
Boyes	Gladeck	Miller	Strittmatter
Brown	Godshall	Mundy	Sturla
Browne	Gordner	Myers	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Gruppo	O'Brien	Taylor, E. Z.
Buxton	Habay	Olasz	Taylor, J.
Caltagirone	Haluska	Oliver	Thomas
Cappabianca	Hanna	Orie	Tigue
Cam	Harhart	Perzel	Trello
Carone	Hasay	Pesci	Trich
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petrone	Tulli
Chadwick	Hershey	Phillips	Vance
Civera	Hess	Pippy	Van Home
Clark	Horsely	Pistella	Veon

Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colafrilla	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Corrigan	Kenney	Robinson	Wojnaroski
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rohrer	Yewic
Curry	Laughlin	Rooney	Youngblood
Daley	Lederer	Ross	Zimmerman
Dally	Leh	Rublely	Zug
DeLuca	Lescovitz	Sainato	
Dempsey	Levdansky	Santoni	Ryan,
Dent	Lloyd	Sather	Speaker
Dermody	Lucyk	Saylor	

NAYS—0

NOT VOTING—1

Lawless

EXCUSED—4

LaGrotta	Nickol	Roberts	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**STATEMENT BY MR. MARKOSEK**

The SPEAKER. The Chair recognizes the gentleman, Mr. Markosek, under unanimous consent.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, yesterday the Pittsburgh Steelers met their arch rivals from the central division, the Jacksonville Jaguars, in a great battle in Three Rivers Stadium, and as most of us know by now, the Steelers were able to prevail in overtime and take over first place in the central division. And as we know, the Steelers were led by their great, great running back from Notre Dame, my alma mater, Mr. Speaker, the great Jerome Bettis, who is better known as "The Bus."

Mr. Speaker, as a member of the port authority, the Allegheny County Port Authority Board of Directors, as you may know, we have a Jerome Bettis bus pass that has been issued by the port authority in recognition of the great Steeler team and the great running back known, of course, as "The Bus." The permit is a cost of \$10. Patrons can ride the bus for free on game day, but more importantly than that, the money, as per Jerome Bettis, goes to the Pressley Ridge School, a great charity in our western Pennsylvania area.

I just want to say, Mr. Speaker, thank you for allowing me to give you this advertisement, if you will, and I just want to say that the Steelers will continue to roll and the Allegheny County Port Authority buses will continue to roll. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Gannon, on behalf of the Eagles perhaps?

Mr. GANNON. Not yet.

Thank you, Mr. Speaker.

Mr. Speaker, I wanted to announce that the House Judiciary Committee's recessed meeting will reconvene at 9:30 tomorrow morning in room 40 of the East Wing; that is 9:30 a.m. tomorrow morning.

The SPEAKER. The Chair thanks the gentleman.

**DEMOCRATIC CAUCUS**

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

I would just like to remind everybody there will be a 10 o'clock meeting of the House Democratic Caucus tomorrow to go over tomorrow and Wednesday's schedule.

The SPEAKER. May I have your attention.

Contrary to certain rumors, there will be a voting session, an early voting session, on Wednesday morning.

There will be no further votes today other than the usual moving up of certain bills.

**BILL REMOVED FROM TABLE**

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

Mr. PERZEL. Mr. Speaker, I move that SB 1136 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**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 1136, PN 1352.

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

HR 285, PN 2473

By Rep. FLICK

A Resolution memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp honoring Stephen Girard, mariner, banker, merchant and philanthropist, on the 150th anniversary of the founding of Girard College.

INTERGOVERNMENTAL AFFAIRS.

SR 89, PN 1416

By Rep. FLICK

A Concurrent Resolution memorializing Congress and the Environmental Protection Agency to halt implementation of proposed changes in the National Ambient Air Quality Standards for ground-level ozone and particulate and to take other actions to reduce pollution coming into this Commonwealth.

INTERGOVERNMENTAL AFFAIRS.

**BILL PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. Do the Republican or Democratic leaders have any further business? Any announcements by the committee chairmen? Any corrections of the record?

The Chair recognizes the gentleman from Mercer, Mr. Wilt.

Mr. WILT. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 28, 1997, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:52 p.m., e.s.t., the House adjourned.