

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 28, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 59

HOUSE OF REPRESENTATIVES

The House convened at 11 a.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:

Almighty God, our Heavenly Father, we gather today in gratitude of another day of life and another opportunity to represent the people of our Commonwealth.

We ask You to guide us this day in all our deliberations. May we be known for our integrity, our awareness of human needs, and our commitment to the highest ideals of government. Help us to think with clarity, work with enthusiasm, and accomplish with great satisfaction. Thus, when this day comes to its eventual close, allow us the rest that comes with knowing that we tried to do our very best and a joy that accompanies a job well done.

We pray our prayer in the name of Him who has created us and now sustains us in our work. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 27, 1997, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to today's leaves of absence and recognizes the majority whip, Mr. Snyder, who requests a leave of absence for the gentleman, Mr. BENNINGHOFF. The Chair hears no objection. The leave is granted.

The Chair recognizes the gentleman from Allegheny County, Mr. Itkin, who requests a leave of absence for the gentleman, Mr. LaGROTTA; the gentleman, Mr. ROBERTS; the gentleman, Mr. TRAVAGLIO, for today's session. Without objection, the leaves will be granted. The Chair hears no objection. The leaves are granted.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 338, PN 2519 (Amended)

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing immunity for employers who disclose certain information regarding current or former employees.

JUDICIARY.

HB 1850, PN 2520 (Amended)

By Rep. GANNON

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

JUDICIARY.

SB 770, PN 826

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for audio-video arraignment.

JUDICIARY.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased at this time to welcome, as the guests of Representatives Bunt, Gladeck, Godshall, and Fichter, a group of students from North Penn High School, who are seated in the gallery. Would the guests please wave so we know which ones you are. There we go.

And a group of students from Marian Catholic High School, who are the guests of the Schuylkill and Carbon County delegations. Would these guests please acknowledge their presence by waving so we can identify them. They, too, are in the gallery. Welcome to Harrisburg.

As the guests of Representative Julie Harhart, the Chair welcomes the following students from the Northern Lehigh High School to the floor of the House: Erin Reilly, Julie Peters, Alissa Hartzel, and Melinda Heiney, who are seated on the House floor. Would these guests please rise.

The Chair is pleased to welcome to the House today a group from the Beta Sigma Phi Sorority. They are seated in the gallery. They are here as the guests of Representatives Argall and Lucyk and Allen. Would these guests indicate their presence by waving their hands.

HOUSE BILLS INTRODUCED AND REFERRED

No. 9 By Representatives BUNT, HUTCHINSON, MAITLAND, ARGALL, B. SMITH, CHADWICK, HERSHEY, GODSHALL, ARMSTRONG, HERMAN, WAUGH, BELARDI, HALUSKA, CLYMER, FICHTER, COY, STABACK, E. Z. TAYLOR, KREBS, BARD, SAYLOR, TRAVAGLIO, LAUGHLIN, GORDNER, ROSS, PESCI, CAPPABIANCA, LEH, BROWN, McCALL, SCRIMENTI, ITKIN, FAIRCHILD, TRELLO, RAMOS, SATHER, STERN, PETRARCA, MANDERINO, MILLER, SEMMEL, BAKER, YOUNGBLOOD, L. I. COHEN, SEYFERT and SERAFINI

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

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 28, 1997.

No. 100 By Representatives ADOLPH, BARRAR, GANNON, MICOZZIE, GEIST, PESCI, READSHAW, LYNCH, SCHRODER, STABACK, FAIRCHILD, BELARDI, STEVENSON, CORRIGAN, SAYLOR, WAUGH, ROSS, PLATTS, RUBLEY, COY, HERSHEY, GODSHALL, ARMSTRONG, E. Z. TAYLOR, RAYMOND, JAROLIN, ALLEN, LEH, McNAUGHTON, TRELLO, C. WILLIAMS, D. W. SNYDER, SEMMEL, BROWNE, L. I. COHEN, SEYFERT, CORNELL, BENNINGHOFF and SERAFINI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for limitations on determining gains from disposition of real property; and increasing the personal income tax exclusion for sale of a principal residence.

Referred to Committee on FINANCE, October 28, 1997.

No. 1950 By Representatives SAYLOR, HERSHEY and LEVDANSKY

An Act authorizing certain municipalities to impose a phased-in gross receipts tax on new businesses after voter approval in a November municipal referendum; and making a repeal.

Referred to Committee on FINANCE, October 28, 1997.

No. 1958 By Representatives McGILL, FICHTER and WALKO

An Act amending the act of May 25, 1921 (P.L.1144, No.425), entitled "An act creating a Department of Public Welfare; defining its powers and duties; abolishing the Board of Public Charities, the Committee on Lunacy, and the Prison Labor Commission, and all offices thereunder, and vesting all the powers of said board, committee, and commission in the Department of Public Welfare; requiring all reports, notices, statements, or matters, heretofore required to be made, given, or submitted to the Board of Public Charities or the Committee on Lunacy, to be made, given, or submitted to the Department of Public Welfare; and providing penalties," further providing for the powers of the Department of Public Welfare relating to the commitment of juvenile delinquents.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 28, 1997.

No. 1959 By Representatives TULLI, GANNON, LAUGHLIN, FLEAGLE, BELARDI, WILT, TIGUE, CORRIGAN, WOJNAROSKI, MELIO, TRELLO, STABACK, WALKO, SEYFERT and BENNINGHOFF

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, further providing for powers of an authority.

Referred to Committee on LOCAL GOVERNMENT, October 28, 1997.

No. 1960 By Representatives TULLI, GANNON, LAUGHLIN, FLEAGLE, BELARDI, WILT, TIGUE, CORRIGAN, WOJNAROSKI, MELIO, TRELLO, STABACK, WALKO, SEYFERT and BENNINGHOFF

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the prohibition against standby charges.

Referred to Committee on CONSUMER AFFAIRS, October 28, 1997.

No. 1961 By Representatives MAITLAND, BARRAR, MELIO, BELFANTI, BUNT, L. I. COHEN, M. COHEN, McCALL, BELARDI, PETRARCA, PISTELLA, ROBERTS, ROSS, SATHER, SCHULER, SEMMEL, SEYFERT, TRELLO and YOUNGBLOOD

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for planning commission members.

Referred to Committee on LOCAL GOVERNMENT, October 28, 1997.

No. 1962 By Representatives MAITLAND, CLARK, DALEY, BELARDI, EGOLF, SAYLOR, STEELMAN, SURRA and TRELLO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for obligor's right to information related to expenditures of support paid to obligee.

Referred to Committee on JUDICIARY, October 28, 1997.

No. 1963 By Representatives CALTAGIRONE, HORSEY, JAMES, JOSEPHS, CASORIO, YOUNGBLOOD, BENNINGHOFF, ITKIN, MELIO, DALEY, DeWEESE, LEDERER, WOJNAROSKI, BATTISTO, MUNDY, RAMOS, TRELLO, SCRIMENTI, MILLER and WALKO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating the practice of bail enforcement.

Referred to Committee on JUDICIARY, October 28, 1997.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 291 By Representatives McCALL, GEORGE, EVANS, CALTAGIRONE, COY, DeWEESE, SURRA, BEBKO-JONES, MARKOSEK, CAPPABIANCA, PESCI, LAUGHLIN, ORIE, MELIO, HALUSKA, SCRIMENTI, HERMAN, SANTONI, BELARDI, ROONEY, GORDNER, READSHAW, ITKIN, TIGUE, DALEY, EACHUS, TRAVAGLIO, ARGALL, WALKO, VAN HORNE, CORPORA, RAMOS, TRELLO, MUNDY, SHANER, CARN, CURRY, TANGRETTI, PETRARCA, BATTISTO, C. WILLIAMS, MANDERINO, SAINATO, STABACK, KENNEY, LEVDANSKY, ROEBUCK, JOSEPHS, BROWNE, DeLUCA, COLAFELLA, ROBINSON, KIRKLAND, PISTELLA and CORRIGAN

A Resolution urging Governor Thomas J. Ridge to eliminate the ceiling on the number of children enrolled in the Children's Health Insurance Program (CHIP).

Referred to Committee on RULES, October 28, 1997.

SENATE MESSAGE

**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate
October 27, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 17, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 17, 1997, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?

Mr. PERZEL offered the following amendment:

Amend line 5 by deleting November 17, 1997, and inserting November 24, 1997.

Insert between the first and second resolved clauses the following paragraph:

RESOLVED, That when the Senate adjourns the week of November 17, 1997, it reconvene on Monday, November 24, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

On the question,
Will the House agree to the amendment?
Amendment was agreed to.

On the question,
Will the House concur in the resolution of the Senate as amended?

Resolution as amended was concurred in.

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the House today Professor Gwen Hoffman and her State and local government class from Clarion University, here today as the guests of Fred McIlhattan. Would the guests please wave their hands somehow so we see which ones they are. Welcome to the Capitol.

SUBCOMMITTEE MEETING

The SPEAKER. For the information of certain of the members, the Aging and Youth Subcommittee on Youth information meeting scheduled for Wednesday has been changed from 9:30 a.m. to 12:30 p.m. in room 60, East Wing, due to the session schedule.

GUESTS INTRODUCED

The SPEAKER. Here today as the guests of Representative Bob Godshall are Amy, Bob, and Dick Welch, who are seated I believe in the gallery. Would the Welches acknowledge their presence by waving or standing, as the case may be.

Here today as the guests of Representative Ron Marsico, the Chair welcomes Carlyn Bugaile and Laura Brightbill, who are guest pages. Would these guest pages please rise.

As the guest of Representative Rick Geist, Dr. Dave Duncan, seated to the left of the Speaker.

As the guests of Representative Leroy Zimmerman, serving as guest pages today, Dean Heller and David Stoltzfus. Would these guest pages please rise.

There are two additional guest pages. Here today as the guests of Representative McNaughton, the Chair welcomes Todd Peters and Matt Williard. Would these guests please rise.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGeehan	Staback
Belfanti	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	Wojnarowski
Coy	Krebs	Roebuck	Wright, M. N.
Curry	Laughlin	Rooney	Yewcic
Daley	Lawless	Ross	Youngblood
Dally	Lederer	Rubley	Zimmerman
DeLuca	Leh	Sainato	Zug
Dempsey	Lescovitz	Santoni	
Dent	Levdansky	Sather	
Dermody	Lloyd	Saylor	
DeWeese	Lucyk		

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Benninghoff Nickol Roberts Travaglio
LaGrotta

LEAVES ADDED—6

Cohen, L. Roherer Snyder Stetler
Conti Rubley

LEAVES CANCELED—1

Benninghoff

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Phyllis Mundy, Jason Holly, a senior at the Wyoming Area High School. He, too, is serving as a guest page. Jason, would you please rise.

CALENDAR

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:

HB 7, PN 2500.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 10, without objection, is over temporarily.

* * *

BILLS PASSED OVER

The SPEAKER. SB 95 is over.

The bills on page 2 are over.

* * *

BILLS PASSED OVER TEMPORARILY

The SPEAKER. Page 3. It is my understanding that the amendments for HB's 1744 and 1756 are not ready for the members. So these two bills are over temporarily.

* * *

BILLS PASSED OVER

The SPEAKER. The other bills on page 3 of the calendar, HB's 1745 and 1757, are over for the day.

Page 4. The first two bills are over.

The House proceeded to third consideration of HB 21, PN 2359, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

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

The SPEAKER. The gentleman, Mr. Snyder, offers the following amendment. The clerk will read the amendment. This is the amendment that carries Mr. Maher's name.

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

Mr. SNYDER offered the following amendment No. A4382:

Amend Sec. 1 (Sec. 202), page 5, line 25, by inserting after "IF" as of the beginning of the plan year,

Amend Sec. 1 (Sec. 202), page 5, line 27, by inserting after "0.70" and the governing body of the municipality has passed a resolution to irrevocably commit the municipality to apply the limit on the additional funding costs, as provided herein, in the preparation of the current and all future exhibits under this paragraph

Amend Sec. 1 (Sec. 202), page 5, line 27, by striking out "COST" and inserting costs

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

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply makes the bill optional, and I ask for support.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. The gentleman, Mr. Vitali. For what reason does the gentleman rise ? There is nothing in order now but the taking of the roll.

Mr. VITALI. I am going to ask that the vote be stricken, because I do not really think many of the members know what this amendment does.

The SPEAKER. There is nothing in order now but the taking of the roll. I had called this up for a vote, Mr. Vitali; that was the appropriate time to ask for recognition.

Mr. VITALI. Parliamentary inquiry.

The SPEAKER. Pardon me ?

Mr. VITALI. Parliamentary inquiry.

The SPEAKER. There is nothing in order but the taking of the roll, Mr. Vitali; I am sorry. Your option, sir – and I am not trying to play hardball – but your option really is to reconsider this vote.

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-2

Reinard Vitali

EXCUSED-5

Benninghoff Nickol Roberts Travaglio
LaGrotta

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?

The SPEAKER. Mr. Vitali, I am delaying for a moment to see whether or not you have an interest in reconsidering that amendment—

Mr. VITALI. Mr. Speaker—

The SPEAKER. —before I go into final passage.

Mr. VITALI. Yes; yes.

And I also would like to basically state, it is my understanding that the rules require when an amendment is run, that the maker give a brief explanation.

The SPEAKER. No, that is not so.

Mr. VITALI. Well, I know that—

The SPEAKER. The Chair is in error. You are correct. The sponsor of an amendment ordinarily gives an explanation.

Mr. Snyder was recognized to offer this amendment and did give a brief explanation, my recollection of that explanation being that this turns this into an optional bill, his brief explanation. That is my recollection of it.

Mr. VITALI. Then I apologize because I just was not paying attention.

My concern with that bill was, I know just by listening to the comments of other members around me that really that amendment was being voted on with no knowledge as to what it was. Now—

The SPEAKER. Mr. Snyder did give a short explanation.

Mr. VITALI. I understand.

Mr. Speaker, I am not going to— Actually, I am not going to ask for a reconsideration. There does not seem to be a general consensus here that it would change the outcome. So that concludes my remarks.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fleagle	McGeehan	Snyder, D. W.
Belardi	Flick	McGill	Staback

Belfanti	Gannon	McIlhattan	Stairs
Bimmelin	Geist	McNaughton	Steelman
Bishop	George	Melio	Steil
Blaum	Gigliotti	Michlovic	Stern
Boscola	Gladeck	Micozzie	Stetler
Boyes	Godshall	Miller	Stevenson
Brown	Gordner	Mundy	Strittmatter
Browne	Gruitza	Myers	Sturla
Bunt	Gruppo	Nailor	Surra
Butkovitz	Habay	O'Brien	Tangretti
Buxton	Haluska	Olasz	Taylor, E. Z.
Caltagirone	Hanna	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Carone	Hennessey	Pesci	Trello
Casorio	Herman	Petrarca	Trich
Cawley	Hershey	Petrone	True
Chadwick	Hess	Phillips	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Pistella	Van Horne
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Ramos	Walko
Colafella	Jarolin	Raymond	Washington
Colaizzo	Josephs	Readshaw	Waugh
Conti	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rubley	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	Ryan,
Dermody	Lucyk	Saylor	Speaker
DeWeese	Lynch		

NAYS—1

Fichter

NOT VOTING—0

EXCUSED—5

Benninghoff	Nickol	Roberts	Travaglio
LaGrotta			

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 1291, PN 2407**, entitled:

An Act amending the act of December 14, 1982 (P.L. 1227, No. 281), known as the Architects Licensure Law, adding definitions; further providing for firm practice, for permitted practices and for unauthorized practice; and making editorial changes.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

- | | | | |
|--------------|------------|------------|-----------------|
| Adolph | DiGirolamo | Lynch | Schroder |
| Allen | Donatucci | Maher | Schuler |
| Argall | Druce | Maitland | Scrimenti |
| Armstrong | Eachus | Major | Semmel |
| Baker | Egolf | Manderino | Serafini |
| Bard | Evans | Markosek | Seyfert |
| Barley | Fairchild | Marsico | Shaner |
| Barrar | Fargo | Masland | Smith, B. |
| Battisto | Feese | Mayernik | Smith, S. H. |
| Bebko-Jones | Fichter | McCall | Snyder, D. W. |
| Belardi | Fleagle | McGeehan | Staback |
| Belfanti | 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. |
| Caftagirone | 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 Home |
| Clymer | Hutchinson | Pistella | Veon |
| Cohen, L. I. | Itkin | Platts | Vitali |
| Cohen, M. | Jadlowiec | Preston | Walko |
| Colafrella | 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, |
| Dermody | Lloyd | Sather | Speaker |
| DeWeese | Lucyk | Saylor | |

NAYS—0

NOT VOTING—0

EXCUSED—5

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

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

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

BILL PASSED OVER

The SPEAKER. Page 5. SB 1136 is over.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 911 is over temporarily.

BILL PASSED OVER

The SPEAKER. HB 1561 is over.

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed 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 recurring,
Shall the bill pass finally?

The SPEAKER. May I have your attention, please.

HB 565. I have four amendments listed on my schedule, but I am told that they have been withdrawn.

Mr. Veon, is that accurate? Is the Veon amendment withdrawn? I assume it is. I assume my information is correct. Mr. DeLuca? It is correct. Mr. Walko? It is correct. Mr. Colafrella? It is correct. Thank you.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I think this is a piece of legislation that everybody in the House, I am sure, has gone over, but I think we should also pay attention to the debate today because I think it is important as to how it affects our families.

What HB 565 does is gives grandparents standing in court to file for visitation rights with the children of parents throughout Pennsylvania. In the happiest of circumstances, I think this is a dramatic intrusion into a family where the parents are doing their best to raise their children. And again, in the happiest of situations, cousins, brothers, sisters, grandparents, everybody gets to see the kids on any given day or holidays and so on. But there may be a couple out there in Pennsylvania who for whatever reason, maybe very, very good reasons, their children do not see their grandparents. As sad as that may seem, there may be a good reason for it. In the judgment of the mother and father, there may be a good reason for it, yet this bill would allow the grandparents, the in-laws, to have standing in court, to go into court and file for

visitation rights, something only the parents now have a right to do.

That may again, even though I believe that is an intrusion, that may seem harmless to you, but then you have to realize that even if the parents win, the mother and father win in court, what this bill does is make it necessary for them to go out and get a lawyer, to spend thousands of dollars to defend themselves for a decision that they have made for whatever reason. It is none of our business. For whatever reason they have made a decision that it is not in the kid's best interest to go visit the in-laws or their own parents, for whatever reason that might be, it is not up to us to determine what that reason is. So even though the mother and father might one day be successful in court, they will have to come up with a huge bill to pay the lawyer because it was necessary for them to defend the very personal decision that they made. That is in the happiest of circumstances.

Now you get into a situation where a man and wife go through a divorce and they, as each other's spouse, former spouse, go through a period of visitation proceedings so that the visitation — it is their children — they have a right to go before the court to file, to set up timetables by which they can have, they themselves can have visitation rights. But if through the course of these proceedings they decide also that it is not appropriate for whatever reason — because of things they did while they were still married; that the children for, again, whatever reason did not visit or did not keep in close contact or did not see their grandparents regularly enough to suit the grandparents — in this less than ideal situation, in the case of a divorce, what this legislation does again is give the grandparents, the in-laws, standing in court for the first time to sue a mom and dad to obtain visitation rights to their children.

We would hope that in every family that the kids are able to visit all family members, but if parents make that very personal decision, it seems to me that we should not have the mother and father open to that kind of legal proceedings, unanticipated though they might be, where grandparents can go into court to file for the rights to establish visitation schedules. Again, these are cases that the mother and father may end up winning, and in most cases, I assume that if parents have a darn good reason for it, they will win, but that will come only after that couple has spent — divorced or not — only after that couple has spent a rather hefty sum on lawyer's fees having to defend themselves.

I do not believe that we can legislate family togetherness, and I think this bill is an intrusion into the family, establishes a standing in court which is not there now, except under only the extreme circumstances where the parents themselves are impaired through drug and alcohol abuse and so on; it gives grandparents standing in court which I do not believe they should have.

I would ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair has been advised that the gentleman, Mr. Colafella's amendments have arrived and have been, I believe, circulated.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, under those circumstances, the Chair is going to reverse its decision that this bill has been agreed to on third reading and ask the gentleman, Mr. Colafella, to submit his amendments. The Chair hears no objection.

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

Mr. COLAFELLA offered the following amendment No. A4387:

Amend Sec. 2, page 2, lines 12 and 13, by striking out "A SUBSECTION" and inserting subsections

Amend Sec. 2, page 2, by inserting between lines 15 and 16 (b.2) Parent convicted of murder—

(1) No court shall make an order providing visitation rights to a parent who has been convicted of murder in the first degree of the other parent of the child who is the subject of the order, unless such child is of suitable age and assents to such order.

(2) For purposes of this subsection, the phrase "child is of suitable age" shall mean that age at which the court determines that the child is capable of making a rational and reasoned decision relating to the issue of visitation.

Amend Bill, page 4, line 11, by striking out all of said line and inserting

Section 4. The amendment of 23 Pa.C.S. § 5303 shall apply to all orders affecting visitation which are entered into or modified on or after the effective date of this amendatory act.

Section 5. This act shall take effect in 60 days.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Colafella, for a brief explanation of his amendment.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, my amendment simply prohibits the courts from providing visitation rights to a parent convicted of murdering the other parent of the child.

In a Massachusetts case, where the husband was convicted of killing his wife in front of their kids, the courts ordered that the convicted killer's visitation rights supersede the children's understandable reluctance to visit the father in prison. This is outrageous, and hopefully, no youngster in Pennsylvania will have to face this.

For those reasons I would appreciate an affirmative vote on my 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	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGeehan	Staback
Belfanti	Flick	McGill	Stairs

Birmelin	Gannon	McIlhattan	Steeleman
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
Cam	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
Colafella	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,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

The SPEAKER. Mr. Belfanti, would you please yield for a moment.

Conferences on the floor, please break up.

Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I have been a strong supporter of every piece of legislation to ever come through this chamber to go after deadbeat dads and go after child support, et cetera, and my record is second to none on those issues, but recently in my legislative district, a family went through a situation that I think I would like to share with the members.

There was a young couple, not married, who, through the information supplied by one of the girl's uncles, intentionally became pregnant by flushing her birth control pills down the commode in an effort to entice a certain individual into marrying her. The individual had a history of some psychological problems, and the couple did try to work things out. The gentleman involved went to all the Lamaze classes with this girl and talked to her about psychological counseling, joint counseling, set those counseling sessions up and attended with her, and did his darndest to try and get things to work out to where even though he did not feel inclined to marry the girl, he wanted to share in the rearing of the child and be a 50-percent participant, including payment of child support and whatever else, the copays on all the hospital bills, et cetera.

Mr. Speaker, about a week or two before the delivery, there was a complete breakdown between the two because of the fact that the young man had still insisted that there would not be a marriage, at least in the short term, and that he would be glad to, again, participate fully in the raising of the child and they could remain close friends.

Well, Mr. Speaker, the day of the delivery came, and the young man went to the hospital with his mother to see his son and his mother's grandson. Excuse me; it was the day after the delivery because the girl involved failed to inform both the grandparents and the father of the delivery even though that was an agreement made between both the grandparents involved and the two youngsters. The day after the birth of the child, the grandmother and her son, the father of the child, went to the hospital to visit and see their flesh and blood. They were met by a security officer, who informed them that the mother did not want either of them to see this child. They had a series of meetings with hospital administration staff, but in the final analysis, they were escorted out of the hospital.

Mr. Speaker, for the next 126 days this young man made attempts to see his child. The girl very promptly, after the birth, filed for full custody and filed for child support, but for 126 days this young man was not allowed to even see his son let alone the grandparents. What he had to do was schedule himself for a DNA test, which took about 6 or 7 weeks just to get the test. It took another 6 or so weeks to get the test results back, and then the gentleman filed with the court of common pleas for emergency visitation. Until the court got around to scheduling that hearing, it was another few weeks. In any case, 126 days went by where this young man was obligated to pay child support and was unable to even look at the face of his son.

That individual, Mr. Speaker, is my son. My son was escorted out of the hospital. My wife was not allowed to see her grandson. I was not allowed to see my grandson for 126 days. In fact, the day

NAYS-0

NOT VOTING-0

EXCUSED-5

Benninghoff	Nickol	Roberts	Travaglio
LaGrotta			

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. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 565 introduced by the gentleman, Mr. Snyder.

I would like to relate an instance to the members on the floor as to why I feel strongly about this legislation.

Mr. Speaker, there is a family in my district—

of the court hearing the child was held with his back to me and my wife and my son so we could not even see the front of his face on that date.

Mr. Speaker, the laws in this State— We have the best record in collecting child support from deadbeat dads anywhere in the country, but the law, many of the laws have gone far too far. There are many instances, and because of all of this activity, I am receiving e-mails from across the State and the country from fathers and from grandparents who care about their children, who want to see their children, and I made a speech in this chamber about 4 or 5 months ago that touched on this issue.

I really think the custody laws, the child support laws in this State need much more scrutiny, and there has to be some understanding on some occasions for the rights of fathers and grandparents when simply out of trying to be contrary or trying to get even for failing to marry someone, instances like this occur and can occur over and over again.

I am happy to report that my son is now able to see his son each Wednesday evening from 4:30 to 7, and after a month of 3-hour visits on Saturdays and Sundays, he now has custody of his child from 9 o'clock Saturday morning until 5 o'clock Sunday evening. And over the course of these few months where he has had custody, he and my wife and I have spent almost every minute with that child. I have canceled many, many events so that I could be with the grandson I did not see for 126 days, trying to make up for that.

So, Mr. Speaker, I support the Snyder legislation, and in the future, on the issue of paternal rights, you will probably be hearing more from me. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Will the maker of the bill please stand for interrogation?

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

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, there is some confusion on our side, at least as I understand it, about the impact of this proposed legislation on intact families. So I want to ask a few questions so that I can get clarity and others can get clarity.

With regard to a — and I am going to break it down into two different questions — with regard to a family where the mother and father of the child with whom visitation is being sought by the grandparent, when that mother and father are married, how, if at all, does this bill apply?

Mr. SNYDER. Mr. Speaker, the purpose of this legislation is to expand the rights of grandparents to seek visitation even when there is an intact family in terms of the parents.

Ms. MANDERINO. Okay. So it would be correct to say that if there is an intact family, with a husband and a wife married to each other and their child, and the parents did not want the grandparents for whatever reason to have visitation, this would give visitation in the intact family situation.

Mr. SNYDER. Mr. Speaker, this would not grant visitation. All this legislation would do would be to allow grandparents who feel that there is not a justifiable reason in the best interest of the children to prevent them from seeing his or her or their grandchildren. So this basically just gives them a forum to bring

the issues out. It does not grant visitation rights such as some of the other provisions do when you do not have an intact family.

Ms. MANDERINO. Okay. I understand. Actually, I understand the issue. My second question is not necessary. Thank you.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I wonder if we could get attention here, because I will not speak long, but I do want to make a point, which will be over quickly if we can have a little quiet, Mr. Speaker.

The SPEAKER. Conferences on the floor, please move to the outer rooms.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER. Will the lady yield; will the lady yield.

If you want quiet, we are going to give you quiet.

Ms. JOSEPHS. I appreciate it.

The SPEAKER. Ms. Josephs, I have given you quiet, and you have promised us a short statement.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise in opposition to this bill.

I have done this kind of work. Before I was privileged to be the Representative for the people of the 182d District, I did this work.

I have been listening to the debate. I listened to the questions; I listened to the answers. The maker of this bill said this applies to intact families. Here we have a wife and a husband. They have their jobs; they have their children. They are trying to get by, just like us. Somebody else — a grandparent, perhaps a grandparent who molested the wife, perhaps a grandparent who has a substance abuse problem, perhaps a grandparent who for a very good reason should not have contact with these children as the husband and the wife have decided — we have now empowered, if we pass this bill, the courts to challenge the decision of a married woman to the man she is married about their children. I think this is a gross violation of family values and family rights.

I appreciate the motives of the maker of this amendment, but I think this is a bill that all of us must vote “no” against. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Mr. Blaum for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, just once again to ask the members for a negative vote.

As we heard earlier from the courageous statement of the gentleman from Northumberland, it demonstrates that the father has standing in court to go in and obtain visitation rights. What this bill does is give grandparents standing in court to go in and get visitation rights.

Now, in the happiest of situations, that is not necessary, but just as the lady from Philadelphia said, when it is the decision of the mother and father for whatever reason, once that decision is made, to make them subject to a disgruntled in-law, a disgruntled parent, who would then have standing in court to go in and file, I think is a gross intrusion into the family. Even though we believe and I believe that the mother and father would eventually win out and demonstrate the reasons for their decision, that will not be until that family has paid an enormous amount in legal fees to defend themselves unnecessarily. They should not be placed in that position.

So I think this is simply an attempt to legislate good behavior in our families and to legislate togetherness, and it is something that we cannot do in this case. The system is best left the way it is, and I would ask the members for a negative vote.

The SPEAKER. The gentleman, Mr. Belfanti, for the second time on the issue.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I may not have made all of the points I wanted to make, and I will not belabor the subject again. The fact is, however, Mr. Speaker, my wife and I did not have standing for an emergency visitation of our grandson; we did not. My son did, and my son had to go through the long process, which he did, and was eventually granted emergency visitation and partial custody. This custody battle may go on another year or year and a half.

In the interim, Mr. Speaker, grandparents, such as myself, may be used as pawns, and through vindictiveness by one or the other party, just simple vindictiveness, not have the ability to even retain an attorney and have standing in court under Pennsylvania law.

I believe, Mr. Speaker, if my son, if my son would have opted not to go to Lamaze and not to want to be a good father and not to want to take part in his son's upbringing, that would not preclude my wife and me from wanting contact with our grandson, even if my son were one of those folks that joined the French Foreign Legion and skipped town.

I, as a grandparent, believe I have a right to see my flesh and blood, and my wife feels the same way, and I believe there are many other grandparents in this State who feel the way I feel.

I take issue with the remarks by the Democratic chairman of the Aging and Youth Committee and once again ask for a "yes" vote on final passage of HB 565.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia County, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I will be very brief.

I simply want to say, this legislation deals with intact families, and there have to be some very, very serious and wrong reasons for an intact family not to want their parents to have access to their children. I think we need to consider the fact that in many cases this happens with young people, young couples, who sometimes are at odds for some reason or another with their grandparents, and they do not have, many times, the money to go through long legal court battles to try to win this case, whereas grandparents do have access to that kind of money, and I think we need to look at what we are doing. As State legislators, we are usurping the power of a mother and a father, not someone who is on welfare, not someone who is caught up in the system, but an intact family who has the right to decide who has access to their children. Sometimes one of those grandparents or both might have mental problems; they might have serious problems that could jeopardize the health, the safety of that child.

I would vote "no" on this bill, and I urge the rest of my colleagues to think seriously about what we are doing when we take the rights and the power from a mother and a father to decide who has access to their children.

In closing, I am a mother, a grandmother three times. I would hate very much for my sons and my daughter to prevent me from seeing my grandchildren, but if they did, there would be some

serious reasons as to why they would not want me to, and I would have to respect that.

Thank you, and please vote "no."

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady, Ms. Bebkö-Jones.

Ms. BEBKÖ-JONES. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the bill, please.

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

Ms. BEBKÖ-JONES. Thank you, Mr. Speaker.

Mr. Speaker, we have heard this word "intact" family. Can the maker of the bill describe to me what he means by a family that is intact? Does it mean that mom and dad are legally married, mom and dad had a baby and they are not married? What is an intact family?

Mr. SNYDER. Mr. Speaker, the word "intact" is just a word that we are using in forms of the debate here on the floor today. It has nothing to do with any language in this legislation.

The language of the legislation is very simple. It basically reads that the grandparents and great-grandparents may be granted reasonable visitation rights to an unmarried child by the court upon a finding that visitation would be in the best interest of the child and would not interfere with the parent-child relationship. That could be a single parent; that could be two parents; that could be anything.

There are other provisions in the law that deal with a situation where the parents are divorced or separated, and there is another provision of the law that deals with parents where one parent or both parents are deceased. So those two categories are already covered by other provisions of the act, whereas this one just deals with the fact that where a great-grandparent or a grandparent wishes to see, on a visitation basis, his or her grandchild, no matter what the situation is in terms of the parents, if there is a substantial interest that serves the child— And that is what the focus of this whole legislation is — what is in the best interest of the child.

We have heard debates about substance abuse and child abuse and things like that, and certainly those kinds of situations, most likely, would not even appear before the courts because of the unlikely opportunity for success. What we are looking at, as previous speakers have said, is where parents may be vindictive — using the children as hostages, using them as leverage, just for whatever reasons that they are denying the grandparents the right to see their grandchild — that is what we are talking about here.

Ms. BEBKÖ-JONES. Thank you, Mr. Speaker.

The SPEAKER. Will the lady yield.

Staff people not involved in this particular issue, please. A moment ago there were, I counted, 13 staff people on the floor, none of whom appeared to be involved in this issue. I would appreciate it if they carried on business in the outer chambers. I am not referring to leadership staff.

The lady may continue.

Ms. BEBKÖ-JONES. Thank you, Mr. Speaker.

So, Mr. Speaker, as the law stands now, grandparents do not have any rights to custody and visitation?

Mr. SNYDER. We are not talking about custody in this situation; we are only talking about visitation, and that is correct.

Under the current law, if a mother of a child for whatever reason wishes to deny visitation rights or to allow the grandparent

to see her child, there is currently no means for those grandparents to have a forum to determine whether or not the reason for denial of that visit is legitimate or not in terms of the best interest of the child.

Ms. BEBKO-JONES. Okay. So presently they do not have the tools to go into custody or visitation court, not custody but visitation, you are telling me. If I say that my parents cannot see my child and for my own personal reasons my parents have no avenue to go through within the court system the way it is set up now, there is no other way that my parents have legal tools to get to see their grandson or their granddaughter? Is that what you are saying?

Mr. SNYDER. That is correct, Mr. Speaker.

Mr. Speaker, many of us have received letters from families in which that situation has occurred, and many of us have received letters of their efforts to try to find a forum to have that reviewed to determine whether or not they should have that right, and currently nothing does exist, which is why this legislation is necessary.

Ms. BEBKO-JONES. But, Mr. Speaker, I guess maybe I am getting confused here, because there are some cases in Erie County that I know of that grandparents were given visitation through a family court process or they dealt with that particular judge at the time. It seems to me, Mr. Speaker, that judges are making these decisions as far as visitation. There is a way for grandparents to get in the system, or am I wrong? It seems to me in Erie County we have had that situation, and grandparents are getting visitation solely because they used another avenue within our legal system — family court or custody visitation or showed up or subpoenaed their daughters or sons to get visitation. Is that being done now and you want to put this now statute that automatically, you know, grandparents have a right to do this?

Mr. SNYDER. Mr. Speaker, I am not aware of all the cases in Erie County. I know in Lehigh County, that certainly the courts have ruled that they do not have the jurisdiction right now to hear this type of case. But also, Mr. Speaker, I think many of the cases that you may be familiar with are in conjunction with matters that are already before the family court, such as a divorce situation, in which these other issues then are raised, and since the court already has jurisdiction, they may include visitation for grandparents as one of the issues to be resolved in that forum.

Ms. BEBKO-JONES. I would like to yield that over to you so you could explain that again. Can I do that, Mr. Speaker?

The SPEAKER. The lady yields to the gentleman, Mr. Belfanti, who technically has already spoken for the second time, but it is easier to go.

Mr. BELFANTI. I am under interrogation.

Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Snyder, is quite right. The way that my wife and I were given the opportunity for visitation was because of another court-related matter, which happened to be my son's request through the court system for emergency visitation and/or joint custody. Technically, in this State the only way a grandparent does have solid footing is if he is brought into the court battle because of some other circumstance.

I believe that this legislation for the first time would give the grandparents, who may be victims, again, of the vindictiveness, some standing to, on their own right, in their own right, petition the court and plead their case. If the court decides that the rationale

used by one or both parents in precluding or preventing those grandparents from seeing their grandson or granddaughter, the court will hear all the facts and make the determination that the grandparents should not see the child. I hope that answers the question.

Ms. BEBKO-JONES. Okay. Yes.

The SPEAKER. The Chair thanks the gentleman.

The lady, Ms. Bebko-Jones.

Ms. BEBKO-JONES. Thank you, Mr. Speaker.

Yes. Thank you very much for answering that question. I am clear. Thank you.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am going to support HB 565.

To me, this bill seems very logical; it is a no-brainer. I do not know where all of a sudden the sanctity of, you know, one's — of a family decision becomes paramount over the welfare of the child. I think we have our priorities askew here. I think we need to take a look at the welfare of that child, and we are not in the position in this hall of the House on the floor today to make the decision in every single case; that is why we remand that decision to the courts. The court goes through the individual situation, and if there is a case of abuse, as the gentlelady from Philadelphia pointed out, in the family relationship, that becomes part of that individual child and that particular case as a whole decisionmaking process, and that is why we send that to the courts, because we cannot do that here. We are simply giving standing to grandparents, and I think we should.

It was mentioned earlier that in healthy families, they need to make the decisions, they need to control the decisions in their children's lives. In healthy families and in healthy family relationships that bring up healthy children and open children, there is a sense of compassion and an understanding of another individual in the family who wishes to maintain, maintain a relationship that they already have with the child, and it is equally important for that child and their future development to maintain a relationship with that grandparent and their history and their past.

I think that is critically important, and we are not making the decision as to whether that grandparent has visitation rights or custodial rights. We are simply making the decision that that grandparent has standing to petition the court for those rights, and then the court will make the decision, taking a look at all the circumstances on that.

So, Mr. Speaker, I think the sponsors of this bill are right on target. We need to do this. There are far more good and gentle and kind and giving grandparents in this State that are being closed out of a continuing relationship with their grandchildren than there are grandparents who are somehow going to disrupt the family decisionmaking, grandparents who somehow have something in their past that could endanger those children. Those are the small, small minority of grandparents. We are talking about a large — well, I am not even sure how large a group — but certainly the number of well-intentioned, positive people who are grandparents who are denied the right to see their grandchildren and denied the right for some ridiculous kinds of decisions made under the stress of a divorce or made under the stress of a death in the family, those folks far outnumber the cases where they wish some ill will toward the child or they would commit some ill will toward that child.

I think for the purposes of voting on this bill, the members have to consider the welfare of that child and allow the grandparents at least to have standing in court, to petition the court, who can better make that decision than we can here.

For that reason I support HB 565. Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and removes from leave of absence the gentleman, Mr. Benninghoff. The Chair hears no objection.

CONSIDERATION OF HB 565 CONTINUED

The SPEAKER. The Chair recognizes, for the second time, the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The previous speaker to me and several of the other speakers have said that there ought to be a procedure giving courts jurisdiction when the parents of these children are involved in a separation or a divorce. We have that. The speakers before me have said there ought to be a procedure for giving courts jurisdiction when there is some evidence that there is abuse or neglect of the children of a marriage. We have that.

This bill proposes to have the courts have the power to intervene in a marriage where there is no divorce, there is no separation, there are two adults who have made decisions about their children, there is no evidence of abuse of those children, there is no evidence of neglect of those children, and we are giving the court jurisdiction to intervene in that decision?

I say vote "no."

The SPEAKER. The Chair thanks the lady.

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-175

- Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carone, Casorio, Donatucci, Druce, Egolf, Fairchild, Fargo, Fichter, Fleagle, Flick, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Harhart, Hennessey, Herman, Hershey, Hess, Hutchinson, Maitland, Major, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, McIlhattan, McNaughton, Melio, Michlovic, Micozzie, Miller, Myers, Nailor, O'Brien, Olasz, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Phillips, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Tigue, Trello, Trich

- Cawley, Chadwick, Civera, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Corpora, Corrigan, Coy, Daley, Dally, DeLuca, Dempsey, Dent, DeWeese, DiGirolamo, Itkin, Jadowiec, James, Jarolin, Kaiser, Keller, Kenney, Kirkland, Krebs, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Lynch, Maher, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Robinson, Rohrer, Rooney, Ross, Rubley, Sainato, Santoni, Sather, Saylor, True, Tulli, Van Home, Veon, Vitali, Walko, Washington, Waugh, Wilt, Wogan, Wojnaroski, Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

NAYS-22

- Bishop, Blaum, Cam, Clark, Cowell, Curry, Dermody, Eachus, Evans, Feese, Hanna, Hasay, Horsey, Josephs, Manderino, Masland, Mundy, Roebuck, Stetler, Vance, Williams, A. H., Williams, C.

NOT VOTING-1

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.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today guests from the Showalter Middle School, along with their principal, Mrs. King. They are here as the guests of our good friend, the Reverend Kirkland, from the grand county of Delaware. Would these guests please wave their hands to be acknowledged.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist. Mr. GEIST. Thank you very much, Mr. Speaker.

At the break there will be an immediate meeting of the Transportation Committee. We want to move a couple bills out.

And, Mr. Speaker, while I have the attention of the House, one of the bills that we would like to move out is a bill in tribute to Al Pettit. Al Pettit had very, very much wanted this piece of legislation, and what we would ask is the indulgence of the House, and as soon as we can work it out with Senator Corman and Senator Stout, we would like to be able to pass this bill clean in

memorial to him. It is something that he really wanted, and with all the games that we have been playing with amendments and everything else in the last year, it would be very nice if we could do this as a tribute, and we will be talking more about it.

Thank you very much; at the break.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of making an announcement for the Republican Caucus.

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus at 1:30. We will plan on coming back for a vote at 2:30.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the Democratic caucus chairman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus to go over a few bills we have not had the information on which to caucus on at 1:30.

ANNOUNCEMENT BY MR. COHEN

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

Mr. COHEN. Immediately upon the recess, there will be a Policy Committee meeting to which all members of the caucus are invited. I would urge members to attend both the Policy Committee meeting now and the caucus at 1:30.

The SPEAKER. Do the Republican or Democratic floor leaders have any further business?

The gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

The transportation bills that were spoken about earlier that are coming over, do we know if those are Title 75 bills?

The SPEAKER. I do not know. That is something you would have to discuss with Mr. Geist, and he is off the floor; he is just— You should go see Mr. Geist, who is all the way in the back of the hall.

Mr. CASORIO. All right. Thank you, Mr. Speaker.

The SPEAKER. He is having a meeting right now.

RECESS

The SPEAKER. Any further business?

Hearing none, this House will stand in recess until 2:30, unless sooner recalled or extended by the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate resolution numbered and entitled as follows, viz:

In the Senate
October 27, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, November 17, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of November 17, 1997, it reconvene on Monday, November 24, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

~~RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, November 17, 1997, unless sooner recalled by the Speaker of the House of Representatives.~~

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, November 24, 1997, unless sooner recalled by the Speaker of the House of Representatives.

BILL REPORTED AND REREFERRED TO COMMITTEE ON INSURANCE

HB 797, PN 897

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions.

TRANSPORTATION.

BILL REPORTED AND REREFERRED TO COMMITTEE ON STATE GOVERNMENT

HB 1927, PN 2434

By Rep. GEIST

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

TRANSPORTATION.

SUBCOMMITTEE MEETING

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

Mr. FICHTER. To make an announcement, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. FICHTER. Thank you, Mr. Speaker.
 I would like to announce the Local Government Subcommittee on Counties will meet tomorrow morning at 9:30 in room 39 in the East Wing. Thank you.
 The SPEAKER pro tempore. The Chair thanks the gentleman.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 41, PN 846**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to **HB 1027, PN 2504**.

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

SENATE MESSAGE

**AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 176, PN 1442**.

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

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mrs. MILLER called up **HR 10, PN 2491**, entitled:

A Resolution recognizing the week beginning on November 17, 1997, as "Rural Pennsylvania Week."

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—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 Home |
| Clymer | Hutchinson | Pistella | Veon |
| Cohen, L. I. | Itkin | Platts | Vitali |
| Cohen, M. | Jadlowiec | Preston | Walko |
| Colafella | 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, |
| Dermody | Lloyd | Sather | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

RESOLUTIONS

Mr. S. H. SMITH called up HR 260, PN 2336, entitled:

A Resolution calling upon the President of the United States to avoid entering into any new climate treaty commitments pursuant to the Berlin Mandate that could adversely affect the United States; and calling upon the United States Senate to reject any proposed protocol or amendment not in compliance with Senate Resolution No. 98.

On the question,

Will the House adopt the resolution ?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Jefferson County, Mr. Smith.

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

Mr. Speaker, I just wanted to bring a couple of things to the attention of the membership regarding this resolution.

Actually, HR 260 and SR 74 are virtually identical, and I just wanted the membership to understand; there was a little confusion. One was introduced as a concurrent resolution — the Senate resolution — whereas the House resolution is a stand-alone resolution. So we do not get these two things mixed up, they are one in and of the same as far as the meaning of the resolutions.

This resolution is not— I want to tell the members a couple of things about what it is not. It is not a debate about global warming or where things are in terms of that entire issue. What this resolution simply is about is how far the United States should be going in terms of signing global treaties that affect global problems of air pollution and how far the underdeveloped or developing nations should be going.

Just a little bit of history on it. Back in 1992 the United States and some other nations signed what was then a United Nations treaty in Rio de Janeiro, and in that treaty, 36 industrialized nations, which included the United States, agreed to reduce greenhouse emissions, greenhouse gas emissions, to try to achieve 1990 levels. There were 125 developing nations. Now, these are nations like India, China, Mexico, Brazil, South Korea that were excluded.

A few years ago, then in 1995, there was a meeting in Berlin in which these countries all agreed to reevaluate the situation, and currently the administration, the President and the administration in Washington, is preparing to go to Kyoto, Japan, to potentially reengage in a treaty there that would affect what the United States would agree to relative to our reduction of greenhouse gas emissions.

What this resolution is doing — it is not debating about whether or not there are greenhouse gas emissions; it is not debating whether or not we have a problem — it is simply stating that the United States and in essence the United States Senate should avoid entering into any new climate treaty that commits us, in this country, to something that would cause a loss of jobs, a loss of income or economic development in the United States, or potentially increase the price of energy to consumers without corresponding commitments from these developing countries.

Basically, we do not want to see the United States put behind the eight ball to where we will not be able to compete with the world economy, where the developing nations will be able to go ahead and have whatever emissions they want without being checked at all, and that our reduction in emissions would only be

eroded by these developing nations' increase in pollution that might be emitted through greenhouse gases.

So I hope that that gives us a little bit of background on it. There is a global problem potentially, and that should involve a global solution. All countries should be treated fairly, and in essence what we are asking for is reinforcing something that the United States Senate has already done in essence — they have communicated with the President that they do not want the United States to be put behind the eight ball in essence.

I am requesting an affirmative vote on this resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, on the resolution.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, this resolution concerns me greatly. Most scientists will agree that global warming is one of the most serious problems, if not the serious problem, that this planet faces, and this resolution is tied into the emission of greenhouse gases, which contributes to global warming.

It is such a serious problem because an increase in the earth's temperature, which is caused by these greenhouse gases, will result, scientists believe, in the melting of polar ice caps, which will result in flooding of low-lying areas; shifts in climate, which could also result in drought; and other sorts of environmental havoc.

The United States is in the process of negotiating, and there will be, in Kyoto, Japan, from December 1 through 10, a conference to attempt to negotiate some sort of protocol which both the developing countries and the developed countries can agree on. My concern with this resolution is that it will hamstring the administration; if the mandates of this resolution were followed, it would hamstring the administration in those negotiations.

Mr. Speaker, this resolution calls upon the President and the Senate to do certain things which, if they were done, would result in no treaty at all, and no treaty at all could have tragic consequences for this planet.

This resolution requires things like the same compliance schedule for developing countries as developed countries. Now, that is like asking various Third World countries who are still getting potable water to be held to the same compliance schedule as people who are working on their second Chevy Blazer. We are just differently situated and should not be on the same compliance schedule.

President Clinton, in a recent speech, has committed to holding developing countries to doing something, but we should not insist as a condition to entering into an agreement, as this resolution would have, as entering into the same compliance schedule. There are vast differences between developing countries and developed countries. The United States produces 25 percent of greenhouse gases yet only has 4 percent of the world's population. We should not be held to the same standard, or rather, countries like Costa Rica, Guatemala, Botswana, and so forth should not be held to the same standards as we are held.

Mr. Speaker, currently there is a nationwide advertising campaign that is backed by the coal companies, the electric utilities, the auto manufacturers, because it would be in their pecuniary interests but not in the global interest, that there be no agreement, and I do not want this House to become a mouthpiece for those financial interests.

Mr. Speaker, there are many competing — there are different competing studies. This resolution asserts that a treaty would result in a loss of 1.7 million jobs when in fact there are conflicting studies. The Department of Energy recently released a study that in fact indicated that the standards that the Clinton administration is proposing will result in a gain of 800,000 jobs, mainly in the alternate energy industries. I think we have known from past experience that the process of cleaning up pollution and the various technologies can also result in increased employment.

Mr. Speaker, the fact of the matter is that this body knows an insufficient amount about the Rio summit, about the Berlin Mandate, about the upcoming Kyoto conference. We are just not in a position to make an informed, deliberate decision. This body loses its credibility when it takes on issues that are out of its area of expertise. Mr. Speaker, we are not in a position to be directing the President or the Senate to do anything in this area, because we do not have the information; this has not been considered by our committees.

MOTION TO RECOMMIT

Mr. VITALI. Mr. Speaker, because we have insufficient information at this point, I would make a motion that this resolution be recommitted to the House Environmental Committee for further study. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, moves that HR 260 be recommitted to the Environmental Resources Committee.

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

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Smith.

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

On this motion, Mr. Speaker, I would obviously ask for a “no” vote.

This is a resolution that is reinforcing something that the United States Senate has already been on record of doing. I regret that the former speaker thinks that we do not have enough knowledge or intelligence to pass on our judgment on issues of this nature, because I think all of us do have knowledge. We represent the people in our districts, and we come to Harrisburg with that collective knowledge that does come from them.

Clearly, this resolution does not deal with the question of global warming in the purest sense. It deals with an issue of whether or not—

The SPEAKER pro tempore. Will the gentleman suspend.

The Chair would like to remind all the members that their debate on this subject must be limited to reasons why or why not the resolution should be recommitted and not a debate on the merits of the resolution.

The Chair recognizes the gentleman, Mr. Smith.

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

Let me just say this: We do not need to recommit this, we should not recommit this, because this issue is something that is before the United States Congress. The President and the administration are in the process of negotiating this treaty, and I think it is important for this body to go on record today, before the

end of this month certainly, to accomplish that, and I would urge a “no” vote on the recommittal motion.

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman from Allegheny County, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, as I understand the maker of the motion, he made the motion predicated on his belief that this piece of legislation did not follow the appropriate course that the rules of the House set forth on its deliberation. I would like to make mention of the fact that this particular piece of legislation, this legislation was referred to the House Intergovernmental Affairs Committee. Now, for those of you that may recall, when we reorganized the House of Representatives a few years back, what was then the Federal-State Relations Committee took on the name of the Intergovernmental Affairs Committee. The history of that particular committee as it relates to this piece of legislation and this motion is that the tradition and the rules and the Speakers have always seen fit that any piece of legislation — particularly a resolution that has memorialized a President of the United States, Congress, inclusive of both the Senate and the House of Representatives, and any State agency or department — legislation, particularly resolutions that memorialize those institutions by some action of the Pennsylvania General Assembly, be it either the House of Representatives or a concurrent resolution adopted by both the House and the Senate of Pennsylvania, has been referred to the then Federal-State Relations Committee and now the House Intergovernmental Affairs Committee. My point in raising that issue, Mr. Speaker, is that the Speaker in the House and the committee acted in accordance with the rules in reviewing this legislation and making a recommendation that the full House take some action on it.

The second point that I would like to mention, Mr. Speaker, is that we are scheduled to be in session 1 week in November and 2 weeks in the month of December. As has been mentioned by the maker of this particular motion, the gentleman from Delaware County, there is going to be a conference in Kyoto, Japan, of which the United States government will participate, that will decide what should be done in regard to ozone standards. I personally feel that it is imperative of this House of Representatives to act as quickly and as expeditiously as possible on this issue. I would be more than happy to debate the merits, the substantive issue itself, at the appropriate time, but the second point that I wanted to make is that time is of the essence. All too often we criticize our constituents and our constituent groups for coming to us after we have adopted legislation and bearing the brunt of their chastising us for our actions, and we could meekly say, if we only knew before we took the vote, we would have done something different. This is the opportunity that we have now. This is the opportunity that we will lose. If we are not prepared to act upon this legislation this week, we will miss the opportunity to convey to our government, our Federal government, our wishes, one way or the other, about the necessity of action of this sort upon their part in the negotiations in Japan.

It is for those two reasons, Mr. Speaker, that I would suggest that we defeat this motion to recommit this to the Environmental Committee. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Olasz, on the motion.

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

I rise in support of nonrecommittal.

It is absolutely necessary that this resolution be passed and forwarded on to the Congress of the United States inasmuch as they are recessing, I believe, at the end of this month for the rest of the year.

American industry — and in particular, Pennsylvania industry — has been kicked in the teeth and kicked everywhere else by the environmentalists. I represent a steel town that once had the largest steel mill in the world. They had the most powerful environmental controls placed in it. U.S. Steel spent millions of dollars on an oil separator. Go out there now; it has all been flattened. How can our industry continue to be able to compete—

The SPEAKER pro tempore. Will the gentleman suspend.

The Chair would request that the gentleman limit his remarks to reasons why the resolution should be recommitted or should not be recommitted.

Mr. OLASZ. The resolution is very valid, Mr. Speaker. If I have to speak on final passage, I will, and I sincerely hope the House wakes up and votes solidly against recommitment for some of the reasons I have stressed. Thank you.

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, this again is one of the most important environmental issues the House faces, and I think we need to, in deciding whether to recommit this or not, we have to ask ourselves, today as we sit here, are we really in a position to advise our President and our Senate on perhaps the most important environmental issue facing this planet? Are we prepared today — forget timeframe — but are we prepared to give any meaningful advice today, and I think if you are honest with yourselves, you will agree we are not in that position; we do not possess the information to give advice on international treaties.

Mr. Speaker, this resolution, among other things, calls upon the President to fully comply with U.S. Senate Resolution 98. I have not read that. Has anyone read that? Has anyone read Senate Resolution 98? I would suggest that those of you who have read Senate Resolution 98 perhaps are in a position to know what you are voting on and are in a position to deal with final passage, but those of you who have not read that, I would suspect you are not being honest with yourself if you feel you are in a position to deal with this today.

Mr. Speaker, if we are to have any credibility at all in this House, we have to stick to things we have some ability to deal with. This is not one of them. The House Environmental Committee, and in all due respect to Representative Pistella, the House Environmental Committee also, in addition to his committee, is charged with reviewing these things for their environmental impact and also charged with assessing the House and deciding whether this is worthy to be considered by the House as a whole, and we have not done that yet, and I would ask for the courtesy of having the House Environmental Committee do that.

Mr. Speaker, the correct environmental position here is a “yes” on the motion to recommit, and the correct vote with regard to giving deference to the administration and its negotiating posture in Kyoto is a “yes” vote on the motion to recommit. So I would ask that this resolution be recommitted to the House Environmental Committee.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Representative Josephs, on the motion.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to support my colleague from Delaware in his motion to recommit, and I was very interested in his questions. Of course, I cannot do this on the floor of the House, but if I were to ask for a show of hands, I would do that. I would like to know how many people have read the international agreement that was signed in 1995 in Berlin, which is the precursor of the agreement which may or may not be signed this year in Kyoto. I would venture to say, not one hand would go up. I would venture to say that nobody knows how many pages are even in that treaty.

We all know that the President made a major environmental policy statement several days ago. I imagine a number of us read the outlines of that in our local paper. I would include myself in the group of those who have not read the statement as it was issued, word for word, and I would imagine that there is not one person on the floor of the House here who has the faintest idea what influence his statement has on the foreign policy of this country vis-a-vis the Kyoto treaty.

And finally, I would like to say, when our party was in power, in control, on the floor of the House here and we tried to do resolutions that had to do with foreign policy and international affairs, the other party, the Republicans, quite rightly objected and said that we do not have the expertise, nor do we have the jurisdiction, to make those kinds of resolutions, and they were right. Now, it seems to me they are still right, and I would suggest that if they are not willing to acknowledge the correctness of their previous position, because it no longer suits them to do that, the very least they might do is to help us recommit this so that we might have at least a tiny bit of expertise and not look completely inept as we take this vote before the citizens of Pennsylvania, who pay us to do State issues. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Since the motion on the floor is to recommit, I would just share with my colleagues that as chairman of the Intergovernmental Affairs Committee, my colleague, Representative Pistella, and I both were aware of the significance of this resolution, and I would just refer the members to page 4, line 7, which states, “RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania call upon the President of the United States to avoid entering into any—”

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. FLICK. Sure.

The SPEAKER pro tempore. It appears to the Chair the gentleman may be venturing into the merits of the resolution. The Chair would request the gentleman to limit his remarks to the motion to recommit.

Mr. FLICK. Thank you, Mr. Speaker.

I felt that since it was a motion to recommit, I thought that I should share with the members of the House that the committee which heard the bill did review the bill, as the gentleman suggested it was not reviewed and no one is familiar with it, so I just wanted to point out to the gentleman that if he would refer to page 4, line 7, we are merely advising the President what we think. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—61

Bard	Fairchild	McCall	Rublely
Battisto	George	McGill	Scrimenti
Belardi	Gordner	Melio	Steelman
Belfanti	Hanna	Michlovic	Stetler
Bishop	Horsey	Mundy	Sturla
Blaum	Itkin	Myers	Surra
Carn	James	Nailor	Thomas
Casorio	Josephs	Oliver	Trello
Cohen, L. I.	Kaiser	Pesci	Trich
Cohen, M.	Kirkland	Platts	Vance
Corpora	Krebs	Ramos	Van Horne
Cowell	Levdansky	Rieger	Vitali
Coy	Lucyk	Robinson	Walko
Curry	Manderino	Roebuck	Washington
Donatucci	Masland	Ross	Williams, A. H.
Evans			

NAYS—137

Adolph	Dermody	Lescovitz	Schuler
Allen	DeWeese	Lloyd	Semmel
Argall	DiGirolamo	Lynch	Serafini
Armstrong	Druce	Maher	Seyfert
Baker	Eachus	Maitland	Shaner
Barley	Egolf	Major	Smith, B.
Barrar	Fargo	Markosek	Smith, S. H.
Bebko-Jones	Feese	Marsico	Snyder, D. W.
Benninghoff	Fichter	Mayernik	Staback
Birmelin	Fleagle	McGeehan	Stairs
Boscola	Flick	McLhattan	Steil
Boyes	Gannon	McNaughton	Stern
Bröwn	Geist	Micozzie	Stevenson
Browne	Gigliotti	Miller	Strittmatter
Bunt	Gladeck	O'Brien	Tangretti
Butkovitz	Godshall	Olasz	Taylor, E. Z.
Buxton	Gruizza	Orie	Taylor, J.
Caltagirone	Gruppo	Perzel	Tigue
Cappabianca	Habay	Petrarca	True
Carone	Haluska	Petrone	Tulli
Cawley	Harhart	Phillips	Veon
Chadwick	Hasay	Pippy	Waugh
Civera	Hennessey	Pistella	Williams, C.
Clark	Herman	Preston	Wilt
Clymer	Hershey	Raymond	Wogan
Colaella	Hess	Readshaw	Wojnaroski
Colaizzo	Hutchinson	Reber	Wright, M. N.
Conti	Jadlowiec	Reinard	Yewcic
Cornell	Jarolin	Rohrer	Youngblood
Corrigan	Keller	Rooney	Zimmerman
Daley	Kenney	Sainato	Zug
Dally	Laughlin	Santoni	
DeLuca	Lawless	Sather	
Dempsey	Lederer	Saylor	Ryan,
Dent	Leh	Schroder	Speaker

NOT VOTING—0

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,
Will the House adopt the resolution ?

The SPEAKER pro tempore. On final passage of HR 260, the Chair recognizes the lady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, when I was elected in 1990 to the Pennsylvania House of Representatives, I had no idea that I would be asked to give advice and counsel to the President of the United States on international treaties; on a Berlin Mandate, which I heard about for the first time today; on global climate issues. This is so far out of our purview here in the Pennsylvania House, it is ridiculous to ask us to vote on these issues. We cannot possibly understand what is in the treaty or what is in the mandate based on what we know here today.

I first heard about this resolution yesterday in caucus. I learned that the Intergovernmental Affairs Committee was the one who reviewed the resolution, not the Conservation Committee. It is ludicrous to ask each and every one of us to vote on this today. We do not have enough information to cast an informed vote on this issue, and I voted to recommit and I am going to vote "no" on this on that basis.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Pistella, on final passage.

Mr. PISTELLA. Thank you, Mr. Speaker.

With all due respect to the prime sponsor of the legislation, who made a very good attempt to share with the members what the purpose and intention of the legislation was, I personally think this is a rather critical subject. I know that there have been a couple of members who felt that it might not be adequate or appropriate for us to stand as elected officials in Pennsylvania and to express our opinions to our Federal officials. With the indulgence of the Speaker and with the attention of the members, I would like to take a few minutes to try to walk you through this process, and I promise you I will try to make it as painless as possible.

If we first look at page 3 of HR 260, starting with line 4 and ending with line 28 is language that is contained in Federal Senate Resolution 98, which was adopted by a vote of 95 to 0 in the United States Senate. The language that is cited says, and I quote, not just from HR 260 but from the actual language of Senate Resolution 98, the following language: "...the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would...mandate new commitments to limit or reduce greenhouse gas emissions....," et cetera, et cetera.

Let us turn the clock back for a moment. In Rio de Janeiro in 1992, the United States and its representative participated as a signatory to the U.N. Framework Convention on Climate Change. It is also known as the Rio Treaty. This established long-term goals of stabilizing concentrations of greenhouse gases at a level that would prevent dangerous human interference with the climate system. That was the expressed purpose of the Rio Treaty.

At the same time, it was agreed that 36 industrialized nations, which include the United States, the Organization for Economic and Cooperative Development — that organization, Mr. Speaker, consists of nations such as Russia, China, Australia, Finland,

et cetera — sought to turn back the carbon dioxide level to 1990 standards. The problem was that there were 129 what were referred to as “developing nations,” including India; China, which represents 20 percent of the world’s population; Mexico, which has the largest-growing single city in the world, Mexico City, its capital; Brazil; and South Korea. Each of those nations, in addition to the other member 129, wanted a different status so that they could take a longer time to come up to the same standards. Governments continued to act, governments continued to work, and time marched on.

The same parties that signed the Rio Treaty in 1992 met in Berlin in 1995. It was at that point that they discovered that not all of the nations, including the United States, would be able to meet the 1990 standards by the year 2000, which was the target date.

Now, at that time the Berlin Mandate, as it is referred to, called for negotiating a level of protocol to get new commitments to limit greenhouse gas emissions by developed countries only. Now, what does that mean? It means this: You take the 129 and the 36 nations of the world I made reference to; you divide them into two groups. You divide them into the United States as one, which is considered a developed nation; you throw in Great Britain, Germany, the rest of them as developed nations. They are forced to follow the guidelines and target dates that were set down by the Rio Treaty and reinforced by the Berlin Mandate. The problem that you have is, the other signing parties, the other signatory countries, are not developing as rapidly as we are or as we have historically. Instead, what they are doing is, they are being able to be held up as nations by businesses, United States businesses.

So for the gentleman from Delaware County and for the lady from Luzerne County that are not quite sure why we should be dealing with this issue, the reason is this: If our government, our Federal government, enters into a treaty that is not yet signed, that is going to be negotiated in Kyoto, Japan, in 1997, that has two sets of standards for nations to follow in order to control greenhouse gases, we will lose jobs in this nation, in this State we will lose jobs, because businesses will go to those countries for cheaper labor and they will not have to have the stringent environmental standards that we ourselves will be forced to follow under this treaty. That is what the issue is about. It is not an issue of, we are going to lose jobs because we are following tougher standards, because we all want clean air to breathe and fresh water. There are two things that a business cannot move: natural resources and its labor force. What we are setting up by the adoption of this legislation is a way to express our concern to our government that we do not want to lose jobs because we are setting up two sets of standards for nations to follow in cleaning up the air and cleaning up the environment. That is what this issue is about. I think that is what the gentleman, Mr. Smith, had in mind when he introduced this resolution. I think that if you followed what I laid out for you as the history of this issue, you do not have to be a rocket scientist to figure it out.

Each and every one of us took an oath of office to uphold the Constitution of the United States. In that same Constitution is the provision that treaties need to be ratified by a vote of two-thirds of the Senate of the United States. If we do not vote on this legislation, if we choose not to act on this resolution today, then we have shirked our responsibility as legislators, as public officials of Pennsylvania, and as citizens of the Commonwealth not to tell

our elected legislators in Washington what we think about this issue. That, in a nutshell, is what the problem is.

I would encourage the members to vote “yes” on the adoption of this resolution. Thank you.

The SPEAKER pro tempore. For the benefit of the members who are waiting to speak, the list currently looks like this: Daley, Olasz, DeWeese, Vitali, and Josephs.

The Chair recognizes the gentleman from Washington County, Mr. Daley, on the resolution.

Mr. DALEY. Thank you, Mr. Speaker.

I rise in support of HR 260.

I find it rather oblique for me to understand why any member of this legislature would get up on the floor and say we should not be advising the President and Congress as to our wishes. I find that rather absurd, simply because I think if we would have done that with NAFTA (North American Free Trade Agreement) and we would have done that with GATT (General Agreement on Tariffs and Trade) and we would have done that with some of the other things that have come down the Federal highway that have been mandated on the people of Pennsylvania, that have impacted upon jobs in Pennsylvania, that have changed the lives of our citizenry, we would have been better off.

The Kyoto treaty currently being negotiated for signing in early December of 1997 will require binding targets and timetables for greenhouse gas emission reductions for every of the 36 developed countries around the world. Those developing nations would be exempt from making emission reduction, and negative impacts upon the U.S. from such a treaty would be immense. Even if those developed nations reduced their carbon dioxide emissions to 1990 standards and levels, developing nations would be more than doubling their emissions, but also what they would do would be more than doubling their jobs.

As the gentleman from Allegheny County said, we can ill afford to lose one job, as we are losing those jobs to Mexico today because of NAFTA, and we in the northeast and in the southwest, where the greatest job outflux has occurred, we cannot afford that. My children, Delia and Talia, in California, Pennsylvania, today, as well as your children in your hometowns, deserve an opportunity.

I ask for an affirmative vote on this resolution. It is time we let Congress and the President know how we feel about jobs in Pennsylvania and jobs around the world. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, for the second time on the resolution.

Mr. VITALI. Thank you, Mr. Speaker.

I think it is disingenuous to attempt to bring out that old jobs-versus-environment issue, because that is not, that is not the issue here. It is not a jobs-versus-environment issue. In fact, the Clinton plan, which this resolution would effectively hamstring, has been endorsed by some business groups, especially those representing alternative energy technologies, and in fact, the Clinton plan, a Department of Energy study indicated, could result in some 800,000 increased jobs. So it is disingenuous to suggest this is jobs versus economy. That is backwards, that is backwards thinking which does not hold water in the 1990’s. It is just inappropriate thinking.

Mr. Speaker, the problem with this resolution and why we ought to be voting “no” on this resolution is that if these mandates,

if these guidelines are followed, if developing countries are held to the same standards and same compliance schedule as developed countries, there simply will be no treaty. There will be no treaty, the global warming problem will not be addressed, and all the attendant negative externalities, such as the melting of polar ice caps and so forth, are something we are put at risk of.

So specifically, Mr. Speaker, this requires that before protocol is entered into, a detailed analysis of financial costs and economic impacts and so forth be entered into. Now, the people I have talked with indicate to me that the treaty ratification process simply does not allow, we do not have the luxury for that analysis, so that is something that would undermine its success.

Mr. Speaker, it has been suggested by a previous speaker that it would be improper for us not to deal with this issue. Even assuming this is within the appropriate scope of what we should be dealing with, I suggest to you that in positions where we are not in a position to give informed advice, we should not. We are not in a position today. We should not be meddling in these things, and I would ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Representative Josephs, on the resolution.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I first want to thank the gentleman from Allegheny, the gentleman from Washington and Fayette, although they are on the other side of this issue from me, for their excellent little precis of the background information that we need to approach this problem, and I argue that the fact that they had to give that background to us — and they did it very well — is an argument for voting "no" on this resolution. It seems to me that if we have to be taught on the floor of the House what the background information is, something we are going to vote on within the next second, is the best argument I can make for voting "no" and bringing up this at some point when we have some idea of what we are talking about.

So I join my colleague from Delaware County, and I hope that those of us who like to make informed votes will join me in voting "no" on final passage. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Olasz, seek recognition? The Chair recognizes the gentleman. The gentleman waives off.

The Chair does recognize the gentleman, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I apologize. I thought there were other speakers in order, and I—

The SPEAKER pro tempore. We are running out of speakers.

Mr. OLASZ. Okay.

Mr. Speaker, the nation and the Commonwealth have been exposed to so much verbal diarrhea about greenhouse warming, I think it is time for Kaopectate to step in.

NAFTA was supposed to create jobs. I had a resolution on this floor 5 years ago that was not even considered, asking Congress to step in and put a halt to NAFTA. What have we seen as a result of this? The same thing that is going to happen if the President is ever given the authority to enact this treaty.

This country is hemorrhaging from the loss of jobs. Day after day we see more stringent restrictions placed upon industry in this country. All of us here were subjected to telephone calls because of the emission system. We went and put expensive catalytic converters on cars to cut down emissions, expensive controls on engines to cut down emissions. We act as though there is some magic curtain that is drawn up between the borders of

Pennsylvania and Ohio, Pennsylvania and West Virginia. They do not have any of these stringent environmental controls placed on them, but our industries have to struggle to compete.

The worst polluters in this world are India, China, and Mexico. You think about it, and you go home, and that is why I am up here arguing for this resolution today, because I have to explain to my people why they no longer have these jobs.

Contrary to what our Governor says, that there are 200,000 jobs created, please, tell me where. He has just extended for the fourth time the bidding process for ADTranz, to permit a foreign competitor to come in and take more jobs away from us.

Our President talks about millions of jobs. Where? Where are the factories? Please, someone tell me where the factories are that these people are supposed to go to work in. China? You are right. The next time you go to a store, try to find some clothing item made in America.

This senseless stupidity crippling our nation has got to stop. There is no bona fide scientific evidence available that will show that we are in fear of global warming. If you are going to tie our hands, tie everyone else's.

As I started to say before, on germaneness or recommittal, wherever we were, my old hometown was once home to the largest steel mill in the world. There was not a warship afloat up to the Vietnam War where the armor was not made in that town.

Maybe somebody should listen, because I think it has a direct impact on what is going to happen to this country if this passes.

The SPEAKER pro tempore. The gentleman is correct; it is too noisy in the House.

Members will take their seats, and please take conversations off the floor. Conversations in the side aisles will please break up.

Mr. Olasz.

Mr. OLASZ. Thank you, Mr. Speaker.

In this same town, approximately 18,000 people once worked in that mill. Today it is flattened. Nothing remains. We are all hoping something will come in. Where did those jobs go?

We continually tie the hands of American producers. Witness Representative Gigliotti's attempt to try to save a coke works in his district; a spinoff of about 1,000 jobs. Why are they shutting down? They cannot meet the environmental standards that our government is imposing on them. Go all around, Mr. Speaker, and this is the story. I have got to get it off my chest, because perhaps we should pay more attention to what is going on in Washington and those people would not take us for granted.

To cut it short, I have papers after papers that will tell you how we ship parts to Mexico and the parts come back in the way of automobiles. They bought 42,000 cars and trucks. Meanwhile, they sold us 562,000 cars and trucks.

Whose jobs are they? Wake up in this House, Mr. Speaker. Send that resolution to them, and tell them to open up their eyes and smell the air, or if they want to go live in the climate of India or China while our people are going hungry. You think about it.

Once again, to repeat myself, as far as what is going on with this treaty negotiation that they want to take place in, as they say down South, you can take a pig, you can perfume it up, put rouge and earrings on it and call her Peggy Sue, but a pig is still a pig, and that is what this intended treaty is. Thank you very much.

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

Mr. DeWEESE. Thank you, Mr. Speaker.

Somewhere in biblical history, I remember reading the words of St. Augustine. He said that we live in a fallen and imperfect world.

With that context in mind and with the work that we have done with Representative Smith, I would ask for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—180

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

NAYS—15

Bard	Gladeck	Manderino	Thomas
Cohen, L. I.	Gordner	Michlovic	Van Home
Corpora	Josephs	Mundy	Vitali
Curry	Levdansky	Roebuck	

NOT VOTING—3

Ross	Rubley	Vance
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EXCUSED—4

LaGrotta Nickol Roberts Travaglio

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

* * *

Mrs. HARHART called up HR 285, PN 2473, entitled:

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.

On the question,
Will the House adopt the resolution ?

RESOLUTION RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HR 285 be recommitted to the Committee on Rules.

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

* * *

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SR 74 will be over temporarily.

* * *

RESOLUTION PASSED OVER

The SPEAKER pro tempore. SR 89 is over for the day.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who requests an immediate meeting of the Rules Committee at the majority leader's desk.

Mr. ITKIN. Mr. Speaker ?

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

Mr. ITKIN. Mr. Speaker, I would like to know whether the Rules Committee meeting will be open to the public.

The SPEAKER pro tempore. The Chair is told that the answer to that question is yes.

Mr. ITKIN. How do they get to the floor of the House ?

The SPEAKER pro tempore. The Sergeants at Arms have been instructed in the past that whenever a committee meeting is called on the floor of the House, they are to let the reporters on the floor of the House to cover that meeting.

Mr. ITKIN. How much announcement have you given to the reporters that a meeting will be called for this purpose?

The SPEAKER pro tempore. The gentleman might better direct that question to the majority leader than to the Chair.

Mr. ITKIN. Mr. Speaker, would the majority leader consent to interrogation?

Mr. PERZEL. Mr. Speaker?

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

Mr. PERZEL. I do not see any reporters in the gallery, so they must be on their way down, Mr. Speaker. We will give them a couple minutes to get down here.

Mr. ITKIN. Mr. Speaker, is there any special reason why we are holding this meeting at the majority leader's desk, as if these are perfunctory issues?

Mr. PERZEL. We have been holding them here at the desk now, Mr. Speaker, for about 3 years.

Mr. ITKIN. I think that under the circumstances, Mr. Speaker, I would prefer to have some location more accessible. Perhaps the chairman of the Appropriations Committee might consent to using his conference room for this purpose.

Mr. PERZEL. Mr. Speaker, the meeting has been called. We are waiting a couple minutes for the press, and we will expect to have the meeting within the next 5 minutes.

Mr. ITKIN. Mr. Speaker, will the microphones be open so that the people can hear, the public can hear the discussion going on in the Rules Committee?

Mr. PERZEL. Mr. Itkin, you are going to have to pay for your own television commercials. We are going to have the meeting here in less than 5 minutes.

Mr. ITKIN. Mr. Speaker, I think that that comment by the leader was uncalled for.

Could I speak to the chairman of the Appropriations Committee? Would he consent to interrogation?

The SPEAKER pro tempore. The Chair is waiting for some indication from the gentleman. The gentleman does indicate that he will stand for interrogation.

Mr. ITKIN. Mr. Speaker, I hate to bring this point, because I think it is a terrible situation in this House.

Yesterday I was told that a fiscal note was needed to an amendment where it was very clear that there was little if any fiscal impact. The explanation was that the rules required a fiscal note. It should have been a very simple task. It was not until 20 hours later, after the bill had passed, that we finally got the fiscal note.

Today I have had amendments drawn to other bills, to be considered by the Rules Committee, and to this hour have not received the fiscal notes. Now, I am not going to be placed in a situation where the people who are controlling the process also decide to control when fiscal notes are to be provided and in such—

Mr. LAWLESS. Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman suspend.

PARLIAMENTARY INQUIRY

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

Mr. LAWLESS. Mr. Speaker, I was wondering, what order are we in right now? There is public on the floor here, there are reporters, there are lobbyists, and there is debate going on.

The SPEAKER pro tempore. Mr. Lawless, the interrogation which is currently taking place is taking place under unanimous consent. There is a meeting that has been called on the floor of the House. If a member objects, the interrogation will end.

Is the gentleman indicating that he objects?

Mr. LAWLESS. I object, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. The House will stand temporarily in recess.

AFTER RECESS

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the lady from Montgomery, Mrs. COHEN, be placed on leave for the balance of today's session. The Chair hears no objection, and leave is granted.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Michael Waugh, Eri Higashiyashiki of Toyota City, Japan. Eri is an exchange student with the Southern York County School District. Would she please rise to be greeted.

Ms. Manderino, someone requested that I announce that it was your birthday. I said, ladies do not like that to be publicly stated, and I would not do it.

Ms. MANDERINO. Thank you.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1027, PN 2524 (Amended)

By Rep. PERZEL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for Commonwealth agencies, for gubernatorial appointments, for boards of trustees of State institutions, for definitions relating to crime victim's compensation, for the lapsing of funds and for public members of licensing boards; modifying and increasing the powers of the executive

board; limiting collective bargaining for school administrators employed by cities of the first class; prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain oil and gas wells, for timetable for the review of municipal waste landfill and resource recovery facility permit applications, for municipal waste recycling and for the powers of certain campus police; authorizing the establishment of the Pennsylvania Infrastructure Bank in the Department of Transportation; further providing for workers' compensation assessments; repealing provisions relating to gasoline dispensing facilities and certain reports under the Health Care Services Malpractice Act; and making other repeals.

RULES.

SB 176, PN 1442

By Rep. PERZEL

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, further providing for contents or parts of policies and for applications for policies; providing mastectomy and breast cancer reconstructive surgery coverage standards for health insurance policies; regulating individual access to health care insurance; and providing for penalties.

RULES.

RESOLUTION REPORTED FROM COMMITTEE

HR 275, PN 2527 (Amended)

By Rep. PERZEL

A Resolution requesting the Pennsylvania Emergency Management Agency to conduct a study of the manner in which the Commonwealth and 911 systems may implement wireless and cellular latitude and longitude tracking.

RULES.

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. CLYMER called up **HR 288, PN 2492**, entitled:

A Resolution commemorating the week of November 4 through 11, 1997, as "National Women Veterans Week" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.

Belardi	Fleagle	McGeehan	Staback
Belfanti	Flick	McGill	Stairs
Benninghoff	Gannon	McIlhattan	Steelman
Birmelin	Geist	McNaughton	Steil
Bishop	George	Melio	Stern
Blaum	Gigliotti	Michlovic	Stetler
Boscola	Gladeck	Micozzie	Stevenson
Boyes	Godshall	Miller	Strittmatter
Brown	Gordner	Mundy	Sturla
Browne	Gruitza	Myers	Surra
Bunt	Gruppo	Nailor	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Olasz	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas
Cappabianca	Harhart	Orie	Tigue
Carn	Hasay	Perzel	Trello
Carone	Hennessey	Pesci	Trich
Casorio	Herman	Petrarca	True
Cawley	Hershey	Petrone	Tulli
Chadwick	Hess	Phillips	Vance
Civera	Horse	Pippy	Van Horne
Clark	Hutchinson	Pistella	Veon
Clymer	Itkin	Platts	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colaella	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	Rublely	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

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

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mrs. RUBLEY called up **HR 290, PN 2507**, entitled:

A Resolution proclaiming November 15, 1997, as "America Recycles Day" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

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

Mr. HORSEY called up HR 292, PN 2509, entitled:

A Resolution designating November 14, 1997, as "Richard Humphreys/Cheyney University Day" in this Commonwealth.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For those who are interested in yesterday's announcement that the market had fallen by 550, today it closed up 330, so I guess, who can predict?

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 911, PN 2463**, entitled:

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.

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

Mr. **MICHLOVIC** offered the following amendment No. **A4260**:

Amend Title, page 1, line 7, by removing the comma after "plans" and inserting

and

Amend Title, page 1, line 8, by removing the comma after "and" and inserting

; establishing the Statewide Uniform 911 System Fund and the Pennsylvania Cellular Telephone Commission; further providing

Amend Sec. 2, page 4, line 10, by striking out ", 8 and 11" and inserting

and 8

Amend Bill, page 12, by inserting between lines 13 and 14

Section 3. The act is amended by adding sections to read:

Section 8.1. Statewide Uniform 911 System Fund.

(a) Establishment.—A special fund is established in the State Treasury to be known as the Statewide Uniform 911 System Fund. The moneys in the fund shall be used exclusively for the purposes set forth in this section.

(b) Cellular telephone surcharges.—

(1) Each wireless provider within this Commonwealth shall charge and collect from each customer who pays for a cellular telephone a surcharge of no greater than \$1 per month per cellular telephone unit. No surcharge shall be imposed on resellers of cellular telephone service.

(2) Each wireless provider may retain an amount of not more than 2% of the surcharge collected to cover administrative expenses related to the collection of the surcharge and the balance of the surcharge collected shall be transmitted to the Department of Revenue for deposit into the Statewide Uniform 911 System Fund as provided for in this section.

(c) Investment.—The State Treasurer shall invest the moneys of the fund as provided by law and all income earned on the fund shall be credited by the State Treasurer to the fund.

(d) Use of fund.—

(1) On an annual basis coinciding with the fiscal year of the Commonwealth, the agency may use the moneys in the fund that are not expended under paragraphs (2), (3) and (4) for any costs associated

with the implementation of 911 cellular telephone service pursuant to Federal Communications Commission Order 94-102.

(2) Fifty percent of the moneys in the fund shall be made available by the agency to counties for proportional distribution and implementation of 911 cellular telephone service.

(3) No greater than 48% of the moneys in the fund shall be available by the agency to cellular telephone providers relative to the cost recovery provisions of the Federal Communications Commission Order 94-102.

(4) Expenses of the members of the Pennsylvania Cellular Telephone Commission in accordance with section 8.2.

Section 8.2. Pennsylvania Cellular Telephone Commission.

(a) Establishment.—There is established an advisory commission to the agency, to be known as the Pennsylvania Cellular Telephone Commission. The commission shall consist of nine members as follows:

(1) The director of the agency.

(2) Four members from county government with expertise in 911 systems.

(3) Two members from business involved in providing cellular telephone service.

(4) One member from a telecommunications company involved in the manufacture or distribution of cellular telephone equipment.

(5) One member representing the public who is chosen by the Office of Consumer Affairs.

The director of the agency shall serve as the chairperson. Members of the commission shall serve without compensation, but may be reimbursed for actual expenses incurred relating to commission business. Reimbursement for the expenses shall be from the Statewide Uniform 911 System Fund established in section 8.1.

(b) Method of appointment.—Members representing county government shall be appointed by the Governor from a list supplied by the County Commissioners Association. Members representing business shall be appointed by the Governor from a group representing cellular telephone providers and manufacturers.

(c) Terms.—The members representing business, telecommunications and the public shall serve for an initial two-year term, and the other members shall serve for four-year terms. All members may be reappointed for additional terms in the same manner as their initial terms and any additional term shall be for four years.

(d) Meetings.—The commission shall meet at least quarterly.

(e) Duties.—The commission shall advise the agency relative to matters involving cost recovery, technical issues and other matters impacting 911 cellular telephone emergency operation.

Section 4. Section 11 of the act is amended to read:

Amend Sec. 3, page 12, line 19, by striking out "3" and inserting

5

Amend Sec. 4, page 12, line 25, by striking out "4" and inserting

6

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

The SPEAKER. On the question, the Chair recognizes the gentleman.

Mr. **MICHLOVIC**. Thank you, Mr. Speaker.

That amendment will be offered by the gentleman, Mr. Pesci.

The SPEAKER. The gentleman, Mr. Pesci, on amendment 4260.

Mr. **PESCI**. Thank you, Mr. Speaker.

Amendment 4260, what it proposes in this amendment is, it imposes a surcharge of not more than \$1 a month on cell phone users. Currently land-based lines are paying a surcharge anywhere from 55, 60 cents, up to \$1.25, which we passed in prior legislation.

The money derived from the surcharge will be placed in a special fund. Fifty percent of the money collected will be made available to the counties for proportional distribution to municipalities for emergency 911 cellular telephone service. Forty-eight percent would be available to PEMA (Pennsylvania Emergency Management Agency) for distribution to cellular providers relative to the cost recovery provisions imposed by the FCC (Federal Communications Commission). Cellular providers would be permitted to retain 2 percent for administrative purposes.

This amendment would also create an advisory commission to advise PEMA relative to the issues of cost recovery and technical issues impacting on 911 cellular service.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is premature. We do not know when or how the counties plan to implement the FCC Order 96-264, docket No. 94-102. The order requires wireless companies to provide the 911 systems with longitude and latitude tracking by 2001. We are not certain at this time how this would be accomplished.

This amendment would give half of the revenues directly to the wireless companies. We do not know if the counties are in favor of this. We know that the wireless companies are entitled to recover their costs. However, it may not be appropriate for the State to forward the revenue directly to them. I believe that it may be more appropriate to give the moneys to the counties and have the counties reimburse the wireless companies who provide them with longitude and latitude tracking. I am not sure it is appropriate for the State to be the middleman, particularly when there is no statewide implementation of longitude and latitude tracking at this time.

We do not know if longitude and latitude tracking will be implemented on a statewide basis or county by county.

The State is not the middleman between the landline phone companies and the counties.

PEMA is going to study the longitude and latitude tracking issue as it applies to implementing the FCC order. I sponsored HR 275, requesting PEMA to undertake a study of the issue. That is why we passed that resolution.

The amendment would create a council. I know from my experience as the Professional Licensure Committee chairman that the administration does not favor the creation of any new boards, commissions, or councils.

This council would be directed to controlling moneys only. If we are going to create a council, we should at least let 911 directors control the other aspects of 911.

The council would include, on page 2, lines 24 and 25, "One member representing the public who is chosen by the Office of Consumer Affairs." This is a Federal office, not a State office. I think it is inappropriate for the Commonwealth to have a Federal office appointing members to a State board.

The amendment ties the Governor's hands by mandating that members representing county government shall be appointed by the Governor from a list supplied by the County Commissioners Association. No one else in this Commonwealth, General Assembly, or any other group will be able to have input to this list. So if a county is not a member of the association, they will have no chance of having representation.

I know from experience as the chairman of the Professional Licensure Committee that no licensure statute related to any of the 27 licensure boards allows a professional association to monopolize the appointment process.

I believe we should vote against this amendment and not take up the cellular billing issue until after PEMA and the counties have agreed on how they are going to implement the FCC order.

I believe we should move this legislation without that issue involved so we can address another important issue and leave the cellular debate for a later date when we have more information. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Raymond. Will the gentleman yield for a moment.

For the information of the members, the order of amendments is Michlovic — which we are now taking — Tigie, Conti, Lloyd, Lederer, Petrarca.

Mr. Raymond.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman offering the amendment stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Michlovic, indicates he will stand for— Pardon me. The gentleman, Mr. Pesci, indicates he will stand for interrogation. You may begin.

Mr. RAYMOND. Thank you.

Mr. Speaker, as a member of the Budget and Finance Committee, I believe you were a member at the time when we had a report in the spring that indicated that the 911 surcharges that were already in place on land-based lines had in the counties a surplus of \$87 million. Are you familiar with this?

Mr. PESCI. Yes, I am.

Mr. RAYMOND. Okay. My question to you is, in light of the fact that we have 22 counties with surpluses at this time, do you think it is fair or proper that we want to go ahead and tax our constituents even more when these moneys have not been, number one, accounted for or, number two, expended?

Mr. PESCI. Number one, Mr. Speaker, I think if we looked into the report in detail, the surpluses that we saw were actually, in some instances, in different counties, what we call transfers out of the General Fund, going into that fund, which showed up at the end of their fiscal year, which is a calendar year — okay — for their entire operational purposes of when they submitted their reports under the 911 act. I think what it should have shown is that those moneys that those counties held over could have been replaced or paid back to the General Fund prior to December 31, because that is their accountability year. That is why I think that there were such great and huge balances.

Mr. RAYMOND. Okay. Mr. Speaker, another question: Is the technology in place to utilize 911 on these mobile phones now?

Mr. PESCI. From what I gather, there is some type of technology that is in place, but whenever we did pass the act in 1990, at that time there was some technology in place, and we did allow counties to bill anywhere from whatever they thought was feasible for them to collect up to a dollar and a quarter, which was currently happening in different counties that did not even have a 911 operation. For example, in Armstrong County, where I live, the center was open, but I was paying for over a year and a half that charge, within my phone bill, for the operational purposes of that 911 center.

I think if you also read the report of the Legislative Budget and Finance Committee, the 911 operators in the State of Pennsylvania had two major concerns. The one major concern was that there was no money flow, nothing coming from use of cellular phones into the 911 centers. There was no surcharge collected. I think that was a priority with them whenever they did sit down and meet as a group and as a unit. I feel that, number one, I think that it would only be fair that if you are capable of using that service, which I am with my own mobile phone, that I should at least pay the surcharge, just like Mom and Pop back home that have the rotary dial system, that are currently being charged a buck and a quarter.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment?

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

Mr. RAYMOND. Thank you, Mr. Speaker.

I am going to oppose this amendment for a couple of reasons.

First and foremost, looking at the Budget and Finance report, I feel that before we rush to judgment and impose another tax for 911, we should certainly find out where the money is going for the initial land-based taxes that are going to 911 as it is. The Budget and Finance Committee report indicated that it is supposed to be audited every 3 years and it is not being done so. Also, some questionable reports on where the money is going. So based on that alone, I would like to oppose the amendment, but also because technologically I do not think we are clear on where this is going or how this can be implemented, and I, for one, am not in favor of imposing a tax on our constituents when we do not know where it is going to go or how it is going to be used.

Now, to take it a step further, I discussed with the Budget and Finance Committee's executive director today whether or not we could have the same group that looked at 911 initially look into this kind of thing and take your issue and look into it further to see, what have other States done, how have they implemented it if they have, where the technology is heading, and get a more clear-cut idea on where we want to go with this. I understand, as you were saying, Mr. Speaker, that it is a user fee, and that may be so, but I would like to suggest that we oppose this amendment, have the Budget and Finance Committee get the committee to take another look at this and come up with some clear, cohesive legislation, if possible, on this issue, not take this bill that clearly what we are trying to do is something separate from that; move this bill ahead as it is, whole as it is, and deal with this issue through the Budget and Finance Committee, and then maybe early next year we can take another look at it.

So I am going to oppose the amendment based on that fact and would urge the other members to do so. Thank you.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

With this amendment, if we are now going to start charging a fee to mobile phone users, would that money be able to be mixed with the fee that is currently charged to land-based users, and would there be the potential for reducing the fees for land-based users as a result of the increased funds available through the mobile phone fee now?

Mr. PESCI. Absolutely. There would be no question that they would be able to take it upon themselves to reduce the fees. In fact, the Legislative Budget and Finance report also shows that in a survey by one cellular company alone, people buy cellular phones for a reason: security and safety's sake. Currently there are 1.5 million cellular phones in the Commonwealth of Pennsylvania, which we suspect will double by the year 2000, and in turn, the number of calls going into the 911 centers are approximately 20 percent of the phone calls they are currently receiving. So, yes, they should be able to offset. Even if Armstrong County people are paying \$1.25, I am asking for no more than \$1; that rate could even come down to \$1 for the land-based lines.

Mr. STURLA. Mr. Speaker, so when we get calls in our office by senior citizens and others complaining about the costs of the fees that they are currently paying, by voting for your amendment, we could actually be lowering those fees. Is that correct?

Mr. PESCI. That would be entirely up to the 911 centers, insofar as if they are run by county commissioners or a board, to lower those rates.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I rise to ask the General Assembly to oppose amendment 4260. We discussed this in committee, and we had a good discussion, and we felt the timing was not good. This 911 bill will make a lot of corrections across the counties for the Commonwealth, and we need to have that in place. We need the PEMA report, and we do not need to address another phone tax at this time.

I ask the General Assembly to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Pesci amendment for a number of reasons.

We have heard objections to this legislation on the basis and the reference to it being another tax, and while I do not dispute that people will end up paying that, I think it is important that we recognize that those costs are being paid for right now. Those costs are being paid for by many, in many cases, senior citizens still using a rotary-dial, black phone. They are getting charged a buck, a buck and a quarter, a buck and a half, and the guy with a multidigital phone in his house, a cellular phone on his hip, a laptop computer, that guy pays the same rate, the same amount, as the person in their home that uses none of that technology. Mr. Pesci's amendment simply requires that person to pay for the usage of this system.

Earlier one of the complaints about the amendment or the disputes with the amendment was that we do not have tracking capability. Well, we do not have tracking capability, but that tracking capability is going to cost a significant amount of dollars to achieve, and whom are we going to take that money from? That money is going to come from the pot that is already there, and while we are studying and the Budget and Finance Committee is studying how much we ought to charge, 83 cents or 63 cents or 59 cents — a study which we did not use when we were charging, you know, the residential land users. We did not come here with any studies on how much we should charge. We said a buck, a buck and a quarter, a buck and a half. It was not all that tough, was

it? But now when we are going to charge the high-tech crowd, the yuppies with the phones on the hips, oh, man, we have got to study this; we have got to study exactly how much we are using here. No, we do not. We make them charge a buck right now, because we are going to be buying equipment right now, tomorrow, to do this, to implement this, and if you want to get tracking, we are going to have to start spending money to do that.

On the point of those expenditures, one of the gentlemen made great reference to who was going to be made up in this committee, who was going to be participating in this. That is an advisory committee. The agency making the decision is PEMA. It is not that committee. Read the language. It is an advisory committee. Their sole purpose is to advise the technical costs and the technical side of how this money ought to be distributed. They refer that advice to the department, the agency, under the Governor's direction, and the Governor's agency, PEMA, makes the decision as to how that goes, and the reason it goes to PEMA is because PEMA has responsibility for emergency management across this State. And I remind you that even though there are certain sections in this State, rural sections mostly, that may not have complete coverage of cellular signals, if somebody in that district or in that region buys a cellular phone, they are buying that cellular phone to use it. Now, if they may not be able to use it in their home county, they sure are using it elsewhere in this Commonwealth or outside this Commonwealth, and when they happen to call a 911 center to announce an emergency or to ask for help, they ought to be paying part of the costs to run that center, and that is part of the whole advisory capability and responsibility of this committee. They are going to be able to track those people through the new technologies, find out which 911 center responded to that call, and instead of apportioning the money to the home base or the address of the cellular owner, they are going to send that money to the 911 center that responded to the call, and that is the only fair way to do it.

So it is important that we recognize those things, and it is also important to recognize what is going to happen in this legislation as we pass it. We are going to expand the number of uses of the fund, so if there are certain amounts, if there are certain surpluses across the various counties in this Commonwealth in that fund, they are sure going to disappear in a hurry. We are expanding the training requirements, the quality of the training. We are expanding the use of the moneys to emergency vehicles to allow them to put communications equipment directly in the cabs of ambulances, in the cabs of police vehicles, and all of that, so that those systems can have direct communication with their regular dispatchers and relieve the 911 dispatchers of a lot of the responsibility.

In our hearings in the committee, we heard of stories of the dispatchers and the 911 duties being confused and being conflicting, and the amount of traffic from the police cars, for example, just checking license plates on certain kinds of cars, interferes with their emergency-duty responsibilities in some cases, and it depends upon how that 911 center and the police and emergency vehicles are dispatched. But in this case, we heard that they had a problem. That problem resulted in somebody not getting proper coverage and a person dying because of a priority list that kept moving that call further and further down and then that person did not get their case responded to quickly enough and a very tragic incident occurred.

But the problem there is the type of equipment. We have the technology now to get a lot of that kind of traffic off the system, out of the 911 system and away from the 911 dispatcher and to the regular dispatcher or directly into a department. We are going to be helping pay for that kind of equipment in this. That is going to raise the costs, and those costs are going to be borne by your residential payers, ratepayers, and those residential payers, ratepayers, in many cases are people that are the least able to afford to pay for them. If somebody has a cell phone and they spend a couple hundred dollars to buy that phone and they spend \$40 or \$50 just to keep that phone online every month, they could spend the dollar extra that it takes to get their security, and as the gentleman, Mr. Pesci, pointed out, security is the number one reason people buy those phones. That is why they are buying them. They want to make sure that when they are in a tough spot, in danger, they have a phone access, and if they are calling into 911, I mean, why should they not help pay for that service?

That is why we ought to be supporting the Pesci amendment, for all of those reasons, and that is why I am going to support the amendment myself, and I ask that all the members of the House do so as well. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Pippy.

Mr. PIPPY. Thank you, Mr. Speaker.

The gentleman had some good arguments, but I, too, have an argument here. I live in Allegheny County. I pay—

The SPEAKER. Will the gentleman yield.

Conferences on the floor will please break up.

Mr. Pippy.

Mr. PIPPY. Thank you, Mr. Speaker.

Right now in Allegheny County, the constituents that I represent and those across the county pay over \$5.2 million annually in a surcharge for these landlines for our security in the 911 system. Now, that was authorized back in 1990. Seven years we have been paying this amount of money, 7 years it has gone on, and yet in Allegheny County we still do not have a 911 system. Because of that, I do not feel it is correct right now and justifiable, as a Representative for those people, to ask them to pay an additional amount of money, because you have to remember, these people who may have cellular phones also have the computers, also have the landlines, so they are already paying, and they are going to come up to me and say, Representative, why did you ask me to pay even more money, up to an additional dollar, when I have been paying for 7 years and I have not received the safety and the safeguards of the 911 system?

So I think if you live in Allegheny County, you have to think about that, and you have to ask yourself, can you have your constituents pay even more, a greater surcharge, because they are already paying this 74 cents, ask them to pay an additional dollar for a system that they may not even receive the benefits of, given our track record in Allegheny County, for at least 7 years. Let us pray and hope that they get it quicker.

So I would tell you, as a firefighter, a volunteer firefighter in Moon, that I understand our needs for that equipment and that we are going to have to help pay our EMS services (emergency medical services), our fire companies, our police forces, help them get online. But to ask them to pay up to an additional dollar right now for a system that they have not even been receiving the

benefits for previously, I think is incorrect, so I would ask my colleagues in Allegheny County and across this Commonwealth to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Boscola.

Ms. BOSCOLA. Thank you, Mr. Speaker.

In Northampton County currently, we are implementing a 911 system. For the past several months, I have been getting complaints and phone calls from individuals who are being surcharged for computer lines going into their homes. If they have two phone lines coming in, one for their children to use and one for parents to use, they are paying maybe three times, because they have a computer line, a phone for their children, a phone for themselves, the parents. We are once again trying to pick the pockets of people, and I do not think it is right.

Secondly, I heard a statement made over here about our senior citizens, that they need a break and they should pay a reduced rate or whatever because they have a rotary phone. Anybody who works in emergency management or knows about what volunteer firefighters respond to is that most of their calls come from senior citizens, because they are the ones that are having the heart attacks; they are the ones that are falling down. They should have to pay for the services just like anybody else. Thank you.

The SPEAKER. The gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, in the beginning of this debate, I gave you the technical part of why we should not support this amendment. Now let me give you the practical part. When we had the Professional Licensure Committee and they dealt with the 911 issue, because our intent at that time was to license the dispatchers, and we had public hearings throughout the State, the counties that testified at those hearings on the 911 issue, when the cell phone issue came up, they thought that it was a windfall of money that would come into those counties.

It has been stated here today by myself and another speaker that the resolution that we will pass later this afternoon asking PEMA to study it will divulge exactly how those dollars should be spent. We are not into this enough to know what the FCC is going to do and what they are going to mandate the States to do, the providers, how much they are going to recover.

How in God's name could we turn around and tax, and that is exactly what it is at this point, because you do not know enough about it on these cell phones. You do not know where these cell phones are located; you do not know where the home base of it is. If you live in Delaware County and you have a business in Philadelphia, and because you live in Delaware County, does the money go back to Philadelphia, does the money go to Chester, wherever? Or if you are a legislator and you have a cell phone, which most of us do, does it go back to Dauphin County or does it go back to your home district? You do not know what you are doing here, and you cannot support such a thing.

I understand the gentleman's intent, and what he means to do is not to make the system fail financially, and I understand that, but we are not there yet to make that determination.

Therefore, I ask you not to support this amendment because it would hurt this bill drastically. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pesci, for the second time.

Mr. PESCI. Mr. Speaker, I understand that maybe he does not understand what is going on here, but what I do understand and

what you people that have served in county government should understand is that there has been an increase in traffic into your 911 centers. Out of 67 counties, I believe there are 62 centers operating — in 67 counties; I am sorry — but additional trunk lines, which are the responsibility of the county to pay for, are needed to be included.

What they are doing is, we are getting more and more cell phone calls going into your 911 centers. I say, if you have it and you use it, you at least should be surcharged.

I just love how the word "tax" is being thrown around. When we did the act in 1990, I did not hear the word "tax," and as my colleague had said, we just plucked out a rate. We picked out \$1, \$1.50, \$1.75. I am saying a surcharge up to \$1, and in turn, I think that the counties, if everybody would check with their county commissioners and especially their 911 coordinators, they would just love to be reimbursed at some proportionate rate to the number of calls because of the staff needs and the requirements of training that we are going to be seeing.

There will be several amendments that will be coming up, and I know you have already caucused on them and you are probably going to shoot them down, but what you are doing here is, you are making your counties responsible, making your counties responsible for picking up the overexpenditures that they will be getting in the next several years.

I do not believe, even if I offered this as a separate bill, it would probably see the light of day. In fact, the gentleman on the other side of the aisle asked me to even offer this as an amendment in this bill several, several months ago. That is why I am doing what I am doing today.

Please vote for the amendment.

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—44

Belardi	Gruitza	McGeehan	Roebuck
Bishop	Haluska	Michlovic	Staback
Butkovitz	Horsey	Myers	Stelman
Cappabianca	Itkin	Olasz	Sturla
Cawley	James	Oliver	Tigue
Cohen, M.	Jarolin	Pesci	Van Home
Curry	Keller	Petrarca	Vitali
Dermody	Kirkland	Petrone	Walko
DeWeese	Lederer	Pistella	Washington
Gigliotti	Lloyd	Ramos	Wojnaroski
Gordner	Lucyk	Robinson	Youngblood

NAYS—151

Adolph	Dempsey	Lynch	Schuler
Allen	Dent	Maher	Scrimenti
Argall	DiGirolamo	Maitland	Semmel
Armstrong	Druce	Major	Serafini
Baker	Eachus	Manderino	Seyfert
Bard	Egolf	Markosek	Shaner
Barley	Evans	Marsico	Smith, B.
Barrar	Fairchild	Masland	Smith, S. H.
Battisto	Fargo	Mayernik	Snyder, D. W.
Bebko-Jones	Feese	McCall	Stairs
Belfanti	Fichter	McGill	Steil
Benninghoff	Fleagle	McIlhattan	Stern

Birmelin	Flick	McNaughton	Stetler
Blaum	Gannon	Melio	Stevenson
Boscola	Geist	Micozzie	Strittmatter
Boyes	George	Miller	Surra
Brown	Gladeck	Mundy	Tangretti
Browne	Godshall	Nailor	Taylor, E. Z.
Bunt	Gruppo	O'Brien	Taylor, J.
Buxton	Habay	Orie	Thomas
Caltagirone	Hanna	Perzel	Trello
Cam	Harhart	Phillips	Trich
Carone	Hasay	Pippy	True
Casorio	Hennessey	Platts	Tulli
Chadwick	Herman	Preston	Vance
Civera	Hershey	Raymond	Veon
Clark	Hess	Readshaw	Waugh
Clymer	Hutchinson	Reber	Williams, A. H.
Colafranca	Jadlowiec	Reinard	Williams, C.
Colaizzo	Josephs	Rohrer	Wilt
Conti	Kaiser	Rooney	Wogan
Cornell	Kenney	Ross	Wright, M. N.
Corpora	Krebs	Rubley	Yewcic
Corrigan	Laughlin	Sainato	Zimmerman
Cowell	Lawless	Santoni	Zug
Coy	Leh	Sather	
Daley	Lescovitz	Saylor	Ryan,
Dally	Levdansky	Schroder	Speaker
DeLuca			

NOT VOTING-2

Donatucci Rieger

EXCUSED-5

Cohen, L. I. Nickol Roberts Travaglio
LaGrotta

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

Mr. TIGUE offered the following amendment No. A4259:

Amend Title, page 1, line 7, by removing the comma after "Commission" and inserting
and

Amend Title, page 1, line 7, by removing the comma after "plans" and inserting
; providing for uniform addressing criteria regulation;
further providing

Amend Sec. 2, page 4, line 10, by striking out " , 8 and 11" and inserting
and 8

Amend Bill, page 12, by inserting between lines 13 and 14
Section 3. The act is amended by adding a section to read:

Section 8.1. Uniform addressing criteria regulations.

(a) General rule.—The agency, in cooperation with the counties of this Commonwealth, shall establish criteria for countywide addressing and within 18 months of the effective date of this section shall promulgate regulations that require counties to implement uniform addressing criteria.

(b) Applicability.—This section shall not apply to any city of the first class, second class, second class A or third class.

Section 4. Section 11 of the act is amended to read:
Amend Sec. 3, page 12, line 19, by striking out "3" and inserting
5
Amend Sec. 4, page 12, line 25, by striking out "4" and inserting
6

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

The SPEAKER. The Chair recognizes the gentleman.
Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, as a result of the hearings that the Veterans Affairs and Emergency Preparedness Committee held, we heard a number of complaints about addressing in municipalities. In fact, there was one gentleman from Chester County who mentioned a municipality that has two streets with the same name. This causes a problem in dispatching police, fire, ambulance, et cetera, emergency management service personnel — they do not know where to go. There are streets that are not numbered; there are streets that are not named.

As a result of that, I am offering this amendment, which would require that PEMA, in cooperation with the counties, establish a system of addressing so that we do not continually run into these problems. If we are really serious about getting help as fast as we can to situations where there is an emergency, to addresses where there are emergencies, we must have accurate information, and this gives them 18 months to set up a system so that everyone in the county has an address which the dispatchers can use. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

There are many counties in the Commonwealth of Pennsylvania that do not have an addressing system, and my particular legislative district is included in that list of counties.

If this were a "may" provision, I might be standing up here supporting this amendment, but this is a mandate; it appears to be an unfunded mandate, and it is not only opposed by many counties but it is also opposed by the Pennsylvania Emergency Management Agency. And I just believe it is patently unfair to require counties that have expended enormous resources and energy to implement a 911 system, such as exists in Tioga County that covers Tioga County and Potter County, to now go to an addressing system.

I believe that we are looking here for— We are on the right track in terms of providing emergency services and providing the additional information, but let us not create yet another unfunded mandate and create more burdens where it may not necessarily be appropriate for those counties that currently do not have an addressing system. This is working very well, the grid system that currently exists in my legislative district and several other counties, and I ask that we oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, most counties have already worked out their addressing plans.

As we all know, counties have no jurisdiction over addressing. Addressing is a local matter within the jurisdiction of the municipality and the borough. PEMA does not feel it should be involved in addressing matters.

Some counties use the grid system, which works for them; other counties use street addressing systems, which they favor. To establish a uniform criteria would have the potential for making some counties change the systems that work for them. This amendment exempts so many classes of local government that I have to wonder if it has any positive impact.

This amendment is opposed by both PEMA and the county commissioners. I believe we should vote against the amendment.

Today I received a letter from PEMA explaining why we should vote against the amendment. Most of the counties that go into an enhanced system have to, by the time the plan is given to the State, have this addressing plan there. So why do it again?

Mr. Speaker, I urge the members to not support the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Tigue, are you seeking recognition for the second—

Mr. TIGUE. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. TIGUE. Mr. Speaker, this amendment does not require anyone to change anything they have done. What it says is that there will be uniform criteria. This is not a result of the counties, the commissioners. This is a result of people in emergency management saying the current system of allowing municipalities to have addresses presents problems.

Let me give you an example. An example occurs when a street is not numbered or it is numbered improperly or it is not named. I represent part of Monroe County. One of the previous speakers mentioned about the grid system. Monroe County uses a grid system. This amendment does nothing to preclude that. It just says that the counties must have a uniform system so that within the counties, they know what they can do as far as dispatching — where the addresses are and how to get there. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Hershey.

Mr. HERSHEY. Mr. Speaker, thank you.

Very briefly, I am asking for a “no” vote on amendment 4259.

We had hearings on this issue. The counties are already doing this. A year ago there were some problems but they are working them out. This is not needed at this time.

I ask the General Assembly for a “no” vote. Thank you.

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—73

Battisto	Evans	Masland	Serafini
Belardi	George	McGeehan	Shaner
Bishop	Gigliotti	Melio	Staback
Butkovitz	Haluska	Michlovic	Stairs
Buxton	Hanna	Mundy	Steelman
Caftagirone	Horsley	Myers	Sturla
Cappabianca	Itkin	Nailor	Surra

Cam	James	Olasz	Tangretti
Casorio	Jarolin	Pesci	Tigue
Cawley	Josephs	Petrarca	Trello
Cohen, M.	Kaiser	Petrone	Vance
Corpora	Keller	Pistella	Van Home
Corrigan	Kirkland	Platts	Veon
Cowell	Lawless	Ramos	Walko
Curry	Lederer	Robinson	Washington
Daley	Lucyk	Roebuck	Williams, A. H.
Dermody	Manderino	Santoni	Wojnaroski
DeWeese	Markosek	Schroder	Youngblood
Eachus			

NAYS—124

Adolph	DiGirolamo	Lloyd	Saylor
Allen	Donatucci	Lynch	Schuler
Argall	Druce	Maher	Scrimenti
Armstrong	Egolf	Maitland	Semmel
Baker	Fairchild	Major	Seyfert
Bard	Fargo	Marsico	Smith, B.
Barley	Feese	Mayernik	Smith, S. H.
Barrar	Fichter	McCall	Snyder, D. W.
Bebko-Jones	Fleagle	McGill	Steil
Belfanti	Flick	McIlhattan	Stern
Benninghoff	Gannon	McNaughton	Stetler
Birmelin	Geist	Micozzie	Stevenson
Blaum	Gladeck	Miller	Strittmatter
Boscola	Godshall	O'Brien	Taylor, E. Z.
Boyes	Gordner	Oliver	Taylor, J.
Brown	Gruitza	Orie	Thomas
Browne	Gruppo	Perzel	Trich
Bunt	Habay	Phillips	True
Carone	Harhart	Pippy	Tulli
Chadwick	Hasay	Preston	Vitali
Civera	Hennessey	Raymond	Waugh
Clark	Herman	Readshaw	Williams, C.
Clymer	Hershey	Reber	Wilt
Colaella	Hess	Reinard	Wogan
Colaizzo	Hutchinson	Rieger	Wright, M. N.
Conti	Jadlowiec	Rohrer	Yewcic
Cornell	Kenney	Rooney	Zimmerman
Coy	Krebs	Ross	Zug
Dally	Laughlin	Rubley	
DeLuca	Leh	Sainato	Ryan,
Dempsey	Lescovitz	Sather	Speaker
Dent	Levdansky		

NOT VOTING—0

EXCUSED—5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CONTI offered the following amendment No. A4377:

Amend Title, page 1, line 8, by inserting after “training,”
for telephone records,

Amend Sec. 1 (Sec. 2), page 4, by inserting between lines 9 and 10
“Vendor.” A person who supplies 911 system services or equipment.

Amend Sec. 2, page 4, line 10, by inserting after “8”
, 9(c)

Amend Sec. 2, page 12, by inserting between lines 13 and 14
Section 9. Telephone records.

(c) Immunity.—No telephone company, [or agent or] ~~wireless communications company or vendor or agent~~, employee or director of a telephone company, ~~wireless communications company or vendor~~, shall be liable to any person who uses the 911 emergency service established under this act:

(1) for release to a public safety answering point of information specified in this section that is not already part of the public records, including nonpublished telephone numbers; or

(2) for interruptions, omissions, defects, errors, mistakes or delays in transmission occurring in the course of rendering 911 emergency service under this act, unless such interruptions, omissions, defects, errors, mistakes or delays are caused by the willful or wanton misconduct of the telephone company, [its agents or] ~~wireless communications company or vendor, their agents~~, employees or directors: Provided, however, That nothing herein shall preclude the application of any commission tariff or regulation pertaining to allowances for telephone service interruptions.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Civera, on what I have termed the "Conti amendment"?

Mr. CIVERA. Yes.

The SPEAKER. Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has been agreed to, and I support the contents of it.

The SPEAKER. Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I guess this amendment is going to fly, and I may be the only person to vote against it, but it seems to me that if it is premature for us to impose a surcharge in order to fund deployment of some new technology that is going to enable the 911 to know from where a cell phone call was made, then it is also premature to give the cell phone carriers immunity for handling those types of transactions if in fact they deploy that technology.

If we have decided and we have a resolution on which we are going to vote that says, let us study the technology; let us see whether this needs to be uniform across the State or whether it does not; let us see what technology we ought to have; let us see whether we ought to have a statewide contract — all of those things, I think, are valid and we ought to look at.

It seems to me it is premature to turn around— This is like you are trying to make an agreement with somebody. You want something; he wants something. We are going to give him, with this amendment, we are going to give him what he wants for what possible reason should he ever give us what we want.

For that reason I am going to vote "no."

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

Mr. ROONEY. Thank you, Mr. Speaker.

The comments of the gentleman from Somerset notwithstanding, he does raise some legitimate points, but I think the overarching issue that is addressed with this amendment is one of public safety, and it is for that reason, the whole issue of public safety and being able to identify, as this amendment would allow for in terms of bringing forth this new technology, this would

allow EMS dispatchers to identify an individual if they are making a call, for example, on their cellular phone.

Time and time again in the Lehigh Valley and I am sure across the State there have been instances where people have phoned in an emergency 911 call from their cellular phone and the dispatcher has not been able to identify where this call was originating from. This technology that is introduced through the Conti amendment I think will lend itself very well toward implementing a system that will allow our EMS personnel to identify where this call is generated from.

For that reason I think the overarching issue of public safety is at stake here, and I would respectfully request a "yes" vote on the Conti amendment.

The SPEAKER. The gentleman, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield for a moment.

Conferences in the vicinity of the gentleman, Mr. Lucyk, please break up.

Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

This amendment is a very simple amendment, and it really enables the mobile telephone companies to begin to catch up with if we want to say the landline companies. When we first afforded immunity, or I should say, we placed limits on liability for landline companies, had the cellular companies been in existence at the time and the cellular companies had the traffic that they have now, I am sure that these limits on liability would have been included in that legislation. What we are seeing now is just an advance in technology, technology that is really outstripping anything that anybody foresaw.

So, Mr. Speaker, I would support this amendment, and we can go from there developing the other technologies which come along with the wireless technology. Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I was wrong.

This amendment does not encourage people to deploy that help-identify-the-location; that is an amendment that the lobbyists for this issue brought around to my office. That is not what this amendment does. This gives immunity to the wireless carriers whether they deploy that help-defines-you-or-pinpoints-your-location technology or not. So my statement that this is the—

We do not want to make them pay a surcharge; that is picking people's pockets, but we are going to give them immunity, and what are we giving them immunity to do? This is not protecting them against joint and several liability in which they have done what they are supposed to do — they have relayed the call to the 911 operator — and the 911 operator screws it up, and you say, well, the wireless carrier should not be liable, and with that I agree, but this says, if the wireless carrier is negligent, he gets immunity.

Now, maybe in the context of negotiations in which we settle this whole issue with regard to a surcharge, maybe this is a reasonable piece to have as part of that package, but this is even a bigger disincentive for them to ever negotiate on those other issues because this really gives them everything they want without giving them any incentive to deploy that new technology. We are going to pass that resolution. They are going to sit back and do nothing for the next 4 years on the new technology because the FCC says they do not have to, and in the meantime, they have immunity. I think that is wrong, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Rooney, for the second time.

Mr. ROONEY. Mr. Speaker, with all due respect, I resent the idea that somehow anybody's position on this issue has been led by the nose by the lobbying community here in Harrisburg. I was trying to speak to the point in a more far-reaching sense, and perhaps I am not as on point as the distinguished gentleman from Somerset in making my case for voting in favor of this amendment.

This amendment is a good, sound concept that will lend itself to the issue of public safety, something that many people in my district and across this State have expressed to me time and time again. And to suggest that somehow the lobbying community has hornswoggled the members of this General Assembly because we think this is the right thing to do is something, quite frankly, that I take offense to.

I would ask all of my colleagues on both sides of the aisle to look at this issue in terms of what it represents now and in the future. If you do that, I think you can only reach one conclusion — that the Conti amendment is a very good addition to this legislation.

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—160

Adolph	DiGirolamo	Lescovitz	Sainato
Allen	Donatucci	Levdansky	Santoni
Argall	Druce	Lucyk	Saylor
Armstrong	Eachus	Maher	Schroder
Baker	Egolf	Maitland	Schuler
Bard	Evans	Major	Semmel
Barley	Fairchild	Manderino	Serafini
Barrar	Fargo	Markosek	Seyfert
Battisto	Fichter	Marsico	Shaner
Bebko-Jones	Fleagle	Masland	Smith, B.
Belardi	Flick	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Staback
Birmelin	Geist	McGeehan	Stairs
Bishop	George	McGill	Steil
Blaum	Gladeck	McIlhattan	Stern
Boscola	Godshall	Mello	Stetler
Boyes	Gordner	Michlovic	Strittmatter
Brown	Gruitza	Miller	Sturla
Browne	Gruppo	Mundy	Surra
Bunt	Habay	Myers	Tangretti
Buxton	Haluska	Nailor	Taylor, E. Z.
Caltagirone	Harhart	O'Brien	Taylor, J.
Carn	Hasay	Oliver	Thomas
Chadwick	Herman	Perzel	Trello
Civera	Hershey	Pesci	True
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pippy	Van Horne
Colafella	Itkin	Platts	Veon
Colaizzo	Jadlowiec	Preston	Vitali
Conti	James	Ramos	Walko
Cornell	Jarolin	Raymond	Washington
Corrigan	Kaiser	Readshaw	Wagh
Cowell	Keller	Reinard	Williams, A. H.
Coy	Kenney	Rieger	Williams, C.
Dally	Kirkland	Robinson	Wilt
Dempsey	Laughlin	Roebuck	Wojnaroski
Dent	Lawless	Rohrer	Wright, M. N.

Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Ross	Zug

NAYS—35

Benninghoff	Gigliotti	Olasz	Stelman
Cappabianca	Hanna	Orie	Stevenson
Carone	Hennessey	Petrarca	Tigue
Casorio	Josephs	Pistella	Trich
Cawley	Krebs	Reber	Wogan
Corpora	Lloyd	Rubley	Yewcic
Curry	Lynch	Sather	
Daley	McNaughton	Scrimenti	Ryan,
DeLuca	Micozzie	Snyder, D. W.	Speaker
Feese			

NOT VOTING—2

Butkovitz	Youngblood
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EXCUSED—5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

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?

Mr. LLOYD offered the following amendment No. A4368:

Amend Sec. 2 (Sec. 8), page 11, line 20, by inserting after "Guide,"
erection of street signs on State and local highways,

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple amendment, and it does not impose any fees; it does not cost any additional money. It simply allows the counties, if they have money for nonrecurring expenses, to use some of that money to put street signs on State and local highways.

In my county, we do have addresses; we have named the State highways. PennDOT will not pay for the signs, because there are many counties in which State highways have not been named. A lot of the municipalities, especially townships, do not have the money, and if there is a surplus, it seems to me this is the legitimate thing to do.

I would ask for an affirmative vote.

The SPEAKER. The gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment gives many options in how the funds could be used in an enhanced system and in emergency response.

I support the Lloyd amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

NAYS—1

Kenney

NOT VOTING—0

EXCUSED—5

- | | | | |
|--------------|--------|---------|-----------|
| Cohen, L. I. | Nickol | Roberts | Travaglio |
| LaGrotta | | | |

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

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

Mrs. LEDERER offered the following amendment No. A4258:

Amend Title, page 1, line 7, by removing the comma after "Commission" and inserting
and

Amend Title, page 1, line 7, by removing the comma after "plans" and inserting

; providing for cost of trunk line installation; further providing

Amend Sec. 2, page 4, line 10, by striking out ", 8 and 11" and inserting

and 8

Amend Bill, page 12, by inserting between lines 13 and 14

Section 3. The act is amended by adding a section to read:

Section 8.1. Cost of trunk line installation.

(a) General rule.—Any person engaged in the business of reselling telephone service shall be responsible for the costs associated with the installation of trunk lines used for 911 systems.

(b) Immunity from cost.—No county in this Commonwealth shall be responsible for any costs associated with the installation of trunk lines used for 911 systems.

Section 4. Section 11 of the act is amended to read:

Amend Sec. 3, page 12, line 19, by striking out "3" and inserting
5

Amend Sec. 4, page 12, line 25, by striking out "4" and inserting
6

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

The SPEAKER. The Chair recognizes the lady from Philadelphia.

Mrs. LEDERER. Mr. Speaker, this is a very simple amendment. It deals with the cost of installation of trunk lines.

I ask for a "yes" vote.

I believe that 911 is a product which is resold, and the costs should be incurred by those who are reselling that product. I do not believe that the Commonwealth or the counties should pay for the installation of the trunk lines, and I ask for a "yes" vote on amendment 4258. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment requires private entities to apply and use private property without any compensation.

This amendment is absolutely, I believe, unconstitutional. If we put this amendment in the bill, we are going to create a legal fight between the counties and the telephone companies, which will probably cost more than the trunk lines.

I would ask you to vote against this and move— I would ask you to vote against this amendment, but, Mr. Speaker, I move that the amendment is unconstitutional.

The SPEAKER. Mr. Civera?

Mr. CIVERA. Yes, Mr. Speaker.

The SPEAKER. Could you kindly give us some idea as to what section of the Constitution you feel has been affronted.

CONSTITUTIONAL POINT OF ORDER

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

The SPEAKER. Mr. Wogan.

Mr. WOGAN. Mr. Speaker, I am not sure that a motion was made. I know that the gentleman from Delaware County asked that the amendment be voted against on its substance because it was unconstitutional.

But I would like to make a motion that this amendment be ruled out of order because it is unconstitutional, and I base that on Article I, section 10, of the Constitution of the Commonwealth of Pennsylvania, which states that "...nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured."

Act 78 requires counties which collect the 911 surcharge from telephone subscribers to implement 911 systems in coordination with local telephone providers. This amendment will require the telephone companies to provide the trunk lines to the counties free of charge. This amounts to an unconstitutional taking. Our Supreme Court has stated: "Regulation amounts to a taking when government forces 'some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole.'" That was stated by our court in Pennsylvania PUC (Public Utility Commission) v. Pennsylvania Gas and Water Co., a 1980 case.

The United States Supreme Court has also stated: A utility "...is entitled to rates, not per se excessive and extortionate, sufficient to yield a reasonable rate of return upon the value of property used, at the time it is being used, to render the services." This the court stated in the case of Denver Union Stock Yard Co. v. United States, a 1938 case.

Our Constitution prevents us from mandating private persons or businesses to use their property or to incur costs for the common good without just compensation.

This amendment clearly violates the Constitution of our Commonwealth and the United States Constitution.

I urge my colleagues to vote that this amendment is unconstitutional.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Wogan, raises the point of order that the amendment is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes anyone in connection with this point.

I have already recognized the gentleman, Mr. Wogan, on the point.

Mr. Horsey, do you desire recognition?

Mr. HORSEY. Yes, Mr. Speaker.

Mr. Speaker, relative to the motion on constitutionality, I would move — and it is not a motion — but I would ask my colleagues to support the Lederer amendment.

Let us not be soothsayers today and try to predict what the courts — the Supreme Court, State or Federal — will do with the

amendment here today. Pass the amendment, put it in the bill, vote on the bill, vote the bill up, put it into law, and then let us not try to determine what is in the Supreme Court, whether it be State or Federal court's mind, because we do not know.

Mr. Speaker, I would urge support for this particular amendment and ask that we vote this amendment up. Thank you, Mr. Speaker.

I ask for a positive vote on constitutionality. Thank you.

The SPEAKER. The gentleman, Mr. Pesci.

Mr. PESCI. Mr. Speaker, I understand what he is saying—

The SPEAKER. The question before the House, the question before the House, is that of constitutionality.

On the question only of constitutionality, whether or not the amendment is believed to be constitutional, the Chair recognizes the gentleman, Mr. Pesci.

Mr. PESCI. The part of the Constitution that he had stated about the trunk line—

The SPEAKER. Will the gentleman yield.

Mr. PESCI. Mr. Speaker, can I question—

The SPEAKER. State your question, Mr. Pesci.

Mr. PESCI. The question I have is, he is stating a part of the Constitution that is talking about I believe it is confiscation.

My understanding of a trunk line is, a cost of a line to put in but there is a service provided through that line that is continuously paid for to the company that put the line in. Could he explain to me what his constitutional point is then.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. Wogan, did you hear the question?

Mr. WOGAN. Yes, I did, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Conferences on the floor— This is a legitimate constitutional discussion—

Mr. WOGAN. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

—and there are a number of members who are interested in it.

Staff people not involved in this, I would ask that they be seated and discontinue discussions.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I cited Article I, section 10, of the Pennsylvania Constitution arguing that this is private property which would be taken without authority of law and without just compensation being first made or secured.

We set up a 911 fund for the State; actually, we funded it for the Commonwealth back in 1990. There are funds in many counties which — now I know I am wandering far afield — which really are not even being touched for 911 services. My county has a rather large surplus. We cannot put the cost of this service, this building of trunk lines, on one party only, and by the way, I made a motion on constitutionality but there are other problems with this amendment. This amendment is drafted; it does not do what the—

The SPEAKER. The question before the House deals only with constitutionality.

Mr. WOGAN. Very well, Mr. Speaker.

But to try to specifically answer the gentleman's, the latter part of the gentleman's question, the Supreme Court has even held, when part of an investment made by a utility is not put in the rate base so that it cannot get a fair return, that can be an unconstitutional taking, and that was held in that 1980 case that I

cited — Pennsylvania PUC v. Pennsylvania Gas and Water Co. So that is the analogy we use for this, that this is an unconstitutional taking of private property for a public purpose.

The SPEAKER. Mr. Pesci.

Mr. PESCI. Mr. Speaker, I completely disagree with what he is saying.

I believe what the amendment is calling for is for someone else to pay for the trunk line. What the amendment is not calling for is that a service is provided by the utility through that trunk line for which an ongoing payment is through reciprocation back to the phone company for the use of that line on a monthly basis. There is no taking of anything here, to the best of my knowledge, from the amendment that is being offered.

Therefore, I do find it constitutional, sir.

The SPEAKER. Mr. Hershey, do you desire recognition?

Mr. HERSHEY. Yes, Mr. Speaker. Thank you.

I urge the members to support— I rise to support Representative Civera's motion to move that this amendment is unconstitutional. We looked at this amendment in committee and voted against it overwhelmingly. Again, support Representative Civera's motion that it is unconstitutional. Thank you.

The SPEAKER. On the question, those voting "aye" will be voting to declare the amendment to be constitutional; those voting "no" will be voting to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS-80

Bebko-Jones	DeLuca	Lescovitz	Sainato
Belardi	Dermody	Levdansky	Sanitoni
Belfanti	DeWeese	Lloyd	Scrimenti
Bishop	Evans	Lucyk	Shaner
Blaum	George	Manderino	Steelman
Boscola	Gigliotti	McGeehan	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Gruitza	Michlovic	Tangretti
Caltagirone	Haluska	Mundy	Thomas
Cappabianca	Hanna	Myers	Tigue
Cam	Horsey	Olasz	Trello
Casorio	Itkin	Oliver	Van Horne
Cawley	James	Pesci	Veon
Cohen, M.	Jarolin	Petrarca	Vitali
Colafella	Josephs	Petrone	Walko
Corpora	Kaiser	Pistella	Washington
Corrigan	Keller	Ramos	Williams, A. H.
Cowell	Kirkland	Rieger	Williams, C.
Curry	Laughlin	Robinson	Yewcic
Daley	Lederer	Roebuck	Youngblood

NAYS-117

Adolph	Eachus	Markosek	Semmel
Allen	Egolf	Marsico	Serafini
Argall	Fairchild	Masland	Seyfert
Armstrong	Fargo	Mayernik	Smith, B.
Baker	Feese	McCall	Smith, S. H.
Bard	Fichter	McGill	Snyder, D. W.
Barley	Fleagle	McLhattan	Staback
Barrar	Flick	McNaughton	Stairs

Battisto	Gannon	Micozzie	Steil
Benninghoff	Geist	Miller	Stern
Birmelin	Gladeck	Nailor	Stevenson
Boyes	Godshall	O'Brien	Strittmatter
Brown	Gruppo	Orie	Surra
Browne	Habay	Perzel	Taylor, E. Z.
Bunt	Harhart	Phillips	Taylor, J.
Carone	Hasay	Pippy	Trich
Chadwick	Hennessey	Platts	True
Civera	Herman	Preston	Tulli
Clark	Hershey	Raymond	Vance
Clymer	Hess	Readshaw	Waugh
Colaizzo	Hutchinson	Reber	Wilt
Conti	Jadlowiec	Reinard	Wogan
Cornell	Kenney	Rohrer	Wojnaroski
Coy	Krebs	Rooney	Wright, M. N.
Dally	Lawless	Ross	Zimmerman
Dempsey	Leh	Rubley	Zug
Dent	Lynch	Sather	
DiGirolamo	Maher	Saylor	Ryan,
Donatucci	Maitland	Schroder	Speaker
Druce	Major	Schuler	

NOT VOTING-0

EXCUSED-5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

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

Mr. PETRARCA offered the following amendment No. A4356:

Amend Title, page 1, line 7, by removing the comma after "plans" and inserting

and

Amend Title, page 1, line 8, by removing the comma after "and" and inserting

; providing for telephone customer service addresses to be printed on service bills; further providing

Amend Sec. 2, page 4, line 10, by striking out ", 8 and 11" and inserting

and 8

Amend Bill, page 12, by inserting between lines 13 and 14

Section 3. Section 9 of the act is amended by adding a subsection to read:

Section 9. Telephone records.

(d) Notification.—All local telephone exchange service companies shall provide notification of each customer's service address in the customer's monthly billing for service.

Section 4. Section 11 of the act is amended to read:

Amend Sec. 3, page 12, line 19, by striking out "3" and inserting 5

Amend Sec. 4, page 12, line 25, by striking out "4" and inserting 6

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

The SPEAKER. The Chair recognizes the gentleman.

Mr. PETRARCA. Thank you, Mr. Speaker.

In my amendment I am asking this House to vote for an amendment that provides service addresses on telephone bills like every other utility provides in this Commonwealth. What I am attempting to have done is one additional piece of information to help the 911 dispatch centers across this Commonwealth as they try to provide service to the proper address when an emergency does occur.

My goal is to have the incorporated municipality appear on a telephone bill, but by doing it this way, it would also open up the avenue for resident input. In my county there are approximately 15,000 to 20,000 changes in phone service per month. Every time phone service is changed, the entire 911 account or information is wiped off the system. In Allegheny County there are 400 changes to telephone service per day. The directors in my county and the county of Allegheny tell me that there are too many mistakes that happen on a daily basis, and my legislation will help correct that situation. Again, it is one small part that will help to rectify this situation.

As I said, the counties of Westmoreland and Allegheny fully support this legislation, and also, two people in my area, the Kiski Valley, died in the past few years from 911 foul-ups. The bottom line is, there are too many mistakes. This bill will help to rectify that situation.

I ask for an affirmative vote. Thank you.

The SPEAKER. The gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I applaud the maker of the amendment's effort regarding trying to better the 911 system, but in reading the amendment, it says, "All local telephone exchange service companies shall provide notification of each customer's service address in the customer's monthly billing for service."

If the amendment is intended to solve a problem with the accuracy of the 911 data base, I do not believe the objective is being met here. I think it is just going to bring confusion to the customer when he gets a bill and he is going to see two or three addresses on one telephone bill. It does not really address the problem regarding the 911 data base to the county. I think the problem really has to be addressed right to the people handling the 911 and not put on the customer's billing notice. If there are people that do not want the correct geographical address on a billing notice for some reason or the other, by mandating this, this is not going to solve the problem.

I applaud the gentleman's effort in trying to help make the 911 data base as efficient as possible, but I believe that this is just going to add confusion to the billing process and will not help what he is trying to accomplish.

So I am going to oppose the amendment for those reasons, and I ask my colleagues to also oppose it. Thank you very much.

The SPEAKER. The gentleman, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

I, like Mr. Adolph, rise to oppose the amendment but certainly respect the amendment sponsor's intent.

There is no doubt that across our State there is from time to time a problem with locating residences and properties and people

in need, but I believe that this attempt is actually an attempt in the wrong direction and, unfortunately, ultimately would be an effort that would result in increased cost to all of the ratepayers across the State with very little return.

I would like to offer, however, what I believe to be the right direction to resolve this problem, and in fact, it is incorporated in the bill as written. In my experience as a responder, there are generally two problems that occur in the field with respect to locating a residence, and I think probably all of us, with the exception of those folks who are fortunate enough to already have countywide road naming and house numbering systems in place, I think the majority of us probably — that is, a majority of the members — probably have at least a portion or maybe their entire district that operates under a rural route or RD (rural delivery) system in conjunction with a post office box for that rural route. That is a problem. RD numbers and box numbers to RD's work rather well for the Postal Service. However, unfortunately, when our emergency responders try to locate in these areas, what they often find is, they are referring to things like the red barn at the corner of the old so-and-so property, and it is very difficult for first responders in those cases unless they are natives of the region or have given a lot of thought and study to the history, because often it is based on historical landmarks.

The other problem that happens quite often in counties that do not have a countywide road naming and numbering system is a duplication of streets and roads. I can relate to you at least one experience of my own where our local department was responding to a call on a Wolf Road. As it turns out, there are actually several Wolf Roads; they cross township lines, and when individuals call, they are not familiar with the municipality that they live in, and at that point it really becomes a guessing game on the part of the dispatcher and the 911 center. So the two reasons are rural routes and duplication of names across municipal boundaries.

The other reason I do not believe this amendment would necessarily solve the problem of locating a residence or property is because today a service location address is not necessarily a true address. In some of the more rural areas, again it is my understanding that the phone companies actually use telephone pole identification numbers to locate for their service people what that address is, and it becomes a matter of them being able to identify a telephone pole, and that is not necessarily something that is going to help first responders and emergency responders.

This bill contains a provision that would allow for the use of collected moneys to be used for the development and maintenance of master street address guides on a county-by-county basis. I believe that that is the right direction, and in fact, if we were to put the question to ratepayers and to make the explanation that I have just made, it seems to me that from an economy perspective, that we are going to get more bang for the buck for our taxpayers — i.e., ratepayers — if we focus on incentives and actually assistance, either through rate collection or an appropriation here, if that is a possibility, to encourage each and every one of our 67 counties to get on the stick and implement a countywide road naming and numbering system. That would really put this entire issue to rest. And again, I am really not convinced that the proposal we have before us here is the answer. So for that reason I would oppose it, and I appreciate your time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

I also rise to oppose the Petrarca amendment.

I think what the amendment points out to us today is that there is a lot of work that needs to be done on this issue.

I think the previous two speakers have stated the case very well, and simply put, the address on the piece of paper that someone is looking at, which is a bill, has to be the same address of the telephone that they are using to call for emergency help, and that is not going to happen with this amendment.

As I previously stated, this amendment tells us that we have an awful lot of work to do on this very issue, because it is a troubling issue. There are mistakes made. I think the sponsor of this amendment is on the right track, but this language will not get it done. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Westmoreland, Mr. Van Horne.

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

I rise in support of the Petrarca amendment for two very basic reasons. In Representative Petrarca's area and mine, in Westmoreland County, there were two very tragic incidents where there were two fatalities that probably could have been saved and/or avoided if this small step would have been taken. What occurred was, in the one instance there was confusion over Melwood Road and Melwood Drive. A simple change on your billing address would have been able to make that distinction; a life would have been saved.

The other instance was a community in my district, West Leechburg, a community in Representative Pesci's district, Leechburg. If that would have been delineated on that billing, that probably would not have occurred; the mix-up would not have occurred. We would have saved another life.

I would urge everyone in this chamber to support Representative Petrarca's amendment.

The SPEAKER. The gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I rise to ask for a "no" vote on amendment A4356.

Mandating the phone companies to put the service address on the individual's monthly phone bill does not get to the heart of the problem.

We heard, in testimony during our hearings, the problem is that people do not accurately tell the phone company what their service address is in the first place. As we have learned from hearing testimony, there is currently a system in place, involving the phone companies and the counties, which routinely cross-references these addresses to ensure that the counties have an accurate master street address guide for 911 systems. Several of the committee members have toured these data bank centers.

In short, I do not think displaying this service address on the individual's phone bill will have the red-flag results that a few individuals here think it might. The true red-flag measure is a cross-referencing system which, on a routine basis, will search out and correct the addressing data which, in some cases, was misfed by the individual customer themselves.

I would ask for a "no" vote on this amendment. Thank you.

The SPEAKER. The gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Westmoreland stand for interrogation?

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

Mr. McCALL. Mr. Speaker, in your amendment you talk about customer service addresses, and it is not defined in the amendment. Can you at least define what that means or what your intent is?

Mr. PETRARCA. What my intent is, Mr. Speaker, is the incorporated municipality where a resident lives.

Mr. McCALL. So would you agree that the customer service address can be different from the mailing address, can be different from the service address?

Mr. PETRARCA. Yes; yes, I do; yes, I do.

Mr. McCALL. Thank you, Mr. Speaker.

On the amendment?

The SPEAKER. The gentleman is in order.

Mr. McCALL. Mr. Speaker, I sympathize with the gentleman and what he is trying to achieve by getting more information into his 911 or his county enhanced 911 services, but I really do not think that what he is trying to do will solve the problem. As a matter of fact, I think it will only confuse the problem that much more.

And I will give you an example, and it is an example about where I live. I live, as far as my mailing address is concerned, in Leighton — and for the information of the members, I have the enhanced 911 in my county; you could pick up the phone and they will identify precisely where you are calling from in Carbon County — my mailing address is Leighton, my service address and the exchange that I actually have a telephone in is Mantzville, but I actually live in Mahoning Township. So by providing this information on a telephone bill, you are just going to increase the confusion, especially in the county where I live. The service address has nothing at all to do with where I am actually picking up the telephone and speaking on the telephone in my county.

I think what has to happen, that the county has some type of responsibility or has some responsibility in this whole thing, that they have to do a better job in mapping and providing the information to their 911 coordinator in the respective counties. And the fact of the matter is that the — in what I have found in my county — is that the data that we get from the phone companies in our county right now is not always accurate; that we contract with other private agencies for our data base and pay for that data base because the phone company's data base is not always accurate. We are constantly, on a day-to-day basis, upgrading and maintaining that data base, and it is through cooperation of the phone companies. They are the ones who are helping us and providing us with the data base and the information.

I think this amendment will only serve to confuse a problem that really I do not think exists, and I would ask that we vote "no" on the amendment.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I had not made up my mind on this amendment until I listened to the debate, and I am going to support the gentleman's amendment.

It seems to me that his amendment does not preclude providing a secondary system that the gentleman, Mr. Hershey, referred to with the countywide lists and some of the checks that are currently going on between telephone companies and counties to try to get the addresses straight, but I think it is important that people be

cognizant of all of that information. Right now, in many cases, they have not taken the time to look or find out whether that address is the accurate one. If it appears on their bill regularly and there is a mistake in it, at least they have some opportunity; you place some opportunity before them to see that mistake and to take measures to change it.

I do not see this as being a problem. I see it as an overlapping protection trying to get at the correct address — let us not even use the term “address” — the correct location so that when an emergency comes, their needs are addressed at that location.

So I support the amendment. I do not think it is going to hurt the other effort going out there to locate that individual in a time of an emergency, and I ask the members of the House to support it. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny County, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I have heard good arguments on both sides of this issue of this amendment, but one thing we cannot argue about is that you cannot put a price tag on public safety. I think the constituents in the prime sponsor's area that have already paid a high price in having a death occur because of the confusion on the service address is already a high price to pay for public safety.

I think for that reason and that reason alone that we should vote for this amendment. Why should we allow people in that particular predicament not to have good access to the service that we are paying for? You cannot put a price tag on public safety. They already paid a high price. Let us not let it happen again, and adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

This amendment would only add to the confusion by having another layer of information added to a process which is already confusing in some areas.

The telephone companies and their employees are not qualified or experienced in determining in which municipality an address may be located. It would be inappropriate and potentially disastrous to utilize a utility company's personnel to collect and log this data. We are courting disaster by adding another layer of confusion and misinformation from unqualified sources.

I ask “no” on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I think that many of the speakers here are missing the point of my amendment. What I am trying to do is to provide one small piece of information for the 911 county dispatchers as they try to head off emergencies and disasters from happening. This is not supposed to be the end-all and be-all solution to the 911 problems that we are suffering from in Pennsylvania.

A few of the speakers commented that this is already being done or in fact that the telephone companies are already working with our 911 dispatch centers statewide and therefore an amendment such as this is not necessary. The telephone companies are working with our 911 centers; that is true. However, in my county, my county has not met a 95-percent threshold that the Pennsylvania Telephone Association has set for accuracy of addresses. Because my county has not met that threshold, my county cannot receive this MSAG, or master street address guide,

information updated on a daily basis. Therefore, my county is between a rock and a hard place, if you will, with the county not being able to provide the hundreds of thousands of dollars necessary to update the addresses in the county and the counties not having the legal authority to force the local governments to provide this address information.

What happens in my county is address information is gathered by the 911 system; it is given to the telephone company. The telephone company stores that information in their MSAG, and because my county has not reached this 95-percent threshold, my county is not privileged to that information as it changes. And as I have said, in Allegheny County, 400 changes a day in telephone information; in Westmoreland County, 15,000 to 20,000 changes per month.

I posed that question to my 911 representatives in Westmoreland County about help with the telephone company in solving these problems. They claim that although the telephone company, once again, has helped, it is just not happening on a continuing basis to help my county put together the 911 system that they need.

To the phone company, I think this comes down to dollars and cents. They have talked about how much money it is going to cost them to put this information, service address information, on telephone bills. The bottom line is, they already have this information. I do not know what the cost will be, but I cannot believe that it is substantial, and I cannot believe that those costs outweigh the public safety concerns when people are dying and have died in this State because of these concerns. As the gentleman from Allegheny said, what price can we put on human life?

For that reason I ask that you help me to help the 911 centers to obtain this one little piece of information that may help save lives in this Commonwealth, and I ask for your support.

Thank you.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

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

The following roll call was recorded:

YEAS—34

Butkovitz	Evans	Melio	Sturla
Buxton	George	Michlovic	Tangretti
Cappabianca	Gigliotti	Pesci	Tigue
Casorio	Habay	Petrarca	Trello
Cohen, M.	Itkin	Ramos	Van Horne
Corpora	Jarolin	Shaner	Veon
Daley	Josephs	Stairs	Walko
Dermody	Keller	Steelman	Williams, A. H.
DeWeese	Lederer		

NAYS—161

Adolph	DiGirolamo	Maher	Sather
Allen	Donatucci	Maitland	Saylor
Argall	Druce	Major	Schroder
Armstrong	Eachus	Manderino	Schuler
Baker	Egolf	Markosek	Scrimenti
Bard	Fairchild	Marsico	Semmel
Barley	Fargo	Masland	Serafini

Barrar	Feese	Mayernik	Seyfert
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Steil
Birmelin	Gladeck	Micozzie	Stern
Bishop	Godshall	Miller	Stetler
Blaum	Gordner	Mundy	Stevenson
Boscola	Gruitza	Myers	Strittmatter
Boyes	Gruppo	Nailor	Surra
Brown	Haluska	O'Brien	Taylor, E. Z.
Browne	Hanna	Olasz	Taylor, J.
Bunt	Harhart	Oliver	Thomas
Caltagirone	Hasay	Orie	Trich
Carn	Hennessey	Perzel	True
Carone	Herman	Petrone	Tulli
Cawley	Hershey	Phillips	Vance
Chadwick	Hess	Pippy	Vitali
Civera	Hutchinson	Pistella	Washington
Clark	Jadlowiec	Platts	Waugh
Clymer	James	Preston	Williams, C.
Colaafella	Kaiser	Raymond	Wilt
Colaizzo	Kenney	Reber	Wogan
Conti	Kirkland	Reinard	Wojnaroski
Cornell	Krebs	Rieger	Wright, M. N.
Corrigan	Laughlin	Robinson	Yewcic
Cowell	Lawless	Roebuck	Youngblood
Coy	Leh	Rohrer	Zimmerman
Curry	Lescovitz	Rooney	Zug
Dally	Levdansky	Ross	
DeLuca	Lloyd	Rublely	Ryan,
Dempsey	Lucyk	Sainato	Speaker
Dent	Lynch	Santoni	

NOT VOTING-2

Horsey Readshaw

EXCUSED-5

Cohen, L. I. Nickol Roberts Travaglio
LaGrotta

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

Mr. VAN HORNE offered the following amendment No. A4358:

Amend 2 (Sec. 8), page 12, by inserting between lines 13 and 14
(e) Public education.—Each county may use moneys received from the imposition of the contribution rate to educate the public on the 911 system. Education may include, but is not limited to, confirming with all residents of the county their actual street addresses.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Van Horne.

Mr. VAN HORNE. Thank you, Madam Speaker.

Amendment 4358 addresses some of the same concerns on public safety and addresses and information as were offered by previous amendments that were all voted down, but I think it also addresses some of the criticism from some of the previous speakers whereas it provides for public education, and it is at the option of the counties.

I believe, through Representative Civera's office, we have an agreed-to amendment here, and I would appreciate an affirmative vote.

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

Mr. CIVERA. Thank you, Madam Speaker.

Madam Speaker, I agree to this amendment, and I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS-197

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

Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

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

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

Mr. CIVERA. Just a brief comment, Madam Speaker.
On November 30, 1994, a group of teenagers beat another teenager, Eddie Pollack, to death with baseball bats in Philadelphia. Approximately 40 minutes before Eddie Pollack was killed, several individuals in that area began calling 911 for police assistance. Police assistance did not arrive in time to save Eddie Pollack that night. After this tragedy, the investigation into Eddie Pollack's death led them to the conclusion that the 911 system failed that evening.

The Pollack tragedy inspired me to introduce HB 911 of the last session to impose training standards on dispatchers and calltakers. I reintroduced the legislation in a different form this session to reflect the input which we received through several public hearings on 911 in general. Over the past 2½ years, there have been public hearings in Erie, the Pittsburgh area, Harrisburg, and Delaware County regarding 911. The legislation before us now reflects the input we have received from the 911 directors, county personnel, emergency service providers, and people from the general public who have testified regarding the 911 system.

This legislation will empower PEMA to promulgate regulations regarding certification and training for calltakers and supervisors. Legislation will also redefine the audit process to allow PEMA to set standards for auditing and accountability of the 911 surcharge moneys collected from the consumer. Counties will also be able to use their surcharge moneys to supply their emergency service personnel with mobile communication equipment.

In 1995 the 911 system in western Pennsylvania failed again, this time resulting in the death of Betty Narduzey. In that incident, the call to 911 was directed to the wrong county. When emergency medical technicians finally arrived at Miss Narduzey's home, an hour and 40 minutes after the 911 call was placed, it was too late. This legislation addresses that failure by requiring telephone

companies and counties to cross-reference local telephone exchanges to ensure that overlapping telephone exchanges are properly connected to the 911 system in their right county.

I believe this legislation will go a long way to preventing tragedies like the Narduzey tragedy and the Eddie Pollack tragedy in the future, and I urge for a unanimous vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Van Horne.

Mr. VAN HORNE. Thank you, Madam Speaker.

I would like to at this time acknowledge Representative Civera's help on getting this amendment and this legislation passed. The members of the southwest caucus and especially those in the Alle-Kiski Valley delegation worked on this for 3 or 4 years, and we are hopeful that with the passage and implementation of HR 92 and HR 275, we can have a 911 system throughout the Commonwealth that we can be proud of.

So I would ask for an affirmative vote on final passage.

On the question recurring,
Shall the bill pass finally?

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

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cohen, L. I.	Nickol	Roberts	Travaglio
LaGrotta			

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.

ANNOUNCEMENT BY MR. JAMES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. James, for the purpose of an announcement.

Mr. JAMES. Thank you, Madam Speaker.

Madam Speaker, I just want to announce to the members, on behalf of Representative LeAnna Washington, we have made a resolution, HR 293, commending the organizers and the participants of the Million Woman March in Philadelphia. It was a historical march this past Saturday. We have that resolution for anyone that wants to sign on, because we are going to submit it under rule 35 tomorrow. So anybody who wants to sign it, it is at the front for signature cosponsorships. Thank you.

VOTE CORRECTION

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

Mr. THOMAS. Madam Speaker, is it appropriate to clear the record on an amendment at this particular time ?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I would like to have my vote on amendment 4377 of HB 911 recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
TO SENATE AMENDMENTS AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to Senate amendments to the

following **HB 1027, PN 2524**, as further amended by the House Rules Committee:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for Commonwealth agencies, for gubernatorial appointments, for boards of trustees of State institutions, for definitions relating to crime victim's compensation, for the lapsing of funds and for public members of licensing boards; modifying and increasing the powers of the executive board; limiting collective bargaining for school administrators employed by cities of the first class; prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain oil and gas wells, for timetable for the review of municipal waste landfill and resource recovery facility permit applications and for the powers of certain campus police; authorizing the establishment of the Pennsylvania Infrastructure Bank in the Department of Transportation; further providing for workers' compensation assessments; restricting certain drug substitutions; repealing provisions relating to gasoline dispensing facilities and certain reports under the Health Care Services Malpractice Act; and making other repeals.

On the question,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended by the Rules Committee ?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Madam Speaker.

Madam Speaker, I will beg your indulgence just for a few seconds.

I know that members are being put under a lot of pressure not to vote on this amendment. Let me tell you, Madam Speaker, there is not another time, there is not another bill. We either do this now—

The SPEAKER pro tempore. Would the gentleman cease; would the gentleman cease.

There is presently no amendment before the House.

Mr. O'BRIEN. Madam Speaker, I am asking for the same latitude that every other member of this House has been granted on numerous occasions to speak on the amendment before the official motion is made to suspend the rules. That is routinely done here, and I ask for that latitude. I do have a properly drawn amendment to this printer's number that I intend to offer.

The SPEAKER pro tempore. We would give you latitude to explain the amendment that you are going to propose after you make a motion to suspend the rules.

MOTION TO SUSPEND RULES

Mr. O'BRIEN. I will make a motion to suspend the rules in order to offer amendment 4453.

The SPEAKER pro tempore. The question is before the House on suspension of the rules.

On the question,

Will the House agree to the motion ?

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, is recognized to give a brief description.

Mr. O'BRIEN. Madam Speaker? Madam Speaker?

The SPEAKER pro tempore. The gentleman is recognized to give a brief description of the proposed amendment.

Mr. O'BRIEN. Oh, on the amendment. Thank you.

Madam Speaker, I know a lot of members are under a lot of pressure not to vote on this amendment. Let me tell the ladies and gentlemen of the House, there is no other bill and there is no other day. The waiver has been approved on October 15. That means implementation of that waiver is taking place even as we speak, and that means, Madam Speaker, that options for kids who have disabilities are being eliminated even as we speak.

I can tell you that in the city of Philadelphia, from the time that the discussion ensued dealing with the withdrawal from part H through the submission and discussion of this waiver—

The SPEAKER pro tempore. Would the gentleman cease.

Would you please give us a brief description of the amendment and not your support for it; just the brief description of what the amendment will do.

Mr. O'BRIEN. Thank you, Madam Speaker.

This amendment will preserve the options for those children with disabilities and for their parents. Options will create the fiscal integrity that members of this House are responsible for. Options will also allow for the creativity for program successes so that these kids have a chance for developmental possibilities, real developmental possibilities—

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the majority leader, Mr. Perzel, on suspension.

Mr. PERZEL. Thank you, Madam Speaker.

Madam Speaker, we are running the first day that we are back after the recess SB 179, which is an Administrative Code bill. Mr. O'Brien will have an opportunity at that point in time to put this amendment into that bill. He was told that he had that option to do that earlier today.

The problem we run into, Madam Speaker, is that it has been taken out in the Senate. We have passed this as a resolution; we have put it into several bills. It has been taken out by the Senate each time, and they intend to take it out again. That is why I would like to ask the members not to suspend the rules, to give us a chance to put this in SB 179, which is a Senate bill, and have it passed at that point in time.

The SPEAKER pro tempore. Is the gentleman, Mr. DeWeese, deferring to Mr. Cohen? Are you deferring to the gentleman, Mr. Cohen, or are you speaking yourself?

The gentleman, Mr. DeWeese, may proceed.

Mr. DeWEESE. Thank you, Madam Speaker.

PARLIAMENTARY INQUIRY

Mr. O'BRIEN. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. O'Brien, rise?

Mr. O'BRIEN. A point of parliamentary inquiry.

Is there a limit on the time that I am allowed to speak on this amendment?

The SPEAKER pro tempore. Only the leaders speak on suspension.

MOTION WITHDRAWN TEMPORARILY

Mr. O'BRIEN. Well, then, Madam Speaker, maybe I can suggest that I will withdraw this motion temporarily and I will speak on the bill, and then I will come back and make the motion on the suspension.

The SPEAKER pro tempore. The gentleman may withdraw the motion to suspend at this time.

Mr. O'BRIEN. Thank you, Madam Speaker.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended by the Rules Committee?

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

Mr. O'BRIEN. Am I now recognized to speak on the bill?

The SPEAKER. The gentleman has withdrawn his motion to suspend the rules and he has announced that he has done this for the purpose of being able to debate, but your debate is limited to the question of concurrence.

Mr. O'BRIEN. I understand.

The SPEAKER. It is not— You are not allowed to expand it out into some amendments you would like to add to the bill.

Mr. O'BRIEN. I understand.

The SPEAKER. It is on the question of concurrence. Please limit it to that; please.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Let me just explain to the members of the House, back in June there was an amendment drafted by Representative Coy. The substantive effect of that amendment was to stop the Department of Welfare from obtaining a waiver for infants and toddlers for early intervention. That waiver, Mr. Speaker, would have curtailed the options that are so very important to children and their parents with disabilities.

These options must be preserved, whether you come down on the side that you want to preserve money and you are interested in the fiscal integrity of our system. And if you are, let me point out to you that if we try to save money in the 0-to-3 population by denying these kids these services, we will pay in the Department of Education when these kids obtain those early intervention services from 3 to 5, and we are investing in these very centers through the Department of Education when these kids attain the age of 3.

Mr. Speaker, we have the opportunity to do something right in this House. The Senate removed that language calling upon the Department of Welfare to withdraw their waiver. There is good reason for that: The waiver has been approved; the waiver is approved.

In the city of Philadelphia since the discussion has taken place surrounding this waiver, there are no center-based programs available anymore. That is wrong, Mr. Speaker. These parents that have these children with disabilities need these services. They love their children every bit as much as we do, those of us that have children without disabilities. Those windows of opportunity that we cherish so very much for our children without disabilities are just as important and perhaps more important for those children

who have deficits. Those windows close, Mr. Speaker. They do not open again. When that window disappears and that opportunity for development is gone, it is gone forever.

Mr. Speaker, we cannot do that. We must preserve these options. And like I said, whether you come down on the fiscal side and say you want to save money, then the folly is, we are going to pay more if we do not give these kids the opportunity for development at the earliest possible moment. All the literature around the country, all the studies support that the earlier you have intervention, the better chance for real progress exists.

Mr. Speaker, I beg of you, do the right thing today. Tell the Department of Welfare that we in this legislature are the policymakers — we decide how to appropriate dollars; we decide philosophy — not the bureaucrats in the Department of Welfare. Do this for the kids; do this for the parents. Do the right thing.

Mr. Speaker, the Department of Welfare has taken a lot of our latitude away from us. They now implement policy by contract, by waiver and policy statement. No longer do we have the opportunity to interact on regulatory issues.

Very simply, what I am asking for — and I dare anyone to stand at the microphone and say that this is unreasonable — what I am asking for: The Department of Welfare has to promulgate regs on this waiver that has been approved. All I am asking for very simply is, promulgate the regs now rather than later. Do it now before these options disappear forever for these kids. We cannot go back and re-create these centers after they disappear. They have already disappeared from Philadelphia. Do not let it happen in your county. Do not let it happen to your kids; do not let it happen to your neighbors who have kids with disabilities. Do the right thing.

MOTION TO SUSPEND RULES

Mr. O'BRIEN. Mr. Speaker, I ask now for a suspension of the rules so that I can offer amendment 4453.

The SPEAKER. The gentleman, Mr. O'Brien, asks that the rules of the House be suspended to permit him to offer amendment A4453 to HB 1027.

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

The SPEAKER. On that question, the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, we are as upset with the Department of Welfare as the gentleman from Philadelphia, Mr. O'Brien. We have passed this in resolution; we have put it in several bills. It is going into SB 179 in another 2 weeks. We are more than willing to support the gentleman on that. This is not the time to do it, Mr. Speaker, and I would strongly oppose the motion to suspend the rules.

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

Mr. DEWEESE. Mr. Speaker, on suspension, the gentleman from Franklin County, Mr. Coy, and myself recently have been involved aggressively in this issue in our districts at facilities on the ground, in the townships, that we represent. We passionately identify with what the gentleman, Mr. O'Brien, is attempting to do ultimately.

I do not embrace his assertion that this will be the only opportunity for us to address the problem. I have been assured by the Republican leadership team that we will have a subsequent opportunity at a comparatively near juncture.

Therefore, with that suggestion from the leadership team, I would respectfully and to some degree regretfully oppose the motion to suspend.

The SPEAKER. The Chair thanks the gentleman.

On the question of suspension, those in favor will vote "aye"; opposed, "no." The—

I am sorry; only the two leaders are permitted to speak on the question of suspension.

PARLIAMENTARY INQUIRY

Mr. COY. A point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Incidentally, if you—

Will the gentleman yield for a moment.

LEAVE OF ABSENCE

The SPEAKER. I neglected to go back to leaves of absence and place the gentleman, Mr. CONTI, on leave for the balance of the day. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 1027 CONTINUED

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Coy.

Mr. COY. Thank you.

A point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COY. May I speak under unanimous consent?

The SPEAKER. I hear negative voices.

Mr. COY. Anybody in particular?

The SPEAKER. There seemed to be a number of them. I have heard negative voices, so the answer is no.

Mr. COY. Thank you.

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

The following roll call was recorded:

YEAS—98

Armstrong	Dent	Manderino	Saylor
Baker	Dermody	Markosek	Scrimenti
Battisto	Eachus	Masland	Semmel
Bebko-Jones	Egolf	McCall	Shaner
Belardi	Fairchild	McGeehan	Smith, B.
Belfanti	Feese	McGill	Staback
Bishop	George	Melio	Steelman
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Miller	Stetler
Brown	Gruitza	Mundy	Stevenson
Browne	Haluska	Nailor	Surla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti
Cam	Hennessey	Orie	Tigue

Casorio	Horsey	Pesci	Trello
Clark	Itkin	Petrone	Trich
Cohen, M.	Josephs	Pippy	Van Home
Colaizzo	Kirkland	Platts	Vitali
Corpora	Laughlin	Robinson	Walko
Cowell	Lawless	Roebuck	Waugh
Coy	Leh	Rohrer	Williams, C.
Curry	Lescovitz	Sainato	Wilt
Daley	Levdansky	Santoni	Wogan
Dally	Lloyd	Sather	Yewcic
Dempsey	Lucyk		

NAYS-96

Adolph	Fargo	Maitland	Schuler
Allen	Fichter	Major	Serafini
Argall	Fleagle	Marsico	Seyfert
Bard	Flick	Mayernik	Smith, S. H.
Barley	Gannon	McIlhattan	Snyder, D. W.
Barrar	Geist	McNaughton	Stairs
Benninghoff	Gigliotti	Micozzie	Steil
Birmefin	Gladeck	Myers	Taylor, E. Z.
Boyes	Gruppo	Oliver	Taylor, J.
Bunt	Habay	Perzel	Thomas
Butkovitz	Hasay	Petrarca	True
Buxton	Herman	Phillips	Tulli
Carone	Hershey	Pistella	Vance
Cawley	Hess	Preston	Veon
Chadwick	Hutchinson	Ramos	Washington
Civera	Jadlowiec	Raymond	Williams, A. H.
Clymer	James	Readshaw	Wojnaroski
Colaifella	Jarolin	Reber	Wright, M. N.
Cornell	Kaiser	Reinard	Youngblood
DeLuca	Keller	Rieger	Zimmerman
DeWeese	Kenney	Rooney	Zug
DiGirolamo	Krebs	Ross	
Donatucci	Lederer	Rubley	Ryan,
Druce	Lynch	Schroder	Speaker
Evans	Maher		

NOT VOTING-2

Corrigan	Strittmatter
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EXCUSED-6

Cohen, L. I.	LaGrotta	Roberts	Travaglio
Conti	Nickol		

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,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended by the Rules Committee?

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin. It is the understanding of the Chair that the gentleman, Mr. Itkin, desires to be recognized at this time.

Mr. Itkin, you have been recognized.

Mr. ITKIN. Mr. Speaker, at the present time what is the status of the House?

The SPEAKER. Pardon me?

Mr. ITKIN. What is the status of the House? Where are—

The SPEAKER. We are in session.

Mr. ITKIN. No. I do not see anything on the board. What is the bill under consideration now?

The SPEAKER. We are on concurrence on HB 1027.

Mr. ITKIN. Okay. Could we show that? That is fine. Thank you.

I just wanted to make sure that we were on HB 1027 on concurrence, and the reason why I wanted to make sure we were doing this, because I am concerned that this particular bill, which—

The SPEAKER. Has the gentleman sought— Is the gentleman seeking recognition on the question of concurrence?

Mr. ITKIN. Right now I am, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. ITKIN. Mr. Speaker—

LEAVE OF ABSENCE

The SPEAKER. Would the gentleman yield for a moment while the Chair returns to leaves of absence and places the lady, Mrs. RUBLEY, on leave. The Chair hears no objection. Leave is granted.

CONSIDERATION OF HB 1027 CONTINUED

The SPEAKER. The gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this is an omnibus bill to consider various changes in the Administrative Code. I have a bill in the committee which also amends the Administrative Code, and what I would like that I am concerned about is this omnibus amendment should also be further extended, and I think that it is deficient in dealing with the issues that should be changed in the Administrative Code because of the failure to consider a major issue requiring a change in the Administrative Code.

I would argue that some of the provisions of HB 1027 are good and worth enacting. I also find some provisions in the bill are somewhat disquieting. I also find out that HB 1027 fails to contain what I consider a critical and necessary change in the Pennsylvania Administrative Code. I attempted to address this issue yesterday but was not given the opportunity to do so. I attempted to address the issue again today in a meeting of our Rules Committee, and the majority of the Rules Committee members thwarted my opportunity, and therefore, I seek now to address my concerns on this measure to the members of the entire House.

This whole question about whether or not the Administrative Code should contain an Insurance Consumer Advocate is one that needs to be addressed.

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

The question before the House and the only question you are permitted to talk on is concurrence. It has nothing to do with the Consumer Advocate.

Mr. ITKIN. The question before the House is whether we should adopt amendments to the Administrative Code as changed and modified by the Senate. That is the question. That is the title of the act, of the proposed act, and that is what it is — amendments to the Administrative Code, Mr. Speaker—

The SPEAKER. Will the gentleman yield.

The question, Mr. Itkin, before the House deals solely with the amendments that were inserted in the bill by the Senate.

Mr. ITKIN. Well, Mr. Speaker, you would be correct if the House Rules Committee did not amend HB 1027 earlier this afternoon. But this House saw fit, this House saw fit to add amendments that had nothing to deal with the issues addressed by the Senate, Mr. Speaker, and therefore, if my discussion is out of order, then the legislation added in the House Rules Committee is out of order.

The SPEAKER. The rules of the House permit the Rules Committee to insert an amendment. You are also permitted to debate that amendment that was inserted by the Rules Committee under our rules.

Mr. ITKIN. But, Mr. Speaker, if you hold to the strict interpretation of concurrence to Senate amendments, then the amendment added in the Rules Committee had to be germane to the issues addressed by the Senate, and upon review of the bill, you see that that amendment adopted by the Rules Committee was far afield. So I say to you and to the members of the House that if we are strict constructionists of having concurrence only in Senate amendments, then, Mr. Speaker, you ought to rule that the Rules Committee acted in error and it has not been constitutionally enacted by the Rules Committee.

The SPEAKER. Mr. Itkin, this particular rule was adopted by the Rules Committee when you were in the majority, and it reads — that portion that affects us — “The Committee on Rules may amend any bill or resolution containing Senate amendments,” period. If you want to debate that, I have no objection to your debating that, but beyond that, your debate is limited to concurrence in the Senate amendments. That is the end of it.

Now, if you do not like that ruling, you know what you can do with it; you can appeal it.

Mr. ITKIN. Mr. Speaker—

The SPEAKER. Mr. Rooney did not think I was going to say that.

Mr. ITKIN. No. I fully appreciate the high station that you are now located in.

The SPEAKER. No; no. But I cannot spend the evening arguing this point. I have made a ruling, and I have got to win or lose on it.

Mr. ITKIN. Let me just ask a question of the Speaker.

The SPEAKER. Surely.

Mr. ITKIN. If I chose to address the amendments inserted by the Rules Committee this afternoon, would I not be ruled out of order, because they would not be limited to the concurrence of Senate amendments?

The SPEAKER. No, because they would have been inserted under our rules, under the provision I just read you, which is a separate problem and a separate rule.

Mr. ITKIN. So we are not limited just to discussing the issues of what the Senate has done; we are also discussing what the House has done.

The SPEAKER. Mr. Itkin, I will give you that, yes. When I so blithely stated that the limitation was the question of concurrence, I did not realize as I said that that the Rules Committee had under our rules inserted an amendment, or perhaps I would have gone another step and added another sentence.

Mr. ITKIN. Mr. Speaker, we can spend the entire evening—

The SPEAKER. No; we are not going to though.

Mr. ITKIN. Right. We do not do that, dealing with parliamentary shenanigans.

The SPEAKER. Right.

Mr. ITKIN. But let me say this to you: Obviously, I do not believe that the House in dealing with the Administrative Code has addressed what I believe to be a significant issue affecting the people of Pennsylvania, and that is the creation of an Insurance Consumer Advocate. I believe that that particular office should be placed in the law, obviously within the Administrative Code—

The SPEAKER. Mr. Itkin, you are out of order. Now, we are not going to spend this evening dealing with matters that are out of order. We went through this with you yesterday, as I recall, on something else. We all realize that this is a time for television, but we are not going to spend our time on the tube doing things that we are not permitted to do — either side.

Now, please, I have ruled; if you are not satisfied with the rule, appeal it.

Mr. ITKIN. Mr. Speaker, I can count. I understand what the result of this House will be. That does not make it right; it just makes it might.

The SPEAKER. It is your rule. You adopted the rule in the majority.

Mr. ITKIN. One member of the House does not speak for the entire body.

All right. Having said that, Mr. Speaker, I will at this time request a suspension— Well, let me ask you this, one more thing before we get to that issue; let me ask a question of the Chair: HB 1027, PN 2524, that we have before us on concurrence, do we have a fiscal note on that bill, on that print number?

The SPEAKER. I am advised that we do. Mr. Itkin, I am advised that we do.

Mr. ITKIN. Can somebody tell us what the fiscal impact of the bill is?

The SPEAKER. You are not interrogating me, no. If you want to interrogate someone, ask for someone to be interrogated.

Mr. ITKIN. Mr. Speaker, no. I just asked about the rules of the House, whether or not rule 19 was complied with in providing a fiscal note.

The SPEAKER. And my answer to you is, I am advised that it has been complied with.

Mr. ITKIN. But you do not have any personal knowledge because you do not have the fiscal note in front of you.

The SPEAKER. Yes, I do.

Mr. ITKIN. Well, since you are the only one of us that has one, could you tell us what the fiscal note contains?

The SPEAKER. No. I suggest you interrogate the Appropriations Committee chairman, the same way floor leaders have done for years.

Mr. ITKIN. All right. Mr. Speaker, would the majority leader consent to interrogation or the chairman of the House Appropriations—

Mr. PERZEL. Mr. Speaker, on concurrence of HB 1027, yes, I would.

Mr. ITKIN. The fiscal note is obviously in order.

Mr. PERZEL. In order for what?

Mr. ITKIN. Before we can vote on HB 1027, the members have to be informed and provided with a fiscal note.

Mr. PERZEL. It has to be in the hall of the House. It is here in the hall of the House, Mr. Speaker.

Mr. ITKIN. I do not have it at my desk.

I mean, Mr. Speaker, I mean all of the attempt dealing with my amendment yesterday and saying, gee, it is terrible, Mr. Itkin; you do not have this fiscal note.

The SPEAKER. Mr. Itkin, before the House is the question of concurrence.

(By agreement, subsequent remarks were stricken from the record.)

Mr. ITKIN. Mr. Speaker, I am just showing a clear relationship between what happened yesterday and what is occurring today. There is no fiscal note right now. The members do not have it, and it violates the rules of the House not to have it on the members' desks.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. Mr. Perzel.

Mr. PERZEL. It is not the rule of the House that every member have a copy of the fiscal note. It is the rule of the House that the fiscal note be here in the hall of the House. If you would like to see it, we will be glad to show it to you.

Mr. ITKIN. How many members on this side of the aisle would like to see that fiscal note? Would you please raise your hands. You better get that copying machine running.

The SPEAKER. Mr. Itkin, if you would read the rules, you would find that the requirement is that this concurrence, as it turns out, shall not be voted unless there is a fiscal note available for distribution to the members, and apparently there is one available for distribution. There is no requirement that it be physically on the desk of each member or distributed to anyone, and that is the way it has always been. This is nothing new.

Mr. ITKIN. Mr. Speaker, I have been advised that there has been a change this session. If so, of course, if that is the new rule, then I will abide by it.

MOTION TO SUSPEND RULES

Mr. ITKIN. Mr. Speaker, I at this time would like to offer an amendment to the bill.

The SPEAKER. The gentleman, Mr. Itkin, then moves the House to suspend its rules to permit him to offer at this time amendment number— Would you be good enough to give us the number? Amendment A4452.

Mr. ITKIN. Yes; 4452, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. DeWeese, waives his rights to debate at this time in favor of Mr. Itkin. The Chair recognizes the gentleman, Mr. Itkin, on the question of suspension.

Mr. ITKIN. Mr. Speaker, with respect to HB 1027 and amendments to the Administrative Code, it is my feeling and many others on this House floor who believe that we have ignored a major issue which should be addressed by HB 1027, since it is an omnibus bill dealing with many changes in the Administrative Code. That would be, Mr. Speaker, the creation of a Consumer Advocate, giving the Consumer Advocate

responsibility over insurance matters in addition to the Public Utility Commission.

I just want to say, Mr. Speaker, I guess I am aware of the outcome, and I apologize to the members of the House for having to keep them in session this evening, but I just want to let you know that even if this motion is unsuccessful, the issue is not going to go away. If it is voted down today, I will definitely bring it up again at another opportunity. It may be next month or next week or next year, but we will continue to discuss the issue, or even if I am the only one addressing the issue—

The SPEAKER. Mr. Itkin, the question is suspension; please.

Mr. ITKIN. —of the Consumer Advocate.

Mr. Speaker, I think this is a question of fairness in the House to allow members an opportunity to debate the significant issues of the day. I will not speak any further on the motion except a request of the House that they support my motion to suspend. Thank you.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

We would oppose the motion to suspend the rules.

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

The following roll call was recorded:

YEAS—93

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

NAYS—100

Adolph	Fargo	Maher	Schuler
Allen	Feese	Maitland	Semmel
Argall	Fichter	Major	Serafini
Baker	Fleagle	Marsico	Seyfert
Bard	Flick	Masland	Smith, B.
Barley	Gannon	McGill	Smith, S. H.
Barrar	Geist	McIlhattan	Snyder, D. W.
Benninghoff	Gigliotti	McNaughton	Stairs
Birmelin	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gruppo	Nailor	Stevenson
Browne	Habay	O'Brien	Taylor, E. Z.
Bunt	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	True

Chadwick	Hennessey	Phillips	Tulli
Civera	Herrman	Pippy	Vance
Clark	Hershey	Platts	Waugh
Clymer	Hess	Raymond	Wilt
Cornell	Hutchinson	Reber	Wogan
Dally	Jadlowiec	Reinard	Wright, M. N.
Dempsey	Kaiser	Rohrer	Zimmerman
Dent	Kenney	Ross	Zug
DiGirolamo	Krebs	Sather	
Druce	Lawless	Saylor	Ryan,
Egolf	Leh	Schroder	Speaker
Fairchild	Lynch		

NOT VOTING—2

Armstrong Strittmatter

EXCUSED—7

Cohen, L. I. LaGrotta Roberts Travaglio
Conti Nickol Rubley

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,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended by the Rules Committee?

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

Mr. GEORGE. Mr. Speaker, it is my purpose to provide an amendment—

The SPEAKER. The gentleman will yield, please.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. A leave is requested for the gentleman, Mr. ROHRER. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 1027 CONTINUED

RULES SUSPENDED

The SPEAKER. The Chair apologizes to the gentleman and recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, it is our purpose to provide amendment A4468. It does, in a mutual agreement, put the bill in a better position in regard to recycling, and I ask you to allow me to present this case by suspending the rules, if you will. I move that we suspend the rules.

The SPEAKER. The Chair thanks the gentleman.

This is amendment A4468. The gentleman requests that the rules of the House be suspended to permit him to offer amendment A4468.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, does the gentleman, Mr. DeWeese, waive his rights in favor of the gentleman, Mr. George?

Does the gentleman, Mr. George, desire further remarks on the subject of suspension?

POINT OF ORDER

The SPEAKER. Mr. Pistella, for what purpose do you rise?

Mr. PISTELLA. To raise a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PISTELLA. Mr. Speaker, my understanding of the rules is that upon the issue of concurrence in Senate amendments, it would be appropriate to have a member explain the changes. Is it the intention of the Speaker to entertain motions to suspend the rules for amendments that would alter the content of this bill and then afford the House an opportunity to know what the changes are at a later time, or would it be appropriate to do that now?

The SPEAKER. It would seem to the Chair that the appropriate time to address that issue is when we get past the amendment stage and we finally address the issue of concurrence and acceptance of the House amendments.

Mr. PISTELLA. Thank you then, Mr. Speaker. I appreciate it.

The SPEAKER. Mr. George.

Mr. GEORGE. Mr. Speaker, the purpose of the amendment is to extend the recycling version which we had placed into law some years ago for another 5 years. That was not contained in the bill as brought from the Senate. We want to ensure that municipalities that have received Act 101 grants will continue to receive these grants. That also was eliminated in the version that came from the Senate. That is the reason that we feel it is imperative that we place this language in the bill, and therefore, I am asking, Mr. Speaker, for a suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. George. He picked out an imperfection in this piece of legislation, and he has drawn up an amendment to correct that. I applaud the gentleman. It is the first time I have ever said that.

So I would strongly urge the members to suspend the rules so that he can offer his amendment.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	DiGirolamo	Lynch	Schuler
Allen	Donatucci	Maher	Scrimenti
Argall	Druce	Maitland	Semmel
Armstrong	Eachus	Major	Serafini
Baker	Egolf	Manderino	Seyfert
Bard	Evans	Markosek	Shaner
Barley	Fairchild	Marsico	Smith, B.
Barrar	Fargo	Masland	Smith, S. H.
Battisto	Feese	Mayernik	Snyder, D. W.
Bebko-Jones	Fichter	McCall	Staback
Belardi	Fleagle	McGechan	Stairs

Belfanti	Flick	McGill	Steelman
Benninghoff	Gannon	McIlhattan	Steil
Birmelin	Geist	McNaughton	Stern
Bishop	George	Melio	Stetler
Blaum	Gigliotti	Michlovic	Stevenson
Boscola	Gladeck	Micozzie	Strittmatter
Boyes	Godshall	Miller	Sturla
Brown	Gordner	Mundy	Surra
Browne	Gruitza	Myers	Tangretti
Bunt	Gruppo	Nailor	Taylor, E. Z.
Butkovitz	Habay	O'Brien	Taylor, J.
Buxton	Haluska	Olasz	Thomas
Caltagirone	Hanna	Oliver	Tigue
Cappabianca	Harhart	Orie	Trello
Carn	Hasay	Perzel	Trich
Carone	Hennessey	Pesci	True
Casorio	Herman	Petrarca	Tulli
Cawley	Hershey	Petrone	Vance
Chadwick	Hess	Phillips	Van Horne
Civera	Horsey	Pippy	Veon
Clark	Hutchinson	Pistella	Vitali
Clymer	Itkin	Platts	Walko
Cohen, M.	Jadlowiec	Preston	Washington
Colafella	James	Ramos	Waugh
Colaizzo	Jarolin	Raymond	Williams, A. H.
Cornell	Josephs	Readshaw	Williams, C.
Corpora	Kaiser	Reber	Wilt
Corrigan	Keller	Reinard	Wogan
Cowell	Kirkland	Rieger	Wojnaroski
Coy	Krebs	Robinson	Wright, M. N.
Curry	Laughlin	Roebuck	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Sainato	Zug
Dempsey	Lescovitz	Santoni	
Dent	Levdansky	Sather	Ryan,
Dermody	Lloyd	Saylor	Speaker
DeWeese	Lucyk	Schroder	

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

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

Mr. GEORGE. Mr. Speaker, this is an agreed-to amendment. The gentleman, Mr. Reber, and I have worked several hours today in trying to restore the recycling effort to make sure that the municipalities again would be grandfathered. There was language in there that I am sure you could not accept, but now that this language will be provided, it will absolutely protect our counties and those that are already in the recycling business.

Mr. Speaker, I yield to the gentleman, Mr. Reber.

The SPEAKER. The gentleman, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

The gentleman, Mr. George, is correct. Members of the Environmental Resources Committee staff, the minority chairman and I, members of the Democratic leadership team as well as the Republican leadership team, are very interested in seeing the extension of the recycling fee, and this particular amendment is, frankly, technical in nature, and we would urge its adoption. Thank you.

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

The following roll call was recorded:

YEAS-194

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

NAYS-1

Kenney

NOT VOTING-0

EXCUSED-8

Cohen, L. I.	LaGrotta	Roberts	Rubley
Conti	Nickol	Rohrer	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 concur in Senate amendments to House amendments to Senate amendments as amended by the Rules Committee?

Mr. GEORGE offered the following amendment No. A4468:

Amend Sec. 13 (Sec. 1937-A), page 27, by inserting between lines 6 and 7

(c) (1) This section shall not apply if the recycling needs of all the citizens of the county cannot be met.

(2) This section shall not apply to any municipality that has received any grant under section 902 of the act of July 28, 1988 (P.L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," prior to the effective date of this section.

Cowell	Kenny	Reinard	Wogan
Coy	Kirkland	Rieger	Wojnaroski
Curry	Krebs	Robinson	Wright, M. N.
Daley	Laughlin	Roebuck	Yewcic
Dally	Lawless	Rooney	Youngblood
DeLuca	Lederer	Ross	Zimmerman
Dempsey	Leh	Sainato	Zug
Dent	Lescovitz	Santoni	
Dermody	Levdansky	Sather	Ryan,
DeWeese	Lloyd	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Cohen, L. I.	LaGrotta	Roberts	Rubley
Conti	Nickol	Rohrer	Travaglio

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 concur in Senate amendments to House amendments to Senate amendments as amended?

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

Mr. MASLAND. Mr. Speaker, I believe Representative Levdansky wanted to be recognized before me on a related issue, so I will just wait till after he is recognized.

The SPEAKER. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, HB 1027 was passed by this chamber last June and sent to the Senate. In the Senate, the Senate struck language, language that protects the monopoly position of DuPont Merck to swindle millions of dollars out of Pennsylvania taxpayers. That language was stricken in the Senate, and I applaud the Senate for that pro-consumer, pro-taxpayer move. Unfortunately, approximately an hour ago, here on the floor of the House during Rules Committee debate, language was reinserted into the bill to again protect the monopoly position that DuPont Merck enjoys.

The issue, the issue is the use of generic drugs to substitute for what are called narrow therapeutic range drugs. What we have going on across the country is the Food and Drug Administration is witnessing the expiration of patents for some brand-specific drugs. As the patents expire, generic drug producers in Pennsylvania and across the nation are producing equivalent drugs. Scientifically, medically, they are the same as the brand name. There is no safety issue here. They are producing these drugs at a fraction of the cost to consumers that the brand names cost consumers.

This special-interest amendment that was reinserted in this legislation has no scientific basis. As proof, the deputy center director for pharmaceutical science at the U.S. Food and Drug Administration -- and that is who has the expertise to make these kinds of determinations about these drugs -- he stated the following when asked about the position of generic substitution; he said this, and I quote: Generic drugs "...can be substituted with the full expectation by the patient and physician that they will have the

same clinical effect and safety profile..." as the brand-name drug. So in other words, we have strict FDA assurance that these drugs are the same in terms of quality and in terms of medical science. What is not the same is the cost, and let me give you a specific example.

DuPont Merck produces a drug called Coumadin. Coumadin is a blood-thinner drug. DuPont Merck makes about \$500 million in profits a year from the sale of that specific drug. Barr Laboratories, located somewhere down in the southeast region of the State, produces a generic equivalent -- okay? -- a generic equivalent at a fraction of the cost of what DuPont Merck is charging for Coumadin.

Essentially, the language that was reinserted into the bill in the House Rules Committee will protect, protect the monopoly position enjoyed by DuPont Merck and other brand-name drug producers. This language in the bill, I want you to understand, while it was snuck in here in this committee, without public debate, without a meaningful opportunity to have public hearings and debate, this language, you need to understand, is opposed by the following groups: The Pennsylvania Retailers Association, the Pennsylvania Pharmacists Association, the Pennsylvania Chain Drug Stores Association, the Managed Care Association of Pennsylvania, the Teamsters Union, labor, the Pennsylvania Grange, National Federation of Independent Business, Pennsylvania Manufacturers Association, AARP (American Association of Retired Persons), and the Insurance Federation of Pennsylvania. They recognize a swindle designed to protect monopoly profit margins when they see one.

I also want to point out that this amendment flies in the face of what we have been trying to do in the General Assembly to bring down the costs of prescription drugs for Medicaid and for PACE (Pharmaceutical Assistance Contract for the Elderly). Last session, last session we enacted some changes. We squeezed more profits in terms of rebates out of the pharmaceutical industry and out of our hometown pharmacists. We have required them to give larger rebates to bring the costs of pharmaceuticals down. If this amendment passes, we are looking at at least a \$30-million explosion in costs to State Medicaid and State PACE. This flies in the direction of what we are trying to do under welfare reform, under PACE reform, to bring down the costs of pharmaceuticals. This is an anti-taxpayer, anti-consumer, anti-medical-evidence amendment that has been snuck in in the Rules Committee.

For these and many other reasons, and many other reasons, I would urge all the members to nonconcur with HB 1027 so that we could take this monopoly-profit-protection amendment out and do what is right for the taxpayers and consumers of Pennsylvania. Thank you very much.

The SPEAKER. The gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I, too, rise like the previous speaker to object to the amendment that was inserted in this bill in the Rules Committee. I will not repeat all his arguments, but I think there are basically three things which I would like all the members to consider.

The first one is the issue of bioequivalence. As was stated, generic drugs are the bioequivalent of a drug such as Coumadin, and in particular, the drug we are talking about now is called warfarin. It has been found to be the bioequivalent and to basically do the exact same thing as Coumadin. What we are changing by the insertion of the amendment in the Rules Committee is the basic

policy. Right now current policy would permit you to use generics unless the doctor orders otherwise. This amendment would prohibit you from using generics unless the doctor would try to order otherwise.

I would like to briefly read one section of a letter from August 26, 1997, that was written to DuPont Merck Pharmaceutical Company regarding Coumadin by the FDA. It is regarding "Misleading Statements Concerning Bioequivalence," and it says — and I urge you to pay close attention — "The slide presentation contains information that states or suggests that generic drug products, such as warfarin, that have been shown to be bioequivalent to a reference drug (Coumadin) and approved as such by FDA may not be therapeutically equivalent." That is what the slide presentation by Merck was alleging. The letter goes on to say, "DuPont relies on limited data and allegations of intra-subject variability to conclude that such products may not be used interchangeably." And then it concludes, "This presentation is false and/or misleading and results in the misbranding of DuPont's Coumadin...." That is the issue, Mr. Speaker.

The third thing besides that that I would like to point out is the cost factor, as mentioned by the previous speaker. This comes down to one of dollars and cents. In a study conducted at the Harvard Medical School, they found that the monetary consequences to the national economy that are associated with the failure to use generic formulations for drugs will cost significant sums of money. To quote, it says, "Conservatively estimated, these savings" — from using generics — "could reach as high as ~\$275 M per year" — and then this is very interesting — "with warfarin" — that is the drug we are dealing with in Coumadin — and some other drug — I cannot pronounce it — "...contributing the largest shares to these potential savings." This is a cost subject.

RULES SUSPENDED

Mr. MASLAND. Because of that, Mr. Speaker, I now move to suspend the rules of the House for the purpose of offering amendment A4467, which would — and I will be brief, because we have already argued this — which would remove the language on lines 11 through 18 of the last page of the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Masland, moves that the rules of the House be suspended to permit him to offer amendment A4467 to HB 1027.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman, Mr. DeWeese, care to debate this?

The motion to suspend is debatable only by the two floor leaders.

The gentleman has yielded to Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

The SPEAKER. Is that my understanding?

Mr. LEVDANSKY. Yes.

The SPEAKER. The gentleman is recognized.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, without getting into the details, Representative Masland's amendment will do exactly what we want to do. We

need to strike this onerous language from the bill. We need to suspend the rules to consider the Masland amendment.

Vote "yes" to suspend the rules, and vote "yes" on the Masland amendment. Thank you very much.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I would like to defer to the gentleman from Montgomery, Mr. Cornell.

The SPEAKER. Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

A previous speaker had indicated that—

The SPEAKER. This is on the question of suspension of the rules.

Mr. CORNELL. Yes, which I oppose, based on the fact that the gentleman, a previous speaker, indicated that this language that we are currently speaking about was snuck in in the Rules Committee, but this language passed the House by a vote of 199 to 1 on April 29, 1997, of this year and went over to the Senate.

I would vehemently oppose any motion to suspend the rules to eliminate this language.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—129

Allen	DeLuca	Marsico	Scrimenti
Argall	Dempsey	Masland	Semmel
Armstrong	Dermody	McCall	Shaner
Baker	DeWeese	McGeehan	Staback
Bard	DiGirolamo	McNaughton	Stairs
Barrar	Donatucci	Melio	Steelman
Battisto	Druce	Michlovic	Steil
Bebko-Jones	Eachus	Miller	Stern
Belardi	Egolf	Mundy	Stetler
Belfanti	Fairchild	O'Brien	Stevenson
Benninghoff	Feese	Olasz	Strittmatter
Birmelin	George	Orie	Surra
Bishop	Gordner	Pesci	Tangretti
Boscola	Gruitza	Petrarca	Thomas
Browne	Haluska	Petrone	Tigue
Buxton	Hanna	Pippy	Trelio
Caltagirone	Hennessey	Pistella	Trich
Cappabianca	Itkin	Platts	True
Carn	Jarolin	Preston	Tulli
Carone	Josephs	Ramos	Vance
Casorio	Kirkland	Raymond	Van Horne
Cawley	Krebs	Reinard	Vitali
Clark	Laughlin	Rieger	Walko
Clymer	Lawless	Roebuck	Washington
Cohen, M.	Leh	Rooney	Waugh
Colaella	Lescovitz	Ross	Williams, C.
Colaizzo	Levdansky	Sainato	Wilt
Corpora	Lloyd	Santoni	Wojnaroski
Corrigan	Lucyk	Sather	Wright, M. N.
Cowell	Major	Saylor	Yewcic
Curry	Manderino	Schroder	Youngblood
Daley	Markosek	Schuler	Zimmerman
Dally			

NAYS—62

Adolph	Geist	Keller	Reber
Barley	Gigliotti	Kenney	Robinson
Blaum	Gladeck	Lederer	Serafini
Boyes	Godshall	Lynch	Seyfert
Brown	Gruppo	Maier	Smith, B.

Bunt	Habay	Maitland	Smith, S. H.
Butkovitz	Harhart	Mayernik	Sturla
Chadwick	Hasay	McGill	Taylor, E. Z.
Cornell	Herman	Mclhattan	Taylor, J.
Coy	Hershey	Micozzie	Veon
Dent	Hess	Myers	Williams, A. H.
Evans	Horsey	Nailor	Wogan
Fargo	Hutchinson	Oliver	Zug
Fichter	Jadlowiec	Perzel	
Fleagle	James	Phillips	Ryan,
Gannon	Kaiser	Readshaw	Speaker

NOT VOTING-2

Civera	Flick
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EXCUSED-9

Cohen, L. I.	Nickol	Rohrer	Snyder, D. W.
Conti	Roberts	Rubley	Travaglio
LaGrotta			

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 concur in Senate amendments to House amendments to Senate amendments as amended?

Mr. MASLAND offered the following amendment No. A4467:

- Amend Title, page 2, lines 12 and 13, by striking out "RESTRICTING CERTAIN DRUG SUBSTITUTIONS;"
- Amend Bill, page 32, lines 11 through 18, by striking out all of said lines
- Amend Sec. 17, page 32, line 19, by striking out "17" and inserting 16

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Masland, on the amendment.

Mr. MASLAND. Mr. Speaker, I will be very brief.

We have already made the arguments. I think the House has heard and understood what we have been saying, and I urge you to vote in a similar fashion when the amendment comes up on its merits.

I believe Representative Vance has a few comments that should also be closely adhered to.

The SPEAKER. The lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to support the Masland amendment. This is a very pro-consumer bill. If in fact we do not pass this amendment, our retail pharmacies will bear the brunt of this.

There have been very extensive studies done by the Harvard Medical School that show that generic drugs are safe. Presently a physician, if he or she feels very strongly that they want to use a brand-name drug, can write that on the prescription. We do not need anything else.

I urge you to step back and think, do we want to help our local pharmacies? Do we want to help our local consumers? For

instance, we have talked about Coumadin today, but there is a generic alternative to Premarin, which many people are familiar with. Had we been using the generic alternative to Premarin, we could be saving \$300 million a year.

I would tell you that in this drug war, the consumers will be the casualties if we do not support the Masland amendment, and I ask for your support.

The SPEAKER. The gentleman, Mr. McGill.

Mr. MCGILL. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman, Mr. Masland, indicates he will. You may begin.

Mr. MCGILL. Mr. Speaker, do you know how many drugs this affects?

Mr. MASLAND. I do not know the exact number of drugs that are affected. However, I do have a copy of the aforementioned article by the Harvard Medical School that lists several.

Mr. MCGILL. It is two dozen drugs.

Mr. MASLAND. Yes.

Mr. MCGILL. You have used the argument that these are generic drugs and they should be used in place of drugs that are being manufactured by probably the largest pharmaceutical in the world, one of the largest employers in Montgomery County, and then we say that the people will be hurt if we do not allow these generic drugs to be put in place.

I ask a simple question of you: If we do not allow the pharmaceutical manufacturers who make these drugs to continue to produce drugs of this nature, how can we move forward in good conscience and say to the people that we are trying to save a nickel today, that we are allowing them to not be given new drugs, and new research and development to not be done in these areas, because we are cutting the legs off the companies that are doing the research and development, for simply saying that we are saving a buck on one hand and losing it on the other hand, and there are some tremendous drugs that are on the market today as a result of the pharmaceuticals that do business in this Commonwealth, and to simply say that someone can make a drug or copy a drug and it is equal to that, you cannot use that argument. There are billions and billions of dollars that are spent on research and development in this Commonwealth to make sure that the people throughout this Commonwealth and the United States are taken care of.

I would urge a "no" vote on this amendment.

Mr. MASLAND. Mr. Speaker, I will assume that there was a question mark at the end of that statement—

Mr. MCGILL. Yes, there was.

Mr. MASLAND. —and respond to it.

This amendment in no way, shape, or form prohibits, prohibits any company from manufacturing anything. We are not telling Merck or any of those companies, no, you cannot manufacture it. As a practical matter — and I am not an expert in this area — a company manufactures a drug; they have a patent; it may last approximately 5 years; after that patent runs out, generics are appropriately placed on the market. We are saying that those generics which are on the market should be available for individuals to use. That is all we are saying.

Mr. MCGILL. But maybe, Mr. Speaker, we are addressing that from— Mr. Speaker, I would like to speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. MCGILL. Mr. Speaker, maybe we are addressing this from the wrong area then. It takes approximately 10 years to get a drug from inception to the market, at which time the 17-year patent has 7 years left, and most of the pharmaceutical companies have to recoup that money. Maybe we should be looking at a different area, to extend the patent for a longer period of time, and if we approached it from that end, the price of drugs could be dropped drastically, and that is the direction that maybe we should be heading rather than trying to cut the legs off some of the manufacturers who do tremendous business in this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I would just like to make a brief statement relative to not only the drug that is being discussed but other generic drugs.

Having currently had the experience with a number of doctors who are prescribing drugs and their reaction with other drugs in a series of medication to help an individual whom I am very close to, I was told that Coumadin would have to be the drug that would be dispensed because of its duration of action, and that relates to the amount of time that it takes for the drug to be absorbed from the GI (gastrointestinal) tract into the bloodstream, because they have different curves relative to their reaction time that could affect other drugs that are in a series of medication for certain illnesses. I am not certain that this would have a dramatic effect on the dispensing of a generic if the doctor recommended it, but I would hate to see anything happen relative to where a generic is given by a pharmacist when a name-brand drug is prescribed.

Another drug which has a different curve: When the FDA tests, they use a process called area under the curve, which they give an X and Y access to, and if they have an absorption on one side and time on another, it can create a curve such as a camel or in many instances a turtle. The same exact drug's absorption time can create two different types of curves in certain instances. The problem is that the Dilantin versus the generic Dilantin are definitely not the same when this test is applied.

So I think we have to be careful when we say that all of these studies prove that certain drugs are exactly alike, the generic and the name brand, because doctors do not believe that in all cases, and they have specifically recommended certain name-brand drugs and opposed all generics, especially in the situation that I am confronted with, and it is my opinion that lives are extremely important and we should be very careful when we deal with this type of legislation and these kinds of amendments.

The SPEAKER. The gentleman, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

After the Rules Committee adopted the amendment under consideration or in conflict with this amendment, I attempted to find out what the facts were, and I made an inquiry of the Federal Food and Drug Administration and got a comment from Dr. Tom McGinnis, the FDA's associate director for pharmacy affairs, relative to this issue.

The FDA approves all generic drugs with the expectation that they will act exactly like their brand-name equivalents. Before granting approval, the FDA determines that the generic's therapeutic outcome will be no different from the brand name's. The drug must be manufactured to meet FDA standards, and once the drug is prescribed, the physician and patient are responsible for ensuring its safe and proper use.

The FDA is aware that since some patents are lapsing, some drug companies are working in the State legislatures to restrict competition from generics, and I quote what he said, quote, "In our minds, it's just a way that the companies try to extend their monopolies," end quote, McGinnis said.

The FDA's extensive surveillance system follows up on all reports of a drug — generic or brand name — that does not act as it should. A generic drug, once approved, has rarely acted against expectations, he concluded.

Mr. Speaker, the Masland amendment is right on point, and I would encourage the adoption by this House.

The dispensing of Coumadin by brand name alone will cost the State, employers, and consumers at least \$32 million annually. The \$5 million in the fiscal note only addresses PACE, medical assistance, and State employee benefits. The bill asks Pennsylvania employers, small businesses, local governments, and consumers to give one company a \$32-million direct subsidy, and that is, in my judgment, corporate welfare. It is another form of socialism. Eighty percent of Pennsylvania's prescriptions are covered by third-party payers, and Pennsylvania will lose the savings generated by the use of generics in its prescription drug programs.

This would set a very dangerous precedent if we fail to adopt the Masland amendment, because 40 drug patents are set to lapse over the next several years, and the possible cost to the American public could be \$16 billion in annual sales.

I would like to leave you with one final point: Do we really want to deplete the Lottery Fund? Do we really want to hurt the elderly? Do we really want to endanger the PACE Program? Then take it from me, the architect of the generic substitution law many years ago in this House, that we want to see the Masland amendment passed. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and puts the gentleman, Mr. SNYDER, on leave for the balance of today's session. The Chair hears no objection.

CONSIDERATION OF HB 1027 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Trich.

Mr. TRICH. Thank you, Mr. Speaker.

I promise to make this brief. I know we have had a long day.

This is an important issue, certainly, and I think Representative Masland has addressed some of the concerns that were already mentioned, but let me just very quickly deal with two of them.

We heard an impassioned plea by one of our colleagues, you know, what about these major pharmaceuticals, some of which are located in our Commonwealth. In all fairness, those pharmaceutical companies have had their opportunity to bring back into their companies, into their corporations, the research and marketing moneys. They have been protected through patents and certainly have had a chance to do that.

As far as another issue raised, whether or not consumers will be protected, because in some instances, doctors, their doctors, may prefer that a nongeneric drug is used. There is nothing in this legislation that would preclude that. Certainly, every patient and

every doctor still has that right to do that under consultation, to decide which drug may work best in that particular instance.

I think it really comes down to just one very commonsense approach, and that is what I would hope my colleagues would look at today.

We have all talked for many, many years on health care concerning cost containment. This is truly an opportunity for this House to move forward in cost containment, not cost containment where an insurance company or some outside third party can decide how quickly you are removed from a hospital setting to save dollars, but rather, this cost containment is given to the consumer, to the person who needs to make that decision along with their doctor. The consumer has the right to use that generic drug. We have to make certain as a legislative body that we do not diminish that right or that opportunity to do so.

I would strongly urge that we support the Masland amendment and make certain that we do give consumers this right to truthfully work towards cost containment.

The SPEAKER. The gentleman, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

Just several comments on this amendment.

I am very much in favor of generic drugs. Every time I go to the physician or my son or daughter, we make sure — in fact, we ask the doctor to write a generic prescription.

But you have to remember, Coumadin is sometimes prescribed to people who are very, very ill. My father took it for about 15 years, and believe me, I would not have a substitute for that drug. My father was a tough old guy. He died in January of this year. He raised 12 kids, had 4 heart attacks, 2 strokes, and he eventually died of body failure. That happens. But this drug kept my father alive. Could he have taken a generic drug? Probably 10, 12 years ago he could have, but in the last 6 or 7, he was so ill that I think it would have had a dramatic effect on his health.

Mr. BLAUM. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Blaum.

Mr. BLAUM. Mr. Speaker, I just wish that we could have some quiet here, as I am trying to hear the gentleman make his points.

The SPEAKER. The gentleman is entirely right.

The meeting in the rear of the hall of the House will please break up.

The gentleman, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

So I personally saw how this drug, a wonder drug, how great it is, and especially if it keeps your father alive.

Now, I know it is also used extensively with those individuals who have sickle cell. Now, if someone is extremely sick with sickle cell, I would feel very bad if they had a generic substitute. Just for example, the rate of absorption, a generic drug versus a brand name, it is different.

So when you cast this vote, please weigh that. It is very important. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery County, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

I think there is some confusion when certain members have labeled — no pun intended — all generics. There are many generics; there are many brand names that are out on the market. Many of the generics are compatible with the brand-name drugs. This

narrow therapeutic drug window only affects about a dozen drugs as opposed to the many thousands that are out there.

I have additional information as it relates to Coumadin from DuPont Merck, and since August of 1997, there have been 261 adverse events that have been reported to them with the generic-brand substitute. They, along with the FDA and I believe others, are investigating that, and I think it becomes an issue, as the gentleman from Allegheny County indicated, of one of providing the proper health coverage, the proper prescriptions, for the constituents that we represent.

I think if we in the House agree to the Masland amendment, that it will do a great deal of harm to those individuals who rely on those dozen drugs that only a doctor can prescribe, and even as the amendment states, only a doctor can change, so I would wholeheartedly oppose the Masland amendment at this time.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I must admit, I am a bit surprised by the reaction, I think overreaction, to the language that is contained in the bill before us on concurrence.

I think everybody can remember months ago our battle over PACE and what direction it would take. We disagreed with the administration on some things. One thing we both agreed on, the Governor's plan and our plan, was that we would mandate generic drugs as a way of saving money. But when I saw the language that was put into this legislation, it did not offend me, and I do not care about the drug companies or anything else; I think we ought to forget about that angle of the issue and really talk about the things that the gentleman, Mr. Serafini, talked about and talk about the things that the gentleman, Mr. Kaiser, talked about, and that is what is good for the patients. You are talking, as I understand narrow therapeutic drugs, about a dozen or so of the most powerful and most dangerous drugs on the market, and this bill does not mandate the name brand. I would not be for it if it mandates the name brand. What it says is that you cannot insert or replace with the generic unless you call the doctor who prescribed it. Coumadin, which is something I think we are all aware of and we all probably know somebody who takes it, is a wonderful drug, but get it wrong, as the gentleman, Mr. Cornell, pointed out, get it wrong and it becomes very, very dangerous; a very, very dangerous substance.

Really, all this legislation talks about is, you can replace it with a generic for these very powerful and dangerous drugs but just call the doctor first before you do it. As somebody who is in favor of generics, I do not think that is unreasonable when you are talking about a dozen or so drugs that are on the market, and for that reason, playing it safe for the patients of Pennsylvania, I would oppose the Masland amendment. I think the language that is in the bill before us is adequate, is consumer-conscious, but also kind of leans on the side of safety, only when you are talking about these dozen or so most powerful and most dangerous drugs.

So I would advocate a negative vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, a few months ago we passed a piece of legislation out of the Finance Committee that would give a tax break to these pharmaceutical companies that do all the research and development. The gentleman on the other side of the

aisle spoke to that, the amount of money that is spent on these drugs and that they needed to make a profit to continue on with their experiments on creating new drugs. Well, I agree with him that we should do more for these companies on research and development and give them more tax credits for their expertise in creating these drugs.

We also passed a bill last year, last session, dealing with the PACE Program. I think it is called PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) now. So we also increased the amount of money that people are allowed to make to qualify. It was not a very large amount of money, so the same percentage of people this year, because of inflation, that did not qualify last session do not qualify this session. Now, what happens to them is, they have to spend \$500 before they qualify for PACE. The average person spends about \$50 a month, so you are talking about 10 months, and the overwhelming majority of the people that need these drugs are our senior citizens that cannot afford to pay the higher price for the name-brand drugs.

The only thing we are saying here today is, let us not give special treatment to special interest. I think we should do a lot more for research and development, but the prime concern right now is the people that cannot afford the name-brand drugs, and this amendment, in my opinion, is a special-interest amendment.

There is still the doctor that is involved in this case. If the doctor prescribes the name-brand drug because the generic drug is not doing the job or if he prescribes the generic drug because it is going to do the same job as the name-brand drug, what is our concern?

I think the Masland amendment is a darn good amendment and a fair amendment. It gives equal treatment to everybody, and there should be no reason why anybody should vote against the amendment, except in the future our committee should get together and create more areas for research and development and more tax credits so that we can expand the whole issue on treatment for our senior citizens and all the patients in Pennsylvania.

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

The SPEAKER. Does the gentleman, Mr. Myers, desire recognition?

Mr. MYERS. Thank you, Mr. Speaker.

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

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

Mr. MYERS. Mr. Speaker, could you explain to me what your amendment does with regards to who determines whether generics ought to be used or not?

Mr. MASLAND. As I stated earlier, the current policy in these situations is one where generics are permitted to be substituted unless a doctor issues orders to the contrary, and that is basically what this amendment of mine will do, because it changes the policy that was inserted in the Rules Committee which would prohibit generics unless a doctor would be contacted by the pharmacy and affirmatively state, yes, that is okay, even if the doctor had previously maybe checked a box saying "substitution permitted."

Mr. MYERS. So let us say you had to go to a substitute doctor, your primary physician was not available and you had to go to a substitute doctor, and the substitute doctor wanted you to take a

generic brand of Coumadin. That could happen under your amendment, right?

Mr. MASLAND. Well, Mr. Speaker, presumably, your regular doctor has already prescribed the drugs for you and you have a prescription in effect. When you go to a substitute physician, you can go to that physician and say, my doctor has prescribed X, Y, and Z drug and does not want any generics, or you could say, he prescribed this drug and I do take generics, and what the substitute physician, who obviously is accredited as well, prescribes is up to that individual.

Mr. MYERS. Thank you, Mr. Speaker, for the interrogation.

The reason I asked those questions is because as we talk today, my wife takes Coumadin. My wife has to take Coumadin for the rest of her life. My wife has artificial valve replacements, and we have had a number of episodes with regulating this medicine where the consistency of her blood has not been right. Last week her blood was so thin that the doctor said one more day they would have to hospitalize her because her internal organs would start bleeding because of the thinness of her blood. What is being suggested in your amendment, at least the way I am reading your amendment, is that, and I heard you say, to save a few dollars, she ought to be able to be prescribed this generic Coumadin, which our experience is, it does not work, so in order to save a few dollars today, I would have to spend money next year to bury my wife. What you are asking me, you are saying that to save a few dollars today, then next year, if these generic drugs do not get it right, I am going to have to spend money to buy a casket; I am going to have to spend money to open up a grave; I am going to have to explain to my children, so we can save a few dollars, that their mother is dead.

I do not think that this particular drug that we are talking about, as powerful as it is — and I want you to hear what I am saying — as powerful as this drug is, that anything— Even when she does not take the right proportion, my wife ends up sick again. So to me, it is personal; it is very personal. To some of you all in here, it is just statistics. To some people in here— The only way the FDA will get information about my wife is if she dies. See, the FDA does not call my doctor and check on my wife every day; the FDA does not call my house to find out if the Coumadin she has been prescribed is working. I have not ever talked to the FDA about my wife and Coumadin, and I am just saying that some members here in this House, because it does not personally affect you, that you think the statistics are telling the story. Well, let me be of personal attest to you, let me be of witness to you that my wife needs Coumadin in order to survive. I mean, we have been together 15 years; I hope we can make it 50, and I hope some generic drug does not take her away from me.

I ask that we vote "no" on the Masland amendment.

The SPEAKER. The gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Masland amendment, and I do it in the respect of all the other things that were said, not to reiterate them, but there is no reason, no reason that anyone in this House should not be voting for the Masland amendment, because we do not have enough information pertaining to the amendment that was put in by the Rules Committee. There is no rush to put this amendment on the floor of this House. We have another year and a half before the session dies. We have a lot of time to discuss

this amendment that was put in by the Rules Committee. That is the reason we should vote for the Masland amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to respond to some of the concerns that have been raised by some of the previous speakers.

One of the previous arguments against the amendment basically argued that brand-name innovator companies will lose their incentive—

The SPEAKER. Will the gentleman yield.

Conferences throughout the hall will please cease.

Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to respond to a few of the objections that several members have raised regarding this amendment.

One of the previous speakers essentially argued that brand-name innovator pharmaceutical companies will lose their incentive. If they cannot recoup their profits and their investments, they will have little incentive to invest in new product development. Well, let me assure you that the Food and Drug Administration is the Federal agency that issues the patents. During that process the patents are granted for a period of time to let the innovator company invest, take the risk, make the investments, do the research, do the product development, do the market testing, and then manufacture the product. Only after the company has recouped their investments multiple times over does the FDA permit a patent to expire. So rest assured, the passage of this amendment is in no way going to serve as a disincentive for pharmaceutical companies in Pennsylvania and across the nation to make those investments in new drug product development. Okay?

Secondly, this whole issue of, you know, well, I want to take Coumadin, the brand-name drug, rather than warfarin sodium, which is the generic equivalent. Under this amendment, your doctor can still decide that you should have the brand-name innovator drug rather than the generic drug. That is a decision for you and your doctor to make. This amendment will not stand in the way of your doctor prescribing the brand-name drug if that is what you and your doctor prefer.

One other point I would like to make is that the Health Department, we are charging the Pennsylvania Department of Health with making the determination on what drugs ought to be put on this list for determination and what should not. I would submit to you that that expertise resides in the Federal Food and Drug Administration, not in the Pennsylvania Department of Health. We do not have those kinds of experts here in Pennsylvania to make that kind of determination.

I just want to close by reading a couple sentences from a USA Today editorial which I think speaks directly to this issue: "Having already failed at every regulatory level to block the competing drug" — the generics — DuPont Merck has "...set out to rewrite state laws." They have lost this issue at the Federal level with the Food and Drug Administration, and now they are turning to the States. They are employing scare tactics, and having failed to convince expert doctor review panels, they are trying to load us with misinformation in an effort to scare us.

One final thing, Mr. Speaker: "Generics have grown to 13% of pharmaceutical sales and are used to fill about 50% of all new prescriptions" nationwide. "They've driven down the cost of drugs and helped stem cost increases for health insurance" providers.

Mr. Speaker, we have worked diligently in this legislature over the last several years to bring down the cost of pharmaceuticals for PACE, for Medicaid, and for third-party payers. To not adopt this amendment, to leave the language in the bill protecting the monopoly profits of the innovator drug companies, flies in the face of all we have done to bring down the cost. There is no compromise on safety; there is no compromise on patient health.

Support the Masland amendment. Thank you.

The SPEAKER. The gentleman, Mr. Olasz.

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

I listened to many comments here about these poor drug companies. For your information, approximately 10 to 15 years ago our Federal government offered all kinds of enticements for the drug manufacturing firms to locate in Puerto Rico. They were given all kinds of tax benefits. The picture was very rosey. They left communities; they did not care. They were looking at one thing: profit. And for those poor drug companies, other than yesterday, go take a look at your financial section and see who has been reaping the profits on the backs of poor sick people for generations.

Now, you want to tell me that a company does not have the right to put a substitute in? There is no restriction. A physician can still prescribe Coumadin. But the bottom line is, as one speaker said before, do you want to do away with the PACE Program? Do not give me this poor-mouth business about how these drug firms and manufacturers are suffering. Get to the heart of where the real suffering is, that people cannot even afford in a lot of cases to buy the drugs necessary to preserve their lives.

You think about it and do the right thing. Thank you very much.

The SPEAKER. The lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I rise to speak on the amendment and to bring a couple of perspectives that I have not heard mentioned so far in the debate.

The first one is an observation about the health of Merck. I happen to own a block of Merck stock, and I can tell you that on the basis of my 7 years' experience with Merck, that is a very healthy company. In fact, that stock has split so many times that it keeps threatening to take over my entire portfolio. I do not think that Merck is suffering so badly from the costs of bringing new drugs to market that we need to worry that Merck might wither up and die if we pass the Masland amendment. I guess from a financial point of view, I should keep quiet and vote against the Masland amendment, because that would ensure that I would continue to get high dividends and that my Merck stock would keep splitting happily more and more often, but I am going to ask you to vote for the Masland amendment because I think it is a good amendment; I think it does something that we need to do.

I also want to point out in defense of the maligned science of statistics that I used to do a lot of statistical analysis as a biological researcher. Now, we just had an observation that there must be a problem with the generic substitutes for some of these drugs because 261 adverse events have been reported to Merck as a result of the use of a generic substitute for Coumadin. Well, that is

one number, but to actually understand what that number means, we need to look at three other numbers.

The first of those numbers is 261 adverse events out of how many total prescriptions written for the generic drug so that we have some idea of the magnitude of the problem. If we had 1,000 prescriptions and 261 adverse events, yes, that would be a real problem. If we have 1 million prescriptions and 261 adverse events, we might look on that as a much more controllable problem.

The second number, the third number that we need to look at is how many adverse events have occurred in patients who were given the brand-name Coumadin. We have just heard from another Representative that his wife who takes this drug regularly has had several adverse episodes as a result of problems with the medication. So we also need to know how many adverse events are associated with the brand-name drug relative to the number of prescriptions that have been written for that drug.

I think what those numbers would tell us, if we had all four numbers, was that physicians need to monitor this drug carefully, that it is a powerful drug, that it can be used successfully to manage serious health problems, and I think, beyond that, that we need to keep the cost of this treatment down so that both the prescriptions and the physician monitoring can be extended to as many of the people in Pennsylvania who need it as we can possibly manage, and I believe that the best way to do that is to vote for Representative Masland's amendment. Please do so.

The SPEAKER. The lady will be pleased to know that her Merck stock went up 2 7/8 today.

Mr. McGill, for the second time.

Mr. MCGILL. Thank you, Mr. Speaker.

The SPEAKER. Things get pretty boring up here, and we have some distractions.

Mr. McGill.

Mr. MCGILL. Thank you, Mr. Speaker.

Mr. Speaker, I think we have missed something here in this debate. Back on April 29 of this year, 199 of us in this room voted in favor of the bill with this amendment in there. I will repeat: 199 of us voted for this bill with the amendment in there. This was not stuck in in the last minute. This was not snuck in. This was in there for all of us to see, and I want to read it to you, because I think we have missed something in all the debate this afternoon. It simply says that "THE DEPARTMENT OF HEALTH SHALL, WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS ACT, PREPARE AND PUBLISH IN THE PENNSYLVANIA BULLETIN A LIST OF DRUG PRODUCTS THAT HAVE A NARROW" — I repeat — "A NARROW THERAPEUTIC RANGE... WHICH REQUIRE CAREFUL PATIENT TITRATION AND MONITORING FOR SAFE AND EFFECTIVE USE. NO SUBSTITUTION OR INTERCHANGE OF THESE DRUG FORMULATIONS SHALL BE MADE WITHOUT WRITTEN OR APPROPRIATELY DOCUMENTED ORAL OR ELECTRONIC CONCURRENCE OF THE PRESCRIBER."

What this says, quite simply, is, why should a pharmacist be allowed to dictate the drug that you get? Should it not be the responsibility of your doctor to prescribe the drug that you get? That is all we are asking for here. If I go and see my doctor and my doctor says to me, very specifically, that I need to take this drug, I should not be precluded from taking the drug. On the other hand,

on the other hand, if we simply call the doctor and he says, "Oh, absolutely, that can be substituted," it can be substituted.

So I think we have missed something here. I think we simply are requiring that if someone wants to make a change to a drug that is very narrow in scope, we simply force the pharmacist to get to the person that is really in charge, and that is the doctor, and ask the doctor whether it is appropriate to substitute that drug.

I would ask for a negative vote on the amendment. Thank you.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests a leave for the balance of today's session for the gentleman from York County, Mr. STETLER. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 1027 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Masland, for the second time on the amendment.

Mr. MASLAND. Thank you, Mr. Speaker.

The debate has been long, the debate has been robust, and I believe the debate has been informative. But my position here is not of an expert. Like many of you, I became aware of this problem earlier today. Back in April, I was not aware of this issue. When I did become aware of it, I looked into it, and I think what we have done with this amendment is the right thing, and it is not just based on cost and it is not just based on statistics.

Like many of you who have relatives, I have a relative who happens to be on Coumadin — my mother. The gentleman from Philadelphia's wife has been on Coumadin. He has been with her for 15 years. I have been with my mother for 41, and I hope to be with her, that she will be with me, for a much longer time. I am not asking you to vote for this amendment so I can go home and tell my mother, you have got to get off Coumadin. She can stay on Coumadin as long as she and her doctor want her to stay on that. This amendment will not change that. Please vote "yes."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—127

Allen	Dent	Maitland	Schuler
Argall	Dermody	Major	Scrimenti
Armstrong	DeWeese	Manderino	Semmel
Baker	DiGirolamo	Markosek	Serafini
Barrar	Druce	Marsico	Seyfert
Battisto	Eachus	Masland	Shaner
Bebko-Jones	Égolf	Mayernik	Smith, B.
Belfanti	Fairchild	McIlhattan	Staback
Benninghoff	Feese	McNaughton	Steelman
Boscola	Fleagle	Melio	Steil
Brown	Flick	Michlovic	Stern
Browne	Geist	Miller	Stevenson
Buxton	George	Nailor	Strittmatter

Caltagirone	Gordner	Olasz	Surra
Cappabianca	Gruitza	Orie	Tangretti
Carn	Habay	Pesci	Tigue
Carone	Haluska	Petrarca	Trello
Casorio	Hanna	Petrone	Trich
Cawley	Harhart	Pippy	True
Chadwick	Herman	Pistella	Tulli
Clark	Hess	Platts	Vance
Clymer	Itkin	Preston	Van Home
Cohen, M.	Josephs	Ramos	Vitali
Colaizzo	Krebs	Raymond	Walko
Corpora	Laughlin	Reinard	Waugh
Corrigan	Lawless	Rieger	Williams, C.
Cowell	Leh	Roebuck	Wilt
Curry	Lescovitz	Ross	Wojnaroski
Daley	Levdansky	Sainato	Wright, M. N.
Dally	Lloyd	Santoni	Yewcic
DeLuca	Lucyk	Sather	Zimmerman
Dempsey	Lynch	Saylor	

NAYS-65

Adolph	Fichter	Kirkland	Schroder
Bard	Gannon	Lederer	Smith, S. H.
Barley	Gigliotti	Maher	Stairs
Belardi	Gladeck	McCall	Sturla
Birmelin	Godshall	McGeehan	Taylor, E. Z.
Bishop	Gruppo	McGill	Taylor, J.
Blaum	Hasay	Micozzie	Thomas
Boyes	Hennessey	Mundy	Veon
Bunt	Hershey	Myers	Washington
Butkovitz	Horshey	O'Brien	Williams, A. H.
Civera	Hutchinson	Oliver	Wogan
Colafella	Jadlowiec	Perzel	Youngblood
Cornell	James	Phillips	Zug
Coy	Jarolin	Readshaw	
Donatucci	Kaiser	Reber	Ryan,
Evans	Keller	Robinson	Speaker
Fargo	Kenney	Rooney	

NOT VOTING-0

EXCUSED-10

Cohen, L. I.	Nickol	Rublely	Stetler
Conti	Roberts	Snyder, D. W.	Travaglio
LaGrotta	Rohrer		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended ?

MOTION TO SUSPEND RULES TO CONSIDER AMENDMENT A4453 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion. The gentleman, Mr. O'Brien, moves that the vote by which the O'Brien motion to suspend the rules to consider amendment A4453 to HB 1027, PN 2524, was defeated be reconsidered.

On the question,

Will the House agree to the motion ?

The SPEAKER pro tempore. Does the gentleman, Mr. O'Brien, seek recognition ?

Mr. O'BRIEN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. O'BRIEN. Mr. Speaker, I am not going to make a long speech; you have heard the argument. I am simply going to tell you that there has been an offer that I can amend another bill. I can amend that bill, and I am sure that that amendment will pass this House in another bill, but it will not have any effect because it will not go anywhere.

This is the only chance we have to help the infants and toddlers in this State. I ask for an affirmative vote on suspension of the rules.

The SPEAKER pro tempore. Does the gentleman, Mr. Perzel, seek recognition ? The Chair recognizes the gentleman.

Mr. PERZEL. We agree to the suspension, Mr. Speaker— We agree to reconsider but not to the suspension. I apologize.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker ?

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DeWEESE. Just for the benefit of everyone, including the newer members, everyone - I doubt whether they will take the opportunity - but everyone could, if they wanted to, speak on this motion of reconsideration ?

The SPEAKER pro tempore. Yes.

Mr. DeWEESE. Okay. Thank you.

On the question recurring,

Will the House agree to the motion ?

The following roll call was recorded:

YEAS-192

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

Cawley	Hershey	Petrarca	Vance
Chadwick	Hess	Petrone	Van Horn
Civera	Horsey	Phillips	Veon
Clark	Hutchinson	Pippy	Vitali
Clymer	Itkin	Pistella	Walko
Cohen, M.	Jadlowiec	Platts	Washington
Colaella	James	Preston	Waugh
Colaizzo	Jarolin	Ramos	Williams, A. H.
Cornell	Josephs	Raymond	Williams, C.
Corpora	Kaiser	Readshaw	Wilt
Corrigan	Keller	Reber	Wogan
Cowell	Kenney	Reinard	Wojnaroski
Coy	Kirkland	Rieger	Wright, M. N.
Curry	Krebs	Robinson	Yewcic
Daley	Laughlin	Roebuck	Youngblood
Dally	Lawless	Rooney	Zimmerman
DeLuca	Lederer	Ross	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermody	Levdansky	Sather	Speaker
DeWeese	Lloyd		

NAYS-0

NOT VOTING-0

EXCUSED-10

Cohen, L. I.	Nickol	Rubley	Stetler
Conti	Roberts	Snyder, D. W.	Travaglio
LaGrotta	Rohrer		

The majority 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 motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien, for the purpose of making a motion.

Mr. O'BRIEN. Mr. Speaker, again I will just ask the members of the House to understand that there are opportunities to amend other bills that are not opportunities for success on this issue. This is the only opportunity to have success.

I ask for an affirmative vote on suspension of the rules.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, moves that the rules of the House be suspended so that he may offer amendment A4453 to HB 1027.

Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Several times today we have said and I have given my word that we will be running SB 179. We can either put this amendment in in the Appropriations Committee or we can put it in on the floor. The members will have the opportunity to vote on this. They voted on it at least twice. I do not remember how many more times it was than that but at least twice, and there will be another vote coming up on it, Mr. Speaker.

Thank you. I would urge a "no" vote on the suspension of the rules.

The SPEAKER pro tempore. Mr. O'Brien, only the leaders may speak on a motion to suspend.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, my position has not changed. I would also advocate a "no" vote.

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

The following roll call was recorded:

YEAS-96

Armstrong	Dent	Lloyd	Santoni
Baker	Dermody	Lucyk	Saylor
Battisto	Druce	Lynch	Schroder
Bebko-Jones	Eachus	Maher	Scrimenti
Belardi	Fairchild	Manderino	Semmel
Belfanti	Feese	Markosek	Shaner
Boscola	George	Masland	Staback
Browne	Gigliotti	McCall	Stairs
Caltagirone	Gordner	McGeehan	Steelman
Cappabianca	Gruitza	McGill	Sturla
Carn	Haluska	Melio	Surra
Casorio	Hanna	Michlovic	Tangretti
Cawley	Harhart	Miller	Tigue
Clark	Hennessey	Nailor	Trello
Colaella	Horsey	O'Brien	Trich
Colaizzo	Itkin	Olasz	True
Corpora	Jarolin	Pesci	Van Horn
Cowell	Josephs	Petrone	Vitali
Coy	Kirkland	Pistella	Walko
Curry	Laughlin	Platts	Waugh
Daley	Lawless	Reber	Williams, C.
Dally	Leh	Rieger	Wilt
DeLuca	Lescovitz	Roebuck	Wogan
Dempsey	Levdansky	Sainato	Yewcic

NAYS-93

Adolph	Donatucci	Maitland	Serafini
Allen	Egolf	Major	Seyfert
Argall	Evans	Marsico	Smith, B.
Bard	Fargo	Mayernik	Smith, S. H.
Barley	Fichter	McLhattan	Steil
Barrar	Fleagle	McNaughton	Stern
Benninghoff	Gannon	Micozzie	Stevenson
Birmelin	Geist	Mundy	Taylor, E. Z.
Bishop	Gladeck	Myers	Taylor, J.
Blaum	Godshall	Oliver	Thomas
Boyes	Gruppo	Orie	Tulli
Brown	Habay	Perzel	Vance
Bunt	Hasay	Petrarca	Veon
Butkovitz	Herman	Phillips	Washington
Buxton	Hershey	Pippy	Williams, A. H.
Carone	Hess	Preston	Wojnaroski
Chadwick	Hutchinson	Ramos	Wright, M. N.
Civera	Jadlowiec	Raymond	Youngblood
Clymer	James	Readshaw	Zimmerman
Cohen, M.	Kaiser	Reinard	Zug
Cornell	Keller	Robinson	
Corrigan	Kenney	Ross	Ryan,
DeWeese	Krebs	Sather	Speaker
DiGirolamo	Lederer	Schuler	

NOT VOTING-3

Flick	Rooney	Strittmatter
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EXCUSED-10

Cohen, L. I.	Nickol	Rubley	Stetler
Conti	Roberts	Snyder, D. W.	Travaglio
LaGrotta	Rohrer		

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,
Will the House concur in Senate amendments to House amendments to Senate amendments as amended?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to address a narrow portion of this bill, section 1934-A, which deals with the bonding requirements for certain oil and gas wells. To be clear, this has nothing to do with the bond issue we reject regularly on procedural grounds. This deals with the requirement that pursuant to the Oil and Gas Act of 1984—

Mr. LYNCH. Mr. Speaker?

Mr. VITALI. —that oil and gas wells—

The SPEAKER pro tempore. Will the gentleman, Mr. Vitali, suspend for a moment.

PARLIAMENTARY INQUIRY

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

Mr. LYNCH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. LYNCH. I believe that the discussion should be on concurrence. I believe that the speaker is talking about an item which passed in the House, and we should not be talking about the substance of the House bill as it left here but only on concurrence by the Senate.

The SPEAKER pro tempore. The gentleman, Mr. Lynch, is correct.

Mr. LYNCH. Thank you, Mr. Speaker.

The SPEAKER pro tempore. And the Chair would request that the gentleman, Mr. Vitali, confine his remarks to the matter before the House.

Mr. VITALI. I just want to be clear, Mr. Speaker. Section 1934-A, that was passed in the House and not by Senate amendment? This is on page 23, line 30.

The SPEAKER pro tempore. I am advised that that is correct.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Bucks County, Mr. Steil, is recognized.

Mr. STEIL. Thank you, Mr. Speaker.

I would like to interrogate the majority chairman of the Environmental Committee, please.

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates that he is willing to stand for interrogation. The gentleman, Mr. Steil, is in order and may proceed.

Mr. STEIL. Mr. Speaker, I would like an explanation of section 1937-A, specifically on page 26 of the bill, lines 6 through 24. I would like an explanation of what the intent of that paragraph is; page 26, lines 6 through 24.

Mr. REBER. Yes, we understand the section that the gentleman is referring to. It is a rather lengthy section, and I would like to be able to get a specific answer in response for the gentleman.

If we could stand at ease for a second, it would be appreciated. Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Reber, is recognized to respond to the interrogation.

Mr. REBER. Thank you very much, and I appreciate the indulgence of the House.

I think, Mr. Speaker, the specific area that will elucidate for the individual who proffered the question would be lines 17 through 19, which specifically talk about the fact that any application that goes into effect shall explain why the municipality has concluded that such equipment is not available from the private sector. We have the concern of the recycling coordinator making sure that the particular equipment is not available to the program from any particular private-sector source before any ancillary program or ancillary source would be looked to to provide that particular equipment under the funds that are granted to that particular municipality.

Mr. STEIL. Mr. Speaker, would it then be correct to state that if a municipality chose to acquire its own equipment to accomplish a specific manner of recycling and if that municipality demonstrated that the cost of that equipment and the operation and maintenance of the equipment was more cost effective than a private company could offer the same service, that that municipality would be permitted under this section to proceed to use the recycling grants to acquire the equipment?

Mr. REBER. Yes, Mr. Speaker. I think we had referenced that in our discussions earlier, and that certainly would be the intent as well.

Mr. STEIL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, seek recognition?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, there is an important environmental issue in this bill and that deals with bonding requirements for oil and gas wells.

Mr. Speaker, I am proposing an amendment whose concept has the support of the Pennsylvania Federation of Sportsmen, the Sierra Club, the Western Pennsylvania Conservancy, the Citizens Advisory Council, Trout Unlimited, and what this amendment would do would be to retain current law. Current law maintains bonding requirements for oil and gas wells.

MOTION TO SUSPEND RULES

Mr. VITALI. Therefore, Mr. Speaker, I would move to suspend the rules for the purpose of the immediate consideration of amendment 4469 so that we can protect the environment, protect the quality of our groundwater, protect the taxpayers from footing the bill for the thousands of abandoned oil and gas wells that could result as a result of this elimination of that bonding requirement, Mr. Speaker. Therefore, I would move to suspend the rules for immediate consideration of amendment 4469.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Barley, on the motion of the gentleman, Mr. Vitali, to suspend the rules so that he may offer amendment A4469.

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, the hour is late, and we have worked diligently here today and very cooperatively with both chairmen of the Environmental Committees in working out various issues and other matters that we worked in a very cooperative manner today to resolve in this particular bill. Now is not the time at the last minute to be moving to suspend the rules.

I stand to oppose the motion to suspend the rules.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, wish to speak on the motion to suspend or does he care to defer?

Mr. DeWEESE. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. DeWEESE. I was in momentary dialogue with one of my staff. Would you please tell me exactly what the gentleman's suspension is dealing with, please?

The SPEAKER pro tempore. The gentleman, Mr. Vitali, has moved to suspend the rules of the House so that he may immediately offer amendment A4469.

Mr. DeWEESE. No, I will not yield.

The SPEAKER pro tempore. The gentleman is in order.

Mr. DeWEESE. Thank you, Mr. Speaker.

Notwithstanding the wholesome motivation of the gentleman who makes the motion, in my legislative district in rural western Pennsylvania, we have some problems. This legislation will, I think, help many of our problems.

Therefore, I would ask our members to not vote to suspend the rules. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-59

Baker	DeLuca	Masland	Santoni
Battisto	Dent	Mayernik	Scrimenti
Bebko-Jones	Dermody	McCall	Staback
Belardi	Donatucci	Melio	Steelman
Belfanti	Eachus	Michlovic	Sturla
Caltagirone	Gigliotti	Mundy	Surra
Cappabianca	Gordner	Olasz	Tangretti
Carn	Gruitza	Pesci	Tigue
Casorio	Hanna	Petrarca	Trello
Corpora	Jarolin	Petrone	Van Horne
Corrigan	Josephs	Preston	Vitali
Cowell	Kirkland	Rieger	Walko
Coy	Levdansky	Roebuck	Wojnaroski
Curry	Lloyd	Rooney	Yewcic
Daley	Markosek	Sainato	

NAYS-132

Adolph	Fairchild	Lucyk	Schuler
Allen	Fargo	Lynch	Semmel
Argall	Feese	Maher	Seraffini
Armstrong	Fichter	Maitland	Seyfert
Bard	Flagle	Major	Shaner
Barley	Flick	Manderino	Smith, B.
Barrar	Gannon	Marsico	Smith, S. H.
Benninghoff	Geist	McGeehan	Stairs

Birmelin	George	McGill	Steil
Blaum	Gladeck	McIlhatten	Stern
Boscola	Godshall	McNaughton	Stevenson
Boyes	Gruppo	Micozzie	Strittmatter
Brown	Habay	Miller	Taylor, E. Z.
Browne	Haluska	Myers	Taylor, J.
Bunt	Harhart	Nailor	Thomas
Butkovitz	Hasay	O'Brien	Trich
Buxton	Hennessey	Oliver	True
Carone	Herman	Orie	Tulli
Cawley	Hershey	Perzel	Vance
Chadwick	Hess	Phillips	Veon
Civera	Horsey	Pippy	Washington
Clark	Hutchinson	Pistella	Waugh
Clymer	Itkin	Platts	Williams, A. H.
Cohen, M.	Jadlowiec	Ramos	Williams, C.
Colafiglia	James	Raymond	Wilt
Colaizzo	Kaiser	Readshaw	Wogan
Cornell	Keller	Reber	Wright, M. N.
Dally	Kenney	Reinard	Youngblood
Dempsey	Krebs	Robinson	Zimmerman
DeWeese	Laughlin	Ross	Zug
DiGirolamo	Lawless	Sather	
Druce	Lederer	Saylor	Ryan,
Egolf	Leh	Schroder	Speaker
Evans	Lescovitz		

NOT VOTING-1

Bishop

EXCUSED-10

Cohen, L. I.	Nickol	Rubley	Stetler
Conti	Roberts	Snyder, D. W.	Travaglio
LaGrotta	Rohrer		

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,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended?

The SPEAKER pro tempore. Those voting to concur—

Mr. COY. Mr. Speaker?

The SPEAKER pro tempore. The Chair apologizes. He did not see the gentleman.

The Chair recognizes the gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I will take only a moment, but candidly, I think we need to reflect for just a moment on the attempt of Mr. O'Brien to reinsert language into the bill that was taken out, and that is the subject of concurrence; that is the subject of what the Senate did.

Mr. Speaker, the reason this issue will not go away is the Department of Public Welfare's absolute failure to deal with this issue in a responsible manner. The Department of Public Welfare continues to put children, special-needs children, at risk in this Commonwealth because their policies are forcing centers that treat these children, that care for these children, and for whom the parents of these children and children depend, at risk. In fact, they are closing; they are closing, and the parents who send those kids to schools, to centers all across Pennsylvania, whether it is in the cities or in rural areas, depend on those centers because they

cannot afford or have access to care in the homes; they just cannot. There is not enough of those types of caregivers to go around.

So centers are working; they continue to work, but the Department of Public Welfare that sits in the big building and the bureaucrats that run it just do not get the message. They have not visited the centers like many of us have in our respective districts. That is why Mr. O'Brien's language that I cosponsored earlier in this year passed unanimously; that is why, if given a chance today, it would have passed almost unanimously again; and that is why when the majority leader gives him the opportunity to make an amendment in the future, it will pass unanimously then, because the Department of Public Welfare is not getting the message. They are not responding to the care of special-needs kids like Representative O'Brien is trying to bring them to understand.

I sat in a hearing that Representative O'Brien chaired earlier this year, and I have been here 16 years, but I have not been to a hearing — and there were several Representatives there at that hearing a couple months ago — but I have not been at a hearing — first of all, it was in the Capitol; it started at 11 o'clock in the morning and lasted until 8:30 or 9 o'clock at night — with witness after witness, caregiver after caregiver, decrying what the Department of Public Welfare is doing. I have never seen a Cabinet member in my years being told so directly that her department is out of touch; it is not representing the needs of people.

Now, until that department gets the message, until that department understands that people need these centers for care of special-needs children, this amendment is going to keep coming. It is going to keep being voted on to every Administrative Code bill. If Representative O'Brien tires of it, I will be the sponsor and he will be the second sponsor.

The bottom line is, it is not going to go away. We are not going to vote on it tonight, no, and whether you concur or not in the amendments placed and changed by the Senate in this bill is not really the big question either. The big question is, are we going to make the Department of Public Welfare responsible to special-needs kids in this Commonwealth? Representative O'Brien's amendment does that. We need to keep sending that message, because kids with special needs deserve no less.

Take a moment of your time in the next month when our duties are not as great in Harrisburg and go to one of these centers in your district; just go to one of them. Spend an hour there and then come back and see if you do not agree that the Department of Public Welfare has not gotten the message that center-based care is critical and the needs of special-needs kids are vital and must be preserved by this Assembly. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise for two very specific points with respect to concurrence on HB 1027. Number one and first and probably foremost, Mr. Speaker, the chair of my side of the aisle and the majority leader from the other side of the aisle made a commitment that we would deal with this issue of kids with special needs and having access to relevant services. And, Mr. Speaker, probably more than anything else, I will be looking to both my side and the other side to honor that, honor it not only with respect to this body but also do all that it can to make sure that it is

honored by the other chamber of this General Assembly because it is so important.

I offer only one example of why this issue must be dealt with not now but it must be dealt with. Many of you have had an opportunity to witness my two sons. I am a single parent who has raised twin boys. You saw one of my twins volunteer as a page under Speaker O'Donnell, and you have seen in the last week or so my other twin volunteer. When I raised these twins, even though both of them were born with special needs, a special needs that runs directly to their quality of life, Mr. Speaker, the young man that you saw running up and down the aisle within the last week or so is only able to do that because with God's grace and my persistence and his mother's persistence prior to her death, he was able to have access to early intervention services between the ages of 0 and 5. Without those services, he would not be able to run up and down these aisles and volunteer as a page, and only God knows what his circumstances would be.

The SPEAKER pro tempore. Will the gentleman suspend, please.

The Chair would request that the gentleman limit his remarks to the question before the House, which is concurrence.

Mr. THOMAS. Mr. Speaker, I thank you and I will do that, but the record needs to be clear, we cannot leave this issue until it is resolved.

With respect to the other point that I wanted to make, on concurrence, I stand in support of HB 1027. HB 1027 has been amended. Some have raised some questions about whether or not a patient or a person receiving drugs should have to call their physician prior to receiving that medication and whether or not that medication should be generic or whether it should be brand-name. Mr. Speaker, I think that there is nothing wrong with, when you start talking about high-risk drugs, then you need to start talking about someone validating the quality and quantity of those high-risk drugs, and so this amendment to HB 1027, which deals with a requirement that the patient contact the physician prior to, prior to receipt or prior to acquire a certain drug, I think is timely and is necessary.

So I rise in support of HB 1027, but know that even though we will vote for approval of HB 1027, HB 1027 would not be, would not be a resolved issue until we deal with this issue of early intervention services for children with special needs. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I am going to be very, very brief.

First of all, I want to thank the majority leader for assuring us that he will take up the question of early intervention.

Mr. Speaker, I do not know why the good Lord created children with disabilities, but the only reason I can think of is I think he is testing us, testing us with the power and the authority to do something about it. So when the bill does come out, remember that they are testing us to see if we are going to do the right thing on behalf of all those unfortunate children that do have disabilities.

I also ask for a "yes" vote on concurrence of HB 1027. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended?

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

YEAS-187

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

NAYS-5

Levdansky	Tigue	Vitali	Yewcic
Lloyd			

NOT VOTING-0

EXCUSED-10

Cohen, L. I.	Nickol	Rublely	Stetler
Conti	Roberts	Snyder, D. W.	Travaglio
LaGrotta	Rohrer		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments to Senate amendments as amended were concurred in.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1756, PN 2180**, entitled:

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.

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

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

The question is, shall the bill pass finally?

Mr. BIRMELIN. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. If the members would please take their seats, I cannot see who is standing up and wanting to be recognized.

The Chair recognizes the gentleman from Wayne County, Mr. Birmelin, on final passage.

Mr. BIRMELIN. Thank you, Mr. Speaker.

If the members will give me their attention, I promise I will speak less than 60 seconds. If they do not, I may have to speak a little longer.

Thank you for your cooperation. I appreciate that.

This bill is one of a three-bill package that deals with the issue of restitution. Hopefully, tomorrow morning you will be voting on bill number two, but this one is a rather simple bill but it is one that is necessary if we are going to make the changes that are needed for the proper collection of restitution payments in Pennsylvania.

It simply states that the Parole Board of Pennsylvania, when a prisoner is released on parole, must tell the county probation office in which he was adjudicated what his new address is going to be so that at a later time they will be able to track him down and make sure that his restitution payments are made. A very simple bill, very necessary to the entire program that we are going to be presenting to you on the issue of restitution.

I would ask for the members' support. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS-192

Adolph	DiGirolamo	Lucyk	Saylor
Allen	Donatucci	Lynch	Schroder
Argall	Druce	Maher	Schuler
Armstrong	Eachus	Maitland	Scrimenti
Baker	Egolf	Major	Semmel
Bard	Evans	Manderino	Serafini
Barley	Fairchild	Markosek	Seyfert

Barrar	Fargo	Marsico	Shaner
Battisto	Feese	Masland	Smith, B.
Bebko-Jones	Fichter	Mayernik	Smith, S. H.
Belardi	Fleagle	McCall	Staback
Belfanti	Flick	McGeehan	Stairs
Benninghoff	Gannon	McGill	Steelman
Birmelin	Geist	McHhattan	Steil
Bishop	George	McNaughton	Stern
Blaum	Gigliotti	Melio	Stevenson
Boscola	Gladeck	Michlovic	Strittmatter
Boyes	Godshall	Micozzie	Sturla
Brown	Gordner	Miller	Surra
Browne	Gruitza	Mundy	Tangretti
Bunt	Gruppo	Myers	Taylor, E. Z.
Butkovitz	Habay	Nailor	Taylor, J.
Buxton	Haluska	O'Brien	Thomas
Caltagirone	Hanna	Olasz	Tigue
Cappabianca	Harhart	Oliver	Trello
Carn	Hasay	Orie	Trich
Carone	Hennessey	Perzel	True
Casorio	Herman	Pesci	Tulli
Cawley	Hershey	Petrarca	Vance
Chadwick	Hess	Petrone	Van Home
Civera	Horsey	Phillips	Veon
Clark	Hutchinson	Pippy	Vitali
Clymer	Itkin	Pistella	Walko
Cohen, M.	Jadlowiec	Platts	Washington
Colaella	James	Preston	Waugh
Colaizzo	Jarolin	Ramos	Williams, A. H.
Cornell	Josephs	Raymond	Williams, C.
Corpora	Kaiser	Readshaw	Wilt
Corrigan	Keller	Reber	Wogan
Cowell	Kenney	Reinard	Wojnaroski
Coy	Kirkland	Rieger	Wright, M. N.
Curry	Krebs	Robinson	Yewcic
Daley	Laughlin	Roebuck	Youngblood
Dally	Lawless	Rooney	Zimmerman
DeLuca	Lederer	Ross	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermody	Levdansky	Sather	Speaker
DeWeese	Lloyd		

NAYS-0

NOT VOTING-0

EXCUSED-10

Cohen, L. I.	Nickol	Rubley	Stetler
Conti	Roberts	Snyder, D. W.	Travaglio
LaGrotta	Rohrer		

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

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

The SPEAKER pro tempore. The Chair has been advised by the majority leader that session tomorrow will be at 10 a.m.; session tomorrow at 10 a.m.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, if Speaker Ryan would take the gavel, it would be helpful.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, with all due respect, a point of parliamentary inquiry.

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

Mr. DeWEESE. The Speaker of the House made a reference to the Democratic whip earlier in our intense exchange. If it is the will of the Speaker to remove that from the record, I have no further observation. If it is not the will of the Speaker, then I would like to make a commentary.

The SPEAKER. You are right, Mr. DeWeese, and I was going to do that without doing it on the record. I was going to ask that the clerk do that. I will not repeat it unless you want me to.

STATEMENT BY MR. MCGEEHAN

The SPEAKER. Mr. McGeehan.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

I would like to speak on unanimous consent, please.

The SPEAKER. Without objection, the gentleman may begin.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, last night while fighting an electrical fire in a home, in a basement in a home, on West Oak Lane, two Philadelphia firefighters were killed in the line of duty, and I just want to ask the indulgence of the House while I tell you a little bit about these two men.

Lt. Terry McElveen was 43 years old. He had served for 21 years in the Philadelphia Fire Department. He was a church deacon, he was a volunteer basketball coach, and he was a mentor for over 250 children at Olney High School.

His comrade, who was also killed, firefighter James Hynes, was only 27 years old. He was a veteran for only 10 months, but he started his dream of becoming a firefighter since being an altar boy at St. William's Parish in Northeast Philadelphia. He was a Navy veteran who served during the Persian Gulf War and won three medals for bravery in the line of duty.

Lieutenant McElveen leaves a 5-year-old daughter.

Mr. Speaker, I know I speak for this entire House when I say that we wish our condolences and deepest regret to both the McElveen and Hynes families, and I ask that we say an extra prayer and keep the families of all police and firefighters in our prayers and thoughts today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I have a question on parliamentary procedure.

The SPEAKER. The gentleman will state it.

Mr. ROEBUCK. Mr. Speaker, in the comments before those of my colleague, you indicated that remarks previously made would be stricken from the record. I wonder what the impact of that is

given the fact that these proceedings are televised. What is the impact of removing something from the record if indeed it is not removed from the televised portion as well?

The SPEAKER. There is no impact.

Mr. ROEBUCK. Okay. Thank you, Mr. Speaker.

The SPEAKER. There will be no further votes. There is some housekeeping that will have to be concluded.

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:

HB 41, PN 846

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

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 613, PN 2525 (Amended) By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, defining "catering hall"; and providing for the issuance of restaurant liquor licenses to catering halls.

LIQUOR CONTROL.

HB 830, PN 930 By Rep. SERAFINI

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

LIQUOR CONTROL.

HB 985, PN 2526 (Amended) By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the time period of special occasion permits and for local option.

LIQUOR CONTROL.

HB 1071, PN 1217 By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for adult entertainment permits; and further providing for amusement permits and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

LIQUOR CONTROL.

HB 1929, PN 2439

By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, eliminating the requirement that certain licensees obtain bonds.

LIQUOR CONTROL.

HB 1957, PN 2495

By Rep. SERAFINI

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.

LIQUOR CONTROL.

The SPEAKER. Does the majority leader or Democratic leader have any further business? Any announcements by any committee chairmen?

VOTE CORRECTION

The SPEAKER. Any corrections of the record?

Ms. YOUNGBLOOD. I do.

The SPEAKER. Ms. Youngblood.

Ms. YOUNGBLOOD. Wait; just let me take my glasses off so I can read this. I am sorry.

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

On HB 919, amendment A4377, I was reported not voting. I would like to be reported in the affirmative.

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

Ms. YOUNGBLOOD. Thank you.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move from the tabled calendar HB 1178 and HB 1512.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1178 and HB 1512 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

The SPEAKER. Any further business?

Hearing none, the Chair recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 29, 1997, at 10 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 8:08 p.m., e.s.t., the House adjourned.