

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JANUARY 20, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 2

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Let us pray:

Almighty God, we stand surrounded by the beauty of Penn's Woods, and we are reminded that because of our special office, we are entrusted with its natural resources, its governing laws, and its industrious and creative people.

Enable us this day to welcome the opportunity to serve in this unique and wonderful way. Grant us wisdom to make decisions that benefit all of Pennsylvania's people, the courage to take risks that open new opportunities for the Commonwealth, and the vision that helps us to foresee an even greater future in the century to come.

Be with our families this day while we are separated. Know the challenges that we are faced with in our personal lives, and be an ever present and welcome guest this day within our place of assembly. Amen.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair welcomes back to the Capitol one of its most distinguished members, who has had a vacation for the past several months, Mr. Gaynor Cawley.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, January 6, 1998, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The following Journals are in print: Monday, June 9, 1997, and Tuesday, June 10, 1997. Without objection, these Journals will stand approved as printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2084 By Representative GODSHALL

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for appeal hearings by board of assessment appeals.

Referred to Committee on JUDICIARY, January 12, 1998.

No. 2085 By Representatives FLEAGLE, WAUGH, VANCE, TANGRETTI, GEIST, HERSHEY, MUNDY, MILLER, LAUGHLIN, DEMPSEY, EGOLF, COY, M. COHEN, BELFANTI, STEELMAN, MCGILL, PESCI, SATHER, TRELLO, ROSS, SAYLOR and WILT

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for advance directives for emergency medical service health care.

Referred to Committee on JUDICIARY, January 12, 1998.

No. 2086 By Representatives READSHAW, KAISER, REBER, BOSCOLA, WALKO, WOJNAROSKI, ROBINSON, HALUSKA, VAN HORNE and SAINATO

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for special economic development projects; and establishing the Economic Development Fund.

Referred to Committee on FINANCE, January 12, 1998.

No. 2087 By Representatives WOJNAROSKI, BELARDI, READSHAW, LAUGHLIN, LYNCH, TIGUE, COY, MELIO, HALUSKA, WOGAN, EGOLF, BAKER, HUTCHINSON, PETRARCA, C. WILLIAMS, TANGRETTI, CASORIO, M. COHEN, ROSS, SEYFERT, TRELLO, BOSCOLA, PISTELLA, STABACK, TULLI, DeLUCA, SEMMEL, MCGEEHAN, KELLER and WALKO

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for escape; and providing for escape from a detention facility.

Referred to Committee on JUDICIARY, January 12, 1998.

No. 2088 By Representatives GANNON, WOGAN, GEIST, CALTAGIRONE, SAYLOR, E. Z. TAYLOR, GRUPPO, CLARK, ORIE, KENNEY, MILLER, HENNESSEY, BOSCOLA, TRUE, KELLER and EGOLF

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for probation officer's authority to search.

Referred to Committee on JUDICIARY, January 12, 1998.

No. 2089 By Representatives SEYFERT, THOMAS, GIGLIOTTI, McNAUGHTON, CLARK, LEDERER, BAKER, REBER, GEIST, BELARDI, TIGUE, MANDERINO, McCALL, CASORIO, READSHAW, SCHRODER, BOSCOLA, JOSEPHS, RAYMOND, E. Z. TAYLOR, HERMAN, KENNEY, BATTISTO, WILT, WASHINGTON, CORPORA, PETRARCA, BENNINGHOFF, ORIE, C. WILLIAMS, HENNESSEY, SCRIMENTI, BROWN, ROSS, CORRIGAN, MUNDY, EGOLF, PLATTS and TRELLO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for continuing jurisdiction over support orders.

Referred to Committee on JUDICIARY, January 12, 1998.

No. 2090 By Representatives MARSICO, LYNCH, COY, HENNESSEY, WALKO, CURRY, CORNELL, VANCE, BARD, McNAUGHTON, MAHER, MASLAND, TRELLO, SURRA, LAUGHLIN, NICKOL, C. WILLIAMS, NAILOR, D. W. SNYDER and SATHER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating speed of trucks with gross weight exceeding 9,000 pounds.

Referred to Committee on TRANSPORTATION, January 12, 1998.

No. 2091 By Representatives ORIE, TULLI, L. I. COHEN, HERMAN, FICHTER, LAUGHLIN, TRELLO, DeWEESE, OLASZ, MARSICO, EGOLF, McCALL, TRAVAGLIO, PLATTS, DALLY, J. TAYLOR, BELARDI, BATTISTO, LYNCH, BOSCOLA, E. Z. TAYLOR, SERAFINI, COWELL, YOUNGBLOOD, TIGUE, STABACK, PETRARCA, SAINATO, M. COHEN, STEIL, STEVENSON, ROONEY, HARHART, McNAUGHTON, DERMODY, DeLUCA, WALKO, BARD, THOMAS, WILT, PISTELLA, MAHER, O'BRIEN, PIPPY, STEELMAN, STETLER, SEMMEL and D. W. SNYDER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing the offense of domestic assault.

Referred to Committee on JUDICIARY, January 14, 1998.

No. 2092 By Representatives ORIE, FARGO, SATHER, McNAUGHTON, GEIST, GEORGE, LAUGHLIN, READSHAW, DeWEESE, ALLEN, FAIRCHILD, COY, McCALL, WOJNAROSKI, STEVENSON, LYNCH, BATTISTO, SCRIMENTI, MAYERNIK, STERN, KENNEY, SAYLOR, BAKER, C. WILLIAMS, YOUNGBLOOD, ADOLPH, J. TAYLOR, TRELLO, JOSEPHS, SEYFERT, SCHRODER, PISTELLA, STABACK, McGEEHAN, MAHER, MILLER, E. Z. TAYLOR, OLASZ, DeLUCA, RAYMOND, BELFANTI, SEMMEL, PETRONE, NICKOL, CURRY and STEELMAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for income tax returns of married individuals.

Referred to Committee on FINANCE, January 14, 1998.

No. 2093 By Representative ORIE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for an additional penalty for certain violations of protection from abuse orders.

Referred to Committee on JUDICIARY, January 14, 1998.

No. 2094 By Representatives STETLER, M. COHEN, EVANS, LUCYK, BELARDI, PESCI, MAITLAND, WAUGH, B. SMITH, PLATTS, HALUSKA, MICOZZIE, DALEY, MANDERINO, MELIO, BELFANTI, MARKOSEK, BATTISTO, D. W. SNYDER, CURRY, DeLUCA, MICHLOVIC, SERAFINI, ROEBUCK, TIGUE, SAYLOR, BISHOP, EGOLF, STABACK, ORIE, C. WILLIAMS, VAN HORNE, PIPPY, SANTONI, RUBLEY, COY, TRAVAGLIO, M. N. WRIGHT, S. H. SMITH, WOJNAROSKI, CASORIO, YOUNGBLOOD, TANGRETTI, STEELMAN and RAMOS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating handicapped parking spaces.

Referred to Committee on TRANSPORTATION, January 14, 1998.

No. 2095 By Representatives HALUSKA, READSHAW, BENNINGHOFF, WILT, ITKIN, TANGRETTI, STEELMAN, TIGUE, HERMAN, BELFANTI, MANDERINO, LAUGHLIN, C. WILLIAMS, SHANER, CLARK, SCRIMENTI, THOMAS, STERN and GODSHALL

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for examinations requisite for appointment and promotion.

Referred to Committee on STATE GOVERNMENT, January 14, 1998.

No. 2096 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR,

YOUNGBLOOD, ZUG, RUBLEY, BOSCOLA and MANDERINO

An Act repealing the act of March 14, 1867 (P.L.440, No.415), entitled "An act for the better regulation of public halls and places of amusement, in the cities of Philadelphia, Pittsburgh and Allegheny."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2097 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, RUBLEY, BOSCOLA, WOGAN and STEELMAN

An Act repealing the act of June 18, 1895 (P.L.209, No.126), entitled "An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled 'An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising,' approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled 'A supplement to an act approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled "An act relating to Allegheny county,"' approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2098 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG and RUBLEY

An Act repealing the act of May 2, 1901 (P.L.131, No.98), entitled "An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth for executing an order of relief of a pauper."

Referred to Committee on LOCAL GOVERNMENT, January 14, 1998.

No. 2099 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, RUBLEY, WOGAN and STEELMAN

An Act repealing the act of April 28, 1903 (P.L.332, No.260), entitled "An act for the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2100 By Representatives STAIRS, COWELL, SCHULER, HERMAN, FLICK, STEVENSON, NAILOR, SANTONI, MUNDY, STEELMAN, BATTISTO, ROEBUCK, CURRY, C. WILLIAMS, GORDNER, TIGUE, DeWEESE, MICOZZIE, DeLUCA, YOUNGBLOOD, ITKIN, STABACK, ROSS, BELFANTI, SATHER, HALUSKA, DALLY, LAUGHLIN, VAN HORNE, D. W. SNYDER, FARGO, HENNESSEY, E. Z. TAYLOR, B. SMITH, MANDERINO, MELIO and RAMOS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and a program for continuing professional education.

Referred to Committee on EDUCATION, January 20, 1998.

No. 2101 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, MANDERINO and BOSCOLA

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, repealing provisions relating to the Department of Public Works and the Department of Supplies and Purchases.

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2102 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, MANDERINO, BOSCOLA, RUBLEY, WOGAN and SAYLOR

An Act repealing the act of July 15, 1919 (P.L.961, No.378), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2103 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, MANDERINO, BOSCOLA and RUBLEY

An Act repealing the act of May 13, 1927 (P.L.994, No.483), entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2104 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, MANDERINO and RUBLEY

An Act repealing the act of April 4, 1929 (P.L.163, No.158), entitled "An act providing for real estate deputy sheriffs in counties of the first, second, and third classes; and fixing their salaries payable by said counties; and repealing section two of an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-five), entitled 'An act authorizing the sheriffs of the several counties of this Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants,' and other acts general, special or local so far as inconsistent herewith."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2105 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, BOSCOLA, RUBLEY and HERSHEY

An Act amending the act of May 1, 1929 (P.L.1052, No.407), entitled "An act adopting a program for the completion of the improvement of the State highways of the Commonwealth; authorizing counties, boroughs, towns and townships to expend moneys, and to incur indebtedness; and requiring certain moneys of the Motor License Fund to be expended as herein provided," repealing provisions relating to municipality agreements to contribute for additional mileage.

Referred to Committee on TRANSPORTATION, January 14, 1998.

No. 2106 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, BOSCOLA and RUBLEY

An Act repealing the act of May 1, 1929 (P.L.1054, No.409), entitled "An act providing for assistance by the Commonwealth in the improvement, construction, reconstruction and/or maintenance of certain streets and highways in cities of the second class, second class A and third class; and for the assessment of benefits against owners of real estate abutting on the line of the improvement; and making an appropriation."

Referred to Committee on TRANSPORTATION, January 14, 1998.

No. 2107 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, MANDERINO, BOSCOLA and RUBLEY

An Act repealing the act of June 21, 1939 (P.L.617, No.288), entitled "An act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness, as herein defined, in equal annual installments of two million five hundred thousand dollars (\$2,500,000); and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending and/or repealing inconsistent legislation."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2108 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, RUBLEY and BOSCOLA

An Act amending the act of May 29, 1945 (P.L.1108, No.402), entitled "An act authorizing the establishment, construction and maintenance of limited access highways and local service highways; and providing for closing certain highways; providing for the taking of private property and for the payment of damages therefor; providing for sharing the costs involved and for the control of traffic thereover; providing penalties, and making an appropriation," repealing provisions relating to taking of property and payment of damages.

Referred to Committee on TRANSPORTATION, January 14, 1998.

No. 2109 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, RUBLEY, BOSCOLA and HERSHEY

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, repealing provisions relating to abandoned rights-of-way of canals, railroads and turnpikes and to replacement and renewals of public utility structures.

Referred to Committee on TRANSPORTATION, January 14, 1998.

No. 2110 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR,

SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD and ZUG

An Act repealing the act of June 28, 1947 (P.L.1074, No.464), entitled "An act validating the confirming titles to real estate conveyed by cities of the third class, unless proceedings to attack such sales are instituted within six years after the effective date of this act, or within six years after the date of the sale, whichever date is earlier."

Referred to Committee on URBAN AFFAIRS, January 14, 1998.

No. 2111 By Representatives ROSS, ARGALL, BENNINGHOFF, DEMPSEY, EGOLF, FICHTER, GEIST, HENNESSEY, HERMAN, HERSHEY, MAITLAND, McNAUGHTON, RAMOS, MAHER, SATHER, SAYLOR, SCHRODER, SEYFERT, STERN, E. Z. TAYLOR, YOUNGBLOOD, ZUG, RUBLEY and WOGAN

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," further providing for duties of county treasurers and for brigade inspector.

Referred to Committee on LIQUOR CONTROL, January 14, 1998.

No. 2112 By Representatives SCRIMENTI, STURLA, LAUGHLIN, NAILOR and BOSCOLA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for regulation of public service announcements.

Referred to Committee on STATE GOVERNMENT, January 15, 1998.

No. 2113 By Representatives LUCYK, GEORGE, GORDNER, DeWEESE, COY, WAUGH, GODSHALL, E. Z. TAYLOR, BATTISTO, WILT, BOSCOLA, LAUGHLIN, BELFANTI, ROBERTS, STEELMAN, ZIMMERMAN, SAYLOR, ALLEN, OLASZ, JAROLIN, McCALL, YOUNGBLOOD, READSHAW, ITKIN, HESS, SURRA and WALKO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the imposition of inheritance tax.

Referred to Committee on FINANCE, January 15, 1998.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 313 By Representatives STAIRS, STEVENSON, BATTISTO, CURRY, BELARDI, DeWEESE, HALUSKA, READSHAW, LAUGHLIN, FICHTER, SATHER, BAKER, MELIO, BELFANTI, GEIST, RUBLEY, YOUNGBLOOD, WILT, L. I. COHEN, E. Z. TAYLOR, SAYLOR, STABACK, TRELLO, SHANER and BENNINGHOFF

A Resolution urging the National Collegiate Athletic Association to adopt an alternative policy to be used in establishing appropriate standards for postsecondary athletic scholarship and participation eligibility.

Referred to Committee on RULES, January 12, 1998.

No. 315 By Representatives ARGALL, HARHART, GEORGE, LYNCH, PLATTS, HUTCHINSON, PETRONE, DeLUCA, MASLAND, ROSS, L. I. COHEN, CIVERA, BELARDI, BARD, ITKIN, CAPPABIANCA, M. COHEN, GIGLIOTTI, PESCI, HALUSKA, GORDNER, READSHAW, LAUGHLIN, MAITLAND, WALKO, HERSHEY, MELIO, MANDERINO, SATHER, SURRA, BAKER, BELFANTI, McCALL, SHANER, PIPPY, B. SMITH, SANTONI, GEIST, JOSEPHS, NAILOR, E. Z. TAYLOR, LEVDANSKY, STEIL, YOUNGBLOOD, RUBLEY, BATTISTO, D. W. SNYDER, SAYLOR, ALLEN, TIGUE, MARSICO, BROWNE, SAINATO, BOSCOLA, ORIE, TRELLO, BUNT, GODSHALL, STEELMAN, A. H. WILLIAMS and COY

A Concurrent Resolution establishing a new Statewide recycling goal for all municipal waste and source-separated recycled materials generated within this Commonwealth.

Referred to Committee on RULES, January 15, 1998.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of the gentleman, Mr. McIlhattan, Kyle Adams and his father, Larry, seated to the left of the Speaker. Would the guests please rise.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

It is the understanding of the Chair there are no requests for leave from the Republican side.

The Chair recognizes the gentleman, Mr. Itkin, who requests that the gentleman from Bucks, Mr. CORRIGAN, be placed on leave for today's session. Without objection, leave will be granted. The Chair hears no objection.

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-200

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

ADDITIONS-0

NOT VOTING-0

EXCUSED-1

Corrigan

LEAVES ADDED-4

Barley Perzel Phillips Pistella

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that permission has been given to David Swanson of the Philadelphia Inquirer to take still photographs of the proceedings with respect to Mr. Perzel's participation in them.

STATEMENT BY MR. CAWLEY

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

Mr. CAWLEY. Ladies and gentlemen, Elvis is in the building.

Just this opportunity — thank you, Mr. Speaker — to sincerely thank each and every one of you for your wonderful kindness toward me and my family.

It is good to be back. It is good to be back with friends and with people who you know sincerely care about you. Thank you.

The SPEAKER. Mr. Cawley, I believe I speak for all when I say we are very, very glad to have you back.

REPUBLICAN CAUCUS

The SPEAKER. The gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus immediately upon the recess here, and we plan to come back at 3 o'clock to continue voting.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Mr. Speaker, there will also be a Democratic caucus immediately upon the recess.

The SPEAKER. Do the Republican or Democratic leaders have any announcements prior to the declaration of a recess?

Any announcements of committee meetings?

STATEMENT BY MR. VITALI

The SPEAKER. Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would just like to take this opportunity to thank each and every House member who showed me the kindness of sending cards and flowers and others in recognition and condolence of my mother's passing. Thank you.

RECESS

The SPEAKER. Does the gentleman, Mr. Perzel, or Mr. DeWeese have any further business?

Hearing none, this House will stand in recess until 3 p.m., unless sooner recalled 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**

REPORT SUBMITTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the report and recommendations of the Subcommittee on Telecommunications of the House Committee on Consumer Affairs submitted pursuant to HRs 111 and 226 of 1997.

(Copy of report is on file with the Chief Clerk.)

**COMMUNICATION FROM
DEPARTMENT OF HEALTH**

The SPEAKER pro tempore. The Chair acknowledges receipt of the Report of the Quality Assurance Program for the 1996-97 fiscal year submitted by the Department of Health pursuant to the Health Care Facilities Act of 1979.

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

**COMMUNICATION FROM PENNSYLVANIA
HOUSING FINANCE AGENCY**

The SPEAKER pro tempore. The Chair acknowledges receipt of the report on the funding of Pennsylvania Housing Finance Agency obligations submitted by the Pennsylvania Housing Finance Agency pursuant to Act 33 of 1976.

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

**COMMUNICATION FROM PENNSYLVANIA
EMERGENCY MANAGEMENT AGENCY**

The SPEAKER pro tempore. The Chair acknowledges receipt of a report submitted by the Pennsylvania Emergency Management Agency pursuant to Act 78 of 1990.

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

**COMMUNICATION FROM
DEPARTMENT OF HEALTH**

The SPEAKER pro tempore. The Chair acknowledges receipt of a report submitted by the Department of Health pursuant to Act 87 of 1996.

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

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

HB 50, PN 2531

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the names which appear on vehicle registration cards.

TRANSPORTATION.

HB 238, PN 2767 (Amended)

By Rep. GLADECK

An Act providing for the exclusion from taxable personal income a portion of severance compensation for permanently displaced employees.

LABOR RELATIONS.

HB 370, PN 413

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for stopping at posted cattle crossings.

TRANSPORTATION.

HB 434, PN 486

By Rep. GEIST

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for the maintenance of certain pedestrian crosswalks.

TRANSPORTATION.

HB 481, PN 545

By Rep. GEIST

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, further providing for the maintenance of alleys.

TRANSPORTATION.

HB 611, PN 676

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring vehicles to stop when emergency vehicles are entering or leaving a firehouse or similar garage.

TRANSPORTATION.

HB 737, PN 829

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving on right side of highway.

TRANSPORTATION.

HB 1080, PN 1226

By Rep. GEIST

An Act designating a certain bridge on SR 2012 in Castanea Township, Clinton County, as the Castanea Firemen's Memorial Bridge.

TRANSPORTATION.

HB 1254, PN 1407

By Rep. GEIST

An Act reestablishing the High Speed Intercity Rail Passenger Commission and providing for its powers and duties; providing for duties of the Department of Transportation; and making a repeal.

TRANSPORTATION.

HB 1255, PN 1408

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, authorizing the incurring of indebtedness, with the approval of the electorate, for loans to owners of public airports for capital improvements, facilities and equipment; providing for the creation of the Pennsylvania Airport Capital Loan Fund; adding provisions relating to rail freight preservation and improvement; establishing the Pennsylvania Railroad Authority; providing for the creation of the Pennsylvania Railway Capital Loan Fund; creating the Rail Freight Infrastructure Fund; and making repeals.

TRANSPORTATION.

HB 1410, PN 2768 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for notice of change of name or address.

TRANSPORTATION.

HB 1592, PN 2769 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for reissuance of new registration plates on a periodic basis, for a special youth hunter and angler education registration plate, for the Youth Hunter and Angler Education Fund and for expenditures from that fund and for the issuance of additional personal registration plates.

TRANSPORTATION.

HB 1609, PN 1970

By Rep. GEIST

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for road flares.

TRANSPORTATION.

HB 1660, PN 2770 (Amended)

By Rep. GEIST

An Act designating a section of SR 0073 in Montgomery County, Pennsylvania as the POW/MIA Memorial Highway; and designating a bridge in Chester County as the Morty Godra Memorial Bridge.

TRANSPORTATION.

HB 2051, PN 2694

By Rep. GEIST

An Act designating a welcome center along Route 15 in Tioga County the John Heinz Memorial Welcome Center.

TRANSPORTATION.

SB 888, PN 1527

By Rep. GLADECK

An Act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing for penalties; and making a repeal.

LABOR RELATIONS.

SB 914, PN 1577 (Amended)

By Rep. GEIST

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for construction, relocation, suspension and abolition of crossings and for compensation for damages occasioned by construction, relocation or abolition of crossings.

TRANSPORTATION.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

HB 482;
 HB 613;
 HB 728;
 HB 907;
 HB 985;
 HB 1777;
 HB 1778;
 HB 1867;
 HB 1937;
 HB 2005; and
 SB 669.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 482;
 HB 613;
 HB 728;
 HB 907;
 HB 985;
 HB 1777;
 HB 1778;
 HB 1867;
 HB 1937;
 HB 2005; and
 SB 669.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 682, PN 726**, entitled:

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further providing for limitation on public nuisances.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that SB 682 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 338, PN 2519**, entitled:

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.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 338 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 540, PN 603**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Philadelphia Municipal Court Security Account.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 540 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 1178, PN 2223**, entitled:

An Act providing a residency requirement for constables and deputy constables.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1178 be recommitted to the Committee on Appropriations.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome some guests who are here with us today. We have Cub Scout Pack 333 from Moon Township, patrols 3 and 4. The Scout leaders traveling with the boys today are Rebecca Lani and Denise Barbaro. They are here today as the guests of Representatives John Pippy and Fred Trello. They are located in the balcony. Would they please rise. Welcome to the hall of the House.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the week for the gentleman from Northumberland County, Mr. PHILLIPS. The Chair hears no objection, and the leave is granted.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 640, PN 1524**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for subpoena of medical records; providing for a limit on charges for reproducing medical charts or records; further providing for rights of patients, for obtaining personal appearance of custodian of original charts, for obtaining production of original medical records; providing for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements, for payment of damages, for exemption from attachment of retirement funds and accounts and for contents of presentence reports.

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

The SPEAKER pro tempore. The Chair understands that the following members have withdrawn their amendments. Listen carefully: Representatives Mayernik, Belfanti, Cohen, Gannon, O'Brien, Leh, and McGill. If that information is incorrect, would the members please notify the Chair immediately; otherwise, we are going to proceed on the assumption that those amendments have been withdrawn.

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

Ms. JOSEPHS offered the following amendment No. **A5226**:

Amend Bill, page 18, by inserting between lines 9 and 10
Section 6. The Supreme Court shall conduct a study of issues related to racial, ethnic and gender equity throughout the Unified Judicial System.
Amend Sec. 6, page 18, line 10, by striking out "6" and inserting
7
Amend Sec. 7, page 18, line 13, by striking out "7" and inserting
8

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

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Mr. Speaker, if I can do these in slightly different order, I would appreciate it. I would like to start with 5230.

The SPEAKER pro tempore. The amendment before the House will be withdrawn temporarily.

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

Ms. JOSEPHS offered the following amendment No. **A5230**:

Amend Title, page 1, line 11, by removing the period after "REPORTS" and inserting
; and making an appropriation.

Amend Bill, page 18, by inserting between lines 9 and 10
Section 6. The sum of \$395,000 is hereby appropriated to the Supreme Court for the fiscal year July 1, 1997, to June 30, 1998, to conduct a study of issues related to racial, ethnic and gender equity throughout the Unified Judicial System. This appropriation shall not lapse at the end of the fiscal year but shall be a continuing appropriation.

Amend Sec. 6, page 18, line 10, by striking out "6" and inserting

7

Amend Sec. 7, page 18, line 13, by striking out "7" and inserting

8

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment would appropriate some \$395,000 to the Supreme Court to conduct a study of issues related to racial, ethnic, and gender equity throughout the Unified Judicial System. Many other States have conducted such surveys. I have heard the members of the Supreme Court, when they testify before us, exhibit an interest in conducting such a survey.

I think it is important. Although all of us know that the public is very jaundiced and very skeptical about government, many people in the public still believe that they can get a fair shake, they can tell their story, their rights can be vindicated in the courts, but if the courts discriminate unfairly based on race, gender, or ethnic background, then certainly those courts cannot be fair to the people who appear before them.

I ask for support of this amendment. I think it is needed, and I thank the Speaker for his courtesy.

The SPEAKER pro tempore. The Chair recognizes the majority Appropriations chairman, the gentleman from Lancaster County, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

The amendment—

The SPEAKER pro tempore. Will the gentleman suspend for one moment.

The House will come to order. Members will take their seats. I am having a difficult time hearing the gentleman, and if I am, you certainly are. Please take conversations outside the hall of the House.

Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

The amendment actually would appropriate \$395,000 to the Supreme Court, and it is for the purposes stated in the amendment but to be applied to this Unified Judicial System. Now, we do not know at this point what will be included in this Unified Judicial System. There is no agreement, and we are appropriating or this amendment is proposing to appropriate this money for something that we are not even certain will exist.

By way of information to the members, this amendment or a similar amendment to a different bill was defeated by the General Assembly. So I would propose at this time that we defeat this amendment and urge a negative vote.

**ANNOUNCEMENT BY
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair understands that the headphones that many of the members use are not working at the present time. We are aware of the problem and are taking steps to correct it and will do so as soon as possible.

CONSIDERATION OF SB 640 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Representative Josephs, for the second time on her amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would ask everybody to try and keep their voices down since our system is not working, and those people— Mr. Speaker, if you could help me with that, I would appreciate it.

The SPEAKER pro tempore. The lady is correct. I already had to ask for order once because it was too noisy in here. The problem is made worse by the fact that the members' headphones are not working. Members will please take their conversations outside the hall of the House.

Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The former speaker says we have no definition for the Unified Judicial System, but when we do, this amendment will apply to it. There is no point looking for inequities in only part of our system. I think the Supreme Court is probably up to figuring out what the Unified Judicial System is when we have one, and I urge a "yes" vote on this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-65

Battisto	George	Michlovic	Staback
Bebko-Jones	Gordner	Mundy	Steelman
Belardi	Hanna	Myers	Stetler
Belfanti	Horsley	Oliver	Sturla
Bishop	Itkin	Pesci	Surra
Blaum	James	Petrarca	Tangretti
Buxton	Jarolin	Petrone	Thomas
Caltagirone	Josephs	Preston	Travaglio
Cappabianca	Kirkland	Ramos	Trello
Carn	Laughlin	Readshaw	Trich
Cohen, M.	Lescovitz	Roberts	Veon
Colafella	Lloyd	Robinson	Vitali
Curry	Lucyk	Roebuck	Walko
Daley	Manderino	Santoni	Washington
DeWeese	McCall	Scrimenti	Williams, C.
Eachus	Melio	Shaner	Wojnaroski
Evans			

NAYS-133

Adolph	DiGirolamo	Leh	Saylor
Allen	Donatucci	Lynch	Schroder
Argall	Druce	Maher	Schuler
Armstrong	Egolf	Maitland	Semmel
Baker	Fairchild	Major	Serafini
Bard	Fargo	Markosek	Seyfert
Barley	Feese	Marsico	Smith, B.

Barrar	Fichter	Masland	Smith, S. H.
Benninghoff	Fleagle	Mayernik	Snyder, D. W.
Birmelin	Flick	McGeehan	Stairs
Boscola	Gannon	McGill	Steil
Boyes	Geist	McIlhattan	Stern
Brown	Gigliotti	McNaughton	Stevenson
Browne	Gladeck	Micozzie	Strittmatter
Bunt	Godshall	Miller	Taylor, E. Z.
Butkovitz	Gruitza	Nailor	Taylor, J.
Carone	Gruppo	Nickol	Tigue
Casorio	Habay	O'Brien	True
Cawley	Haluska	Olasz	Tulli
Chadwick	Harhart	Oric	Vance
Civera	Hasay	Perzel	Van Home
Clark	Hennessey	Pippy	Waugh
Clymer	Herman	Pistella	Williams, A. H.
Cohen, L. I.	Hershey	Platts	Wilt
Colaizzo	Hess	Raymond	Wogan
Cornell	Hutchinson	Reber	Wright, M. N.
Corpora	Jadlowiec	Reinard	Yewcic
Cowell	Kaiser	Rieger	Youngblood
Coy	Keller	Rohrer	Zimmerman
Daily	Kenney	Rooney	Zug
DeLuca	Krebs	Ross	
Dempsey	LaGrotta	Rubley	Ryan,
Dent	Lawless	Sainato	Speaker
Dermody	Lederer	Sather	

NOT VOTING-1

Levdansky

EXCUSED-2

Corrigan Phillips

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?

The SPEAKER pro tempore. Representative Josephs, which amendment do you want to offer next?

Ms. JOSEPHS. Mr. Speaker, 5226, please.

The SPEAKER pro tempore. The lady offers amendment 5226, which the clerk will read.

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

Ms. JOSEPHS reoffered the following amendment No. A5226:

Amend Bill, page 18, by inserting between lines 9 and 10
Section 6. The Supreme Court shall conduct a study of issues related to racial, ethnic and gender equity throughout the Unified Judicial System.
Amend Sec. 6, page 18, line 10, by striking out "6" and inserting
7
Amend Sec. 7, page 18, line 13, by striking out "7" and inserting
8

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia.

Ms. JOSEPHS. This time I am trying it without the appropriation, and I am trying to speak loud enough to get everybody's attention. This is a good amendment. We need to look at equity in our court system.

I would appreciate an affirmative vote. Thank you, Mr. Speaker.

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

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, I realize this does not include the appropriation, but by and large, the argument is still the same. What we are dealing with here with the Unified Judicial System, referencing that, we do not have any idea at this point what the final outcome of that initiative will be, and it is just simply premature to be legislating on issues that we are not certain of. So I would recommend a "no" vote on this amendment also.

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

The following roll call was recorded:

YEAS-70

Battisto	DeWeese	McCall	Staback
Bebko-Jones	Eachus	Melio	Steelman
Belardi	Evans	Michlovic	Stetler
Belfanti	George	Mundy	Sturla
Bishop	Gordner	Myers	Surra
Blaum	Gruitza	Oliver	Tangretti
Buxton	Hanna	Pesci	Thomas
Caltagirone	Horsey	Petrarca	Travaglio
Cappabianca	Itkin	Petrone	Trello
Carr	James	Preston	Trich
Casorio	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Roberts	Vitali
Colafella	Kirkland	Robinson	Walko
Corpora	Laughlin	Roebuck	Washington
Cowell	Lescovitz	Santoni	Williams, C.
Curry	Lloyd	Scrimenti	Wojnaroski
Daley	Lucyk	Shaner	Youngblood
Dermody	Manderino		

NAYS-128

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fargo	Markosek	Schuler
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McGeehan	Smith, B.
Barrar	Gannon	McGill	Smith, S. H.
Benninghoff	Geist	McIlhatten	Snyder, D. W.
Birmelin	Gigliotti	McNaughton	Stairs
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gruppo	Nailor	Stevenson
Browne	Habay	Nickol	Strittmatter
Bunt	Haluska	O'Brien	Taylor, E. Z.
Butkovitz	Harhart	Olasz	Taylor, J.
Carone	Hasay	Orie	Tigue
Cawley	Hennessey	Perzel	True
Chadwick	Herman	Pippy	Tulli
Civera	Hershey	Pistella	Vance
Clark	Hess	Platts	Van Horne
Clymer	Hutchinson	Raymond	Waugh

Cohen, L. I.	Jadlowiec	Readshaw	Williams, A. H.
Colaizzo	Kaiser	Reber	Wilt
Cornell	Keller	Reinard	Wogan
Coy	Kenney	Rieger	Wright, M. N.
Dally	Krebs	Rohrer	Yewcic
DeLuca	LaGrotta	Rooney	Zimmerman
Dempsey	Lawless	Ross	Zug
Dent	Lederer	Rubley	
DiGirolamo	Leh	Sainato	Ryan,
Donatucci	Lynch	Sather	Speaker
Druce	Maher		

NOT VOTING-1

Levdansky

EXCUSED-2

Corrigan

Phillips

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?

The SPEAKER pro tempore. Which amendment does the lady wish to offer next?

Ms. JOSEPHS. Mr. Speaker, I would like to offer 5229.

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

Ms. JOSEPHS offered the following amendment No. A5229:

Amend Sec. 4 (Sec. 6601), page 7, line 22, by inserting after "other" publicly owned

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The background of this amendment is this: Part of this bill purports to protect the Attorney General from frivolous suits that inmates are filing for perhaps not very serious violations of their life or degradation of the quality of their lives while in prison. If there is any justification for this kind of bill, this kind of provision, it should apply only to prisons which are owned publicly.

If and when — I certainly hope not when — but if sometime in the future we should have private prisons, it does not seem to me there ought to be any reason why we should protect them from liability. This amendment makes it clear that limitations on inmates' suits apply only to those inmates that are housed in publicly owned prisons.

I think this is a good bill, a good amendment, and I ask for your support. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Gannon, on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.
 Mr. Speaker, I rise in opposition to this amendment.
 The Constitution applies equally across the board to all prisons in the Commonwealth, and it does not make any sense at all to limit this bill just to publicly owned prisons, and I ask for a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Representative Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I have to say it heartens me to hear the majority chairman of the Judiciary Committee invoke the Constitution. However, I do not believe the Constitution has anything whatsoever to do with this issue. If somebody comes into this State to make money by housing our citizens, that businessperson, that person who is only here for the bottom-line profit, ought not to be shielded from liability from our citizens who are serving their time in that person's institution.

I urge a "yes" vote. This is sensible, and I would hate to be, let me tell you, I would hate to be voting against this and have my local paper, my local TV and radio stations, expose some sort of horrible scandal that is going on in an institution that is privately owned. If you want to protect yourself and if you want to do what is right, I would strongly urge that you vote for this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—75

Battisto	Coy	Lloyd	Shaner
Bebko-Jones	Curry	Lucyk	Staback
Belardi	Daley	Manderino	Steelman
Belfanti	DeWeese	McCall	Stetler
Bishop	Eachus	McGeehan	Sturla
Blaum	Evans	Melio	Surra
Butkovitz	George	Michlovic	Tangretti
Buxton	Gordner	Mundy	Tigue
Caltagirone	Gruitza	Myers	Travaglio
Cappabianca	Hanna	Oliver	Trello
Cam	Horsey	Pesci	Trich
Carone	Itkin	Petrone	Van Horne
Casorio	James	Preston	Veon
Cawley	Jarolin	Ramos	Vitali
Cohen, M.	Josephs	Roberts	Walko
Colafrilla	Kirkland	Robinson	Washington
Colaizzo	Laughlin	Roebuck	Williams, C.
Corpora	Lescovitz	Santoni	Wojnaroski
Cowell	Levdansky	Scrimenti	

NAYS—123

Adolph	Feese	Major	Schroder
Allen	Fichter	Markosek	Schuler
Argall	Fleagle	Marsico	Semmel
Armstrong	Flick	Masland	Serafini
Baker	Gannon	Mayernik	Seyfert
Bard	Geist	McGill	Smith, B.
Barley	Gigliotti	McIlhattan	Smith, S. H.
Barrar	Gladeck	McNaughton	Snyder, D. W.
Benninghoff	Godshall	Micozzie	Stairs
Birmelin	Gruppo	Miller	Steil
Boscola	Habay	Nailor	Stern
Boyes	Haluska	Nickol	Stevenson
Brown	Harhart	O'Brien	Strittmatter

Browne	Hasay	Olasz	Taylor, E. Z.
Bunt	Hennessey	Orie	Taylor, J.
Chadwick	Herman	Perzel	Thomas
Civera	Hershey	Petrarca	True
Clark	Hess	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Raymond	Waugh
Cornell	Kaiser	Readshaw	Williams, A. H.
Dally	Keller	Reber	Wilt
DeLuca	Kenney	Reinard	Wogan
Dempsey	Krebs	Rieger	Wright, M. N.
Dent	LaGrotta	Rohrer	Yewcic
Dermody	Lawless	Rooney	Youngblood
DiGirolamo	Lederer	Ross	Zimmerman
Donatucci	Leh	Rubley	Zug
Druce	Lynch	Sainato	
Egolf	Maher	Sather	Ryan, Speaker
Fairchild	Maitland	Saylor	
Fargo			

NOT VOTING—1

Pistella

EXCUSED—2

Corrigan

Phillips

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?

The SPEAKER pro tempore. Which amendment would the lady like to offer next?

Ms. JOSEPHS. Mr. Speaker, I am going to withdraw 5228, and with your permission, I would like to introduce 5227.

The SPEAKER pro tempore. 5227?

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

Ms. JOSEPHS offered the following amendment No. A5227:

Amend Title, page 1, line 2, by inserting after "PROVIDING" for appearance as counsel and
 Amend Bill, page 1, line 16, by striking out "SECTION 6152(A) and (C)" and inserting

Sections 2502(b) and 6152(a) and (c)
 Amend Sec. 1, page 1, by inserting between lines 17 and 18 § 2502. Certain persons not to appear as counsel.
 * * *

(b) Law clerks.—Except as otherwise prescribed by general rules, a law clerk serving on the personal staff of a judge of a court of common pleas may not appear in the same division of such court as an attorney at law before other judges of such court [notwithstanding the provisions of subsection (a)].

Amend Bill, page 18, lines 10 through 12, by striking out all of said lines and inserting

Section 6. This act shall apply as follows:

(1) The amendment of 42 Pa.C.S. § 2502 shall apply to actions filed on and after the effective date of that section.

(2) The amendment or addition of 42 Pa.C.S. § § 6152(a) and (c), 6152.1, 6155(b), 6158, 6159, Ch. 66, 8124(b)(1)(ix) and 9732

shall apply to cases pending, or prospective relief that remains in effect, on or after the effective date of this act.

On the question,

Will the House agree to the amendment ?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

We have had this amendment before the House previously. It did not pass, but I assume that was because most people did not hear it or could not hear it or did not understand it, so I am going to try again. But I would really respectfully request that those people who want to listen and cannot use the headphones, because they do not work, have the opportunity to listen.

The SPEAKER pro tempore. Will the lady suspend. I will try to help you.

The House will come to order. The members' headphones are not working; it is difficult to hear today. Members will take their conversations outside the hall of the House.

Let me repeat that: It is difficult to hear today. Members will take their conversations outside the hall of the House.

Representative Josephs, you can continue.

Ms. JOSEPHS. Thank you.

This amendment, again, goes to people's perception and the actual reality of the fairness of our court system. It would not allow a law clerk who is serving on the personal staff of a judge and is representing a client to appear before a judge who is in the same division in which that person's judge also sits. I think that anybody seeing a situation like that would see that there are possibilities for a conflict of interest. I think our courts ought to be above even the appearance of conflict of interest, and I urge that you give me an affirmative vote for this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Gannon, on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment clearly violates the rulemaking authority of the courts, but as a practical matter, it would be impossible to implement this amendment in those counties which only have one or two judges. It would just put a tremendous, if not impossible, burden on those county court systems, and I would ask for a "no" vote on this amendment.

The SPEAKER pro tempore. Representative Josephs, do you wish to be recognized for the second time ?

Ms. JOSEPHS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The lady is recognized.

Ms. JOSEPHS. The only thing I can say, briefly, is practicality is important, but the appearance and the real actuality of evenhanded, fair, and honest judgments is more important. This amendment goes towards that, and a "yes" vote will show that that is what we care about, and I believe that is what our citizens care about as well.

Thank you, Mr. Speaker. I strongly urge a "yes" vote.

On the question recurring,

Will the House agree to the amendment ?

The following roll call was recorded:

YEAS-64

Battisto	Curry	Lucyk	Staback
Bebko-Jones	Daley	McCall	Steelman
Belardi	Dermody	Melio	Stetler
Belfanti	DeWeese	Michlovic	Sturla
Bishop	George	Mundy	Surra
Blaum	Haluska	Myers	Tangretti
Buxton	Hanna	Oliver	Tigue
Caltagirone	Horsey	Pesci	Travaglio
Cappabianca	Itkin	Petrone	Trello
Carn	James	Ramos	Trich
Casorio	Jarolin	Roberts	Veon
Cawley	Josephs	Robinson	Vitali
Clark	Laughlin	Roeback	Walko
Cohen, M.	Lescovitz	Santoni	Washington
Colafella	Levdansky	Scrimenti	Williams, C.
Cowell	Lloyd	Shaner	Wojnaroski

NAYS-134

Adolph	Fairchild	Maitland	Sather
Allen	Fargo	Major	Saylor
Argall	Feese	Manderino	Schroder
Armstrong	Fichter	Markosek	Schuler
Baker	Fleagle	Marsico	Semmel
Bard	Flick	Masland	Serafini
Barley	Gannon	Mayernik	Seyfert
Barrar	Geist	McGeehan	Smith, B.
Benninghoff	Gigliotti	McGill	Smith, S. H.
Birmelin	Gladeck	McIlhatten	Snyder, D. W.
Boscola	Godshall	McNaughton	Stairs
Boyes	Gordner	Micozzie	Steil
Brown	Gruitza	Miller	Stern
Browne	Gruppo	Nailor	Stevenson
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Harhart	O'Brien	Taylor, E. Z.
Carone	Hasay	Olasz	Taylor, J.
Chadwick	Hennessey	Oris	Thomas
Civera	Herman	Perzel	True
Clymer	Hershey	Petrarca	Tulli
Cohen, L. I.	Hess	Pippy	Vance
Colaizzo	Hutchinson	Pistella	Van Home
Cornell	Jadlowiec	Platts	Waugh
Corpora	Kaiser	Preston	Williams, A. H.
Coy	Keller	Raymond	Wilt
Dally	Kenney	Readshaw	Wogan
DeLuca	Kirkland	Reber	Wright, M. N.
Dempsey	Krebs	Reinard	Yewcic
Dent	LaGrotta	Rieger	Youngblood
DiGirolamo	Lawless	Rohrer	Zimmerman
Donatucci	Lederer	Rooney	Zug
Druce	Leh	Ross	
Eachus	Lynch	Rublely	Ryan,
Egolf	Maher	Sainato	Speaker

NOT VOTING-1

Evans

EXCUSED-2

Corrigan

Phillips

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. GEORGE offered the following amendment No. A5260:

Amend Title, page 1, line 9, by striking out “, for payment of damages,” and inserting

and for payment of damages; further providing

Amend Title, page 1, line 10, by inserting after “ACCOUNTS”

; providing for environmental law or regulation;

Amend Title, page 1, line 11, by inserting after “AND”

further providing

Amend Sec. 5, page 17, line 1, by striking out all of said line and inserting

Section 5. Section 8124(b)(1)(ix) of Title 42 is

Amend Bill, page 17, by inserting after line 30

Section 6. Title 42 is amended by adding a section to read:

§ 8340.1. Environmental law or regulation.

(a) General rule.—A person who acts in furtherance of the person’s right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with an issue related to enforcement or implementation of environmental law or regulation shall be immune from civil liability in any action regardless of intent or purpose except where the communication to the government agency is not genuinely aimed at procuring a favorable governmental action, result or outcome. A communication is not genuinely aimed at procuring a favorable governmental action, result or outcome if it is not material or relevant to the enforcement or implementation of environmental law or regulation.

(b) Motion to strike.—

(1) A cause of action against a person arising from any act of that person in furtherance of the person’s right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue shall be subject to a special motion to strike unless the court determines that the plaintiff has established that there is a substantial likelihood that the plaintiff will prevail on the claim. In making its determination, the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based. The court shall advance any motion to strike so that it may be heard and determined with as little delay as possible.

(2) The court shall stay all discovery proceedings in the action upon the filing of a motion to strike, provided, however, that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of the entry of the order ruling on the motion to strike.

(3) If the court determines that the plaintiff has established that there is a substantial likelihood that he will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination.

(4) The special motion may be filed within 60 days of the service of the complaint or, in the court’s discretion, at any later time upon terms it deems proper.

(c) Attorney fees.—If a person successfully defends against an action under this section, that person shall be awarded reasonable attorney fees and the costs of litigation. If the person prevails in part, the court may award reasonable attorney fees and costs of litigation or an appropriate portion thereof. A person successfully defends against an action if the person prevails on a motion to strike a cause of action under subsection (b) or later prevails on the merits in the action.

(d) Intervention of government agency.—The government agency involved in the furtherance of a person’s right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue shall have the right to

intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

(e) Construction.—Nothing in this section shall be construed to limit any constitutional, statutory or common-law protections of defendants to actions involving public petition and participation.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Act in furtherance of a person’s right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue.” Any written or oral statement or writing made before a legislative, executive or judicial proceeding, or any other official proceeding authorized by law; any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive or judicial body, or any other official proceeding authorized by law; any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; or any written or oral statement or writing made to a government agency in connection with the implementation and enforcement of environmental law and regulations.

“Enforcement of environmental law and regulations.” Any activity related to the identification and elimination of violations of environmental laws and regulations, including investigations of alleged violations, inspections of activities subject to regulation under environmental law and regulations and responses taken to produce correction of the violations.

“Government agency.” The Federal Government, the Commonwealth and all of its departments, commissions, boards, agencies and authorities, and all political subdivisions and their authorities.

“Implementation of environmental law and regulations.” Any activity related to the development and administration of environmental programs developed under environmental law and regulations.

Section 7. Section 9732 of Title 42 is amended to read:

Amend Sec. 6, page 18, line 10, by striking out “6” and inserting

8

Amend Sec. 7, page 18, line 13, by striking out “7” and inserting

9

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, per your indulgence, I would like to make a statement on this amendment.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GEORGE. Mr. Speaker, some weeks ago this membership had agreed with me extensively and we placed this amendment into a bill, and it now is over in the Senate languishing. I do not know, Mr. Speaker, how long it will languish, but my purpose is not to place amendments in to be obstructive but to place amendments in that do what the people have sent us here to do.

AMENDMENT WITHDRAWN

Mr. GEORGE. Now, with your permission, I am going to withdraw this SLAPP (strategic lawsuits against public participation) amendment, because that is what this amendment is, Mr. Speaker. It is an amendment that 17 States have passed. You have helped me send it over to the Senate, and if the Senate does not take action on it, you can expect, Mr. Speaker, you do not have enough paper left where I am going to amend these bills. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.
The gentleman withdraws the amendment.

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Nickol, for the purpose of making a motion.

Mr. NICKOL. Thank you, Mr. Speaker.

I have a technical amendment adding a definition to the portion of the bill dealing with medical records copying charges. It requires a suspension of the rules, so I hereby move to suspend the rules to allow for the immediate consideration of amendment A0206. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Nickol, moves that the rules of the House be suspended so that he may immediately offer amendment A0206.

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

The SPEAKER pro tempore. The House will be at ease momentarily.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, we do not oppose the motion to suspend the rules. The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-193

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

Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Pippy	Vance
Civera	Hutchinson	Pistella	Van Home
Clark	Itkin	Preston	Veon
Clymer	Jadlowiec	Ramos	Vitali
Cohen, L. I.	James	Raymond	Walko
Cohen, M.	Jarolin	Readshaw	Washington
Colafiglia	Josephs	Reber	Waugh
Colaizzo	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Cowell	Kirkland	Robinson	Wogan
Coy	LaGrotta	Roebuck	Wojnaroski
Curry	Laughlin	Rohrer	Wright, M. N.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Ross	Youngblood
DeLuca	Lescovitz	Rublely	Zimmerman
Dempsey	Levdansky	Sainato	Zug
Dent	Lloyd	Santoni	
Dermody	Lucyk	Sather	Ryan, Speaker
DeWeese	Lynch	Saylor	
DiGirolamo	Maher	Schroder	

NAYS-5

Carone	Krebs	Platts	Steil
Hanna			

NOT VOTING-1

Lawless

EXCUSED-2

Corrigan Phillips

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

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

Mr. NICKOL offered the following amendment No. A0206:

Amend Bill, page 6, by inserting between lines 24 and 25 Section 4. Title 42 is amended by adding a section to read:

§ 6160. Definitions.

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

"Insurer" A foreign or domestic insurance company, association or exchange holding a certificate of authority under the act of May 17, 1921 (P.L. 682, No. 284), known as The Insurance Company Law of 1921, a health maintenance organization holding a certificate of authority under the act of December 29, 1972 (P.L. 1701, No. 364), known as the Health Maintenance Organization Act, a hospital plan organization holding a certificate of authority under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations), a professional health services plan corporation holding a certificate of authority under 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations), a fraternal benefit society holding a certificate of authority under the act of December 14, 1992 (P.L. 835, No. 134), known as the Fraternal Benefit Societies Code, or a risk-assuming preferred provider organization operating pursuant to section 630 of The Insurance Company Law of 1921.

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

Amend Sec. 5, page 17, line 2, by striking out "5" and inserting

6

Amend Sec. 6, page 18, line 10, by striking out "6" and inserting

7

Amend Sec. 7, page 18, line 13, by striking out "7" and inserting

8

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

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

Mr. NICKOL. Thank you, Mr. Speaker.

As I said before, my amendment addresses the medical records copying charge portion of this bill. What it essentially— The bill itself exempts insurers from paying these copying charges when they are obtaining records needed to validate claims. All my amendment does is it offers an amendment for the term "insurers." There are various definitions of "insurers" in various laws of the Commonwealth. Unfortunately, Title 42 has no definition, and this just nails down the definition.

I would appreciate the members' support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset County, Mr. Lloyd, on the amendment.

Mr. LLOYD. Mr. Speaker, I apologize. We did not have a copy of the amendment when Mr. Nickol was explaining it, and we could not hear the explanation of what this amendment does. So I wonder—

The SPEAKER pro tempore. Would the gentleman—

Mr. LLOYD. —I wonder, under interrogation, not to use up his second turn, if he would stand for interrogation and explain again what the amendment does.

The SPEAKER pro tempore. The Chair was going to suggest exactly that. The gentleman indicates he is willing to stand for interrogation. You are in order and may proceed.

Mr. NICKOL. Thank you.

Under various statutes of this Commonwealth, there are different definitions of the term "insurers." There is no definition in Title 42. So what we are trying to do is nail down the general definition of "insurer" so that it removes any ambiguity in the future and you do not continue having the fights that have occurred over the previous terms of "actual" and "reasonable" expenses that were previously used in the law governing the charging for medical records copying.

Mr. LLOYD. Mr. Speaker, I could hear about two-thirds of that, but is there a specific incident which occurred which makes it necessary to put this amendment into the bill?

Mr. NICKOL. Essentially what it is is a fear that this— With the old definition, there were several class-action suits that were initiated over copying charges, a variety of local court rules and procedures throughout the Commonwealth, and there are frequent disputes. So with that in the background, the people who were working on this bill to try to come to some agreement, they all agreed that insurers should not have to pay the copying charges.

And there is a fear among some as to, well, what is the definition of an "insurer," because if you went into the Insurance Company Law, for example, you would not find that a health maintenance organization is included in the definition of "insurer" in that law. So it was to try to bring all of what we would consider

"insurers" into the definition so that it is very explicit that those insurers do not have to pay for medical records copying charges.

Mr. LLOYD. You are turning away from the microphone, and I am not catching what it is that you want them to have to pay.

Mr. NICKOL. I do not intend that they pay anything. The bill exempts insurers when they are obtaining records needed to validate claims. What this does is defines what "insurers" are, and it is to sidestep any ambiguity, because if you went, for example, to the Insurance Company Law of 1921, you would find a definition of "insurer" which, for example, does not cover health maintenance organizations.

Mr. LLOYD. So in other words, this chapter into which you are putting this definition applies only to obtaining medical records or accident records and who has to pay to get those.

Mr. NICKOL. The gentleman is correct.

Mr. LLOYD. So this does not affect anybody else's rights under any other circumstances under Title 42.

Mr. NICKOL. The gentleman is correct.

Mr. LLOYD. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Gannon, on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I support the amendment.

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

The following roll call was recorded:

YEAS—198

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

Colaizzo	Keller	Reber	Waugh
Cornell	Kenney	Reinard	Williams, A. H.
Corpora	Kirkland	Rieger	Williams, C.
Cowell	Krebs	Roberts	Wilt
Coy	LaGrotta	Robinson	Wogan
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, M. N.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dempsey	Lescovitz	Rubley	Zimmerman
Dent	Levdansky	Sainato	Zug
Dermody	Lloyd	Santoni	
DeWeese	Lucyk	Sather	Ryan,
DiGirolamo	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—1

Eachus

EXCUSED—2

Corrigan

Phillips

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

The question is, shall the bill pass finally?

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

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, since 1993 I have introduced legislation that deals with the topic of the first three sections of this bill before us, SB 640, and that obviously deals with the issue of medical records.

The legislation that I have advanced differs in one, I think, rather large respect compared to this bill before us, and that is, outlined in SB 640 is a fee schedule that would permit medical record copying firms, health insurers, hospitals, whomever, to charge on a sliding scale different fees. For example, as I read the bill, consumers would be asked to pay \$1.50 for the first 20 pages that they may request, 75 cents for pages 21 through 60, and 25 cents for pages 61 and above.

In my estimation, the \$1.50 for the first 20 pages and the 75 cents for pages 21 through 60 seems on the surface to be excessive. I would argue that understanding that there is more involved than just photocopying documents—

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

The SPEAKER. The gentleman will yield.

A moment ago, a moment ago, I was requested to walk around the floor and see for myself that you could not understand the

various speakers. Apparently the sound system, at least insofar as the earphone part of it is concerned, is not working.

Now, I am going to ask the members to discontinue — please — discontinue conversations on the floor and take them off the floor so that those who wish to listen to the debate can listen to the debate.

The Sergeant at Arms, I would like you, on your own, to break up any conversations on the side aisles and behind the rails and in the aisles. I would appreciate it if you would do that at least until such time as this sound system is back in operating order. Thank you.

The gentleman may continue.

Mr. ROONEY. Thank you, Mr. Speaker.

Again, I was suggesting that the fee structure contained in SB 640, again at \$1.50 for the first 20 pages, 75 cents for pages 21 through 60, and 25 cents for pages 61 and over, may on the surface seem to be excessive, and I think you could make a very compelling argument that that would be true. But considering the current situation in Pennsylvania, because we have no regulations governing the reproduction of medical records, the consumers of this Commonwealth are bearing an even greater burden.

I have had many, many instances and documents that have been presented to me where consumers in Pennsylvania have been charged upwards of \$25 per page. I have in the file a documented situation where a person requested three pages of medical records. The circumstance was that an older person was seeking admittance into a nursing home. They requested their medical records. Fortunately, this person had been healthy all their adult life and only had three pages of medical records, but they paid \$150 to get them.

Now, again, while I would argue that \$1.50 for the first 20 pages may be excessive, it is a much better deal for the people of Pennsylvania than they currently have. So with having noted some of my objections concerning the fee structure outlined in this, I would venture to guess the people of this Commonwealth would be much better served by paying \$1.50 for the first couple pages than they would be paying \$150 for the first three pages of their medical records.

Having said that, I would urge my colleagues on both sides of the aisle to support final passage of SB 640. Thanks, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I urge a “yes” vote on final passage of SB 640.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to support SB 640 and the medical records provisions. This legislation sets forth a uniform schedule to satisfy the interests of patients, doctors, hospitals, and medical record service companies that provide this valuable service.

This bill and this provision is supported by a broad range of interested constituencies, including the Hospital and Healthsystem Association of Pennsylvania, Pennsylvania Medical Society, the Trial Lawyers Association of Pennsylvania, and it reflects comments from the Office of Attorney General and the Office of General Counsel.

This is agreed-to language which will lower the cost of litigation while adequately protecting the revenue base for the copying companies. Therefore, Mr. Speaker, I would urge everyone to support final passage of SB 640. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—198

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

NAYS—1

Josephs

NOT VOTING—0

EXCUSED—2

Corrigan Phillips

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

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

VOTE CORRECTION

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

Mr. EACHUS. Mr. Speaker, A206 to SB 640, I was not recorded on that vote. Please, sir, I would like to be recorded in the affirmative.

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

Mr. EACHUS. Thank you.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 492, PN 1507, entitled:

An Act providing for real estate broker liens in the amount of compensation due for services rendered by the broker in connection with certain real estate transactions.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. McNaughton, who offers the following amendments. It is the understanding of the Chair that the gentleman has five amendments. Is that accurate?

Mr. McNAUGHTON. Yes.

The SPEAKER. The gentleman will offer his first amendment. The clerk will read the first amendment.

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

Mr. McNAUGHTON offered the following amendment No. A0025:

Amend Sec. 2, page 1, line 16, by striking out "one to four"
Amend Sec. 2, page 2, lines 1 through 4, by striking out all of said lines and inserting

- (2) All unimproved real estate.
- (3) Any real estate transactions of buildings selling for less than \$20,000,000.

Amend Sec. 2, page 2, lines 9 and 10, by striking out "containing more than four residential units"

Amend Sec. 11, page 9, lines 1 through 7, by striking out all of lines 1 through 6 and "(B) DISCHARGE OF LIEN" in line 7 and inserting Section 11. Discharge of lien.

(a) General rule

- Amend Sec. 11, page 9, line 14, by striking out "(C)" and inserting
(b)
- Amend Sec. 11, page 9, line 18, by striking out "(D)" and inserting
(c)
- Amend Sec. 11, page 9, line 26, by striking out "(E)" and inserting
(d)

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

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. McNaughton. The gentleman will yield.

Members will take their seats. Members of staff not involved in SB 492 will kindly leave the floor or take seats in the assigned areas on the floor.

Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, the purpose of this amendment is to allow three items to occur: one, that the lien provision is not applicable to those transactions involving unimproved real estate; the second is, it is not applicable in those transactions for less than \$20 million; and the third provision is that it is a waivable or negotiable item as a part of the real estate transaction.

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

Mr. FLICK. Thank you, Mr. Speaker.

I rise to share with my colleagues some of my views on this bill. I am not the prime sponsor of the bill; it is a Senate bill, but I am a licensed real estate broker and have been since 1972.

Principally, I have been involved in residential real estate, but I have worked with a number of builders in selling large parcels of ground and then marketing homes for them. I have also worked on a number of commercial transactions, and I would suggest that the only transaction for which I was not paid was the commercial-loan transaction.

The reason this bill has been offered and the reason the gentleman rises with his amendments is because it involves a lot of money. If the gentleman is successful in amending the bill, he would basically gut the bill. You are talking about properties in excess of \$20 million. Well, that is a lot of money, Mr. Speaker. You know, a 5-percent commission, that is a \$1-million commission. Most individuals do not have many million-dollar commissions.

If you talk about all improved ground — you are talking about most of the ground — the way the bill is written now, it does not apply to residential transactions where you have units of one to four units. It involves properties that developers would generally hold, income-producing properties. It does not apply to your residential properties. It does not apply to agricultural land. It applies to generally those types of properties that are commercial, and that is what the bill is trying to do. It is dealing with properties that are sold for substantially large amounts of money where an individual broker has secured a listing agreement in writing as he has negotiated the terms with the owner, then that individual has worked hard for months and possibly years to procure a ready, willing, and able buyer, and in fact that buyer does enter into an agreement of sale with the seller based on terms the seller is willing to accept, and you are talking about transactions which do not occur every week. You are talking about large transactions.

Mr. Speaker, this amendment would gut the bill, and I would urge the members to defeat the McNaughton amendment, which is A0025.

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I hope we can keep the comments relative to the bill when the bill comes up for final passage. These, I hope, are going to be kept mostly towards the amendments themselves.

The amendment is being offered because the commercial real estate brokers have informed us via mail, via fax, via any other means of communication, that the reason they need this lien provision is because they get stiffed on large real estate transactions, Mr. Speaker. Mr. Speaker, if we are going to do this and we truly want to protect the real estate brokers' dollars on the very large transactions, then we should make this provision applicable for those very large transactions, Mr. Speaker. That is exactly what this amendment does. It protects the real estate brokers. It gives them exactly what they want, and that is protection on the large real estate transactions.

It is on those real estate transactions, Mr. Speaker, that I have been told causes them to go into bankruptcy and lose their firms. There were 42,000 bankruptcies in the Commonwealth of Pennsylvania last year. Less than one-half of 1 percent of those 42,000, Mr. Speaker, are relative to real estate brokers. We are talking less than 2,000 total bankruptcies in this Commonwealth, and those, we are told, occur because of very large real estate transactions for which they are not justly compensated.

This protects what the real estate brokers want, Mr. Speaker, and I think it is a good amendment and we should pass it, and I recommend a "yes" vote.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

It seems to me that nobody, no matter what their business, no matter what line of work they are in, should get stiffed on any contract that they have entered into. If it is a commission for a \$10,000 fee or a \$500 fee, if they have entered into a contract that is going to be supported by our courts, that has been recognized by the law for hundreds of years, going back to the common law, basic contract law says that under the laws of this Commonwealth, they are entitled to the consideration that they have negotiated for and they should be paid. So to just simply set a \$20-million threshold and say that anything under that we are not going to enforce in this manner, I do not think holds up. I think that we should support our contracts, and if people are getting beat out of fees that they are entitled to, we should try to help them to remedy that problem. Thank you.

The SPEAKER. On the question, Mr. Flick.

Mr. FLICK. Mr. Speaker, I would point out one other provision that the McNaughton amendment deletes in the bill, and that is the provision that would put a real estate broker at risk in the position where— Under the writing of the bill, the broker would not be forced to waive the right to place a lien on the property, and the McNaughton amendment removes that and therefore would push the issue to one of intimidation, Mr. Speaker. I would urge that we oppose this.

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

The following roll call was recorded:

YEAS—9

Browne	Feese	O'Brien	Snyder, D. W.
Cohen, L. I.	McNaughton	Reber	Steil
Dent			

NAYS—188

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

NOT VOTING—2

Barley	Carone
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EXCUSED—2

Corrigan	Phillips
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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. McNAUGHTON offered the following amendment No. A0026:

Amend Sec. 2, page 1, line 16, by striking out "one to four"
Amend Sec. 2, page 2, lines 9 and 10, by striking out "containing more than four residential units"

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

AMENDMENT WITHDRAWN

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

Mr. McNAUGHTON. Mr. Speaker, I would like to pull this amendment and the amendment 0028.

The SPEAKER. The gentleman, Mr. McNaughton, is withdrawing the amendments 0026 and 0028.

Mr. McNaughton, are you offering 28?

Mr. McNAUGHTON. Mr. Speaker, I would like to offer 27 and 29.

The SPEAKER. All right. The clerk will read amendment 27.

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

Mr. McNAUGHTON offered the following amendment No. A0027:

Amend Sec. 2, page 2, lines 1 through 4, by striking out all of said lines and inserting
(2) All unimproved real estate.

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

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. McNaughton, on amendment 0027.

Mr. McNAUGHTON. Mr. Speaker, what this amendment simply does is it waives the lien provision for the unimproved real estate.

The SPEAKER. The gentleman, Mr. Flick.
Mr. FLICK. Thank you, Mr. Speaker.
Again I would urge my colleagues to oppose the amendment.

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

The following roll call was recorded:

YEAS-13

Browne	Fichter	McNaughton	Seyfert
Cohen, L. I.	George	O'Brien	Steil
Dent	Harhart	Reber	Wilt
Feese			

NAYS-185

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

NOT VOTING-1

Masland

EXCUSED-2

Corrigan Phillips

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?

The SPEAKER. It is the understanding of the Chair that the other amendments that were scheduled to be offered by the gentleman are withdrawn.

It is the understanding of the Chair that Mr. Feese's amendments are withdrawn. Is that accurate, Mr. Feese?

Mr. Snyder's amendments are withdrawn. Your amendments are withdrawn, Mr. Snyder?

Mr. Reber, are your amendments withdrawn? Yes.

Mr. Gordner? Mr. Gordner's amendments are withdrawn.

Thank you.

Mr. George, do you have amendments? We were on a roll.

The clerk will read the George amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. A5292:

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

and for disclosures.

Amend Sec. 6, page 5, line 16, by inserting after "section"

or if the provisions of subsection (i) are not met

Amend Sec. 6, page 6, by inserting between lines 3 and 4

(i) Disclosure.—No lien shall attach unless the disclosure requirements of the act of July 2, 1996 (P.L.500, No.84), known as the Real Estate Seller Disclosure Act, are complied with and the following information is disclosed in writing:

Sewage sludge

(1) Are you aware of any sewage sludge that was applied to your property within the last 15 years?

..... yes no

(2) If "yes," was the sewage sludge tested for any of the following pollutants: arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium or zinc?

..... yes no

(3) If "yes," please explain the results of the test, indicating whether the pollutant was discovered and at what concentration:

On the question,

Will the House agree to the amendment?

The SPEAKER. Please, once again, may I remind the members that the sound system is working improperly. We are asking the cooperation of the members in keeping quiet.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does not hurt a realtor. I had calls from realtors, and I admit that a couple of them said, well, what will this do? Well, it does not do anything but guarantee that the procurer, the individual that bought the property, is not going to go into some type of litigation a year from now claiming he was sold something that he did not understand anything about. All this does is insist that a disclosure shall be offered by any individual or realtor that sells land that sewage sludge had been applied to in the last 15 years.

I thank the membership for their attention, Mr. Speaker, because this bill is really more important than those that may believe it is only an effort in futility.

The SPEAKER. Will the gentleman yield.

Please, members will take their seats; please. Staff on the floor not concerned with this particular bill will be seated, or your staff privileges will be removed.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I do not know of any bill that will surface out of the 4,000 bills that will be any more proper to put an amendment such as this within, an amendment that will insist that we who purchase this land — you, your family, your constituent, whoever — will know just what was spread on that land.

Now, let me say this, Mr. Speaker, and if it is only going to be for one moment, listen to the argument I am going to give you. The dozen times in a given week we look at a label— I wish I had your gavel, Mr. Speaker. Maybe they do not care, Mr. Speaker. Maybe there are only a few of us who care about something this important. I would like to think that the majority here really do care.

This amendment just insists that if sewage sludge was applied on the land, had it been tested? Had it while it was tested shown that any arsenic was present, whether any cadmium was present, copper, lead, mercury, molybdenum, nickel? I can go on and on, and let me say the reason I am making this argument. Mr. Speaker, every day of our life, if we eat something, we look at a label. Now, if in fact it is important that we read a label and the label tells us simply of good ingredients that are necessary for the well-being of our bodies — sodium, sugar, iron, concentrate, zinc — if in fact our labels tell us this, the important thing that the label does not tell us — and we accept that — is the dosage. It does not tell us how much of any of those items can basically harm us if they are ingested in a manner that exceeds that dosage or that application.

This amendment does not do anything but protect your constituents. I feel, Mr. Speaker, that there should not be a legitimate realtor that would come to you and say, this bill will not protect you. It will protect you, it will protect your constituents, and I daresay, it will protect the realtor.

I ask that we support this. This is good housekeeping. This is good legislation. This is something that will protect our people. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

The SPEAKER. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, I do not believe that this amendment is germane to this bill. This bill deals with commercial real property; excludes residential property, one to four units—

The SPEAKER. Mr. Flick? Will the gentleman yield. Have you raised the question of germaneness?

Mr. FLICK. Yes, sir, I did; yes, sir.

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Flick, raises the question of the germaneness of the amendment. In that situation, under the rules of the House, the determination as to whether or not an amendment is or is not germane is determined by the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On the question of germaneness, the Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I would direct my colleagues' attention to page 1, line 15, of the bill, which indicates that we are talking about " 'Commercial real estate.' Any real estate other than: (1) Real estate containing one to four residential units" or "(2) Real estate that is zoned for agricultural purposes...."

Mr. Speaker, the Real Estate Seller Disclosure Act applies to residential property, one to four units, so they are mutually exclusive, Mr. Speaker, and this is not germane to this bill.

The SPEAKER. On the question as to whether or not the amendment is germane to the subject, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, when an argument is presented that really does not make a lot of logic, they are the toughest arguments to deal with. Maybe Mr. Flick does not know it, but the members on his side of the aisle and my side of the aisle who live in a county where there is coal mining and they are spreading sludge and they involve thousands of acres, if those acres are not commercial, I do not know what they are. So if in fact he does not care about your area or my area, at least those of us that care about each other's area will understand that this is the only argument they can give, because it is a good argument and they want to rule it not germane, and I would say to you, Mr. Speaker, if this is not germane, nothing is germane.

The SPEAKER. On the question of germaneness, those believing the amendment to be germane will vote "aye"; those believing the amendment to be nongermane will vote in the negative.

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-103

Baker	Donatucci	Manderino	Sainato
Battisto	Eachus	Markosek	Santoni
Bebko-Jones	Evans	Marsico	Scrimenti
Belardi	Feese	Masland	Shaner
Belfanti	Fichter	McCall	Smith, S. H.
Birmelin	George	McGeehan	Staback
Blaum	Gigliotti	McNaughton	Steelman
Butkovitz	Gordner	Melio	Stetler
Buxton	Gruitza	Michlovic	Sturla
Caltagirone	Haluska	Mundy	Surra
Cappabianca	Hanna	Myers	Tangretti
Cam	Herman	Olasz	Thomas
Casorio	Horsey	Oliver	Tigue
Cawley	Itkin	Pesci	Travaglio
Clark	James	Petrarca	Trello
Cohen, M.	Jarolin	Petrone	Trich
Colafiglia	Josephs	Pistella	Van Horne
Colaizzo	Keller	Preston	Veon
Corpora	Kirkland	Ramos	Vitali
Cowell	LaGrotta	Readshaw	Walko
Coy	Laughlin	Reber	Washington
Curry	Lederer	Rieger	Williams, A. H.
Daley	Lescovitz	Roberts	Wojnaroski
DeLuca	Levdansky	Robinson	Yewcic

Dermody	Lloyd	Roebuck	Youngblood
DeWeese	Lucyk	Rooney	

NAYS-96

Adolph	Egolf	Maitland	Serafini
Allen	Fairchild	Major	Seyfert
Argall	Fargo	Mayernik	Smith, B.
Armstrong	Fleagle	McGill	Snyder, D. W.
Bard	Flick	McIlhattan	Stairs
Barley	Gannon	Micozzie	Steil
Barrar	Geist	Miller	Stern
Benninghoff	Gladeck	Nailor	Stevenson
Bishop	Godshall	Nickol	Strittmatter
Boscola	Gruppo	O'Brien	Taylor, E. Z.
Boyes	Habay	Orie	Taylor, J.
Brown	Harhart	Perzel	True
Browne	Hasay	Pippy	Tulli
Bunt	Hennessey	Platts	Vance
Carone	Hershey	Raymond	Waugh
Chadwick	Hess	Reinard	Williams, C.
Civera	Hutchinson	Rohrer	Wilt
Clymer	Jadlowiec	Ross	Wogan
Cohen, L. I.	Kaiser	Rubley	Wright, M. N.
Cornell	Kenney	Sather	Zimmerman
Dally	Krebs	Saylor	Zug
Dempsey	Lawless	Schroder	
Dent	Leh	Schuler	Ryan,
DiGirolamo	Lynch	Semmel	Speaker
Druce	Maher		

NOT VOTING-0

EXCUSED-2

Corrigan	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was declared germane.

The SPEAKER. On the question, the "yeas" are 92; the "nays," 94.

Less than a majority having voted in the affirmative, the amendment is found to be nongermane to the issue.

The Chair apologizes. The Chair's machine is going crazy here.

Mr. GEORGE. Mr. Speaker, I do not want to challenge your authority; I just want to challenge your eyesight.

The SPEAKER. I would like you to come up here and read this machine.

Mr. GEORGE. You fought for the job; you can have it.

The SPEAKER. Right now it is reading, "Line ends with CR; address 00; baud rate 9600." I do not know what it means.

On the question, the "yeas" are 103; the "nays," 96.

The majority having voted in the affirmative, the determination has been made that the amendment is germane.

The Chair apologizes for the mixup and asks the clerk to take a look at the board of the Speaker.

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

The SPEAKER. Does the gentleman, Mr. George, desire to be recognized for the second time on the issue? Mr. George?

Mr. GEORGE. Pardon me, Mr. Speaker?

The SPEAKER. I asked, do you desire to be recognized for the second time on the issue, the issue being your amendment?

Mr. GEORGE. I thank the Speaker for his flexibility.

I simply say that we have shown just a moment ago that we are a responsible group who understand the needs of the constituents. This bill will help realtors. The bill will help the unsuspecting buyer. The bill is proper. I would ask that you vote affirmatively. Thank you, Mr. Speaker.

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

Mr. FLICK. Thank you, Mr. Speaker.

I am having a little trouble understanding the wording of the amendment. Now, as I read this amendment— And again, the gentleman is hopeful that more properties will fall under disclosure if this amendment is added. I assume that that is the direction the gentleman is coming from. However, the way the amendment is written, if a seller wishes to avoid having a lien placed on his property, the seller just does not disclose the information. So in essence, the amendment is drafted backwards, because for a seller to avoid paying the commission — and of course, this legislation is drafted so that if a broker works trustworthily, secures a buyer, and the property is to be conveyed, that that individual is paid — but if the seller wishes to avoid paying that commission, under the terms of this amendment, all the seller would have to do is not come under the terms of the disclosure act.

This amendment is drafted improperly. It does not accomplish what the maker of the amendment wishes, and it in fact defeats the purpose of the freestanding act. Again I would urge a "no" vote, Mr. Speaker.

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-92

Allen	Daley	Levdansky	Scrimenti
Argall	DeLuca	Lloyd	Serafini
Baker	Dent	Lucyk	Shaner
Battisto	Dermody	Manderino	Smith, B.
Bebko-Jones	DeWeese	Markosek	Smith, S. H.
Belardi	Druce	Masland	Staback
Belfanti	Eachus	McCall	Stairs
Birmelin	Evans	McNaughton	Steelman
Blaum	Fairchild	Michlovic	Sturla
Brown	Feese	Mundy	Surra
Butkovitz	George	Myers	Tangretti
Caltagirone	Gigliotti	Nailor	Tigue
Cappabianca	Gordner	Olasz	Travaglio
Carn	Gruitza	Orie	Trello
Carone	Haluska	Pesci	Trich
Cawley	Hanna	Petrarca	Van Home
Clark	Herman	Petrone	Veon
Cohen, M.	Horsey	Pistella	Vitali
Colafrilla	James	Ramos	Walko
Colaizzo	Josephs	Robinson	Washington
Corpora	Keller	Roebuck	Wojnaroski
Cowell	Kirkland	Rooney	Yewcic
Curry	Laughlin	Santoni	Youngblood

NAYS-107

Adolph	Gannon	Marsico	Schroder
Armstrong	Geist	Mayernik	Schuler
Bard	Gladeck	McGeehan	Semmel

Barley	Godshall	McGill	Seyfert
Barrar	Gruppo	McIlhattan	Snyder, D. W.
Benninghoff	Habay	Melio	Steil
Bishop	Harhart	Micozzie	Stern
Boscola	Hasay	Miller	Stetler
Boyes	Hennessey	Nickol	Stevenson
Browne	Hershey	O'Brien	Strittmatter
Bunt	Hess	Oliver	Taylor, E. Z.
Buxton	Hutchinson	Perzel	Taylor, J.
Casorio	Itkin	Pippy	Thomas
Chadwick	Jadlowiec	Platts	True
Civera	Jarolin	Preston	Tulli
Clymer	Kaiser	Raymond	Vance
Cohen, L. I.	Kenney	Readshaw	Waugh
Cornell	Krebs	Reber	Williams, A. H.
Coy	LaGrotta	Reinard	Williams, C.
Dally	Lawless	Rieger	Wilt
Dempsey	Lederer	Roberts	Wogan
DiGirolamo	Leh	Rohrer	Wright, M. N.
Donatucci	Lescovitz	Ross	Zimmerman
Egolf	Lynch	Rublely	Zug
Fargo	Maher	Sainato	
Fichter	Maitland	Sather	Ryan,
Fleagle	Major	Saylor	Speaker
Flick			

NOT VOTING-0

EXCUSED-2

Corrigan Phillips

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?
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?

The gentleman, Mr. Steil.
Mr. STEIL. Thank you, Mr. Speaker.
I rise to oppose SB 492.

I think there are several very good reasons why we should not support this piece of legislation; first and foremost, because no one has defined the problem. Over the last several months, I have asked representatives of the industry to tell me how frequently a broker does not get paid for his services or tell me how many dollars are lost each year in agency fees not paid. No one can tell us what that problem is. I do not know if it is 1 percent of the transactions, 5 percent, 10 percent, or more. Now, that seems strange to me, because in any business I have ever been connected with and in my own business, I can certainly tell you what my bad debts are. For some reason the industry is unable to define the amount of their bad debts. Does it happen that certain brokers and agencies do not get paid? Certainly. We all have bad debts in this business. But we do not have the right to lien properties without the judgment of the court. So the first reason we ought to oppose this is because there is no defined problem; we do not know what we are trying to correct, and it would appear, on the surface, that

we are trying to pass legislation which impacts a relatively small number of transactions.

The second reason we ought to oppose this legislation is very simply that it is one segment of the business community asking for an advantage that other segments of the business community do not have. If we pass this, the real estate community will have an advantage in their ability to lien properties directly that no other businessperson will have. Now, all of us, under present law, when we are not paid, have the right to go to court and get a judgment and lien properties. Why are we creating a piece of legislation that now gives one segment of the community an advantage the others do not have? If we pass this, it is quite likely that other segments will soon be upon this chamber asking for the same kind of protection, and it will be never ending.

Therefore, this is an extremely precedent-setting piece of legislation, and we should oppose it. Thank you.

The SPEAKER. The lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the gentleman, Mr. Flick, stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Ms. MANDERINO. Thank you, Mr. Speaker.

Just for the record, I want to ask a few questions about the limitations of the language in the current proposal and also the intent of the legislation.

Am I correct in my understanding that as written right now, SB 492 applies only to commercial real estate?

Mr. FLICK. Yes. "Commercial real estate" is defined in the legislation, and it is the intent that it apply to that real estate as defined under the definition of "commercial real estate."

Ms. MANDERINO. Is it your understanding that as the language is currently written, this could not apply to residential transactions?

Mr. FLICK. Well, it would apply to residential transactions if they are more than four units, such as a large apartment building; it would apply to that.

Ms. MANDERINO. So it would not apply to residential units?

Mr. FLICK. That is correct; it would not apply to residential units of four units or less.

Ms. MANDERINO. And to the best of your knowledge, there is no intent for this to apply to individual real estate transactions?

Mr. FLICK. Absolutely not.

Ms. MANDERINO. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS-186

Adolph	Eachus	Maher	Sather
Allen	Egolf	Maitland	Saylor
Argall	Evans	Major	Schroder
Armstrong	Fairchild	Manderino	Schuler
Baker	Fargo	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Seyfert
Barrar	Flick	Mayernik	Shaner

Battisto	Gannon	McCall	Smith, B.
Bebko-Jones	Geist	McGeehan	Smith, S. H.
Belardi	George	McIlhattan	Staback
Belfanti	Gigliotti	McNaughton	Stairs
Benninghoff	Gladeck	Melio	Steelman
Birmelin	Godshall	Michlovic	Stern
Bishop	Gordner	Micozzie	Stetler
Blaum	Gruitza	Miller	Stevenson
Boscola	Gruppo	Mundy	Strittmatter
Boyes	Habay	Myers	Sturla
Brown	Haluska	Nailor	Surra
Bunt	Hanna	Nickol	Tangretti
Butkovitz	Hasay	O'Brien	Taylor, E. Z.
Buxton	Hennessey	Olasz	Taylor, J.
Caltagirone	Herman	Oliver	Thomas
Cappabianca	Hershey	Orie	Tigue
Carn	Hess	Perzel	Travaglio
Carone	Horsey	Pesci	Trello
Casorio	Hutchinson	Petrarca	Trich
Cawley	Itkin	Petrone	True
Chadwick	Jadlowiec	Pippy	Tulli
Civera	James	Pistella	Vance
Clark	Jarolin	Platts	Van Home
Cohen, M.	Josephs	Preston	Veon
Colafella	Kaiser	Ramos	Walko
Colaizzo	Keller	Raymond	Washington
Cornell	Kenney	Readshaw	Waugh
Cowell	Kirkland	Reber	Williams, A. H.
Coy	Krebs	Reinard	Williams, C.
Curry	LaGrotta	Rieger	Wogan
Daley	Laughlin	Roberts	Wojnaroski
Dally	Lawless	Robinson	Wright, M. N.
DeLuca	Lederer	Roebuck	Yewcic
Dempsey	Leh	Rohrer	Youngblood
Dermody	Lescovitz	Rooney	Zimmerman
DeWeese	Levdansky	Ross	Zug
DiGirolamo	Lloyd	Rublely	
Donatucci	Lucyk	Sainato	Ryan,
Druce	Lynch	Santoni	Speaker

NAYS-13

Browne	Dent	McGill	Steil
Clymer	Feese	Scrimenti	Vitali
Cohen, L. I. Corpora	Harhart	Snyder, D. W.	Wilt

NOT VOTING-0

EXCUSED-2

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

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

* * *

The House proceeded to third consideration of **HB 201, PN 2486**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for a lottery winnings intercept in relation to defaulted student loans obtained originally through the Pennsylvania Higher Education Assistance Agency.

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

Mr. TANGRETTI offered the following amendment No. A0185:

Amend Title, page 1, line 6, by inserting after "appropriation," " further providing for statement of purpose, for definitions and for disposition of funds; and

Amend Bill, page 1, lines 12 through 14, by striking out all of said lines and inserting

Section 1. Section 301 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, renumbered and amended November 21, 1996 (P.L.741, No.134), is amended to read:

Section 301. Statement of purpose.

This chapter is enacted to establish a lottery to be operated by the State, the net proceeds of which are to be used after June 30, 1972, for the purposes of providing [property]:

(1) Property tax relief for the elderly for taxes paid in 1971 and thereafter to persons 65 years of age or older [and for providing certain].

(2) Certain free fixed route local transit services to persons 65 years of age or older and reduced fare on group ride transit service to persons 65 years of age or older. [It is further intended to provide a]

(3) Funding for Alzheimer's disease caregiving.

(4) A means through which to curb illegal gambling operations in Pennsylvania.

Section 2. Section 302 of the act is amended by adding definitions to read:

Amend Bill, page 2, by inserting between lines 15 and 16

Section 3. Section 311 of the act, renumbered and amended November 21, 1996 (P.L.741, No.134), is amended to read: Section 311. Disposition of funds.

(a) State Lottery Fund.—All moneys received from the operation of the State lottery shall be deposited in a State Lottery Fund which is hereby created. Such moneys shall be used to the extent necessary for the payment of lottery prizes but the amount so used shall not be less than 40% of the amount of which tickets or shares have been sold. All payments of lottery prizes and for expenses of operation of the lottery shall be made as provided by law. All moneys remaining after payment of prizes and operating expenses shall remain in the State Lottery Fund and shall be allocated for the [purpose of] following purposes:

(1) Six and one-half percent of one percent of the money in the State Lottery Fund shall be allocated to the family care support programs of the Department of Aging for education and training for caregivers of persons with Alzheimer's disease or related disorders. The four-part education and training sessions shall include a medical overview, communication and behavior management, legal and financial planning, meeting daily challenges and safety. Funding includes costs for presenters, travel, materials and administration. Administration is limited to twenty-five percent of costs. In addition, funding will be used to provide respite for persons with dementia so that caregivers may attend the training sessions.

(2) The remainder of the money shall be allocated for providing property tax relief for the elderly for taxes paid in 1971 and thereafter pursuant to the provisions of the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, and for [the purpose of] providing free or reduced fare transit service for the elderly pursuant to Chapter 9 and the act of February 11, 1976 (P.L.14, No.10), known as the Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act. In the event sufficient funds are not available from the lottery receipts to meet the requirements of the Senior Citizens Rebate and Assistance Act or for providing free or reduced fare transit service for the elderly under

Chapter 9 and the Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act, additional funds to fulfill these obligations shall be appropriated from the General Fund for this purpose.

(b) Appropriations.—The moneys in said State Lottery Fund shall be appropriated only:

(1) For the payment of prizes to the holders of winning lottery tickets or shares.

(2) For the expenses of the division in its operation of the lottery.

(3) For [property tax relief and free or reduced fare transit service for the elderly as provided under] the purposes set forth in subsection (a).

Amend Sec. 2, page 2, line 16, by striking out "2" and inserting
4

Amend Sec. 3, page 4, line 30, by striking out "3" and inserting
5

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

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment that taps a small amount of money from the Lottery Fund does what the Lottery Fund was intended to do originally, and that is to provide services to the elderly community of the Commonwealth, and I do not believe there is anything that we could do in terms of providing service to the senior citizens of this district than provide counseling and education support for the caregivers of family members — in a lot of instances, spouses — who are suffering from the dread Alzheimer's disease.

There are 390,000 Pennsylvania residents who are diagnosed as Alzheimer's patients, and most of whom are living in their own homes, in their community. This is a 24-hour-a-day job that is devastating, in the best of circumstances, and these people, day in and day out, have the responsibility of feeding, clothing, cleaning, taking care of all the needs of that family member because they no longer are capable of doing it.

We have to provide some help, some counseling, some education, to these caregivers. Through the Department of Aging's family care support programs, we can attempt to do that. We can give them the kinds of support, the kinds of information, the kinds of referrals that they need to have to take care of their loved ones.

If that is not reason enough for us to support this amendment, then think in terms of a statistic that was recently generated that indicated that with proper counseling and education of the caregiver, it delays the hospitalization of the victim of this disease by almost 400 days. There is not anybody in this chamber, I would say without fear of contradiction, that does not have a family member, a friend, an acquaintance, someone who they know has had this awful disease, and it can only get worse. National statistics indicated that of all individuals who are over age 65, 10 percent will be diagnosed with Alzheimer's; over 75, 20 percent; and over 85, almost 50 percent will be diagnosed with Alzheimer's disease.

Let us at least attempt to do something on behalf of all those wonderful, loving family members — spouses, children, siblings. Everybody who is doing what they can, we need to give them help. So I would ask that you support this modest appropriation from the Lottery Fund for this purpose. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

The SPEAKER pro tempore. The Chair recognizes the lady from Cumberland County, Representative Vance, on the amendment.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to support the Tangretti amendment. All of us know someone that has been afflicted with Alzheimer's disease, and the greatest burden always falls on the caregiver. They are left with somebody physically that resembles someone they may have known, but the person himself has disappeared. I would heartily support any kind of aid that we can give to the caregivers. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

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

Mr. GEORGE offered the following amendment No. A4946:

Amend Title, page 1, line 9, by removing the period after "Agency" and inserting

: and further providing for prescription drug education program.

Amend Bill, page 4, by inserting between lines 29 and 30 Section 3. Section 522 of the act, added November 21, 1996 (P.L. 741, No. 134), is amended to read:

Section 522. Prescription drug education program. (a) General rule.—The department, in cooperation with the Department of Health, shall develop and implement a Statewide prescription drug education program designed to inform older adults of the dangers of prescription drug abuse and misuse. The prescription drug education program shall include, but not be limited to, information concerning the following:

(1) The hazards of prescription drug overdose.

(2) The potential dangers of mixing prescription drugs.

(3) The danger of retaining unused prescription drugs after the need to take them no longer exists.

(4) The necessity to carefully question physicians and pharmacists concerning the effects of taking prescription drugs, including the differences between brand-name drugs and generically equivalent drugs.

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

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

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

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

(b) Grant program.—In order to further the education efforts specified in subsection (a), the department shall administer a grant program for the development and implementation of prescription evaluation programs to be operated in cooperation with PACE pharmacists. Upon the request of an area agency on aging, PACE pharmacists shall participate in programs to counsel seniors about the prescription drugs they are currently taking. The evaluations made at prescription evaluation program events shall include a review of the patient's drug regimen in an attempt to identify potential drug therapy problems due to therapeutic duplication, drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, incorrect drug dosage and clinical abuse or misuse. PACE pharmacists shall maintain patient profiles, electronically or manually, as records of their participation in any evaluation program. Under a prescription evaluation program, each senior citizen shall be guaranteed at least one review of prescriptions per year. Grant funds shall be managed and administered in accordance with subsection (c).

(c) Applications and awards.—

(1) Grant application forms shall be developed by the department and distributed to all area agencies on aging. Applications shall include information on proposed prescription evaluation program events, event locations and cost estimates.

(2) Grants shall be made to any area agency on aging and shall not exceed \$10,000 per agency. Any area agency on aging shall, at least quarterly, hold prescription evaluation programs across the service area. Funds are to be used for costs incurred in development and implementation of prescription evaluation programs which may include, but are not limited to, the purchasing of necessary materials, outreach and advertising of the programs.

Donatucci, Druce, Lucchio, Lynch, Saylor, Ryan, Sather, Speaker

NAYS-3

Birmelin, Clymer, Smith, S. H.

NOT VOTING-0

EXCUSED-2

Corrigan, Phillips

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. BLAUM offered the following amendment No. A4818:

Amend Title, page 1, line 9, by removing the period after "Agency" and inserting

: and making a repeal.

Amend Bill, page 4, by inserting between lines 29 and 20

Section 3. Section 519(c) of the act is repealed.

Amend Sec. 3, page 4, line 30, by striking out "3" and inserting

4

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

The SPEAKER pro tempore. On that question, the Chair

recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, what I would ask, if possible, the two amendments that I have drawn are important only if the gentleman, Mr. Eachus,

and I on that amendment, if it fails, 5126, so I would ask that you

call 5126 first.

The SPEAKER pro tempore. The Chair has been advised by the

majority leader to go in this order, Mr. Blaum.

Mr. BLAUM. Mr. Speaker, the amendment that you called is

irrelevant unless we know the outcome of the vote on the

Eachus-Blaum amendment.

The SPEAKER pro tempore. The Chair would suggest that you

take that up with the majority leader, because I have been

instructed to run this amendment next.

AMENDMENT WITHDRAWN TEMPORARILY

Mr. BLAUM. Okay. Mr. Speaker, I will temporarily withdraw

my amendment then.

The SPEAKER pro tempore. Does the gentleman have a second

amendment?

Mr. BLAUM. Mr. Speaker, I will temporarily withdraw that

one as well. These two amendments really have no meaning until

we vote on the Eachus-Blaum amendment, 5126.

(3) Prescription evaluation program grants shall be funded through an annual appropriation of \$1,000,000 from the fund. Unallocated funds shall be returned to the fund at the end of each fiscal year.

Amend Sec. 3, page 4, line 30, by striking out "3" and inserting 4

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I think this amendment goes a long way to protecting our senior citizens. This amendment insists that the prescription evaluation grant program will be enacted.

It will allow area agencies on aging to apply for grants up to \$10,000. These grants will be used to develop, advertise, and administer programs in which pharmacists will help seniors evaluate the prescriptions that they are taking. Because many seniors have different physicians, many of them may have different prescriptions filled with different pharmacists. They may not be fully informed about the drugs they are taking, the side effects and the dangers of mixing them with other prescriptions and over-the-counter drugs. While seniors are participating in the PACE (Pharmaceutical Assistance Contract for the Elderly) Program, they are not protected from receiving duplicate prescriptions, and many times, Mr. Speaker, they are taking prescriptions that simply do not mix and another doctor or pharmacist is not aware.

So we think that this money will be well spent in protecting the second-largest senior citizen group in the United States, which is Pennsylvania's senior citizens, and I ask that you accept this amendment.

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

The following roll call was recorded:

YEAS-197

Table listing names of members who voted 'YEAS' (197 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Donatucci, Druce, Eachus, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Maher, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, O'Brien, Olasz, Oliver, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue.

Table listing names of members who did not vote 'YEAS'. Includes names like Cappabianca, Carn, Carone, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Cornell, Corpora, Cowell, Coy, Curry, Daley, Dally, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Lynch, Orié, Perzel, Pesci, Petrarca, Petrone, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Santoni, Sather, Saylor, Travaglio, Trello, Trich, True, Tulli, Vance, Van Home, Veon, Vitali, Walko, Washington, Waugh, Williams, A. H., Williams, C., Wilt, Wogan, Wojnaroski, Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker.

NAYS-0

NOT VOTING-2

Lawless Strittmatter

EXCUSED-2

Corrigan Phillips

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?

Mr. EACHUS offered the following amendment No. A5126:

Amend Title, page 1, line 9, by removing the period after "Agency" and inserting

; and amending certain definitions and deleting provisions relating to PACENET and certain deductibles.

Amend Bill, page 4, by inserting between lines 29 and 30 Section 3. The definitions of "maximum annual income," "PACENET" and "program" in section 502 of the act, added November 21, 1996 (P.L.741, No.134), are amended to read: Section 502. Definitions.

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

"Maximum annual income." For PACE eligibility, the term shall mean annual income which shall not exceed [\$14,000] \$16,000 in the case of single persons nor [\$17,200] \$19,200 in the case of the combined annual income of persons married to each other. Persons may, in reporting income to the Department of Aging, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

["PACENET." The Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier provided for in this chapter.]

"Program." The Pharmaceutical Assistance Contract for the Elderly (PACE) [and the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET)] as established by this chapter, unless otherwise specified.

Section 4. Sections 519, 520(c) and 521(b) and (d) of the act, added November 21, 1996 (P.L.741, No.134), are amended to read:

[Section 519. The Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier.

(a) Establishment.—There is hereby established within the department a program to be known as the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET).

(b) PACENET eligibility.—A claimant with an annual income of not less than \$14,000 and not more than \$16,000 in the case of a single person and of not less than \$17,200 and not more than \$19,200 in the case of the combined income of persons married to each other shall be eligible for enhanced pharmaceutical assistance under this section. A person may, in reporting income to the department, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

(c) Deductible.—Upon enrollment in PACENET, eligible claimants in the income ranges set forth in subsection (b) shall be required to meet an annual deductible in unreimbursed prescription drug expenses of \$500 per person. To qualify for the deductible set forth in this subsection the prescription drug must be purchased for the use of the eligible claimant from a provider as defined in this chapter. The department, after consultation with the board, may approve an adjustment in the deductible on an annual basis.

(d) Copayment.—For eligible claimants under this section, the copayment schedule, which may be adjusted by the department on an annual basis after consultation with the board, shall be:

- (i) eight dollars for noninnovator multiple source drugs as defined in section 702; or
- (ii) fifteen dollars for single-source drugs and innovator multiple-source drugs as defined in section 702.]

Section 520. Board.

(c) Review.—Using the annual report submitted by the department pursuant to section 2102 and other appropriate data sources, the board shall conduct an annual review. The board shall develop recommendations concerning any changes in the level of copayment[, deductible] or in the level of fees paid to participating pharmacists. The board shall review the department's therapeutic drug utilization review program on an ongoing basis. The board may also recommend other changes in the structure of the program and direct the department to enter into discussions with the private contractor concerning amendments to the contract, or the department may enter into such discussion if it deems necessary. The copayment [or deductible schedule] shall only be adjusted on an annual basis.

Section 521. Penalties.

(b) Civil penalty.—In addition to any appropriate criminal penalty for prohibited acts under this chapter whether or not that act constitutes a crime under 18 Pa.C.S. (relating to crimes and offenses), a provider who violates this section may be liable for a civil penalty in an amount not less than \$500 and not more than \$10,000 for each violation of this act which shall be collected by the department. Each violation constitutes a separate offense. If the department collects three or more civil penalties against the same provider, the provider shall be ineligible to participate in [either] PACE [or PACENET] for a period of one year. If more than three civil

penalties are collected from any provider, the department may determine that the provider is permanently ineligible to participate in PACE [or PACENET].

(d) Repayment of gain.—Any provider, recipient or other person who is found guilty of a crime for violating this chapter shall repay three times the value of the material gain received. In addition to the civil penalty authorized pursuant to subsection (b), the department may require the provider, recipient or other person to repay up to three times the value of any material gain to PACE [or PACENET].

Section 5. The definitions of "covered prescription drug," "PACENET" and "provider" in section 702 of the act, added November 21, 1996 (P.L.741, No.134), are amended to read:

Section 702. Definitions.

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

"Covered prescription drug." A legend drug, insulin, an insulin syringe or an insulin needle eligible for payment by the Commonwealth under PACE[, PACENET] or designated pharmaceutical programs.

["PACENET." The program established under section 519.]

"Provider." A licensed pharmacy or dispensing physician enrolled as a provider in PACE[, PACENET] or designated pharmaceutical programs.

Section 6. Sections 703, 704(b)(1), 705, 706(b), 709 and 2102 of the act, added November 21, 1996 (P.L.741, No.134), are amended to read: Section 703. Rebate agreement.

(a) Requirement.—PACE[, PACENET] and designated pharmaceutical programs shall not reimburse for any covered prescription drug without a rebate agreement between the department and the manufacturer of the covered prescription drug.

(b) Exception.—Subsection (a) shall not apply if the availability of the drug is essential to the health of eligible claimants as determined by the department.

(c) Agreements.—Manufacturers of prescription drugs reimbursed under PACE[, PACENET] and designated pharmaceutical programs must enter into a rebate agreement with the department under this chapter to obtain such reimbursement. Nothing in this chapter shall be deemed to affect or impair any agreement made under the former provisions of Chapter 6 of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act.

(d) Notice.—The department shall notify enrolled providers of PACE[, PACENET] and designated pharmaceutical programs on an annual basis and, as appropriate, of all manufacturers who have entered into a rebate agreement.

(e) Drug formulary.—Except as provided in section 512, there shall be no drug formulary, prior or retroactive approval system or any similar restriction imposed on the coverage of outpatient drugs made by manufacturers who have agreements in effect with the Commonwealth to pay rebates for drugs utilized in PACE [and PACENET], provided that such outpatient drugs were approved for marketing by the Food and Drug Administration. This subsection shall not apply to any act taken by the department pursuant to its therapeutic drug utilization review program under section 505.

Section 704. Terms of rebate agreement.

(b) Information.—

(1) The department shall report to each manufacturer, not later than 60 days after the end of each calendar quarter, information by zip code of provider on the total number of dosage units of each covered prescription drug reimbursed under PACE[, PACENET] and designated pharmaceutical programs during the quarter.

* * *

Section 705. Amount of rebate.

(a) Single-source drugs and innovator multiple-source drugs.—With respect to single-source drugs and innovator multiple-source drugs, each manufacturer shall remit a rebate to the Commonwealth. Except as otherwise provided in this section, the amount of the rebate to the Commonwealth per calendar quarter with respect to each dosage form and strength of single-source drugs and innovator multiple-source drugs shall be as follows:

(1) For quarters beginning after September 30, 1992, and ending before January 1, 1997, the product of the total number of units of each dosage form and strength reimbursed by PACE and General Assistance in the quarter and the difference between the average manufacturer price and 85% of that price, after deducting customary prompt payment discounts, for the quarter.

(2) For quarters beginning after December 31, 1996, the product of the total number of units of each dosage form and strength reimbursed by PACE[, PACENET] and designated pharmaceutical programs in the quarter and the difference between the average manufacturer price and 83% of that price, after deducting customary prompt payment discounts.

(b) Rebate for other drugs.—

(1) The amount of the rebate to the Commonwealth for a calendar quarter with respect to covered prescription drugs which are noninnovator multiple-source drugs shall be equal to the product of:

(i) the applicable percentage of the average manufacturer price, after deducting customary prompt payment discounts, for each dosage form and strength of such drugs for the quarter; and

(ii) the number of units of such form and dosage reimbursed by PACE and General Assistance in the quarter.

(2) For the purposes of paragraph (1), the applicable percentage for calendar quarters beginning after September 30, 1992, and ending before January 1, 1997, is 11%.

(c) Revised rebate for other drugs.—Beginning after December 31, 1996:

(1) The amount of the rebate to the Commonwealth for a calendar quarter with respect to covered prescription drugs which are noninnovator multiple-source drugs shall be the greater of the product of:

(i) the applicable percentage of the average manufacturer price, after deducting customary prompt payment discounts, for each dosage form and strength of such drugs for the quarter; and

(ii) the number of units of such form and dosage reimbursed by PACE[, PACENET] and designated pharmaceutical programs in the quarter.

(2) For purposes of paragraph (1), the applicable percentage is 17%.

(d) Drugs approved after act takes effect.—In the case of a covered outpatient drug approved for marketing after the effective date of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, any reference to January 1, 1991, shall be a reference to the first day of the first month during which the drug was marketed.

Section 706. Excessive pharmaceutical price inflation discount.

* * *

(b) Revised general rule.—A discount shall be provided to the department for all covered prescription drugs. The discount shall be calculated as follows:

(1) For each quarter for which a rebate under section 705(a) and (c) is to be paid after December 31, 1996, the average manufacturer price for each dosage form and strength of a covered prescription drug shall be compared to the average manufacturer price for the same form and strength in the previous calendar year and a percentage increase shall be calculated.

(2) For each quarter under paragraph (1), the average percentage increase in the Consumer Price Index-Urban over the same quarter in the previous calendar year shall be calculated.

(3) If the calculation under paragraph (1) is greater than the calculation under paragraph (2), the discount amount for each quarter shall be equal to the product of:

(i) the difference between the calculations under paragraphs (1) and (2); and

(ii) the total number of units of each dosage form and strength reimbursed by PACE[, PACENET] and designated pharmaceutical programs and the average manufacturer price reported by the manufacturer under section 704(c)(1).

* * *

Section 709. Disposition of funds.

(a) PACE [and PACENET].—Money received under this chapter in connection with PACE [and PACENET] shall be deposited in the Pharmaceutical Assistance Contract for the Elderly Fund.

(b) Designated pharmaceutical programs.—Money received under this chapter in connection with designated pharmaceutical programs shall be treated as a refund of expenditures to the appropriation which originally provided the funding for the pharmaceutical purchase.

Section 2102. Annual report to General Assembly.

(a) Submission of report.—The department shall submit a report no later than April 1 of each year to the chairman and minority chairman of the Aging and Youth Committee of the Senate, the chairman and minority chairman of the Aging and Youth Committee of the House of Representatives and the Pharmaceutical Assistance Review Board.

(b) Collection of data.—The department shall maintain monthly statistical records on PACE [and PACENET], including the level of participation and any patterns of unusual drug usage for purposes of formulating the annual report.

(c) Information for inclusion in annual report.—The annual report shall contain, but not be limited to, all information relating to:

(1) The number of persons served by PACE [and PACENET] and their counties of residence.

(2) A breakdown of the numbers and kinds of pharmaceuticals used.

(3) The cost of prescriptions.

(4) An estimate of actual expenses incurred by pharmacists participating in the program.

(5) The results obtained by the drug education program under section 522.

(6) Information regarding the operation of the therapeutic drug utilization review system for the prior calendar year, which shall include, at a minimum:

(i) The scope of physician and pharmacist participation in the system.

(ii) A description of claimant response to the system.

(iii) Data for each month of the covered period regarding the number of prescription revisions based on utilization review, including drug information, cost savings and the policy used by the department to make utilization review decisions.

(7) Information on the existence and scope of fraudulent activity and violations of this act by providers participating in PACE [and PACENET].

(8) Information regarding the financial status of PACE [and PACENET], including, but not limited to, the adequacy of any applicable deductible and copayment levels, based upon the financial experience and projections of PACE [and PACENET].

Amend Sec. 3, page 4, line 30, by striking out "3" and inserting

7

On the question,

Will the House agree to the amendment?

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

Mr. EACHUS. Thank you, Mr. Speaker.

This amendment is very simple. It repeals the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) Program and provides a \$2,000 increase in income eligibility in the comprehensive PACE Program. With this amendment, the new income limits would be \$16,000 for a single individual and \$19,200 for a married couple. It eliminates the deductibles and high copays that we have experienced with PACENET.

Over a year ago the legislature made considerable changes to the PACE Program. I am sure you all remember the protracted debate and the attempts by the Democratic Caucus to maintain the PACE Program as we had always known it. That did not happen.

At the time, the Governor and the Senate claimed that their new proposal would bring 75,000 eligible seniors into the PACE Program. Of that number, 50,000 would become eligible for something known as PACENET. PACENET increased the income eligibility limits and also carried a \$500 deductible for individuals and a \$1,000 copay for couples.

So what has happened? The Governor's budget book indicated that in this fiscal year there actually has been a decrease in the number of seniors enrolled in the traditional comprehensive PACE Program. Even though 21,000 have enrolled in PACE as a result of the income limit expansion, enrollment in PACE has actually decreased by 11,500.

Even more disturbing, as of December 31, 1997, only just over 11,800 have enrolled in the PACENET Program. Of that number, only 5,000 are actually receiving any benefit. Remember, you first have to spend \$500 on prescriptions before you receive any benefit in the PACENET Program.

So let us do the math. The Governor said there would be 75,000 new PACE recipients in both PACE and PACENET. If you consider the 5,000 actual PACENET participants, the net gain of only 10,000 PACE participants, the reality is that there are only about 15,000 new PACE and PACENET participants. That is only about 20 percent of what the Governor projected in his original proposal.

These numbers are pitiful. I would consider the Governor's plan to increase the number of participants in PACE and PACENET an abject failure. The net effect of everything that was done to increase the participation in the PACE Program has not occurred. Even if the enrollees double in PACENET, participation would be less than half of that anticipated.

The \$1,000 increase in the income eligibility for the comprehensive PACE Program has not even headed off the normal attrition rate, and the PACENET Program really is what we consider "PACENOT."

The Department of Aging and the Governor are probably telling you that the reason that this has happened is because it really has not been advertised well. Secondly, low enrollment is because of Medicare HMOs (health maintenance organizations) that offer supposedly a better deal on health care and prescription plans for seniors. That may be partially true, but these Medicare HMOs were not just invented; they were always in existence. Additionally, the department has no knowledge of how many people in HMOs are also eligible for PACENET benefits. So if you are hearing that we should not act because HMOs may now be

changing the rules of the game and eliminating prescription benefits and there will now be an influx of participants into PACENET, I suggest you consider that information next to those bold predictions that the Governor had made a year ago. The Governor and his people have no idea, but what I know is that there are seniors in this Commonwealth who would benefit from the existence of a drug prescription program that comes without strings attached, without high deductibles and high copays. We call that the PACE Program.

When the legislature voted on this measure, they were led to believe that this was the best way to help eligible seniors contend with the higher, ever-increasing costs of prescription drugs. Programs were initiated to limit access to certain drugs and initiate savings throughout the program. The result has been that we have saved considerable amounts of money, inconvenienced senior citizens, and failed to find a viable product that they can afford. As with most of the Ridge proposals, this plan was long on promises and short on results.

I ask your support of amendment A5126, which would eliminate the PACENET Program and increase the income eligibility by \$2,000. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Steil, on the amendment.

Mr. STEIL. Thank you, Mr. Speaker.

I would ask the Chair if there is a fiscal note on this amendment.

Mr. EACHUS. Yes, sir; there is.

Mr. STEIL. And has it been distributed?

The SPEAKER pro tempore. Mr. Steil, there is a fiscal note to amendment A5126.

Mr. STEIL. Has it been distributed to the members?

The SPEAKER pro tempore. I am advised that the rules only require that it be available, and it is available. If the gentleman would like a copy, we will see that he gets one.

Mr. STEIL. Mr. Speaker, I would like to interrogate then the prime sponsor of the amendment.

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. STEIL. Mr. Speaker, since there apparently is a fiscal note, perhaps you could tell this chamber what it contains.

Mr. EACHUS. Yes, sir. The total cost of this expansion of the PACE Program will cost \$31 million, but I can tell you, sir, that right now there is \$73 million in the Lottery Fund that is available for this program, not to speak of the amount of money that was projected to be spent on PACENET, but due to the small amount of people who have participated in the program, there is also money left over there.

Mr. STEIL. So if I am to understand, the cost of this program is just \$1 million per year?

Mr. EACHUS. \$31 million.

Mr. STEIL. \$31 million per year. And there is a surplus in the program now of how much?

Mr. EACHUS. \$73 million, sir.

Mr. STEIL. Okay. So in approximately 2½ years, that will be used up; the surplus will be used up.

Mr. EACHUS. No. The program continues to save that money. That is this year's savings; \$73 million exists this year, and it will also exist next year in the Lottery Fund program.

Mr. STEIL. Okay. So am I to understand then that the program currently, with this amendment, if it is adopted, will continue to generate \$73 million with the savings every year, or is it \$73 million less \$31 million?

Mr. EACHUS. Could you repeat that question?

Mr. STEIL. If this amendment is adopted, which I understand has a price tag of \$31 million, and if there is a current surplus, an annual surplus, of \$73 million, is it correct to state that the cost of this, the cost to the system, will be \$73 million less \$31 million?

Mr. EACHUS. Well, I will be honest with you, sir. I would like to defer to the chairman of the committee, the Aging and Youth Committee, Representative Kevin Blaum, to answer your question, to make sure that we have accurate numbers.

Mr. STEIL. Thank you.

The SPEAKER pro tempore. Is the gentleman, Mr. Blaum, willing to stand for interrogation?

Mr. BLAUM. Thank you, Mr. Speaker. I would be happy to answer that.

Over a year ago you will remember that we enacted the PACENET proposal, and part of that proposal was a series of cost savings in the PACE Program. Those cost savings are still there. And the legislature opted to follow the Governor down the road of PACENET, which has pretty much failed. This was the alternative that was put forward — a bipartisan alternative, I might add — that was put forward last year that spends actually less money than was thought PACENET would cost. So the savings are there, using the financing plan that was put in place by the legislature at the end of 1996. So the money is there. It is how you spend it. Do you spend it with PACENET, which contains high copays and a \$500 deductible, or do you opt for a better proposal, which the gentleman, Mr. Eachus, is putting forward, which covers more seniors for, you know, roughly less amount of money?

Mr. STEIL. I am still trying to establish exactly what it will cost the lottery. If this program costs \$31 million and if there is a surplus of \$73 million, is it correct to assume that that surplus is then reduced by \$31 million for every year that we offer this program?

Mr. BLAUM. Each year, under the cost savings plan which was instituted by the House and by the Governor and the Senate at the end of 1996, it raises about \$44 million a year. PACENET is a disaster. I mean, nobody is using it. So we are instituting an expansion of the PACE Program, which costs less than roughly the \$44 million that the Governor raised. So that \$44 million is every year. This spends \$31 million of it. You have \$13 million, roughly — and again, I am just going by memory — roughly, surplus every year, unless, you know, we appropriate different ways to use that money.

Mr. STEIL. Again, what is the net effect on the lottery program? What is the net cost to the lottery program?

Mr. BLAUM. It is—

Mr. STEIL. Savings less additional expenditures.

Mr. BLAUM. The savings is roughly about \$40-some million a year. This spends about \$31 million. So it is paid for already by the plan implemented at the end of 1996, with this actually paying less. Next year it will be another \$44 million, with taking care of a broad number, a larger number of senior citizens.

Mr. STEIL. Thank you, Mr. Speaker.

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

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

Mr. Speaker, I rise in opposition to this amendment, and I do it for one particular reason. That is that this amendment basically walks away from the whole concept of the PACENET Program, and I think that that is the wrong direction to go. What we had before we had PACENET was an all-or-nothing PACE Program. You are either in it, you are either income-eligible and you are in it, or you are not and you are out of it, and I believe that what we tried to do when we created the PACENET Program was allow for some level of scaling in people who were on the margin, who were just over the edge of the income limit.

Now, there have been some comments about the PACENET Program working or being a disaster, and I would not argue that the PACENET Program may not have been as successful as it was planned to be, but I would argue, Mr. Speaker, that that is more a function of how it has been explained to those that are eligible. Perhaps it has to do with the deductible level. There could be other factors specifically that could be tweaked, in other words, to make this program work better, and I believe it would be a fundamental mistake at this point to walk away from the PACENET Program in total. I think what we should be doing is looking at that deductible number or the copay number, are the two key variables that we can deal with, and I think that we should examine those factors in an effort to continue the PACENET Program as a way to allow some help to those people who are just over the income limit.

Fundamentally, if we approve this amendment and it became law, we will be back to where we were, where we would have an all-or-nothing program. Those people that would have \$1 or \$10 or \$100 more than what that upper-income limit is, they would still be without any help as opposed to having a program that would allow some level of help for people who were just over that limit and phasing it up.

I urge the members to reject this amendment on those grounds. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Clymer.

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

Mr. Speaker, let me just add a few thoughts to what has already been spoken by the past two speakers.

I think it is a bit premature to vote on this amendment at this time. As we are assembled here together, the 1997 tax returns are coming in from Pennsylvania citizens and especially those who would qualify for the PACENET Program.

Secondly, the prime sponsor of the amendment had mentioned that Medicare HMOs indeed are dropping the drug prescription benefit that they had in their program, but I do not think anyone knows what that number is, and we just learned recently that effective January 1 of this year, one of those HMOs increased the premiums for the people who are enrolled in the program and dropped the drug prescription. So obviously, there is going to be a number of new enrollees into the PACENET Program just from those who were previously enrolled in that particular HMO.

Then we have to look at the fact, Mr. Speaker, that probably over the next 12 to 15 months, anywhere from five to seven new drugs are coming into the market, drugs that will indeed help the quality of life for many of our senior citizens. Mr. Speaker, the State will be responsible for paying for those drugs, and rightfully so, but we need to know what the cost will be for those drugs.

So, Mr. Speaker, there are some factors that we have to consider, which I do not think we are really taking a hard look at at the present time, before we get involved in the expansion of the PACENET Program. The PACENET Program is relatively new. I think another year or so to make sure that it is working properly and functioning properly is very important. Plus, the other factors that I have mentioned, certainly the fiscal note that has been mentioned by my colleague from Bucks County, are all important considerations.

I, too, at this time would ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Blaum, from Luzerne County is recognized on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, what we heard from the two previous speakers is absolute nonsense. This House is not walking away from the PACENET Program. The PACENET Program walked away from the senior citizens of Pennsylvania. They cannot qualify under this program. This program was advertised by the administration, and again, this was put forward by Republicans and Democrats, what we are proposing again today.

What was put forward by the administration said that there would be 75,000 new senior citizens under this PACENET Program. There are about 6,000 senior citizens taking advantage of PACENET, with its \$500 deductibles and its higher copays, and it is a shame. It was a mistake, and I think we all know it was a mistake. It should not have been enacted. What this amendment does is goes to the same income limits under the so-called PACENET Program, except it provides seniors with what they got under the original PACE and what we should have done towards the end of 1996, what we do every so many years, and that is raise the income limits so a large number of senior citizens who either are not eligible or fall off can once again participate in the PACE Program, with all of its benefits, with only a \$6 copay.

PACENET has not worked; it will not work. You can leave it lounge around for 1, 2, or 3 years, but there are senior citizens out there who are forced to reach down into the bottom of their pockets to try and pay prescription costs when very easily we can just pass this amendment and have them covered under PACE.

It would be a travesty not to enact this. It was wrong at the end of 1996 not to proceed as we had done every so many years, but this legislature and the Governor gave it a try; we gave it a try.

We now have the evidence that it does not work, that people, senior citizens, cannot afford these \$500 deductibles. By the time they spend the \$500 deductible, it is like September and October. They get to sign up for 1 month, and those seniors are becoming frustrated and not signing up for those 1 or 2 months. That is not what you want in a PACE Program. That is not what seniors in Pennsylvania want in a PACE Program.

Towards the end of 1996, what was enacted was the cost savings, which raises each year about \$44 million. That is on the books. We are not touching that. You all voted for that. What this amendment does is spend what should have been spent on PACENET, even less than what was anticipated to be spent on PACENET. It spends about \$31 million to give about 50,000, 60,000 senior citizens coverage under the PACE Program which they are not currently eligible for. It raises the income limits for a couple up to \$19,200, which is exactly what PACENET does. There is no PACENET recipient who will be disqualified under this amendment. PACENET does not do what it was advertised to

do — it does not provide prescription benefits for senior citizens — it cannot. This amendment will.

The lady, Miss Orié, has a similar amendment, for which I give her credit. She recognizes the situation. There is nothing wrong with giving it a chance. It did not work, but now that we know it did not work, let us return to the way we should go.

I ask for this adoption of the amendment. I think it sends a good message that we need to pay attention to the PACE Program and get it back to the way it was so that the 50,000, 60,000, whatever thousand senior citizens can receive the benefits that they desperately need. They should not be forced to pay these prescription costs while some people sit up here in this chamber and say, PACENET, give it a chance; it might work. It cannot work. The copays are too darn high, higher than anybody sitting in this room, and nobody in this room has a \$500 deductible.

So let us adopt the amendment and go the way we should go. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. DeLuca, from Allegheny County is recognized on the amendment.

Mr. DeLUCA. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Eachus, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. DeLUCA. I am a little confused here. I heard one of the previous speakers mention the fact that if we go with your amendment, there will always be somebody that is going to be capped or fall over the limit.

As I look at this amendment, is this not the same income eligibility as the PACENET?

Mr. EACHUS. This does not change the income eligibility on PACENET. As a matter of fact, it keeps it exactly the same and gives everybody the same benefit. There are limits on both programs, and people fall off due to various reasons — income, their income increases, or their Social Security benefit increases. There is an income limit on both programs. What this does is it eliminates all the high copays and deductibles that were foisted upon seniors in Pennsylvania with the PACENET Program.

Mr. DeLUCA. So in other words, we would still have a cap regardless of which way we go. The PACENET had a cap. This will have a cap. There is always going to be somebody who is going to fall in that crack because they are \$1 over or \$2 over. So that is really not an argument to vote against your amendment. Is that correct?

Mr. EACHUS. That is correct.

Mr. DeLUCA. That is all, Mr. Speaker. I would just like to make a statement.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DeLUCA. I have had various senior citizens who have come into the office and thought that they were going to be able to utilize the PACE Program, the PACENET Program, but when they found out about the \$500 deductible, they were amazed to wonder why we in the House of Representatives, who touted the PACENET Program to be able to give more senior citizens benefits, would not be able to work for them, and that is why we need to change this facade that we have put out there in the guise of saying that we are going to be helping senior citizens be able to acquire prescriptions in the higher income. We need to eliminate

the \$500 deductible. And as I understand, the money is there. It is not going to cost us any more, and it is about time that we do something in this chamber that will help the senior citizens as the prescription costs keep escalating.

Therefore, Mr. Speaker, I would ask for an affirmative vote on the Eachus amendment. Thank you.

The SPEAKER pro tempore. The gentleman from Elk County, Mr. Surra, is recognized on the amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Eachus amendment.

Let us be very clear here. It was mentioned earlier — and a lot of people must not really understand what we are dealing with — that the PACENET Program, there were no limits for people who are over. There are limits in the PACENET Program. In fact, this amendment has those same limits, and there are always going to be people just above those limits. What this amendment does is it eliminates the \$500 deductible and the high copays. The limits are exactly the same as the PACENET Program.

Let us be honest with each other. The PACENET Program really has not worked. When a year later there are 12,000, almost 12,000 less senior citizens enrolled in the PACE Program, that could hardly be ruled a success.

Now, we had this same debate a year ago. Let us make this change. Let us use that revenue that is there from the lottery to help more senior citizens with an income limit of \$17,200 for single people, \$19,200 for married couples, with no \$500 deductibles, no higher copays. That money is there from the cost savings that we all supported a year ago.

Let us do the right thing here for the seniors of Pennsylvania and pass the Eachus amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Eachus, for the second time.

Mr. EACHUS. Thank you, Mr. Speaker.

Let us be straight with senior citizens. Only half the people who signed up for PACENET this year are now receiving the benefits because there are \$500 or \$1,000 deductibles for folks. That means they have not spent that deductible by this point in the year. That is not fair to senior citizens.

The second thing is that we have \$44 million in this program to fund it. The revenue projections are \$31 million for this expansion of the PACE Program. There is no reason not to do it.

And as far as the argument goes that there are income limits in the PACE, no income limits in the PACENET Program, there are income limits. I keep the income limits at the exact same level that is currently under the PACENET Program but my amendment eliminates the \$500 deductibles and does away with the copays. That is fair for senior citizens. It is the right thing for this body to do. If this PACENET Program was set up to keep senior citizens getting prescription drugs that they need and then we measure it, then let us succeed at doing that. Less senior citizens are getting it.

It is the right thing to do for our senior citizens, and I ask you for an affirmative vote.

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

The following roll call was recorded:

YEAS—195

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

NAYS—4

Armstrong	Birmelin	Clymer	Smith, S. H.
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NOT VOTING—0

EXCUSED—2

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

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

Miss ORIE offered the following amendment No. A5136:

Amend Title, page 1, line 9, by removing the period after "Agency" and inserting

; and further providing for Pharmaceutical Assistance Contract for the Elderly Needs Enhancement.

Amend Bill, page 4, by inserting between lines 29 and 30

Section 3. Section 519 of the act, added November 21, 1996 (P.L. 741, No. 134), is amended to read:

Section 519. The Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier.

(a) Establishment.—There is hereby established within the department a program to be known as the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET).

(b) PACENET eligibility.—A claimant with an annual income of not less than \$14,000 and not more than [\$16,000] \$17,000 in the case of a single person and of not less than \$17,200 and not more than [\$19,200] \$20,200 in the case of the combined income of persons married to each other shall be eligible for enhanced pharmaceutical assistance under this section. A person may, in reporting income to the department, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

[(c) Deductible.—Upon enrollment in PACENET, eligible claimants in the income ranges set forth in subsection (b) shall be required to meet an annual deductible in unreimbursed prescription drug expenses of \$500 per person. To qualify for the deductible set forth in this subsection the prescription drug must be purchased for the use of the eligible claimant from a provider as defined in this chapter. The department, after consultation with the board, may approve an adjustment in the deductible on an annual basis.]

(d) Copayment.—For eligible claimants under this section, the copayment schedule, which may be adjusted by the department on an annual basis after consultation with the board, shall be:

- (i) eight dollars for noninnovator multiple source drugs as defined in section 702; or
- (ii) fifteen dollars for single-source drugs and innovator multiple-source drugs as defined in section 702.

Section 4. The amendment of section 519 of the act shall apply to claims made on or after the effective date of this act.

Amend Sec. 3, page 4, line 30, by striking out "3" and inserting 5

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

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. The Chair recognizes the lady, Representative Orie.

Miss ORIE. Mr. Speaker, at this time I would ask if you could go over this amendment temporarily.

The SPEAKER pro tempore. The amendment will be over temporarily.

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

Mr. TIGUE offered the following amendment No. A5204:

Amend Title, page 1, line 9, by removing the period after "Agency" and inserting

; and further providing for shared-ride transportation.

Amend Bill, page 4, by inserting between lines 29 and 30 Section 3. Section 904(a) of the act, added November 21, 1996 (P.L. 741, No. 134) is amended to read:

Section 904. Shared-ride transportation.

(a) Program grants.—(1) The Department of Transportation has the power and duty to administer, utilizing a fixed amount of money from the fund as provided through executive authorizations by the Governor, a program providing shared-ride public transportation services for adults 65 years of age or older. Individuals utilizing shared-ride public transportation services for older adults shall contribute 15% of the individual fare and 85% of the individual fare shall be reimbursed by the fund.

(2) ~~A contractor of shared-ride services shall provide transportation services to adults 65 years of age or older outside of the contractor's service area if the trip must be taken for medical purposes, and the contractor shall receive program reimbursement for provision of services under this paragraph. The destination of the trip shall be located no more than 50 miles beyond the service area border.~~

* * *

Section 4. All regulations or parts of regulations are abrogated to the extent they are inconsistent with this act.

Amend Sec. 3, page 4, line 3, by striking out "3" and inserting 5

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

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was drafted because of a problem I encountered in my district as well as an adjoining district where senior citizens who have medical problems and use shared-ride must go, for instance, from Luzerne to Lackawanna County for medical treatment and shared-ride was not provided. This says that people who provide shared-ride services will take these senior citizens for medical purposes only if they must go into another county within a certain service area, and in this case, it says 50 miles. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

Adolph	Druce	Maher	Schroder
Allen	Eachus	Maitland	Schuler
Argall	Egolf	Major	Scrimenti
Armstrong	Evans	Manderino	Semmel
Baker	Fairchild	Markosek	Serafini
Bard	Fargo	Marsico	Seyfert
Barley	Feese	Masland	Shaner
Barrar	Fichter	Mayernik	Smith, B.
Battisto	Fleagle	McCall	Smith, S. H.
Bebko-Jones	Flick	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McNaughton	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Brown	Gruppo	Myers	Sturla

Browne	Habay	Nailor	Surra
Bunt	Haluska	Nickol	Tangretti
Butkowitz	Hanna	O'Brien	Taylor, E. Z.
Buxton	Harhart	Olasz	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappabianca	Hennessey	Orie	Tigue
Carn	Herman	Perzel	Travaglio
Carone	Hershey	Pesci	Trello
Casorio	Hess	Petrarca	Trich
Cawley	Horsley	Petrone	True
Chadwick	Hutchinson	Pippy	Tulli
Civera	Itkin	Pistella	Vance
Clark	Jadlowiec	Platts	Van Home
Clymer	James	Preston	Veon
Cohen, L. I.	Jarolin	Ramos	Vitali
Cohen, M.	Josephs	Raymond	Walko
Colafrilla	Kaiser	Readshaw	Washington
Colaizzo	Keller	Reber	Waugh
Cornell	Kenney	Reinard	Williams, A. H.
Corpora	Kirkland	Rieger	Williams, C.
Cowell	Krebs	Roberts	Wilt
Coy	LaGrotta	Robinson	Wogan
Curry	Laughlin	Roebuck	Wojnarowski
Daley	Lawless	Rohrer	Wright, M. N.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dempsey	Lescovitz	Rubley	Zimmerman
Dent	Levdanskyy	Sainato	Zug
Dermody	Lloyd	Santoni	
DeWeese	Lucyk	Sather	Ryan,
DiGirolamo	Lynch	Saylor	Speaker
Donatucci			

NAYS-0

NOT VOTING-0

EXCUSED-2

Corrigan Phillips

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?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, offers the following amendment, which the clerk will read.

Is it the Chair's understanding the gentleman withdraws his amendments?

Mr. BLAUM. Thank you, Mr. Speaker.

In light of the Eachus amendment passing, the two amendments which I had can both be withdrawn.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Miss ORIE reoffered the following amendment No. A5136:

Amend Title, page 1, line 9, by removing the period after "Agency" and inserting

; and further providing for Pharmaceutical Assistance Contract for the Elderly Needs Enhancement.

Amend Bill, page 4, by inserting between lines 29 and 30 Section 3. Section 519 of the act, added November 21, 1996 (P.L.741, No.134), is amended to read:

Section 519. The Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier.

(a) Establishment.—There is hereby established within the department a program to be known as the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET).

(b) PACENET eligibility.—A claimant with an annual income of not less than \$14,000 and not more than [~~\$16,000~~] \$17,000 in the case of a single person and of not less than \$17,200 and not more than [~~\$19,200~~] \$20,200 in the case of the combined income of persons married to each other shall be eligible for enhanced pharmaceutical assistance under this section. A person may, in reporting income to the department, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

[(c) Deductible.—Upon enrollment in PACENET, eligible claimants in the income ranges set forth in subsection (b) shall be required to meet an annual deductible in unreimbursed prescription drug expenses of \$500 per person. To qualify for the deductible set forth in this subsection the prescription drug must be purchased for the use of the eligible claimant from a provider as defined in this chapter. The department, after consultation with the board, may approve an adjustment in the deductible on an annual basis.]

(d) Copayment.—For eligible claimants under this section, the copayment schedule, which may be adjusted by the department on an annual basis after consultation with the board, shall be:

(i) eight dollars for noninnovator multiple source drugs as defined in section 702; or

(ii) fifteen dollars for single-source drugs and innovator multiple-source drugs as defined in section 702.

Section 4. The amendment of section 519 of the act shall apply to claims made on or after the effective date of this act.

Amend Sec. 3, page 4, line 30, by striking out "3" and inserting 5

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady, Representative Orie.

Miss ORIE. Mr. Speaker, this amendment continues to fight for older Pennsylvanians by amending the State lottery to raise annual income limits for the PACENET Program. It would raise the single limit of from \$14,000 to \$16,000; instead, it would now be \$14,000 to \$17,000. And for the married couples, it would raise from \$17,200 to \$19,200, it would raise that to \$20,200.

In addition, Mr. Speaker, my amendment also abolishes the deductible, the \$500 deductible. In essence, what this will do, this amendment, is encourage participation, considering that one of the hurdles with these elderly in participating is the \$500 deductible, and this would increase it for more participation by Pennsylvania elderly citizens.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

The SPEAKER pro tempore. On the amendment, Mr. Blaum. Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I congratulate the lady, Miss Orie, on her amendment.

We just had a talk, and as I read the amendment — and I do not think it is intended, Mr. Speaker — but as I read the amendment, I believe that with the Eachus amendment we eliminated the high copays. I believe that this amendment inadvertently may reinstate those high copays, and I am just wondering, (a), is that true, and if it is true, can we divide the amendment so that we do not put the copays back up to \$15?

The SPEAKER pro tempore. The Chair is advised that the answer to the first question is yes, the copays go back in, and the answer to the second question is no, the amendment is not divisible.

Mr. BLAUM. Mr. Speaker, can I have a moment just to talk to the lady?

The SPEAKER pro tempore. The House will stand at ease momentarily.

(Conference held at Speaker's podium.)

LEAVES OF ABSENCE

Mr. SNYDER. Mr. Speaker?

The SPEAKER pro tempore. The House will come to order.

For what purpose does the gentleman, Mr. Snyder, rise?

Mr. SNYDER. To request a leave for the gentlemen, Representative John PERZEL and Representative John BARLEY.

The SPEAKER pro tempore. For the balance of the day or temporarily?

Mr. SNYDER. For the balance of the day.

The SPEAKER pro tempore. The Chair hears no objection, and the leaves are granted.

CONSIDERATION OF HB 201 CONTINUED

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Does the gentleman, Mr. Lloyd, seek recognition? For what purpose?

Mr. LLOYD. Mr. Speaker, I am not sure if it is a point of order or a parliamentary inquiry, but it is with regard to what this bill would look like if this amendment goes in on top of the Eachus amendment. I suppose more properly a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman suspend? I think that is going to be addressed.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Does the lady, Representative Orie, seek recognition?

Miss ORIE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The lady is recognized.

Miss ORIE. At this point in time we would withdraw the amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

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?

On that question, the Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for an affirmative vote obviously on this amendment. I would thank the majority leader, who, before our break, promised that HB 201 would come up for a vote, and he kept that promise.

Also, I thank the lady, Miss Jane Orie, for her assistance. She was right there on the same page with what we were trying to do here today, and I thank her for withdrawing that amendment. And I think the Eachus amendment can rightly be called the Eachus-Orie-Blaum amendment because of her efforts in that regard.

And I would ask the members for an affirmative vote.

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 gentleman from Allegheny County, Mr. PISTELLA, for the balance of today's session. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 201 CONTINUED

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—194

Adolph	Donatucci	Lynch	Schroder
Allen	Druce	Maher	Schuler
Argall	Eachus	Maitland	Scrimenti
Armstrong	Egolf	Major	Semmel
Baker	Evans	Manderino	Serafini
Bard	Fairchild	Markosek	Seyfert
Barrar	Fargo	Marsico	Shaner
Battisto	Feese	Masland	Smith, B.
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	Nickol	Taylor, J.
Caltagirone	Hanna	O'Brien	Thomas
Cappabianca	Harhart	Olasz	Tigue
Carn	Hasay	Oliver	Travaglio
Carone	Hennessey	Orie	Trello
Casorio	Herman	Pesci	Trich
Cawley	Hershey	Petrarca	True
Chadwick	Hess	Petrone	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Platts	Van Horne

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

NAYS-1

Smith, S. H.

NOT VOTING-1

Lawless

EXCUSED-5

Barley	Perzel	Phillips	Pistella
Corrigan			

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 (MATTHEW J. RYAN)
PRESIDING**

The House proceeded to third consideration of **HB 1189, PN 1746**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding the offense of invasion of privacy; and imposing a penalty.

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

The SPEAKER. Will the gentleman, Mr. Vitali, come to the desk.

The House will be at ease temporarily.

(Conference held at Speaker's podium.)

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

Mr. VITALI offered the following amendment No. A4990:

Amend Title, page 1, line 2, by inserting after "Statutes,"
providing for fraud in awarding Commonwealth grants;
Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting sections

Amend Sec. 1, page 1, by inserting between lines 7 and 8
§ 4704. Fraud in awarding Commonwealth grants.

(a) Public officials.—It shall be unlawful for a public official or employee to:

(1) Engage in a scheme or artifice to defraud relating to a Commonwealth grant program.

(2) Alter, add or delete or attempt to alter, add or delete or direct another person to alter or attempt to alter, add or delete Commonwealth grant documents or work products with intent to conceal intervention and involvement of a public official.

(b) Executive officials.—It shall be unlawful for an executive level State employee as defined in the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, to:

(1) Knowingly make false statements in order to misrepresent competitive fairness in awarding Commonwealth grants.

(2) Dismiss or sanction a public employee for refusing to process a grant application which does not meet the eligibility requirements of a Commonwealth grant program.

(c) Penalty.—A violation of this section shall be a misdemeanor of the third degree.

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 from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

This amendment would add a section to the Crimes Code called "Fraud in awarding Commonwealth grants." Mr. Speaker, this act would make it a misdemeanor of the third degree to perform certain elements of fraud in conjunction with Commonwealth grants. Although it applies to all Commonwealth grant programs, it is geared mainly at the Community Revitalization Program, which I believe has been fraught with fraud since its inception.

The House will recall that a similar amendment creating fraud in grants was defeated by this House in October. At that time many members, although supporting the concept of eliminating that fraud, had technical suggestions. Mr. Speaker, we have made every attempt to incorporate most of those technical suggestions into this amendment so as to make this a tighter, more definite, more viable section of the Crimes Code.

Specifically, this amendment would make it a crime to make knowingly false statements about the competitive fairness of a Commonwealth grant program. For example, this amendment would make it a criminal offense for the Governor or a State employee, Secretary of the Department of Community Development or others, to say the Community Revitalization Program awards are made purely on the basis of a comparison of grants to each other when in fact they are chosen based on simply designation by individual legislators. That is an element of this crime.

Now, in the past version, that was a broad criminal prohibition that many members raised the concern might apply to local mayors, might apply to members of the legislature, and may apply

to other people who unwittingly engage in puffery with regard to this grant program.

Mr. Speaker, we have, in order to accommodate the wishes of this body, dramatically shrunk who would be liable for making these false statements. Under the current version, which is before this House, it would only apply to State executive officials, those who are in the executive branch of State government who have discretionary authority over the awarding of grants. According to the definition that we have crafted, it would not apply to legislators, it would not apply to groups in the community; it would only apply to those in the agencies involved and the executive branch.

Mr. Speaker, a second element of this criminal statute that we are introducing would make it a misdemeanor of the third degree to dismiss or sanction a public employee for refusing to process a grant application that does not meet the eligibility requirements of a Commonwealth grant program. We found it necessary to include this provision, because under the Community Revitalization Program, I have spoken with State employees who were directed to process community revitalization grants which did not meet program requirements. Mr. Speaker, State employees should not be put in a position where they fear losing their job unless they violate the law. Therefore, Mr. Speaker, this statute would make it a crime to dismiss or sanction an employee for refusing to perform an act which in fact does violate the law.

Mr. Speaker, this provision acquired some objection from this body because, as previously drafted, it was dependent on the employee's mind as to whether the grant was not in conformance with the law. We have tightened this act at the request of members to make it an objective standard. It is not what the employee believes to be an improper grant but what the court finds to be.

Mr. Speaker, a third element of this criminal act would make it a third-degree misdemeanor to knowingly alter grant documents to conceal the involvement of an elected official in the award process. Mr. Speaker, we felt it necessary to do that because with the Community Revitalization Program, the Department of Community and Economic Development or rather an inspection of their files indicated that the names of legislators in fact had been concealed; documents had been altered to conceal the involvement of legislators. Mr. Speaker, we are entitled to better than this.

Mr. Speaker, what this criminal section does not do is eliminate the Community Revitalization Program, it does not reduce any funding for this or any other program, it does not expose legislators or community groups to any liability, but it does recognize the right of our constituents when they are dealing with their State government to be told the truth. Our constituents are entitled to be told the truth, and elected officials who knowingly misrepresent the truth are rightfully subject to criminal prosecution.

Mr. Speaker, the problem with misrepresenting the competitive fairness of a program, saying a program is open to all and we are all playing on a level playing field when in fact the program is wired, which in fact this program is wired, the Community Revitalization Program, is we are wasting the time of thousands of applicants, community groups who apply in good faith, municipal officials who apply in good faith, thousands of applicants who apply for these grants thinking they have a shot when they do not. Mr. Speaker, if this amendment would pass, we would greatly

reduce the waste of time that these community groups are now being subject to.

Mr. Speaker, I recognize that there is a school of politics that recognizes that these grants, these political grants, have their place in government, that there is this horse trading and that is a necessary part of the process, and I accept that. Mr. Speaker, this is not eliminating that. All it is saying is that we need to tell the truth to people; we should not be falsifying documents; we should not be firing State employees for violating the law.

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

THE SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Snyder.

MR. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, as the maker of this amendment noted in his remarks, an amendment very similar to this proposal was defeated 165 to 35 by this House in October. The speaker alleges that he has made several changes to this proposal to address the concerns of the members of this chamber in the action to defeat this bill.

Mr. Speaker, looking at this amendment and the one that was in October, many of the same concerns exist. First of all, Mr. Speaker, we already have in statute section 4904 of Title 18 dealing with "Unsworn falsification to authorities." What this does, Mr. Speaker, is it provides for "...a misdemeanor of the third degree if..." a person "...makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable," unquote.

Mr. Speaker, many of the same things that are included in this amendment — for instance, making a written false statement, submitting or relying on any writing which is forged, altered, or otherwise lacking authenticity, or inviting reliance on something else — are already covered in our statute.

Mr. Speaker, what the maker of this amendment is attempting to do is to deal with one specific program, and by doing so, he places in jeopardy, perhaps, the administrative capabilities to address many other grant programs throughout the Commonwealth. This is not specifically targeted to community grants that he has mentioned in his discussions.

But when we look at the amendment itself, as we noted back in October, there are some certain provisions of vagueness. We have some provisions again of vagueness in this amendment even though it has improved somewhat. For instance, it would be a crime to knowingly make false statements in order to misrepresent competitive fairness in awarding Commonwealth grants. What is competitive fairness? I do not know if anybody in this room could all come up with the same definition of what is fair in a competitive situation.

Mr. Speaker, we also have the question, as I said, of the grant programs being affected, not just one program from a particular department but all grant programs. We already deal with this administratively, Mr. Speaker, in other departments — for instance, in our economic development area — by providing sanctions or allowing the grants to be brought back if there is substantiation where there is any false information being provided or if there seems to be misrepresentation of the facts that are presented.

Mr. Speaker, I think that we have existing means to deal with the issue that the speaker has brought up, and I ask for a "no" vote on this amendment.

The SPEAKER. On the question, does the gentleman, Mr. DeWeese, desire recognition? The gentleman is recognized.

Mr. DeWEESE. Lynn Lawson was lying through her teeth not too long ago. Lynn Lawson was the spokesperson for the Department of Community and Economic Development. She lied through her teeth. She said that the Ridge administration had gotten rid of WAMs (walking-around money). The Ridge administration has not gotten rid of WAMs. Surreptitiously, cravenly, duplicitously, they are giving out WAMs, Mr. Speaker. For all I know, Lynn Lawson is still lying through her teeth, although I think she has a new job now, a political job; no longer representing the bureaucracy.

Anyway, the young man from Delaware County has an amendment to try to clean up the WAM program. Now, we all know, the lady from Butler knows, the gentleman from Lebanon knows, and a few of you who have at least a smack of idealism left in your bones know that the WAM program still exists. It is quite viable in the State Senate. In fact, one of our little fellows runs around the hall of the House arranging WAMs almost as we speak; no doubt about it. Yeah, that is the one I am referring to.

The gentleman has a mechanism at play for debate — clean up this program a little bit. Ridge, Ridge has been unfaithful to his declaration to get rid of WAMs, and the gentleman from the Lehigh Valley knows that. The gentleman from the Delaware Valley wants to clean up the program. So you can give us all this arcane, abstruse, and recondite minutia from your codebook, sir, but you are not going to solve the problem; he is. One vote, we help solve the problem.

WAMs are with us, and quite frankly, I think WAMs should be a part of our exercise here in this Assembly. But for the Ridge administration to proffer them here and there for a skating rink or a schoolbus garage or something like that is abjectly, ignominiously wrong. The young reformer from Delaware is trying to do his job, and the naysayers from the Republican pulpit are at their assignment.

I would ask for an acceptance of this amendment and an affirmative vote for the Vitali amendment.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I hate to ever be at variance with my leader or one of my colleagues, but I am wondering if the gentleman, Mr. Vitali, would stand for a brief interrogation.

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, under the provisions of the amendment that you have offered, would I be in violation of your rules if I were the vice commandant of a Marine Corps League detachment and that detachment applied for a community economic development grant for the purchase of parade equipment, and I am an officer of that organization? Could somehow the rules of this make me culpable of a misdemeanor because nowhere on the grant application is there a listing for all the officers of that organization and a legislator happens to be one of them?

Mr. VITALI. Under the newly drafted statute, it would require certain very egregious conduct for a private citizen, too. Certainly when I look at sections (b)(1) and (2), the provisions of knowingly making false statements to misrepresent the competitive fairness would not apply to him because he is not an executive official.

Section (b)(2), where it talks about dismissing or sanctioning a public employee for refusing to process, again would not apply to him because he is not a public official.

Section (a)(2), altering or attempting to alter grant documents. If in fact he attempted or you attempted to alter grant documents with the intent to conceal the involvement of another official, then that would bring you under the fraud statute. Also, with regard to (a)(1), engaging in a scheme or artifice to defraud, if there was in fact a scheme to defraud, if in fact this person were applying for a grant to do X and in fact through fraud he really wanted to do Y, then that fraud would be picked up by this act.

So I can say to you that this does apply in limited instances to public citizens, but I think that is in fact the correct thing if a private citizen wants to defraud this Commonwealth of money or intentionally alter grant documents.

Mr. BELFANTI. Mr. Speaker, I think somewhere in the middle of that answer you were on point. The rest of it is not what I asked you about.

Let me give you one or two other examples. Please try and give me a straightforward answer. I am not talking about fraud, I am not talking about changing or altering the documents; I am simply talking about an instance where, let us say Representative Chadwick is a member of a Boy Scout council and he applies for a community development grant or revitalization grant for his Boy Scout council or let us say another Representative in this chamber is the vice president of a Little League or is an officer in any number of other worthy organizations — a fire company, a VFW (Veterans of Foreign Wars) — and happens to process a grant for the VFW or the fire company that he happens to be or she happens to be involved in. Is there any scenario by which that public official, that legislator or Senator, may be violating the law because he has attempted to secure a legitimate grant for a legitimate purpose for a very legitimate civic organization? Can this rule be used in a highly politicized campaign or be used to bring about charges even though they might later be dropped? I am worried about the language of this rule that would cause some of us who, in good faith, may wish to help an organization we are a part of from doing so.

Now, I would like a short, succinct answer to any one of those scenarios — whether or not we are precluding organizations that we are involved with from receiving grants simply because a legislator or a Senator happens to be a member or an officer of those organizations.

Mr. VITALI. Thank you, Mr. Speaker, and I apologize that you really did not get the gist of my previous answer, but let me simply summarize what I did. This provision has four different subsections, and in my answer to you previously, I indicated that there would be no chance of liability under the last two subsections and there would be liability under the first two subsections, and I explained the scenarios under which that might occur.

Let me go over that one more time, Mr. Speaker. With regard to subsection (b)(1), you or anyone else would not be subject to making false statements regarding competitive fairness because section (b)(1) only applies to executive officials as it is defined by the act. So for answer (b)(1), your answer is no.

Now, with regard to (b)(2), dismissing or sanctioning a public employee, again your answer is no, because again that only applies to executive officials.

Now, with regard to example (a)(1), engaging in a scheme or artifice to defraud, that applies to any public official or employee. If any public official or employee, if a member of this legislature, sets up a dummy community group whose only real purpose is to somehow shunt campaign funds back to him or engages in some other fraudulent conduct, that applies to anyone. With regard to alteration of grant documents, if anyone intentionally, any public official, any employee, alters any documents with the intent to conceal the intervention or involvement, again there would be liability there. So in summary, (a)(1), yes; (a)(2), yes; (b)(1), no; (b)(2), no.

Mr. BELFANTI. Thank you, Mr. Speaker.

I am not ready to comment on the amendment. I am going to have to reread it, I guess, because I am simply not getting an answer as to whether or not under any scenario could there be a misreading of a legislator's or Senator's involvement in an organization who happens to want to apply for one of these grants. I will reread it and see if I can figure it out myself. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the colloquy that we just heard a few minutes ago should give everyone in this House reason to vote "no" on this amendment.

We had a question and answer, which lasted for a rather lengthy period of time, and finally the questioner said, I still do not understand what this is all about. What we are dealing with here is a proposed statute that is so vague, it is so vague that the only thing that it can lead to is unbelievable mischief.

Now, this says grants. It does not define grants. This could be those PHEAA (Pennsylvania Higher Education Assistance Agency) grants, the forms that we hand out in our office. You get a telephone call from a student or a parent saying, "Could you help me answer one or two of the questions on this grant application? I don't understand it," and you give assistance. Does that mean you have to put your name at the end of that application to say you helped that person? Could you be charged with a crime under this statute because you did not help?

And the key here is "charged," because as the prior speaker said, he brought up, could you be charged? And the answer is yes, you could be charged, and when you are charged, we know that every one of us, our name is going to be on the front page of the local newspaper, it is going to be on the local radio, and it is going to be on the local TV that we were charged with a crime. Forget about what might ultimately resolve. The proponent says, oh, no, you would not be liable, you would not be responsible under the scenario that I just gave to the House. That is not the problem, Mr. Speaker.

It is so vague; it is so vague that anybody could come forward and make that very serious charge as set out in this statute, but if we look at our other statutes that we have in place, they take care of exactly the type of situation that the proponent of this amendment offers. If someone in the most culpable reason should attempt to defraud the Commonwealth or through some trick, artifice, or fraud attempt to defraud a grant seeker or hide some moneys that were coming through those grants, current statutes would not only— Not only a third-degree misdemeanor,

Mr. Speaker, a second-degree misdemeanor, a second-degree misdemeanor, which is a far more serious punishment for a crime such as this.

For those reasons alone, because of the vagueness and because of our existing statutes which are much tougher on people that would attempt to defraud this Commonwealth through whatever means, I ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, this statute is not vague. It is all of 21 lines, and it is very clear in its import.

Mr. Speaker, anyone now in this Commonwealth as we speak, with or without this legislation, can be charged with fraud and in fact can be convicted of fraud if in fact they perpetrated that. This is not anything earth-shattering here.

Mr. Speaker, the gentleman from Lehigh County suggests that current legislation is adequate. Mr. Speaker, the prime proof that current legislation is not adequate is that this fraud has continued to exist for the past 2 fiscal years. If in fact it was adequate, it would not have existed. This legislation makes a crime conduct that is currently not a crime but should be.

Mr. Speaker, despite the suggestions of the gentleman from Lehigh County, this statute goes far beyond the unsworn-falsification-to-authorities Crimes Code statute, what the gentleman suggests would cover this. That statute does not deal with the dismissal of public employees, does not deal with competitive fairness, false statements.

Mr. Speaker, this statute is much more specific, and we have done this type legislation in many areas of the Crimes Code by making, although we have a theft crime, we have tailored that to auto piracy. Although we have assault statutes, we have made it ethnic assaults. We have made crimes more specific when the general crimes were not doing the job, and I think that is what we have here — an attempt to make this more specific.

Mr. Speaker, criticisms were made because certain terms, "competitive fairness," were, quote, unquote, "too vague." Mr. Speaker, we deal with— That is the nature of statutory language. In our Crimes Code, the language such as "reasonable," "reasonably known," words like that are used again and again because that is what we have to do in dealing with human conduct. Language is imperfect. It is up to the courts to determine what is reasonable, and it is up to the court to determine what is a misrepresentation of competitive fairness. It is just the nature of Crimes Code language we deal with again and again.

Mr. Speaker, again, this statute would not in any way eliminate WAMs or the competitive — or any grant program. It would just make us tell the truth to the citizens we represent.

Mr. Speaker, the essence of this statute is we are simply saying you must tell the truth to the people you represent about how you spend their money, and there is nothing wrong with that, and I ask for an affirmative vote.

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the maker of this amendment says this does not eliminate community revitalization grants, so what he is trying to do is strangle the program rather than kill the program.

Mr. Speaker, this amendment does nothing but impede us in doing our job as representatives of our district to have communications with the executive branch on issues of concern to our own districts.

We have defeated this bill before, and I ask for a negative vote once again. Thank you.

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

The following roll call was recorded:

YEAS-51

Battisto	DeLuca	Lucyk	Santoni
Bebko-Jones	Dent	Manderino	Scrimenti
Belardi	DeWeese	Masland	Shaner
Caltagirone	Evans	Melio	Steelman
Carn	George	Michlovic	Stetler
Carone	Hanna	Mundy	Sturia
Casorio	Herman	Petrarca	Surra
Cohen, M.	Itkin	Petrone	Tangretti
Colafella	Jarolin	Ramos	Travaglio
Corpora	Josephs	Roberts	Veon
Cowell	Krebs	Robinson	Vitali
Curry	Lescovitz	Roebuck	Williams, C.
Daley	Levdansky	Rooney	

NAYS-144

Adolph	Fairchild	Maitland	Semmel
Allen	Fargo	Major	Serafini
Argall	Feese	Markosek	Seyfert
Armstrong	Fichter	Marsico	Smith, B.
Baker	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Snyder, D. W.
Barrar	Gannon	McGeehan	Staback
Belfanti	Geist	McGill	Stairs
Benninghoff	Gigliotti	McIlhattan	Steil
Birmelin	Gladeck	McNaughton	Stern
Bishop	Godshall	Micozzie	Stevenson
Blaum	Gordner	Miller	Strittmatter
Boscola	Gruitza	Myers	Taylor, E. Z.
Boyes	Gruppo	Nailor	Taylor, J.
Brown	Habay	Nickol	Thomas
Browne	Haluska	O'Brien	Tigue
Bunt	Harhart	Olasz	Trello
Butkovitz	Hasay	Oliver	Trich
Buxton	Hennessey	Orie	True
Cappabianca	Hershey	Pesci	Tulli
Cawley	Hess	Pippy	Vance
Chadwick	Horsey	Platts	Van Horne
Civera	Hutchinson	Preston	Walko
Clark	Jadlowiec	Raymond	Waugh
Clymer	James	Readshaw	Williams, A. H.
Cohen, L. I.	Kaiser	Reber	Wilt
Colaizzo	Keller	Reinard	Wogan
Cornell	Kenney	Rieger	Wojnaroski
Coy	Kirkland	Rohrer	Wright, M. N.
Dally	LaGrotta	Ross	Yewcic
Dempsey	Laughlin	Rublely	Youngblood
Dermody	Lawless	Sainato	Zimmerman
DiGirolamo	Lederer	Sather	Zug
Donatucci	Leh	Saylor	
Druce	Lloyd	Schroder	Ryan,
Eachus	Lynch	Schuler	Speaker
Egolf	Maher		

NOT VOTING-1

Washington

EXCUSED-5

Barley
Corrigan

Perzel

Phillips

Pistella

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?

The SPEAKER. It is the understanding of the Chair that all amendments have been withdrawn. Let me go through the list: Casorio. The Chair apologizes.

The clerk will read the amendment offered by the gentleman, Mr. Casorio.

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

Mr. CASORIO offered the following amendment No. A4966:

Amend Title, page 1, line 3, by inserting after "privacy;" requiring notice to Pennsylvania State Police of change of name for persons with criminal history;

Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting sections

Amend Sec. 1, page 3, by inserting between lines 17 and 18

§ 9115. Change of name of person with a criminal history.

(a) General rule.—Whenever the court of common pleas of any county receives a petition for a change of name under 54 Pa.C.S. (relating to names), the court shall request the Pennsylvania State Police to conduct a criminal history investigation to establish whether or not the petitioner has been convicted of a felony, misdemeanor or a summary offense which upon second conviction would be graded a misdemeanor. The court may charge the petitioner for the costs of this investigation but shall reimburse the Pennsylvania State Police for such costs. The Pennsylvania State Police shall make a report of its investigation to the court within ten days of the request for same.

(b) Transmittal of information.—To ensure the continued accuracy of criminal history records, the court shall report to the Pennsylvania State Police the change of name that it grants by order to any person who was the subject of an investigation under subsection (a).

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. Casorio.

Mr. CASORIO. One moment, Mr. Speaker, please.

The SPEAKER. The House will stand momentarily at ease.

While Mr. Casorio is talking, the Chair recognizes the gentleman, Mr. Robinson, who I understand wishes to withdraw his amendments and be recognized.

Mr. Tangretti, have you withdrawn your amendments?
Mr. Lloyd?

AMENDMENT WITHDRAWN

The SPEAKER. Mr. Casorio, you have withdrawn your amendments?

Mr. CASORIO. Yes, Mr. Speaker, I am withdrawing it. Thank you.

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

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

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, I am going to withdraw both of my amendments, but I wanted the House to be aware that the concerns that I raised in my two amendments concerning the unlawful possession and use of credit information is now contained in HB 2144, which was introduced today. I will be reworking these amendments to find another Crimes Code bill that will be a more appropriate vehicle, but at this time I will be withdrawing both my amendments. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

The question is, shall the bill pass finally?

Mr. Marsico, on final passage.

Mr. MARSICO. Thank you, Mr. Speaker.

I want to thank the members who withdrew their amendments so we can move forward with this legislation that will protect the privacy of our citizens.

Currently in Pennsylvania's Crimes Code there is no criminal offense for those that would view or peep on employees or people during the day in their households. This protects their privacy, and we want to move forward with this legislation.

I appreciate your support. It is, by the way, supported by the Pennsylvania District Attorneys Association, the Pennsylvania State Police, and the Attorney General's Office.

So I would ask for an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—196

Adolph	Druce	Maher	Schuler
Allen	Eachus	Maitland	Scrimenti
Argall	Egolf	Major	Semmel
Armstrong	Evans	Manderino	Serafini
Baker	Fairchild	Markosek	Seyfert
Bard	Fargo	Marsico	Shaner
Barrar	Feese	Masland	Smith, B.
Battisto	Fichter	Mayernik	Smith, S. H.

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Barley	Perzel	Phillips	Pistella
Corrigan			

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.

LOCAL GOVERNMENT
COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Herman.

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

Before everyone leaves, those members of the House Local Government Committee, we are going to be having a meeting of the House Local Government Committee at the rear of the floor of the House, a very brief meeting regarding HB 2079. Thank you, Mr. Speaker.

RULES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Snyder, is recognized for the purpose of calling a Rules Committee meeting at the majority leader's desk. The members of that committee will go immediately to the desk.

VOTE CORRECTION

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

Mr. CASORIO. Thank you, Mr. Speaker.

I would like to just correct the record, if I could.

The SPEAKER. The gentleman is in order.

Mr. CASORIO. On final passage of SB 382 from December 9 of 1997, I inadvertently cast a "no" vote. I would like that corrected and changed to a "yes" vote.

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

Mr. CASORIO. Thank you, Mr. Speaker.

The SPEAKER. There will be no further votes.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 13, PN 2583**

By Rep. SNYDER

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for clarification of the status of members of the Pennsylvania Fish and Boat Commission, its Boating Advisory Board and deputy waterways patrolmen; providing for a volunteer program; and further providing for classification of offenses and penalties and for Class A regulated fishing lakes.

RULES.

HB 440, PN 2771 (Amended)

By Rep. SNYDER

An Act providing for the regulation of combustible and flammable liquids; allocating functions of the Department of Labor and Industry and the Pennsylvania State Police; imposing penalties; and making repeals.

RULES.

HB 441, PN 2579

By Rep. SNYDER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for absence without leave.

RULES.

HB 909, PN 2772 (Amended)

By Rep. SNYDER

An Act designating a section of U.S. Route 15 in Union County, Pennsylvania, as the Donald L. Heiter Memorial Highway; designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway; designating a section of S.R. 981 in Unity Township, Westmoreland County, as Technology Way; designating a bridge in Curwensville Borough, Clearfield County, as the Louis R. Donahue Memorial Bridge; designating a certain bridge on

S.R. 2012 in Castanea Township, Clinton County, as the Castanea Firemen's Memorial Bridge; and designating a certain bridge crossing the Juniata River as the Mifflin County Veterans Memorial Bridge.

RULES.

HB 1065, PN 2687

By Rep. SNYDER

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for training requirement, for the Deputy Sheriffs' Education and Training Board and for the Deputy Sheriffs' Education and Training Account.

RULES.

HB 1345, PN 2662

By Rep. SNYDER

An Act establishing the Agricultural Law Resource and Reference Center and its board of directors; and providing for their purpose, duties, powers and responsibilities.

RULES.

SB 307, PN 1552

By Rep. SNYDER

An Act prohibiting termination and discipline of an employee for failing to report to work during a state of emergency; and providing penalties.

RULES.

SB 631, PN 1534

By Rep. SNYDER

An Act amending the act of May 16, 1923 (P.L.207, No.153), entitled Municipal Claim and Tax Lien Law, further providing for attorney fees and for sale of property in cities of the first class.

RULES.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 897, PN 1005**

By Rep. HASAY

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 1315, PN 1498

By Rep. HASAY

An Act amending the act of December 1, 1959 (P.L.1647, No.606), known as the Business Development Credit Corporation Law, further providing for loans by financial institutions.

COMMERCE AND ECONOMIC DEVELOPMENT.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON JUDICIARY**

HB 2079, PN 2725

By Rep. HERMAN

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals.

LOCAL GOVERNMENT.

BILLS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Does the Republican leader or Democratic leader have any further business? Any announcements? Any corrections to the record?

The Chair recognizes the gentleman from Northampton, Mr. Dally.

Mr. DALLY. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 21, 1998, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:25 p.m., e.s.t., the House adjourned.