

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 23, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 64

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR PRAYER

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

Let us pray:

Gracious God our Father, You who have told us that where there is no vision the people perish, grant us the ability to clearly discern the problems that perplex us, the difficulties that dismay us, and the challenges that confront us. Cause us to dream daringly and envision courageously, for we know that with You, all things are possible if we only believe.

Fuel our imaginations that we might conceive ideas and ideals that will take our Commonwealth to even higher heights. Compel us to seize every legislative moment and use it to draw us even closer to You.

Bless and keep our leaders, and enable them to enjoy a closer walk with You.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, we will postpone until printed the approval of the Journal dated Wednesday, October 18, 1989. The Chair hears no objection.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Robert O'Donnell from Philadelphia.

Mr. O'DONNELL. Mr. Speaker, I move that the following bills presently on the tabled calendar be removed from the tabled calendar and placed on the active calendar:

HB 221; and
HB 1997.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2028 By Representative WASS

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to Thomas Frick a parcel of land situate in White Township, Indiana County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 23, 1989.

No. 2029 By Representatives O'DONNELL, ACOSTA, KOSINSKI, CARN, HAYDEN, OLIVER, JOSEPHS, DONATUCCI and WOGAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for jurisdiction to enjoin certain nuisances in the City of Philadelphia.

Referred to Committee on JUDICIARY, October 23, 1989.

No. 2030 By Representatives YANDRISEVITS, BILLOW, MICHLOVIC, MELIO, PESCI, BORTNER, COY, PRESSMANN, COLAIZZO, TRELLO and PRESTON

An Act implementing the Federal Liability Risk Retention Act of 1986; providing for regulation by the Insurance Department of risk retention groups and risk purchasing groups doing business in this Commonwealth; and further providing for the taxation of risk retention groups and risk purchasing groups.

Referred to Committee on INSURANCE, October 23, 1989.

No. 2031 By Representatives COLAFELLA, TRELLO, CALTAGIRONE, COLAIZZO, HALUSKA, MORRIS, JOHNSON, CIVERA, BILLOW, PRESSMANN, PESCI, GODSHALL, FARGO, PISTELLA, GIGLIOTTI, BUNT and COLE

An Act providing for indemnification of the cost of legal defense to health care providers for health care reporting requirements.

Referred to Committee on JUDICIARY, October 23, 1989.

No. 2032 By Representatives HERMAN, MRKONIC, TIGUE, JOHNSON, KOSINSKI, NAHILL, STEIGHNER, DEMPSEY, DIETTERICK, BIRMELIN, FREEMAN, FLEAGLE, RUDY, COY, NOYE, PESCI, SCHULER, LAUGHLIN, CESSAR, CARLSON, BOWLEY, RYBAK, MARSICO, PETRARCA, PHILLIPS, COLAFELLA, JACKSON, E. Z. TAYLOR, HESS, FAIRCHILD, MOEHLMANN, McCALL, STABACK, COHEN, FARMER, BILLOW, BUNT, SAURMAN, McHALE, MAINE, SERAFINI, J. L. WRIGHT, VROON and TELEK

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for graves which shall be decorated with flags.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, October 23, 1989.

No. 2033 By Representatives RUDY, B. SMITH, OLIVER, HARPER, COHEN, JACKSON, JOHNSON, KOSINSKI, SCHULER, GODSHALL, J. L. WRIGHT, DEMPSEY, VEON, ROBINSON, BELARDI, BILLOW, NAHILL, E. Z. TAYLOR, GIGLIOTTI, DONATUCCI, JOSEPHS, LAUGHLIN, KUKOVICH, GLADECK, FOX, WILSON and LINTON

An Act providing for restrooms in facilities where the public congregates; and requiring that restroom facilities be provided for women on an equitable basis.

Referred to Committee on STATE GOVERNMENT, October 23, 1989.

No. 2034 By Representatives DeLUCA, KASUNIC, COLAIZZO, McNALLY, NOYE, CAPPABIANCA, PESCI, FARGO, TANGRETTI, DALEY, CARLSON, FAIRCHILD, MICOZZIE, BILLOW, FOX, HARPER, GIGLIOTTI, ARGALL, SCHEETZ, WOGAN, MELIO, HERSHEY, FARMER, LINTON, TIGUE, BELARDI, STABACK, NAILOR, TELEK, B. SMITH, MAIALE, HOWLETT, LANGTRY, JAMES, MARSICO, PISTELLA, TRICH, YANDRISEVITS, FREEMAN, JOHNSON, BUNT, ITKIN, SAURMAN, BLAUM, WILLIAMS, ADOLPH, COLAFELLA and PETRARCA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing requirements for police officers convicted of certain offenses relating to delivery of controlled substances.

Referred to Committee on JUDICIARY, October 23, 1989.

No. 2035 By Representatives MOWERY, FARGO, PITTS, WOZNIAK, PISTELLA, CHADWICK, SCHULER, PESCI, NOYE, GEIST, FAIRCHILD, GLADECK, HECKLER, BIRMELIN, PHILLIPS, E. Z. TAYLOR, CLYMER, SCHEETZ, SEMMEL, HERMAN, NAHILL, McVERRY, S. H. SMITH, LASHINGER, TANGRETTI, VROON, BARLEY, HERSHEY, MERRY, BURD, GODSHALL, JOHNSON, G. SNYDER, DIETTERICK, WOGAN, SAURMAN, LEE, FARMER, BUNT, DORR, SERAFINI, FLICK and ADOLPH

An Act making appropriations to the State Workmen's Insurance Board for distribution to subscribers; and requiring the transfer of money from the State Workmen's Insurance Fund to the General Fund.

Referred to Committee on LABOR RELATIONS, October 23, 1989.

No. 2036 By Representatives J. H. CLARK, SAURMAN, McVERRY, SEMMEL, GODSHALL, DISTLER, LAUGHLIN, PESCI, WOGAN, MORRIS, DIETTERICK, KOSINSKI, VROON, OLASZ, NOYE, NAHILL, HAGARTY, PRESSMANN, STAIRS, HOWLETT, MAIALE, CARLSON, BUNT, E. Z. TAYLOR, JOHNSON, CIVERA, LUCYK, COHEN, MELIO, SCHULER, DEMPSEY, J. L. WRIGHT and ADOLPH

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for a personal needs allowance for recipients of medical assistance who reside in institutions.

Referred to Committee on HEALTH AND WELFARE, October 23, 1989.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 221 By Representatives VEON, BARLEY, PESCI, SCHULER, STISH, LaGROTTA, BILLOW, TIGUE, McNALLY, STUBAN, MORRIS, MRKONIC, J. L. WRIGHT, PISTELLA, STABACK, COY, GODSHALL, LLOYD, MELIO, BELARDI, OLASZ, ITKIN, DeWEESE, DIETTERICK, ROBINSON, NOYE, KUKOVICH, MARSICO, CAPPABIANCA, KOSINSKI, GIGLIOTTI, LAUGHLIN, COLAFELLA, PRESSMANN, BELFANTI, RAYMOND, MOEHLMANN, CORRIGAN, TANGRETTI, BLAUM, BUSH, TRICH, FREEMAN, NAHILL, LINTON, LEVDANSKY, VROON, HERSHEY,

DeLUCA, WASS, CESSAR, McHALE,
KASUNIC, MAINE, COWELL,
PETRARCA, MILLER, STRITTMATTER
and SCHEETZ

Supporting the Attorney General in his efforts to defend the constitutionality of provisions of Pennsylvania law designed to protect corporations from hostile takeovers.

Referred to Committee on RULES, October 23, 1989.

SENATE BILLS FOR CONCURRENCE

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

SB 876, PN 997

Referred to Committee on STATE GOVERNMENT, October 23, 1989.

SB 916, PN 1299

Referred to Committee on STATE GOVERNMENT, October 23, 1989.

SB 927, PN 1568

Referred to Committee on EDUCATION, October 23, 1989.

SB 929, PN 1058

Referred to Committee on FINANCE, October 23, 1989.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 109, PN 115**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for closing of State hospitals and other State institutions.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 109** be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 749, PN 2640**, entitled:

An Act providing for the establishment and operation of poison control centers throughout this Commonwealth; establishing a lead poisoning program; imposing powers and duties on the Department of Health; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 749** be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1665, PN 1993**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," requiring Social Security numbers of parents on birth certificates.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1665** be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1104, PN 2629**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," providing for benefits for drug abuse and dependency.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1104** be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1979, PN 2561**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating matters relating to the performance of abortions, the protection of women who undergo abortion, and the protection of children subject to abortion; providing for notice to spouses prior to an abortion; prohibiting abortions based solely on the sex of the child; and prohibiting abortions after 24 weeks gestation unless necessary to prevent maternal death.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1979 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 866**, **PN 2630**, entitled:

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," further providing for allocation of general municipal pension system State aid and for distribution of the foreign fire insurance premium tax.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 866 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 895**, **PN 2631**, entitled:

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for credit for military service.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 895 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1054**, **PN 1196**, entitled:

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for credit for military service.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1054 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1055**, **PN 2632**, entitled:

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for credit for military service.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1055 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1220**, **PN 2633**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for the powers and duties of the coroner; and making an editorial change.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1220 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1221**, **PN 2634**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for ambulances and coroners; and making an editorial change.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1221 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1256**, **PN 1449**, entitled:

An Act amending the act of May 20, 1949 (P. L. 1488, No. 444), entitled "An act relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto," further providing for payments into the police pension fund.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1256 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1257**, **PN 1450**, entitled:

An Act amending the act of August 1, 1975 (P. L. 169, No. 87), entitled "An act relating to pensions for employees of the City of Pittsburgh," further providing for the contribution rate

of members and contributions by the city; and requiring the board to retain an actuary.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1257 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1258**, **PN 1451**, entitled:

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," further providing for the power of an authority regarding pensions.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1258 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1259**, **PN 1452**, entitled:

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), referred to as the "Second Class City Employee Pension Law," further providing for payments by contributors and the city to the board of pensions.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1259 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1260, PN 1453**, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), referred to as the "Second Class City Firemen Relief Law," further providing for payments by the city and members into the pension fund and for payment of dues to certain members.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1260 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1261, PN 1454**, entitled:

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for administration of the fund, for member contributions and for appropriations by the city to the fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1261 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1262, PN 1455**, entitled:

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," further providing for the annual appropriation by cities.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1262 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1263, PN 2635**, entitled:

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), referred to as the "Foreign Casualty Insurance Premium Tax Allocation Law," further providing for the return of unused moneys; and repealing provisions relating to payments to municipalities.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1263 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1264, PN 1457**, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for payments by the city and contributors into the retirement fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1264 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1265, PN 1458**, entitled:

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for benefits, appropriations to the fund, use of State aid and the expense of administering funds.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1265 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1266**, **PN 1459**, entitled:

An Act amending the act of May 22, 1935 (P. L. 233, No. 99), referred to as the "Second Class City Policemen Relief Law," further providing for payments by the city and contributions by members into the fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1266 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1267**, **PN 1460**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for payments into certain pension funds.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1267 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1268**, **PN 1461**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for the power of an authority to make contracts of insurance.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1268 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1269**, **PN 1462**, entitled:

An Act amending the act of April 5, 1917 (P. L. 39, No. 20), entitled "An act relating to police pension funds in cities of the second class, and directing such cities to appropriate certain moneys thereto," further providing for payments by the city into the police pension fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1269 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1270**, **PN 1463**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for compensation for certain aged employees; and providing for funding of police pensions.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1270 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1271**, **PN 1464**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for police pension funds.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1271 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1272**, **PN 1465**, entitled:

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for payments by the city into the police and firemen's pension funds and for credit for military service.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1272 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1332**, **PN 2636**, entitled:

An Act regulating the fiduciary affairs of local government employee retirement systems by providing for persons defined to be fiduciaries, fiduciary activities subject to regulation, general standards of fiduciary conduct, specific, supplemental fiduciary standards, liability for fiduciary breaches including breaches by other fiduciaries, delegation and allocation of fiduciary activities, fiduciary insurance and bonding; providing for penalties; and making repeals.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1332 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

HB 1110, PN 1270; and SB 369, PN 382.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 757**, **PN 1499**, entitled:

An Act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 757 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1014**, **PN 1715**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending contempt of court powers to district justices and judges of the Traffic Court of Philadelphia and clarifying subpoena powers.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1014 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves from the majority party? The indication is in the negative.

Are there requests for leaves from the minority party? The minority whip, Representative Hayes, indicates that there are requests for leaves and is recognized.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Chester County, Mr. HERSHEY, for the week, and the gentleman from York County, Mr. FOSTER, for the day.

The SPEAKER. Without objection, the leaves requested by the minority whip will be granted. The Chair hears no objection.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members are to indicate their presence in the hall of the House by voting in the affirmative on the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—199

Acosta	Dombrowski	Lashinger	Ritter
Adolph	Donatucci	Laughlin	Robbins
Allen	Dorr	Lee	Robinson
Angstadt	Durham	Leh	Roebuck
Argall	Evans	Lescovitz	Rudy
Barley	Fairchild	Letterman	Ryan
Battisto	Fargo	Levdansky	Rybak
Belardi	Farmer	Linton	Saloom
Belfanti	Fee	Lloyd	Saurman
Billow	Fleagle	Lucyk	Scheetz
Birmelin	Flick	McCall	Schuler
Bishop	Fox	McHale	Scrimenti
Black	Freeman	McNally	Semmel
Blaum	Freind	McVerry	Serafini
Bortner	Gallen	Maiale	Smith, B.
Bowley	Gamble	Maine	Smith, S. H.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Marsico	Snyder, G.
Broujos	George	Mayernik	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Michlovic	Stish
Bush	Gruitza	Micozzie	Strittmatter
Caltagirone	Gruppo	Morris	Stuban
Cappabianca	Hagarty	Mowery	Tangretti
Carlson	Haluska	Mrkonic	Taylor, E. Z.
Carn	Harper	Murphy	Taylor, F.
Cawley	Hasay	Nahill	Taylor, J.
Cessar	Hayden	Nailor	Telek
Chadwick	Hayes	Noye	Thomas
Civera	Heckler	O'Brien	Tigue
Clark, B. D.	Herman	O'Donnell	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaafella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson

Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, J. L.
Daley	Kondrich	Raymond	Wright, R. C.
Davies	Kosinski	Reber	Yandrisevits
Dempsey	Kukovich	Reinard	
Dietterick	LaGrotta	Richardson	Manderino, Speaker
Dininni	Langtry	Rieger	
Distler			

ADDITIONS—2

Miller Mochlmann

NOT VOTING—0

EXCUSED—2

Foster Hershey

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes Representative Miller from Lancaster County, who indicates that he is present in the hall of the House and wants to be added to the master roll call. Representative Mochlmann from Lebanon County is recognized, who indicates that he is present and wants to be added to the master roll call.

Both of the gentlemen will be placed upon today's master roll.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 757 on page 8 of today's calendar, which was tabled by action of the House, be removed from the table and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

FILMING PERMISSION

The SPEAKER. The Chair announces for the information of the members that the Chair has granted permission to John Sanks of WPVI-TV and Daryl Rhode of KYW-TV to videotape for 10 minutes on the floor of the House. The two gentlemen are to the right of the Speaker in the far aisle.

COMMITTEE MEETING CANCELED

The SPEAKER. The chairman of the State Government Committee, Representative Oliver from Philadelphia, indicates to the Chair that the meeting scheduled for 10 a.m. in room 418 tomorrow has been canceled. The State Government meeting scheduled for tomorrow at 10 a.m. has been canceled.

The Chair informs the members that the cameras on the floor of the House at this time are from KYW-TV and WPVI-TV, channel 6, and they are both to the right of the Speaker.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1040, PN 1182**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the liability of corporate directors.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Adolph	Dombrowski	Lee	Ritter
Allen	Donatucci	Leh	Robbins
Angstadt	Dorr	Rescovitz	Robinson
Argall	Durham	Letterman	Roebuck
Barley	Evans	Levdansky	Rudy
Battisto	Fairchild	Linton	Ryan
Belardi	Fargo	Lloyd	Rybak
Belfanti	Farmer	Lucyk	Saloom
Billow	Fee	McCall	Saurman
Birmelin	Fleagle	McHale	Scheetz
Bishop	Flick	McNally	Schuler
Black	Fox	McVerry	Scrimenti
Blaum	Freeman	Maiale	Semmel
Bortner	Freind	Maine	Serafini
Bowley	Gallen	Markosek	Smith, B.
Boyes	Gamble	Marsico	Smith, S. H.
Brandt	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Melio	Snyder, G.
Bunt	George	Merry	Staback
Burd	Gigliotti	Michlovic	Stairs
Burns	Gladeck	Micozzie	Steighner
Bush	Godshall	Miller	Stish
Caltagirone	Gruitz	Moehlmann	Strittmatter
Cappabianca	Gruppo	Morris	Stuban
Carlson	Hagarty	Mowery	Tangretti
Carn	Haluska	Mrkonic	Taylor, E. Z.
Cawley	Harper	Murphy	Taylor, F.
Cessar	Hasay	Nahill	Taylor, J.
Chadwick	Hayden	Nailor	Telek
Civera	Hayes	Noye	Thomas
Clark, B. D.	Heckler	O'Brien	Tighe
Clark, D. F.	Herman	O'Donnell	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Itkin	Perzel	Veon
Colaella	Jackson	Pesci	Vroon
Colaizzo	Jadlowiec	Petrarca	Wambach
Cole	Jarolin	Petrone	Wass
Cornell	Johnson	Phillips	Weston
Corrigan	Josephs	Piccola	Williams
Cowell	Kaiser	Pievsky	Wilson
Coy	Kasunic	Pistella	Wogan
DeLuca	Kenney	Pitts	Wozniak
DeWeese	Kondrich	Pressmann	Wright, D. R.
Daley	Kosinski	Preston	Wright, J. L.
Davies	Kukovich	Raymond	Wright, R. C.
Dempsey	LaGrotta	Reber	Yandrisevits
Dietterick	Langtry	Reinard	
Dinjinni	Lashingier	Richardson	
Distler	Laughlin	Rieger	Manderino, Speaker

**NAYS—0
NOT VOTING—3**

Acosta Hughes James
EXCUSED—2

Foster Hershey

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

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 331, PN 2406**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; further providing for visible and audible signals on emergency vehicles and for securing loads in vehicles; and providing for transporting foodstuffs.

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

The **SPEAKER**. The Chair recognizes the gentleman from Monroe County, Representative Battisto, who moves that the House nonconcur in the amendments inserted into HB 331 by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate? On that question, Representative Battisto is recognized.

Mr. **BATTISTO**. Thank you, Mr. Speaker.

Mr. Speaker, HB 331 has within it Representative Phillips' original bill on emergency vehicles. It also has amended into it my bill dealing with the transportation of garbage, which was HB 121, and it has Representative George's bill, I believe it was HB 1681, dealing with the transportation of foodstuffs; that is, garbage cannot be transported in trucks that are used to haul food. So really, there are three bills together now in HB 331.

Because it needs some refinement, I move that the House nonconcur in the Senate amendments in HB 331.

The **SPEAKER**. The question recurs, will the House concur in the amendments inserted by the Senate? The motion is to nonconcur. On that question, Representative Phillips from Northumberland is recognized.

Mr. **PHILLIPS**. Thank you, Mr. Speaker.

I would agree with the previous speaker. There are some problems with the bill, and I would ask for a nonconcurrence vote.

The **SPEAKER**. The gentleman from Northumberland and the gentleman from Monroe each agree on the motion to nonconcur.

The question recurs, will the House agree to the amendments inserted by the Senate? Those wishing to agree will vote "aye"; those wishing to nonconcur will vote "nay."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—2

Donatucci

Rieger

NAYS—187

Adolph	Dombrowski	Lee	Robbins
Allen	Dorr	Leh	Robinson
Angstadt	Durham	Lescovitz	Rudy
Argall	Evans	Letterman	Ryan
Barley	Fairchild	Levdansky	Rybak
Battisto	Fargo	Lloyd	Saloom
Belardi	Farmer	Lucyk	Saurman
Belfanti	Fec	McCall	Scheetz
Billow	Fleagle	McHale	Schuler
Birmelin	Flick	McNally	Scrimenti
Black	Fox	McVerry	Semmel
Blaum	Freeman	Maine	Serafini
Bortner	Freind	Markosek	Smith, B.
Bowley	Gallen	Marsico	Smith, S. H.
Boyes	Gamble	Mayernik	Snyder, D. W.
Brandt	Gannon	Melio	Snyder, G.
Broujos	Geist	Merry	Staback
Bunt	George	Michlovic	Stairs
Burd	Gigliotti	Micozzie	Steighner
Burns	Gladeck	Miller	Stish
Bush	Godshall	Moehlmann	Strittmatter
Caltagirone	Gruitza	Morris	Suban
Cappabianca	Gruppo	Mowery	Tangretti
Carlson	Hagarty	Mrkonic	Taylor, E. Z.
Cawley	Haluska	Murphy	Taylor, F.
Cessar	Harper	Nahill	Taylor, J.
Chadwick	Hasay	Nailor	Telek
Civera	Hayden	Noye	Tigue
Clark, B. D.	Hayes	O'Brien	Trello
Clark, D. F.	Heckler	O'Donnell	Trich
Clark, J. H.	Herman	Olasz	Van Horne
Clymer	Hess	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colafella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	Jarolin	Petrone	Weston
Cornell	Johnson	Phillips	Williams
Corrigan	Kaiser	Piccola	Wilson
Cowell	Kasunic	Pievsky	Wogan
Coy	Kenney	Pistella	Wozniak
DeLuca	Kondrich	Pitts	Wright, D. R.
DeWeese	Kosinski	Pressmann	Wright, J. L.
Daley	Kukovich	Preston	Wright, R. C.
Davies	LaGrotta	Raymond	Yandrisevits
Dempsey	Langtry	Reber	
Dietterick	Lashinger	Reinard	
Dininni	Laughlin	Ritter	
Distler			

NOT VOTING—12

Acosta	Howlett	Josephs	Richardson
Bishop	Hughes	Linton	Roebuck
Carn	James	Maiale	Thomas

EXCUSED—2

Foster	Hershey
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

WELCOMES

The SPEAKER. The Chair is happy to welcome to the hall of the House Bill and Mary Wilshire from Plum Borough. They are the parents of Kristy Wilshire, who is serving as a guest page today. They are the guests of Representative Ted Kondrich, and they are to the left of the Speaker. Will they please stand.

The Chair is also happy to welcome to the hall of the House today William Gudelunas, a student at Pottsville Area High School in the gifted program. He is the guest of Representative Bob Allen of Schuylkill County, and he is in the balcony.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The House and the Speaker are awaiting completion of amendments so that we may proceed to the rest of today's voting schedule. Without objection, at this time we will move to committee announcements.

Representative Caltagirone from Berks County, chairman of the Judiciary Committee, seeks recognition for the purpose of a committee meeting announcement. The gentleman is in order, without objection.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to call for a meeting of the House Judiciary Committee in the Capitol Annex, room 22, dealing with SB 522 at the call of the recess or the adjournment, whichever comes first.

The SPEAKER. The gentleman, chairman of the Judiciary Committee, has called a meeting at the call of the recess of the Judiciary Committee.

FILMING PERMISSION

The SPEAKER. The Chair informs the members that Pete Auifero of WITF-TV will be filming videotape on the floor of the House for the next 10 minutes. The gentleman is to the right of the Speaker in the far aisle, front.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 365, PN 2413**, entitled:

An Act amending the act of April 30, 1986 (P. L. 107, No. 36), known as the "Charitable Organization Reform Act," further providing for soliciting for a named individual.

On the question,

Will the House agree to the bill on third consideration?

Mr. G. M. SNYDER offered the following amendments No. A3298:

Amend Sec. 1 (Sec. 12), page 2, line 9, by striking out all of said line and inserting

(b) Soliciting for named individual.—

(1) A person or charitable

Amend Sec. 1 (Sec. 12), page 2, lines 14 through 21 by striking out "THE PERSON OR CHARITABLE ORGANIZATION HOLDING SUCH FUNDS" in line 14, all of lines 15 through 21 and inserting

The funds collected shall be invested according to the terms of the trust instrument with an individual or corporate fiduciary, subject to its agreement to accept the account.

(2) A person or charitable organization soliciting contributions for the benefit of a named individual who receives in excess of \$10,000 shall petition the court of common pleas of the county in which the trust shall be established for approval by the court of the provisions of the written trust instrument by which such trust shall be established, and for approval of the trustee thereof. The funds collected shall be invested according to the terms of the trust instrument with an individual or corporate fiduciary, subject to its agreement to accept the account.

(3) If there is a contribution to a person or charitable organization

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

(i)

Amend Sec. 1 (Sec. 12), page 3, line 7, by striking out "(2)" and inserting

(ii)

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, from York County, Representative Snyder is recognized.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would change the language of the bill on page 2, starting on line 14.

As presently drafted, the language that I am seeking to amend would require any neighborhood group, neighbors, whatever, who want to help somebody who is in need by having one of these charitable trusts, to first petition a court of common pleas and then to establish the trust with a corporate fiduciary. My concern about that is that because of the dollar limit of the trust funds, you are putting up roadblocks to neighborhood groups that simply want to try to help out a person in need to the extent that you may discourage them from doing so.

So my amendment would simply say that if the funds collected are over \$5,000 but less than \$10,000, while of course they are still subject to the registration requirements of the charitable trust act and are also subject to the Probate, Estates and Fiduciaries Code as to the handling of those trust funds, they would not be required to seek prior court approval or to have a corporate fiduciary. If, on the other hand, the funds are in excess of \$10,000, they would then be required not only to seek prior court approval of the trust but would also have to have the court approval of the trustee who would be administering the trust.

Again, I understand the intent of the legislation. I think it is a good intent. I am just concerned that we are overreacting. By overreacting, what we are going to be doing is discouraging the volunteers out there that want to have that bake sale for the young man that has been in a horrible car accident. They want to have that dance; they want to have that lun-

cheon, but if we are going to make them jump through all the hoops for that sort of situation, they simply are not going to do it. These are volunteers we are talking about.

By the same token, my amendment would still keep in place all of the present safeguards, and in addition, when the amount of the trust fund becomes significant, it would require prior court approval for the terms of the trust and also prior court approval for the trustee who has been named to administer the trust.

Remember, when you are talking about a corporate fiduciary, they are in the business of administering trusts. They charge for that. They should charge for that. That is their business. There are very few corporate fiduciaries out there who have any interest whatsoever in a trust that has \$5,000 or less in it. They simply are not interested in doing it, because from their standpoint, it is not economic to do so.

I hope I can count on your support for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

From Washington County, Representative Daley is recognized on whether or not the House will agree to the amendment.

Mr. DALEY. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates that he will. You may proceed.

Mr. DALEY. I seem to be a little confused by your language under number (2). Could you explain to me "in excess of \$10,000 shall petition the court," and does that not seem to be in conflict with line 11 on page 2 of my bill?

Mr. G. M. SNYDER. Would you repeat your question for me, please?

Mr. DALEY. Yes. The question is, you have identified in the second section "A person or charitable organization soliciting contributions..." and so forth "in excess of \$10,000...." Is that not in direct conflict with line 11?

Mr. G. M. SNYDER. No; it is not.

Mr. DALEY. Could you explain to me why it is not?

Mr. G. M. SNYDER. Well, keep in mind that I am referring now to your language. Line 11 on page 2 indicates that any individual who receives or intends to receive in excess of \$5,000 shall hold the funds collected in trust and shall be subject to the provisions of the PEF Code, the Probate, Estates and Fiduciaries Code. I do not touch that language. What my language says is that if indeed those funds reach or are in excess of \$10,000, at that point in time, when the trust fund has obtained that many funds, then you must go into court seeking approval of the trust document and seeking approval of the trustee. However, in all cases - whether it is \$10, \$20, \$5,000, \$7,000, or \$10,000 - if you are out there raising funds on behalf of an individual or any other charitable cause, you must still register with the Department of State. That is already in law.

Mr. DALEY. Another question, Mr. Speaker.

I still do not understand your explanation. I put the language in saying that if you receive in excess of \$5,000, you are applicable to the certain code, and you are saying here that it is in excess of \$10,000. What I am saying is, if you wanted to amend this, should you not have taken the \$5,000 out and removed that language and then placed in your second section with \$10,000?

Mr. G. M. SNYDER. No; I should not have. If you will read your language with my amendatory language, you will find that when you have the threshold amount of \$5,000, you then go on to say that for that amount, you must first go into court, petition the court for approval, and then indeed obtain a corporate fiduciary. With my amendment, what my amendment says is, once you reach the \$5,000 level, you then are subject to the PEF Code, and once you reach the \$10,000 level, that is when you have got to go into court, but not only do you have to get the approval of the court at that point in time for the terms of the trust but you also must get the approval of the court for the trustee who is to administer that trust. So there is an extra step in procedure in there. The point of that is, again, do not overburden the volunteers who are out there trying, out of the goodness of their hearts, to raise money for the neighbor down the street.

Mr. DALEY. My next question, Mr. Speaker, is that in the section prior to that, right before that, you are saying that "...the trust instrument with an individual or corporate fiduciary...." You are changing the language by adding "individual." Am I correct?

Mr. G. M. SNYDER. I am sorry; I could not hear your question.

Mr. DALEY. What I am saying is that you are adding "individual or corporate fiduciary," so you are adding the individual as part of the amendatory language here in terms of this section between lines 14 and 21. Am I correct?

Mr. G. M. SNYDER. Yes. But if the amount in question is \$10,000 or more, you must have the court's approval as to the trustee, whether it be a corporate fiduciary or an individual fiduciary. Remember, many individual fiduciaries will serve without cost to the trust. Corporate fiduciaries typically do not.

Mr. DALEY. Mr. Speaker, can I make a comment on the amendment?

The SPEAKER. The gentleman is in order.

Mr. DALEY. After looking at this language and seeing this amendment for the first time today, the way the legislation has been drafted, it has been drafted in cooperation with the Department of State, the Attorney General, and the Pennsylvania Bankers Association. We think that existing language is enough, and the adding of this amendment tends to make the legislation very ambiguous.

I ask for defeat of this amendment.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from York County, Representative Snyder is recognized.

Mr. G. M. SNYDER. Thank you, Mr. Speaker. Just very briefly.

The Bankers Association, as a matter of fact, called me about this amendment. As best I can determine, once I explained it to them, they had no objection to it whatsoever, and again, the only thing we are doing is trying to make it realistic for the volunteers out there to continue doing what they are doing. They are still regulated; they are still required to register. We are just not requiring them to jump over those roadblocks of going into court and incurring the expense of a corporate fiduciary—and they do charge for those services—until the funds have reached a sufficient amount to make it both worthwhile and necessary for that to occur.

I ask for your support. Thank you.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Cumberland County, Representative Broujos is recognized.

Mr. BROUJOS. Mr. Speaker, I had the occasion to be involved with some of these charitable organizations, and I think that this is an excellent manner in which to handle the problems that may develop - the size of the trust, the nature and name of the trustee.

In addition, it will have the effect of giving some credibility to the trust. There is always, on the part of the public, a reluctance to make contributions where the size of the trust becomes relatively large. There are constant situations in which small groups start raising a trust for a charitable purpose, and it, shall we say, gets out of hand and is subject to sticky fingers, and I think that this is an excellent approach to it. It is very simple. It is phrased simply, and there is a lot of merit to it. I think that anything that happens over in the Senate will be able to wash out any problems that may be on the minds here today of House members, and I strongly urge support.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Washington County, Representative Daley is recognized.

Mr. DALEY. Thank you, Mr. Speaker.

After discussing the matter further with Representative Lloyd—and to the previous speaker, I did have the bankers call you today - the Bankers Association - to get your input—I can agree to this amendment now as it was presented, and I understand. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—192

Adolph	Donatucci	Leh	Robbins
Allen	Dorr	Lescovitz	Robinson
Angstadt	Durham	Letterman	Roebuck
Argall	Evans	Levdansky	Rudy
Barley	Fairchild	Linton	Ryan
Battisto	Fargo	Lloyd	Rybak
Belardi	Farmer	Lucyk	Saloom
Belfanti	Fee	McCall	Saurman
Birmelin	Fleagle	McHale	Scheetz
Bishop	Flick	McNally	Schuler
Black	Fox	McVerry	Scrimenti
Blaum	Freeman	Maine	Semmel
Bortner	Freind	Markosek	Serafini
Bowley	Gallen	Marsico	Smith, B.
Boyes	Gamble	Mayernik	Smith, S. H.

Brandt	Gannon	Melio	Snyder, D. W.
Broujos	Geist	Merry	Snyder, G.
Bunt	George	Michlovic	Staback
Burd	Gigliotti	Micozzie	Stairs
Burns	Gladeck	Miller	Steighner
Bush	Godshall	Moehlmann	Stish
Caltagirone	Gruitza	Morris	Strittmatter
Cappabianca	Gruppo	Mowery	Suban
Carlson	Hagarty	Mrkonic	Tangretti
Cawley	Haluska	Murphy	Taylor, E. Z.
Cessar	Harper	Nahill	Taylor, F.
Chadwick	Hasay	Nailor	Taylor, J.
Civera	Hayden	Noye	Telek
Clark, B. D.	Hayes	O'Brien	Tigue
Clark, D. F.	Heckler	O'Donnell	Trello
Clark, J. H.	Herman	Olasz	Trich
Clymer	Hess	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafrilla	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Williams
Cowell	Kaiser	Pievsky	Wilson
Coy	Kasunic	Pistella	Wogan
DeLuca	Kenney	Pitts	Wozniak
DeWeese	Kondrich	Pressmann	Wright, D. R.
Daley	Kosinski	Preston	Wright, J. L.
Davies	Kukovich	Raymond	Wright, R. C.
Dempsey	LaGrotta	Reber	Yandrisevits
Dietterick	Langtry	Reinard	
Dininni	Lashinger	Rieger	Manderino,
Distler	Laughlin	Ritter	Speaker
Dombrowski	Lee		

NAYS—1

Billow

NOT VOTING—8

Acosta	Howlett	Josephs	Richardson
Carn	James	Maiale	Thomas

EXCUSED—2

Foster Hershey

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

On the question,

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

Mr. DORR offered the following amendment No. A3278:

Amend Sec. 2 (Sec. 14.1), page 6, lines 20 through 26, by striking out all of lines 20 through 25 and "(f)" in line 26 and inserting

(e)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, from York County, Representative Dorr is recognized.

Mr. DORR. Mr. Speaker, my concern is with subsection (e) on page 6 of the bill. The subsection makes a positive statement concerning medical or health care providers requiring patients to provide up-front money. I think there is nothing in the law today that says that that cannot be done, but there are a number of places in the law, Mr. Speaker, where we certainly discourage that kind of activity if not prohibit it.

To my way of thinking, as government, both Federal and State, puts more and more pressure on the bottom line of even our largely eleemosynary hospital system in this Commonwealth, it is bad policy for this government to affirmatively state in law that they have the right to refuse service to individuals who do not have money up front. Mr. Speaker, I simply delete that section from this bill. I do not think it is in any way necessary to the bill, and I believe that the bill would be more consistent with current State policy if we in fact delete that section from the bill.

I ask for an affirmative vote.

The SPEAKER. The question is, will the House agree to the Dorr amendment? On that question, from Washington County, Representative Daley is recognized.

Mr. DALEY. Mr. Speaker, I concur with Representative Dorr and ask for an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Donatucci	Leh	Robbins
Allen	Dorr	Lescovitz	Robinson
Angstadt	Durham	Letterman	Roebuck
Argall	Evans	Levdansky	Rudy
Barley	Fairchild	Linton	Ryan
Battisto	Fargo	Lloyd	Rybak
Belardi	Farmer	Lucyk	Saloom
Belfanti	Fee	McCall	Saurman
Billow	Fleagle	McHale	Scheetz
Birmelin	Flick	McNally	Schuler
Bishop	Fox	McVerry	Scrimenti
Black	Freeman	Maine	Semmel
Blaum	Freind	Markosek	Serafini
Bortner	Gallen	Marsico	Smith, B.
Bowley	Gamble	Mayernik	Smith, S. H.
Boyes	Gannon	Melio	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G.
Broujos	George	Michlovic	Staback
Bunt	Gigliotti	Micozzie	Stairs
Burd	Gladeck	Miller	Steighner
Burns	Godshall	Moehlmann	Stish
Bush	Gruitza	Morris	Strittmatter
Caltagirone	Gruppo	Mowery	Suban
Cappabianca	Hagarty	Mrkonic	Tangretti
Carlson	Haluska	Murphy	Taylor, E. Z.
Cawley	Harper	Nahill	Taylor, F.
Cessar	Hasay	Nailor	Taylor, J.
Chadwick	Hayden	Noye	Telek
Civera	Hayes	O'Brien	Thomas
Clark, B. D.	Heckler	O'Donnell	Tigue
Clark, D. F.	Herman	Olasz	Trello
Clark, J. H.	Hess	Oliver	Trich
Clymer	Hughes	Perzel	Van Horne
Cohen	Itkin	Pesci	Veon
Colafrilla	Jackson	Petrarca	Vroon
Colaizzo	Jadlowiec	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Cornell	Johnson	Piccola	Weston
Corrigan	Josephs	Pievsky	Williams
Cowell	Kaiser	Pistella	Wilson
Coy	Kasunic	Pitts	Wogan
DeLuca	Kenney	Pressmann	Wozniak
DeWeese	Kondrich	Preston	Wright, D. R.
Daley	Kosinski	Raymond	Wright, J. L.
Davies	Kukovich	Reber	Wright, R. C.
Dempsey	LaGrotta	Reinard	Yandrisevits
Dietterick	Langtry	Richardson	
Dininni	Lashinger	Rieger	Manderino,

Distler Dombrowski	Laughlin Lee	Ritter	Speaker
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NAYS—0

NOT VOTING—5

Acosta Carn	Howlett	James	Maiale
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EXCUSED—2

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, from Washington County, Representative Daley is recognized.

Mr. DALEY. Thank you, Mr. Speaker.

Very briefly, what we are doing here, Mr. Speaker, is we are sending the word out to all of Pennsylvania and throughout the country that on April 29, 1987, when Ronnie deSillers died and Maria deSillers pulled probably one of the greatest fiascoes ever to occur regarding the charitable contributions, we are saying to the people that donate out there, have faith in the system.

Just real quickly, let me explain to you. Ronnie deSillers was a young individual in Children's Hospital in Pittsburgh. He had to undergo a number of surgeries for a transplant. His mother had raised money nationally, up around \$800,000. Unfortunately, when Ronnie died, Maria decided not to pay the bill, and what happened was it created and brought about national attention to Pennsylvania, and all this money that Maria deSillers had was spent on BMW's and jewelry and condos and things such as that and not on Ronnie deSillers.

What did Maria deSillers do to the charitable nature of Pennsylvania? Quite honestly, Godspeed, a philanthropic organization that raises money for individuals—it is a non-profit organization in Pittsburgh—after Maria deSillers pulled her stunt, they went from raising \$300,000 to \$15,000 the next year. It sent out some bad messages to the public. What we are saying here is, we are going to reinforce and put credibility back into the solicitation in fundraising activities.

I ask for an affirmative vote.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Republican leader, Matthew Ryan, is recognized.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Daley, consent to a brief interrogation?

The SPEAKER. He indicates that he will.

Mr. RYAN. Mr. Speaker, as a result of this bill, will there be any change or— Well, there will be a change. Do you

believe this will have a negative effect on the unorganized groups and the people who do not represent organized charities from raising money? For instance, all of us have seen from time to time, on television or perhaps at the local tavern or the local Rotary Club, moneys being raised for one worthy recipient or another, usually individuals, to buy a wheelchair, to buy a van, to do work such as this. Will this change the law in any respect?

Mr. DALEY. No; it will not. As a matter of fact, Representative Snyder had raised that particular point concerning the \$5,000 and \$10,000 thresholds. In his amendment, we have now changed that, and we think that the people that are raising money in small amounts will continue to do that. This legislation is not really aimed at addressing those people. It is aimed at addressing those people that are raising large sums of money, and it provides an accountability and reporting system for those moneys. We feel it will have no negative impact. As a matter of fact, it will reinforce the system.

Mr. RYAN. Aside from the registration that is called for, if a group of us decided we were going to try and raise money for the victims, unnamed victims perhaps, of the earthquake out in California, would we have to register today?

Mr. DALEY. If you exceeded the threshold amount, yes, you would.

Mr. RYAN. Well, we do not know whether we are going to ever get \$5,000 or \$10,000. Now, a bunch of us say, hey, we ought to chip in; we should do something. Do we have to register before we chip in?

Mr. DALEY. No; you do not. I think that existing law says what you must do in order to set up this type of charitable trust or charitable organization. You will abide by existing law, and I think that that mechanism is in place. If you exceed the threshold, then you have to follow the procedures outlined in the legislation.

Mr. RYAN. 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	Dombrowski	Laughlin	Ritter
Allen	Donatucci	Lee	Robbins
Angstadt	Dorr	Leh	Robinson
Argall	Durham	Lescovitz	Roebuck
Barley	Evans	Letterman	Rudy
Battisto	Fairchild	Levdansky	Ryan
Belardi	Fargo	Linton	Rybak
Belfanti	Farmer	Lloyd	Saloom
Billow	Fee	Lucyk	Saurman
Birmelin	Fleagle	McCall	Scheetz
Bishop	Flick	McHale	Schuler
Black	Fox	McNally	Scrimenti
Blaum	Freeman	McVerry	Semmel
Bortner	Freind	Maine	Serafini
Bowley	Gallen	Markosek	Smith, B.
Boyes	Gamble	Marsico	Smith, S. H.
Brandt	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Melio	Snyder, G.
Bunt	George	Merry	Staback
Burd	Gigliotti	Michlovic	Stairs
Burns	Gladeck	Micozzie	Steighner
Bush	Godshall	Miller	Stish

Caltagirone	Gruitza	Moehlmann	Strittmatter
Cappabianca	Gruppo	Morris	Stuban
Carlson	Hagarty	Mowery	Tangretti
Carn	Haluska	Mrkonic	Taylor, E. Z.
Cawley	Harper	Murphy	Taylor, F.
Cessar	Hasay	Nahill	Taylor, J.
Chadwick	Hayden	Nailor	Telek
Civera	Hayes	Noye	Thomas
Clark, B. D.	Heckler	O'Brien	Tigue
Clark, D. F.	Herman	O'Donnell	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pievsky	Wilson
Coy	Kaiser	Pistella	Wogan
DeLuca	Kasunic	Pitts	Wozniak
DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, J. L.
Davies	Kosinski	Raymond	Wright, R. C.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Dininni	Langtry	Richardson	Manderino,
Distler	Lashinger	Rieger	Speaker

NAYS—0

NOT VOTING—3

Acosta James Maiale

EXCUSED—2

Foster Hershey

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

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

* * *

The House proceeded to third consideration of **SB 134, PN 1092**, entitled:

An Act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection, the Attorney General and district attorneys.

On the question,

Will the House agree to the bill on third consideration?

Mr. REINARD offered the following amendments No. A1440:

Amend Table of Contents, page 2, line 8, by striking out "Trained personnel." and inserting

Employee available to administer CPR.

Amend Sec. 14, page 13, lines 11 through 13, by striking out all of said lines and inserting

Section 14. Employee available to administer CPR.

(a) General rule.—Every health club shall employ and have on the health club's premises during the club's hours of operation a person who is trained and certified to administer CPR.

(b) Nature of employment.—An employee who is trained and certified to administer CPR may be hired primarily to fulfill other functions for the employing health club.

(c) Number of employees certified.—If a health club is open for more than eight hours a day and more than five days a week, it shall employ more than one person who is trained and certified to administer CPR.

(d) Monitoring.—The department shall monitor each licensed fitness center to ensure that the provisions of this section are being carried out. It may impose the penalty provided for in subsection (g).

(e) Training.—The department shall determine whether an adequate CPR training program is being provided within each county and shall initiate and provide programs in each county without one.

(f) Regulations.—The secretary shall devise and promulgate regulations necessary to carry out the provisions of this section.

(g) Penalty.—The owner of a health club which does not provide an employee who is trained and certified to administer CPR commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

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

"CPR." Cardiopulmonary resuscitation, an approved life-saving technique which involves stimulation of the lungs and heart of a victim of cardiac or pulmonary distress.

"Department." The Department of Health of the Commonwealth.

"Secretary." The Secretary of Health of the Commonwealth.

On the question,

Will the House agree to the amendments?

The SPEAKER. From Bucks County, the Chair recognizes Representative Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple and very plain, straightforward amendment. The bill establishes a new act regulating health clubs. What this amendment seeks to do is to establish that all licensed health clubs in the Commonwealth of Pennsylvania must have on hand at all times at least one individual who is trained in CPR (cardiopulmonary resuscitation), during the hours that the club is open. The reason why I bring this amendment to the attention of the House goes back to an incident that occurred in 1986 in my legislative district where a young man had a heart attack while playing racquetball, and in the period of time it took to get the ambulance to the health club, the individual died. His heart stopped, and there was no one on the premises who knew CPR at the moment.

The amendment, for the sake of the House, has the support of many health professionals, including the Pennsylvania Osteopathic Association. It has no fiscal cost at all, whatsoever, to health clubs themselves, except, of course, the cost of education, and that, by the way, should not even be a concern to us here in this House. The amendment was originally offered as a bill of my own, also a freestanding act which the new act will establish, which has over three dozen cosponsors in this House. It also appears that this amendment has got a lot of attention, a lot of lobbying, which I do not quite understand why, but I would like to tell every member of the House that this is a chance for the House to speak up not just in the good licensing procedures that we are establishing by SB 134 but also the protection that those participants at health clubs deserve in the event that there be any heart problems that they may have during the course of their exercising or activities.

I ask the House for their support.

The SPEAKER. On the Reinard amendment, the Chair recognizes, from Clarion County, Representative Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I understand and appreciate the good intentions of the member in presenting this particular amendment. I would remind you, however, that the bill itself says that "Every health club shall ensure that it has employees trained in cardiopulmonary resuscitation."

The difficulty with this particular amendment is that it would require persons to be on hand at all times while the club is in operation. It seems to me that this bill ought not to be a vehicle to insure that there is proper CPR training throughout the Commonwealth. As far as health clubs are concerned, the amendment could actually increase the potential liability for clubs, so while the member has indicated that there may not be a cost, there certainly could be a cost to clubs because of increased liability. If for some reason, for example, the CPR-trained employee is compelled to go off premises, a club could be guilty of negligence as a matter of law.

While I applaud the gentleman's intention, I believe that it complicates the piece of legislation and makes the enforcement even more difficult. For that reason I would ask for a "no" vote on the amendment.

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

The following roll call was recorded:

YEAS—131

Adolph	Fleagle	McCall	Ryan
Allen	Flick	McHale	Rybak
Angstadt	Freeman	McNally	Saloom
Argall	Freind	McVerry	Scheetz
Barley	Gallen	Maine	Schuler
Belfanti	Gannon	Markosek	Semmel
Birmelin	Geist	Marsico	Serafini
Black	George	Mayernik	Smith, B.
Bortner	Gigliotti	Melio	Smith, S. H.
Bowley	Gladeck	Micozzie	Snyder, D. W.
Brandt	Gruppo	Miller	Snyder, G.
Burd	Hagarty	Moehlmann	Stairs
Burns	Hasay	Morris	Strittmatter
Bush	Hayes	Mowery	Tangretti
Cappabianca	Heckler	Nahill	Taylor, E. Z.
Carlson	Herman	Nailor	Taylor, F.
Cessar	Hess	Noye	Taylor, J.
Chadwick	Howlett	O'Brien	Telek
Civera	Jackson	Olasz	Trello
Clark, B. D.	Jadlowiec	Perzel	Veon
Clark, D. F.	Jarolin	Petrone	Vroon
Clark, J. H.	Johnson	Phillips	Wambach
Colafiglia	Kaiser	Piccola	Wass
Colaizzo	Kasunic	Pievsy	Weston
Cornell	Kenny	Pistella	Wilson
Corrigan	Kondrich	Pitts	Wogan
Coy	LaGrotta	Pressmann	Wozniak
DeLuca	Langtry	Preston	Wright, J. L.
Davies	Laughlin	Raymond	Wright, R. C.
Dempsey	Leh	Reinard	Yandrisevits
Dietterick	Lescovitz	Ritter	
Distler	Letterman	Roebuck	Manderino,
Durham	Lucyk	Rudy	Speaker
Farmer			

NAYS—68

Battisto	Dininni	James	Reber
Belardi	Dombrowski	Josephs	Richardson
Billow	Donatucci	Kosinski	Rieger
Bishop	Dorr	Kukovich	Robbins
Blaum	Evans	Lashinger	Robinson
Boyes	Fairchild	Lee	Saurman
Broujos	Fargo	Levdansky	Scrimenti
Bunt	Fee	Linton	Staback
Caltagirone	Fox	Lloyd	Steighner
Carn	Gamble	Merry	Stish
Cawley	Godshall	Michlovic	Stuban
Clymer	Gruitza	Mrkonic	Thomas
Cohen	Haluska	Murphy	Tigue
Cole	Harper	O'Donnell	Trich
Cowell	Hayden	Oliver	Van Horne
DeWeese	Hughes	Pesci	Williams
Daley	Itkin	Petrarca	Wright, D. R.

NOT VOTING—2

Acosta Maiale

EXCUSED—2

Foster Hershey

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

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

Mr. CAPPABIANCA offered the following amendments
No. A2959:

Amend Sec. 2, page 3, lines 4 through 8, by striking out all of lines 4 through 7 and "(2)" in line 8 and inserting
(1)

Amend Sec. 2, page 3, line 10, by striking out "(3)" and inserting
(2)

Amend Sec. 2, page 3, lines 12 through 16, by striking out all of lines 12 through 15 and "(5)" in line 16 and inserting
(3)

Amend Sec. 2, page 3, lines 17 through 21, by striking out all of said lines

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

The SPEAKER. On that question, Representative Cappabianca from Erie is recognized.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

We are about to go down that road again of having a two-tier requirement for people who engage in business in the Commonwealth of Pennsylvania. My purpose or intent here is that I am not opposed to the proponents of this particular bill in regards to regulating or bonding an industry known as health clubs, wellness centers, weight reduction centers, and so forth; what I oppose here is the potential unfair competition that will exist. We will now have, if this bill passes without my amendment, nonprofits which are in the same business as for-profits, which pay all the taxes that must be paid in Pennsylvania, competing unfairly for the same market. So if it is fair to regulate this industry, if it is fair to bond them and so forth, then we should regulate and bond the entire industry.

With the passage of the Reinard amendment now, where you must have on premises someone with CPR training at all times, we are telling certain nonprofits - such as universities which have health care clubs and do sell memberships, hospitals which do have wellness centers and do sell memberships - that they would not need to have this CPR-trained person on board. My amendment simply makes it uniform for everybody in the industry.

For the well-being of proper, fair competition and good competition in this State, I ask for an affirmative vote on my amendment.

The SPEAKER. The question is on the Cappabianca amendment. On that question, from Clarion County, Representative Wright is recognized.

Mr. D. R. WRIGHT. Mr. Speaker, it seems to me that what we have before us here is a solution in search of a problem. We would remember wisely, I think, that what gave rise to the creation of this particular legislation was a situation where consumers were being preyed upon by financial wizards and corporate professionals for whom club closings are a planned part of their financial strategy. We do not have any evidence at this point that there is any such abuse with nonprofit organizations, which actually provide these health clubs as an incidental function to their central purpose. It is an ancillary service and not central to their organization.

This particular amendment would include YMCA's and YWCA's and colleges and universities. They are not clubs that have been engaged in the activities that I have just described. As a matter of fact, the Attorney General's Office, the Bureau of Consumer Protection, has not received a single complaint with regard to these types of organizations.

My concern is not that this is not a good idea but that what we are likely to do today is to love this bill to death with a lot of good things that will eventually probably destroy the bill. The members are certainly privileged to do as they choose. My own vote will be in opposition to the amendment.

The SPEAKER. The question is, will the House agree to the amendment being offered by the gentleman, Mr. Cappabianca? On that question, Representative Cappabianca from Erie is recognized.

Mr. CAPPABIANCA. With all due respect to the previous speaker, he fails to mention the fact that should this piece of legislation pass without my amendment, we have indeed created a two-tier situation, and he must admit that those nonprofits which are presently competing in the health care industry with the for-profits will have a heck of a legs-up advantage over them. It is obvious.

Now, in my neck of the woods, in the northwestern part of Pennsylvania, I have not heard of any complaints of any for-profits that were engaging in this type of business that the Attorney General has mentioned. I am not saying that it is not happening throughout the State. I admit, it probably is happening, and I admit, we probably should regulate it, but we should regulate it fairly for everybody that is engaged in the business.

I ask for an affirmative vote on the amendment.

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

The following roll call was recorded:

YEAS—102

Acosta	Fairchild	Lescovitz	Rieger
Belardi	Fee	Letterman	Ritter
Belfanti	Freeman	Levdansky	Robinson
Billow	Gallen	Linton	Roeback
Bishop	Gamble	McCall	Rybak
Blaum	Gannon	McHale	Saloom
Bowley	George	McNally	Scrimenti
Caltagirone	Gigliotti	Maine	Serafini
Cappabianca	Gladeck	Markosek	Staback
Carn	Hagarty	Mayernik	Steighner
Cawley	Haluska	Melio	Stish
Clark, B. D.	Harper	Michlovic	Stuban
Cohen	Hasay	Morris	Tangretti
Colafella	Hayden	Mrkonic	Taylor, F.
Colaizzo	Howlett	Murphy	Thomas
Cole	Hughes	O'Donnell	Tigue
Corrigan	James	Olasz	Trello
Cowell	Jarolin	Oliver	Trich
Coy	Johnson	Pesci	Van Horne
DeLuca	Josephs	Petrarca	Veon
DeWeese	Kaiser	Petrone	Williams
Daley	Kasunic	Pievsy	Wozniak
Distler	Kosinski	Pistella	Yandrisevits
Dombrowski	Kukovich	Pressmann	
Donatucci	LaGrotta	Preston	Manderino, Speaker
Evans	Laughlin	Richardson	

NAYS—97

Adolph	Dempsey	Langtry	Rudy
Allen	Dietterick	Lashingner	Ryan
Angstadt	Dininni	Lee	Saurman
Argall	Dorr	Leh	Scheetz
Barley	Durham	Lloyd	Schuler
Battisto	Fargo	Lucyk	Semmel
Birmelin	Farmer	McVerry	Smith, B.
Black	Fleagle	Marsico	Smith, S. H.
Bortner	Flick	Merry	Snyder, D. W.
Boyes	Fox	Micozzie	Snyder, G.
Brandt	Freind	Miller	Stairs
Broujos	Geist	Moehlmann	Strittmatter
Bunt	Godshall	Mowery	Taylor, E. Z.
Burd	Gruitza	Nahill	Taylor, J.
Burns	Gruppo	Nailor	Telek
Bush	Hayes	Noye	Vroon
Carlson	Heckler	O'Brien	Wambach
Cessar	Herman	Perzel	Wass
Chadwick	Hess	Phillips	Weston
Civera	Itkin	Piccola	Wilson
Clark, D. F.	Jackson	Raymond	Wogan
Clark, J. H.	Jadlowiec	Reber	Wright, D. R.
Clymer	Kenney	Reinard	Wright, J. L.
Cornell	Kondrich	Robbins	Wright, R. C.
Davies			

NOT VOTING—2

Maiale	Pitts
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EXCUSED—2

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

FILMING PERMISSION

The SPEAKER. For the information of the members, the Speaker has granted to the camera crew headed by Roy Farkas from ABC Television the right to film on the floor of the House for the next 10 minutes. The camera crew is to the right of the Speaker in the far aisle.

CONSIDERATION OF SB 134 CONTINUED

On the question recurring,

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

Mr. COY offered the following amendments No. A2920:

Amend Table of Contents, page 2, line 5, by striking out "Bond or letter of credit" and inserting

Financial security

Amend Sec. 11, page 10, line 6, by striking out "Bond or letter of credit" and inserting

Financial security

Amend Sec. 11, page 10, line 7, by striking out "bond" and inserting

financial security

Amend Sec. 11, page 10, line 11, by striking out "or"

Amend Sec. 11, page 10, line 13, by inserting after "(FDIC)," or a mortgage or judgment note secured by an interest in real estate owned by the health club

Amend Sec. 11, page 10, line 15, by inserting a period after "\$50,000"

Amend Sec. 11, page 10, line 15, by striking out "bond or letter of credit."

Amend Sec. 11, page 10, line 17, by inserting a period after "\$100,000"

Amend Sec. 11, page 10, line 17, by striking out "bond or letter of credit."

Amend Sec. 11, page 10, line 19, by inserting a period after "\$200,000"

Amend Sec. 11, page 10, line 19, by striking out "bond or letter of credit."

Amend Sec. 11, page 10, lines 24 and 25, by striking out "a bond or letter of credit" and inserting

financial security

Amend Sec. 11, page 10, line 26, by striking out "bond or letter of credit"

Amend Sec. 11, page 10, line 27, by striking out "bond or letter of credit"

Amend Sec. 11, page 10, by inserting between lines 27 and 28

(b) Mortgage or judgment note.—When the financial security filed with the director is in the form of a mortgage or judgment note, it shall be accompanied by an appraisal of the pledged property satisfactory to the director, together with a title insurance policy from an insurance company authorized to do business in this Commonwealth or a certificate from an attorney who is admitted to practice in this Commonwealth certifying that the health club had an unencumbered equity in the property pledged of at least 125% of the amount of financial security required under subsection (a) at the time the mortgage or judgment note was entered of record.

Amend Sec. 11, page 10, line 28, by striking out "(b)" and inserting

(c)

Amend Sec. 11, page 10, line 28, by striking out "bond or letter of credit" and inserting

financial security

Amend Sec. 11, page 11, line 2, by striking out "(c)" and inserting

(d)

Amend Sec. 11, page 11, line 4, by striking out "a separate bond or letter of credit" and inserting

separate financial security

Amend Sec. 11, page 11, line 7, by striking out "(d)" and inserting

(e)

Amend Sec. 11, page 11, line 7, by striking out "bond or letter of credit" and inserting

financial security

Amend Sec. 11, page 11, line 12, by striking out "(e)" and inserting

(f)

Amend Sec. 11, page 11, line 14, by striking out "bond or letter of credit" and inserting

financial security

Amend Sec. 12, page 11, line 16, by striking out "bond or letter of credit" and inserting

financial security

Amend Sec. 12, page 11, line 27, by inserting after "credit." In the case of a mortgage or judgment note that has been filed with the director, the buyer may bring an appropriate legal action against the health club and, upon obtaining a final judgment, satisfy his claim from the proceeds.

Amend Sec. 12, page 12, line 3, by striking out "or" and inserting a comma

Amend Sec. 12, page 12, line 3, by inserting after "credit"

or mortgage or judgment note

Amend Sec. 12, page 12, line 4, by striking out "or" and inserting a comma

Amend Sec. 12, page 12, line 4, by inserting after "credit"

or mortgage or judgment note

Amend Sec. 13, page 12, lines 15 and 16, by striking out "a bond or letter of credit" and inserting

financial security

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the gentleman from Franklin County, Representative Coy, is recognized.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment seeks to add as an additional method of security for an individual health club unencumbered land that that health club may own. Right now the bill provides for a bond, which a health club could buy from an insurance firm, or a letter of credit, which a health club could secure from a bank or a financial institution, in order to guarantee security of performance. This amendment adds unencumbered real property. As a matter of fact, it goes to 125 percent of the value of unencumbered real property that the health club would own. I think this would be especially helpful to small, single-owner-operator health clubs.

Mr. Speaker, large health clubs which are owned by conglomerates - corporations which might own 30 or 40 health clubs - will have no trouble securing a letter of credit or a bond, because they will pool their resources and buy one bond or a letter of credit for all of their operations. A small, single owner-operator, I think, is negatively impacted by that, and this amendment seeks to give that small, single owner-operator the benefit of using unencumbered land on which that health club sits to use as a guarantee or a source of collateral in compliance with the rest of the sections of this bill.

I would ask for support of the amendment.

The SPEAKER. The question is on the amendment offered by Representative Coy. On that question, from Clarion County, Representative Wright is recognized.

Mr. D. R. WRIGHT. Mr. Speaker, would the gentleman stand for a period of interrogation?

The SPEAKER. The gentleman indicates that he will. You may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, if a club chooses to use the mortgage note provision which you suggested here to satisfy the financial security requirement under the bill, who would be the mortgagee on the note?

Mr. COY. I would suspect that the way the amendment works, the director of the Office of Consumer Protection would hold the security in the form of the mortgage, so I would suspect that it may well be him. I am not sure.

Mr. D. R. WRIGHT. Your amendment does not speak to that question, though. Is that correct?

Mr. COY. I do not know that it delineates it as far as your question would ask.

Mr. D. R. WRIGHT. Well, is it possible that the mortgagee would be all the members of the club?

Mr. COY. I do not know, Mr. Speaker.

Mr. D. R. WRIGHT. Well, if it were all the members of the club, would it not be true that with the property in question, the members' interest would be second to the first mortgagee—

Mr. COY. No.

Mr. D. R. WRIGHT. —for example, the bank that financed the purchase of the property?

Mr. COY. The answer would be no, Mr. Speaker, because the amendment speaks to unencumbered property. If property were encumbered, there would be a first mortgage or another lien on it.

Mr. D. R. WRIGHT. Mr. Speaker, I believe that your amendment speaks to unencumbered equity rather than unencumbered property.

Mr. COY. In my opinion, the definition would be the same, because equity has to do with unencumbered property. Equity is established by property which is not encumbered by a lien, and a first mortgage would be, certainly, a lien on a property. So you would have to take the value of the property and subtract whatever encumbrance would be on it to establish equity.

Mr. D. R. WRIGHT. What might appear to be a small point actually is not. Who would be responsible for recording the note as a lien on the subject property so that the members would be protected for whatever interest they have?

Mr. COY. Well, I suspect that the director of the Office of Consumer Protection, if this unencumbered property were used as security in this type of transaction and it would be filed with the director of the Office of Consumer Protection, that either the director of the office would have to file it or he would have to make certain that the owner of the property sees that it is filed and have a statement guaranteeing that purpose.

Mr. D. R. WRIGHT. That is not an unimportant question, is it, Mr. Speaker? This particular lien would need to be indexed at the courthouse? Notice would be given?

Mr. COY. Certainly I would think that if there is going to be a lien on a property, it ought to be duly recorded.

Mr. D. R. WRIGHT. So my question is, who has this responsibility - the Attorney General or one of the members of the club?

Mr. COY. I would say certainly not one of the members of the club. The director of the Office of Consumer Protection under the Attorney General is responsible for all the provisions of this act, and he likewise would be responsible for the provisions of this amendment.

Mr. D. R. WRIGHT. So it is fair to say that your amendment does not specify who has this responsibility.

Mr. COY. I think it is understood within the parameters of the bill that the Office of Consumer Protection is responsible for all the provisions of the act.

Mr. D. R. WRIGHT. Mr. Speaker, well, what if the bank with the first property mortgage on this property forecloses? What happens to the interest of the members in that case?

Mr. COY. Any part of the property which is used as security in this transaction which is encumbered by a bank or any other duly registered note or legal document would not be able to be used. We are talking about unencumbered equity, Mr. Speaker.

Mr. D. R. WRIGHT. Well, let us assume, Mr. Speaker, that the note is properly recorded and it is recorded as a lien on the property and the club closes down. How would the members collect on their security interest? What is the procedure that they would follow?

Mr. COY. The procedure would have to be determined by the director of the Bureau of Consumer Protection.

Mr. D. R. WRIGHT. But somebody would have to initiate foreclosure proceedings. Is that not true?

Mr. COY. And I suspect that the director of the Office of Consumer Protection would do that on behalf of the individuals interested.

Mr. D. R. WRIGHT. And somebody would have to pay off the prior liens on the property. Is that not true?

Mr. COY. And in debt to that extent, Mr. Speaker, this provision is no different than the other sources of collateral which are mentioned in the bill. By that I mean that if you used a letter of credit to guarantee performance or a bond, someone would have to execute on those legal documents, too. So I suspect the same questions would be asked. Who would execute on the bond or letters of credit? The director of the Office of Consumer Protection would have to do that on behalf of the individuals who filed the necessary arguments.

Mr. D. R. WRIGHT. Mr. Speaker, on a letter of credit or on surety, is it not true that no legal procedure would be required in that as would be required in the financial security which your amendment specifies?

Mr. COY. Well, I am not certain. I think that would depend on the exact institution, bank, or other forum or other unit that offered the letter of credit. It would depend on how

available that letter of credit was. It would depend on whether that is an in-State or out-of-State bank. It would depend on whether it is an in-State or out-of-State insurance company. Certain forms of collateral are more easily accessed than others.

Mr. D. R. WRIGHT. The equity in the property under your amendment could be out of State as well. Is that true, Mr. Speaker?

Mr. COY. No. It says within the Commonwealth, I believe, Mr. Speaker. It says, "...together with a title—"

The SPEAKER. Will the gentleman suspend, both gentlemen?

The Chair would like Representative Wambach to preside temporarily for the Speaker.

THE SPEAKER PRO TEMPORE (PETER C. WAMBACH) IN THE CHAIR

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COY. Mr. Speaker, if the question was, would the property have to be in the Commonwealth, I suspect that the answer is yes, because we are talking about health clubs within the Commonwealth.

Mr. D. R. WRIGHT. The owner of the health club could own property outside the Commonwealth, could he or she not?

Mr. COY. Yes, but the intention of this amendment would be that the property we are talking about be within the Commonwealth.

Mr. D. R. WRIGHT. So the club member would not have recourse to property equity owned outside the Commonwealth?

Mr. COY. I do not think the amendment specifically says that, Mr. Speaker. I just told you what my intention was.

Mr. D. R. WRIGHT. I see. Well, somebody has to initiate the foreclosure proceedings. Somebody has to pay off liens on the property. Somebody has to pay any unpaid real estate taxes, Federal income taxes, unpaid water and sewage bills. That is all true, is it not? Just assuming that somebody has to do all of this, then that leaves this somebody, which is unspecified in your amendment, this leaves this somebody with the property and they have to sell this property equity in order to recover from the proceeds. Is that not correct?

Mr. COY. Mr. Speaker, I have tried to make it clear in the answers to these questions that the somebody to whom you refer in each of those instances is the director of the Office of Consumer Protection in the Office of the Attorney General, and I think it would be incumbent upon that individual to make sure that the process would work and to do whatever he could within the bounds both of this act and the laws of the Commonwealth to make sure that the process occurred to the benefit of the consumers of Pennsylvania.

Mr. D. R. WRIGHT. Mr. Speaker, for the benefit of all of us, could you compare for us the procedure that you have indicated here in your amendment, compare your procedure to notifying a surety company or a bank of their right to recover as opposed to a bond or a letter of credit?

Mr. COY. I am not sure that I could totally explain that process, Mr. Speaker.

Mr. D. R. WRIGHT. But you are aware that foreclosures can be a time-consuming process that involves attorney fees, and would you agree that under this Senate bill, recovering on a bond or a letter of credit would not involve a legal proceeding?

Mr. COY. I would say that the vast majority of health clubs which seek to come under the effects of this law would do so by means of a letter of credit or a bond, and I think the vast majority of those in this Commonwealth would do that. The provision in this amendment is an opportunity for a couple small businesses that may have trouble securing the necessary bond or letter of credit and yet who have unencumbered property to comply with the provisions of this law under which they are required to.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

May I be recognized for a brief—

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

Mr. D. R. WRIGHT. Mr. Speaker, I understand the gentleman's concern, and I believe that his concern is addressed in the legislation. It may be, it very well may be, that there are some clubs that would have difficulty meeting the bonding requirements in this legislation, and for that reason there is an alternative procedure in the legislation that we have before us.

The alternative is that these provisions do not apply to a company or an organization that seeks 12-month memberships. They can have a 6-month initiation fee. They can have a 6-month membership. If they seek to have a 24-month membership fee, then they only have to have bonding for \$50,000 if they have 300 members and only \$25,000 bonding if they have 150 members. It seems to me, Mr. Speaker, that this is not an onerous procedure, that there are ways around it for the small clubs.

It is important to remember, I think, that the independent clubs and reputable chains that want to run a good operation and do not want to purchase a bond or a letter of credit can find in this bill ample alternatives. They can limit their memberships to 1 year and charge month to month. They are allowed to charge 6 months up front and an initiation fee, a major concession to those who say they need cash flow for operating costs.

This procedure gives members little assurance, the procedure which Mr. Coy is outlining gives members little assurance, that they will be reimbursed for the money they have paid for a club membership should that club close down. The bonding or letter of credit requirement in this legislation is clean and does not involve the initiation of legal proceedings and is free of much of the speculation which we have heard with regard to this amendment.

I would urge a "no" vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman from Clarion.

The Chair recognizes now the gentleman from Cumberland, Representative Broujos.

Mr. BROUJOS. Mr. Speaker, we have been trying in this General Assembly to make it a little easier on business to place security, not to require the tradition of bond. The increase in cost in bonds has been astronomical. Other methods of security are difficult often to obtain, and they require 100 percent if not more of security in order to place the bond. I think we have here a relatively simple, a relatively direct, a relatively effective means.

Now, the next question I think we ought to ask ourselves, as has already been asked, is, how often is this going to occur? Well, if you have to put a bond up of \$50,000, \$100,000, or \$200,000 and you have 125 percent of that equity in a health club, that health club is probably going to be in doggone good financial shape. Most of the health clubs are probably mortgaged to the hilt. When they do go under, they go under because they have very little equity. So if anything, the fact that they may use a mortgage means that they are financially sound.

I think we have been searching in bonds and security for highway construction. We have been searching for bidding security to get away from the concept of bonds and to allow equities to be used, and I think this is an effective and a good signal to business. It is a good signal that we are taking care of the health problem, and I think it is a very sound amendment.

I would urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment for the second time, the Chair recognizes the gentleman from Franklin, Representative Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, what we are after here is the guarantee of performance of a contractual obligation which an individual businessman might have entered into, and there are many ways to guarantee that performance. This amendment seeks to add one more.

I talked to two individual health club owners in my district, both of whom have never had a problem with closure or both of whom have never had a problem with shutting down or denying members the fulfillment of a contractual obligation, but they said to me, we called an insurance company and asked about the availability and the price of a performance bond. Mr. Speaker, the plain and simple truth is, insurance companies are not anxious to write this sort of business in Pennsylvania, and the cost for these bonds is going to be prohibitive to the degree that the small, single owner-operator is going to have trouble complying. This gives that small, single owner-operator who does have unencumbered equity in real property, in real estate, an opportunity to comply with those sections of this law and to stay in business and to offer the service which they have offered.

I ask for support.

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes the gentleman from Clarion, Representative Wright.

Mr. D. R. WRIGHT. Just three small points: There is an alternative in this legislation for those who do not choose or cannot get bonding. The second small point is that what we are doing here, if we pass this amendment, is putting the Attorney General and the Bureau of Consumer Protection in the business of foreclosing on property. The third thing that we are doing is making it extremely difficult for club members to recover after a company has gone bankrupt or has simply gone out of business. This is an additional burden on the consumer that we should not do.

If we are interested in health club legislation, we should defeat this particular piece of legislation and pass the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—154

Acosta	Dininni	LaGrotta	Reinard
Adolph	Distler	Langtry	Rieger
Allen	Dombrowski	Laughlin	Roebuck
Angstadt	Donatucci	Lee	Rudy
Argall	Dorr	Leh	Ryan
Battisto	Durham	Lescovitz	Saloom
Belardi	Evans	Letterman	Scheetz
Belfanti	Fairchild	Lucyk	Scrimenti
Billow	Farmer	McCall	Semmel
Black	Fee	McNally	Serafini
Bortner	Fleagle	McVerry	Smith, B.
Bowley	Flick	Maine	Smith, S. H.
Brandt	Freind	Markosek	Snyder, D. W.
Broujos	Gallen	Marsico	Snyder, G.
Burd	Gamble	Mayernik	Staback
Burns	Gannon	Melio	Stairs
Bush	Geist	Merry	Steighner
Caltagirone	George	Micozzie	Stish
Cappabianca	Gigliotti	Miller	Strittmatter
Carlson	Gladeck	Moehlmann	Stuban
Carn	Gruppo	Morris	Tangretti
Cessar	Haluska	Mowery	Taylor, E. Z.
Chadwick	Harper	Mrkonic	Taylor, F.
Civera	Hasay	Murphy	Telek
Clark, B. D.	Hayes	Nailor	Thomas
Clark, D. F.	Heckler	Noye	Trello
Clymer	Herman	O'Brien	Van Horne
Colaella	Hess	O'Donnell	Vroon
Colaizzo	Jackson	Olasz	Wambach
Cole	Jadlowiec	Oliver	Wass
Corrigan	James	Perzel	Williams
Cowell	Jarolin	Petrarca	Wilson
Coy	Johnson	Petrone	Wogan
DeLuca	Josephs	Phillips	Wozniak
DeWeese	Kaiser	Piccola	Wright, J. L.
Daley	Kasunic	Pievsky	Wright, R. C.
Davies	Kenney	Pitts	
Dempsey	Kondrich	Preston	Manderino,
Dietterick	Kosinski	Raymond	Speaker

NAYS—47

Barley	Freeman	Lloyd	Robinson
Birmelin	Godshall	McHale	Rybak
Bishop	Gruitza	Maiale	Saurman
Blaum	Hagarty	Michlovic	Schuler
Boyes	Hayden	Nahill	Taylor, J.
Bunt	Howlett	Pesci	Tigue
Cawley	Hughes	Pistella	Trich
Clark, J. H.	Itkin	Pressmann	Veon
Cohen	Kukovich	Reber	Weston

Cornell	Lashinger	Richardson	Wright, D. R.
Fargo	Levdansky	Ritter	Yandrisevits
Fox	Linton	Robbins	

NOT VOTING—0

EXCUSED—2

Foster Hershey

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

On the question recurring,

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

AMENDMENT A2959 RECONSIDERED

The SPEAKER pro tempore. It has been moved by the minority leader, Representative Ryan, and the minority whip, Representative Hayes, that the vote by which amendment 2959 to SB 134, PN 1092, passed on this 23d day of October be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

Acosta	Donatucci	Lee	Ritter
Adolph	Dorr	Leh	Robbins
Allen	Durham	Lescovitz	Robinson
Angstadt	Evans	Letterman	Roebuck
Argall	Fairchild	Levdansky	Rudy
Barley	Fargo	Linton	Ryan
Battisto	Farmer	Lloyd	Rybak
Belardi	Fee	Lucyk	Saloom
Belfanti	Fleagle	McCall	Saurman
Billow	Flick	McHale	Scheetz
Birmelin	Fox	McNally	Schuler
Bishop	Freeman	McVerry	Scrimenti
Black	Freind	Maiale	Semmel
Blaum	Gallen	Maine	Serafini
Bortner	Gamble	Markosek	Smith, B.
Bowley	Gannon	Marsico	Smith, S. H.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Melio	Snyder, G.
Broujos	Gigliotti	Merry	Staback
Bunt	Gladeck	Michlovic	Stairs
Burd	Godshall	Micozzie	Steighner
Burns	Gruitza	Miller	Stish
Bush	Gruppo	Moehlmann	Strittmatter
Caltagirone	Hagarty	Morris	Suban
Cappabianca	Haluska	Mowery	Tangretti
Carlson	Harper	Mrkonic	Taylor, E. Z.
Carn	Hasay	Murphy	Taylor, F.
Cawley	Hayden	Nahill	Taylor, J.
Cessar	Hayes	Nailor	Telek
Chadwick	Heckler	Noye	Thomas
Civera	Herman	O'Brien	Tigue
Clark, B. D.	Hess	O'Donnell	Trello
Clark, D. F.	Howlett	Olasz	Trich
Clark, J. H.	Hughes	Oliver	Van Horne
Clymer	Itkin	Perzel	Veon
Cohen	Jackson	Pesci	Vroon
Colafiglia	Jadlowiec	Petrarca	Wambach
Colaizzo	James	Petrone	Wass
Cole	Jarolin	Phillips	Weston
Cornell	Johnson	Piccola	Williams
Cowell	Josephs	Pievsky	Wilson
Coy	Kaiser	Pistella	Wogan
DeLuca	Kasunic	Pitts	Wozniak

DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, J. L.
Davies	Kosinski	Raymond	Wright, R. C.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Dininni	Langtry	Richardson	Manderino,
Distler	Lashinger	Rieger	Speaker
Dombrowski	Laughlin		

NAYS—0

NOT VOTING—1

Corrigan

EXCUSED—2

Foster Hershey

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A2959:

Amend Sec. 2, page 3, lines 4 through 8, by striking out all of lines 4 through 7 and "(2)" in line 8 and inserting

(1)

Amend Sec. 2, page 3, line 10, by striking out "(3)" and inserting

(2)

Amend Sec. 2, page 3, lines 12 through 16, by striking out all of lines 12 through 15 and "(5)" in line 16 and inserting

(3)

Amend Sec. 2, page 3, lines 17 through 21, by striking out all of said lines

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the minority leader, Representative Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the Cappabianca amendments, just to remind you, put into the bill or excluded from the exemption, as the case may be, organizations such as the YMCA, the YWCA, various colleges, eleemosynary institutions, so that now they pay registration fees, they have to be registered, and are subject to all the provisions of this bill.

The gentleman, Mr. Cappabianca, as he was making his case for his amendment, seemed to be pointing out the inequity of allowing charitable institutions to compete—I believe was the thrust of his argument—with private enterprise. Well, these organizations like the YMCA, I do not put them in a category of competing. They do an awful lot for our citizens, more than simply providing a place for people to work out for a fee, so that really there is no threat of competition as such here being an argument. I believe that we are better served by taking care of our nonprofit, religious, ethnic community service organizations, as well as our private and public schools and colleges that are, quote, "competing" with the local health club, and I do not feel bad at all allowing them to compete.

I suggest that this amendment be defeated.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the sponsor, Representative Cappabianca from Erie.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

The easiest amendment that was introduced for this bill, believe it or not, was mine. I mean, it was a simple one. It simply says, if you are going to regulate a particular industry, whoever is involved in that industry should play by the same rules.

Now, I did not realize that the YMCA, the universities, and everybody else were sacred cows in this particular Commonwealth. I personally am a member of the YMCA in Erie, Pennsylvania. I am very proud to pay that membership fee. But by paying that fee, I do not believe that they should be granted any special privileges when they engage in health care or whatever they are engaged in when they compete with the private sector that is paying the taxes for everybody in this Commonwealth. There is an unfairness here, Mr. Speaker, and it does not make sense to me.

So with the Reinard amendment, we introduced into this bill that you must have a CPR on board, so to speak. That only applies to the for-profits. It will not apply to the non-profits if my amendment goes down. I do not understand the problem here. If you are in the business, you can afford to abide by whatever rules and regulations this Commonwealth sets, and I can tell you that hospitals and universities—put the YMCA aside for a second, Mr. Speaker—they can afford to pay whatever the bonding requirements are in this bill if they want to, and we are making a privileged class out of nonprofits and that is not the intent.

I ask for an affirmative vote for this amendment.

The SPEAKER pro tempore. The Chair recognizes the minority leader, Representative Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, this bill's origin, as I understand it, centers around protection that we are trying to provide for the citizens of Pennsylvania against fly-by-night outfits that come in, charge fees to join their health clubs, and then shortly thereafter they close and the lifetime memberships or the 5-year memberships that your constituents and mine have paid go down the drain. That is what started all of this, I think. I think it was in response to those problems. I do not believe that our universities, colléges, and the bulk of our religious and eleemosynary institutes are the same risk. I do not think the risk is the same. They are not in and out. They are here, and they are regulated by other laws; they are regulated by the charitable laws of this Commonwealth.

We both know where we are standing on this, and, you know, cast a vote as you see fit.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks County, Representative Gallen.

Mr. GALLEN. Mr. Speaker, the first time this amendment was offered, I inadvertently voted in the affirmative for the amendment, and I would like the record to reflect that I would have voted in the negative.

CONSIDERATION OF SB 134 CONTINUED

Mr. GALLEN. In addition to that, Mr. Speaker, I have aided Mr. Cappabianca in some legislation having to do with unfair competition for nonprofits, but this, Mr. Speaker, is hardly the bill, this is hardly the legislation, to bring this in. I think that crusade should be fought on its own.

I ask for a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Erie, Representative Cappabianca, for the second time.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

This is a bill to regulate an industry. If you are in the industry, you should abide by the regulations. Let us quit hiding behind this cloak of nonprofit versus for-profit. If you are in the business and you are charging whatever you are charging, you are in the business. You are in it to make something out of it. Why should we have our for-profit segment of the industry standing over here having to abide by all these regulations and these new bonding requirements, which will now be necessary, saying that they have to compete now with an organization just because they have a status as nonprofit in Pennsylvania. It does not make sense. It is not fair, and they will know about it.

I ask for an affirmative vote on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—90

Acosta	Fairchild	Linton	Rieger
Belardi	Fee	McCall	Robinson
Belfanti	Freeman	McHale	Roebuck
Billow	Gamble	McNally	Rybak
Blaum	George	Maiale	Saloom
Bowley	Gigliotti	Maine	Scrimenti
Caltagirone	Haluska	Markosek	Serafini
Cappabianca	Harper	Mayernik	Staback
Carn	Hayden	Melio	Steighner
Cawley	Howlett	Michlovic	Stish
Clark, B. D.	Hughes	Morris	Stuban
Cohen	James	Murphy	Tangretti
Colaizzo	Jarolin	Olasz	Taylor, F.
Cole	Josephs	Oliver	Thomas
Corrigan	Kaiser	Pesci	Tigue
Cowell	Kasunic	Petrarca	Trello
Coy	Kosinski	Petrone	Trich
DeLuca	Kukovich	Pievsky	Van Horne
DeWeese	LaGrotta	Pistella	Veon
Daley	Laughlin	Pressmann	Williams
Dombrowski	Lescovitz	Preston	Wozniak
Donatucci	Letterman	Richardson	Yandrisevits
Evans	Levdansky		

NAYS—109

Adolph	Dietterick	Kenney	Rudy
Allen	Dininni	Kondrich	Ryan
Angstadt	Distler	Langtry	Saurman
Argall	Dorr	Lashinger	Scheetz
Barley	Durham	Lee	Schuler
Battisto	Fargo	Leh	Semmel
Birmelin	Farmer	Lloyd	Smith, B.
Bishop	Fleagle	Lucyk	Smith, S. H.
Black	Flick	McVerry	Snyder, D. W.
Bortner	Fox	Marsico	Snyder, G.
Boyes	Freind	Merry	Stairs
Brandt	Gallen	Micozzie	Strittmatter
Broujos	Gannon	Miller	Taylor, E. Z.
Bunt	Geist	Moehlmann	Taylor, J.
Burd	Gladeck	Mowery	Telek
Burns	Godshall	Mrkonic	Vroon
Bush	Gruitza	Nahill	Wambach
Carlson	Gruppo	Nailor	Wass
Cessar	Hagarty	Noye	Weston
Chadwick	Hasay	O'Brien	Wilson
Civera	Hayes	Perzel	Wogan
Clark, D. F.	Heckler	Phillips	Wright, D. R.
Clark, J. H.	Herman	Piccola	Wright, J. L.
Clymer	Hess	Pitts	Wright, R. C.
Colafella	Itkin	Raymond	
Cornell	Jackson	Reber	Manderino, Speaker
Davies	Jadlowiec	Reinard	
Dempsey	Johnson	Robbins	

NOT VOTING—2

O'Donnell Ritter

EXCUSED—2

Foster Hershey

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dombrowski	Laughlin	Ritter
Adolph	Donatucci	Lee	Robbins
Allen	Dorr	Leh	Robinson
Angstadt	Durham	Lescovitz	Roebuck
Argall	Evans	Letterman	Rudy
Barley	Fairchild	Levdansky	Ryan
Battisto	Fargo	Linton	Rybak
Belardi	Farmer	Lloyd	Saloom
Belfanti	Fee	Lucyk	Saurman
Billow	Fleagle	McCall	Scheetz
Birmelin	Flick	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs

Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitza	Miller	Strittmatter
Caltagirone	Gruppo	Moehlmann	Stuban
Cappabianca	Hagarty	Morris	Tangretti
Carlson	Haluska	Mowery	Taylor, E. Z.
Carn	Harper	Mrkonic	Taylor, F.
Cawley	Hasay	Murphy	Taylor, J.
Cessar	Hayden	Nahill	Telek
Chadwick	Hayes	Nailor	Thomas
Civera	Heckler	Noye	Tigue
Clark, B. D.	Herman	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colafella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston
Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	Piccola	Wilson
Cowell	Josephs	Pievsky	Wogan
Coy	Kaiser	Pistella	Wozniak
DeLuca	Kasunic	Pitts	Wright, D. R.
DeWeese	Kenney	Pressmann	Wright, J. L.
Daley	Kondrich	Preston	Wright, R. C.
Davies	Kosinski	Raymond	Yandrisevits
Dempsey	Kukovich	Reber	
Dietterick	LaGrotta	Reinard	Manderino, Speaker
Dininni	Langtry	Richardson	
Distler	Lashinger	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—2

Foster Hershey

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 SPEAKER pro tempore. The Chair is delighted to return the gavel to the Speaker with his thanks. Thank you very much.

THE SPEAKER (JAMES J. MANDERINO)
IN THE CHAIR

The SPEAKER. The Speaker thanks the gentleman, Mr. Wambach, for temporarily presiding.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1613, PN 1892, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the installation of certain sun screening devices and materials.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A3394:

Amend Sec. 1 (Sec. 4524), page 1, line 10, by inserting a bracket before "(e)"

Amend Sec. 1 (Sec. 4524), page 2, line 10, by inserting a bracket after "date."

Amend Bill, page 2, by inserting between lines 10 and 11

Section 2. Title 75 is amended by adding a section to read: § 4537. Sun screening.

(a) Sun screen operation.—No person may operate a motor vehicle that is registered or required to be registered in this Commonwealth on any public highway, road or street that has a sun screen device on the windshield, the front side wings and side windows adjacent to the right and left of the driver and windows to the rear of the driver that do not meet the requirement of this section.

(b) Authorized use.—A sun screening device when used in conjunction with the windshield may not be red, yellow or amber in color. A sun screening device may be used only along the top of the windshield and may not extend downward beyond the ASI line or more than five inches from the top of the windshield whichever is closer to the top of the windshield.

(c) Minimum light reflection and transmission.—A sun screening device when used in conjunction with the safety glazing materials of the side wings or side windows, located at the immediate right and left of the driver, the side windows behind the driver and the rear-most window must have light reflection of 35% or less and have light transmission of not less than 35%.

(d) Manufacturers requirements.—Each manufacturer shall:

(1) Certify to the department that a sun screening device used is in compliance with the reflectivity and transmittance requirements of this section.

(2) Provide a label not to exceed 1 1/2 square inches in size, with a means for the permanent and legible installations between the sun screening material and each glazing surface to which it is applied that contains the manufacturer's name and its percentage of light transmission.

(3) Include instructions with the product or material for proper installations, including the affixing of the label specified in this section. The labeling or marking must be placed in the left lower corner of each glazing surface when facing the vehicle from the outside.

(e) Prohibitions.—No person may:

(1) Offer for sale or for use any sun screening product or material for motor vehicle use not in compliance with this section.

(2) Install any sun screening product or material on vehicles intended for use on public roads without permanently affixing the label specified in this section.

(f) Exceptions.—

(1) The provisions of this section shall not apply to a motor vehicle registered in this Commonwealth in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this Commonwealth that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material which would be of a light transmittance or luminous reflectance in violation of this section. The affidavit must be in the possession of the person so afflicted, or the person's legal guardian, at all times while being transported in the motor vehicle.

(2) The light transmittance requirements of this section shall not apply to windows behind the driver on trucks, buses, trailers, mobile homes and multipurpose passenger vehicles.

(g) Penalty.—A person who violates the provisions of this section shall, upon conviction, be sentenced to pay a fine of not more than \$200.

(h) Applicability.—This section shall apply to all vehicles manufactured on or after the effective date of this act.

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

"Bus." A motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

"Light transmission." The ratio of the amount of total light to pass through a product or material to the amount of the total light falling on the product or material.

"Luminous reflectants." The ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or materials.

"Manufacturer." Any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.

"Motor homes." Vehicular units designed to provide temporary living quarters built into and an integral part of or permanently attached to a self-propelled motor vehicle chassis.

"Multipurpose passenger vehicle." A motor vehicle with motive power, except a trailer designed to carry ten persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.

"Nonreflective." A product or material designed to absorb light rather than to reflect it.

"Passenger car." A motor vehicle with motive power, except a multipurpose passenger vehicle, motorcycle, or trailer, designed for carrying ten persons or less.

"Truck." A motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

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

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, Representative Murphy from Allegheny County is recognized.

Mr. MURPHY. Thank you, Mr. Speaker.

My amendment goes into some detailed explanation of the use of sunscreens on windows. It would permit sunscreens that would have a light reflection of 35 percent or less and have light transmission of not less than 35 percent. This would assure that people would continue to be able to see in through the windows, but at the same time it would provide the shade and eliminate the glare.

It also permits a higher usage in the case of individuals who have the need from an optometrist or a physician to indicate that they need a higher percentage of sunscreens materials, Mr. Speaker. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashinger	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson

Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Fox	McCall	Schuler
Black	Freeman	McHale	Scrimenti
Blaum	Freind	McNally	Semmel
Bortner	Gallen	McVerry	Serafini
Bowley	Gamble	Maiale	Smith, B.
Boyes	Gannon	Maine	Smith, S. H.
Brandt	Geist	Markosek	Snyder, D. W.
Broujos	George	Marsico	Snyder, G.
Bunt	Gigliotti	Mayernik	Staback
Burd	Gladeck	Melio	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mrkonic	Taylor, E. Z.
Cawley	Hasay	Murphy	Taylor, F.
Cessar	Hayden	Nahill	Taylor, J.
Chadwick	Hayes	Nailor	Telek
Civera	Heckler	Noye	Thomas
Clark, B. D.	Herman	O'Brien	Tigue
Clark, D. F.	Hess	O'Donnell	Trello
Clark, J. H.	Howlett	Olasz	Trich
Clymer	Hughes	Oliver	Van Horne
Colaifella	Itkin	Pesci	Veon
Colaizzo	Jackson	Petrarca	Vroon
Cole	Jadlowiec	Petrone	Wambach
Cornell	James	Phillips	Wass
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Dininni	LaGrotta	Richardson	Speaker
Distler			

NAYS—5

Merry	Perzel	Weston	Wogan
Mowery			

NOT VOTING—1

Cohen

EXCUSED—2

Foster Hershey

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dombrowski	Laughlin	Ritter
Adolph	Donatucci	Lee	Robbins
Allen	Dorr	Leh	Robinson
Angstadt	Durham	Lescovitz	Roebuck
Argall	Evans	Letterman	Rudy
Barley	Fairchild	Levdansky	Ryan
Battisto	Fargo	Linton	Rybak
Belardi	Farmer	Lloyd	Saloom
Belfanti	Fee	Lucyk	Saurman
Billow	Fleagle	McCall	Scheetz
Birmelin	Flick	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitza	Miller	Strittmatter
Caltagirone	Gruppo	Moehlmann	Stuban
Cappabianca	Hagarty	Morris	Tangretti
Carlson	Haluska	Mowery	Taylor, E. Z.
Carn	Harper	Mrkonic	Taylor, F.
Cawley	Hasay	Murphy	Taylor, J.
Cessar	Hayden	Nahill	Telek
Chadwick	Hayes	Nailor	Thomas
Civera	Heckler	Noye	Tigue
Clark, B. D.	Herman	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colaifella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston
Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	Piccola	Wilson
Cowell	Josephs	Pievsky	Wogan
Coy	Kaiser	Pistella	Wozniak
DeLuca	Kasunic	Pitts	Wright, D. R.
DeWeese	Kenney	Pressmann	Wright, J. L.
Daley	Kondrich	Preston	Wright, R. C.
Davies	Kosinski	Raymond	Yandrisevits
Dempsey	Kukovich	Reber	
Dietterick	LaGrotta	Reinard	Manderino,
Dininni	Langtry	Richardson	Speaker
Distler	Lashingier	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—2

Foster Hershey

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

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. May we have the attention of all of the members.

I am sure all of the members of the House are aware that tomorrow we will be debating the abortion control legislation, and the Speaker has received a number of requests from media not ordinarily at the Capitol to film the proceedings and the debate on the floor of the House. We have made arrangements with the Public Television Network to film as they have always been permitted to film on the floor of the House gavel-to-gavel sound and video. That Public Television feed will be provided to the Media Center, to all video and radio connections that persons will want to make. They will be made at the Media Center. Members are informed, though, that it is possible that someone will be carrying live all of the proceedings, perhaps even nationally, from the hall of this House, although you may not see television cameras on the floor of the House.

The Speaker has permitted television cameras on the floor of the House for silent filming only. Two crews consisting of only two persons each at one time can be on the floor of the House, and the Speaker will attempt to announce at the beginning of the session those crews that will be on the floor of the House from time to time. I will not attempt to interrupt the debate each time a new crew comes on the floor. Be advised that there will be a number of television crews on the floor, never more than two at one time and never more than two persons in the television crew.

The print media will be occupying the box that they usually occupy, and in addition, I believe there are an additional 15 seats in the balcony on this side of the screen which will be occupied by the nonfilm media. There are just so many requests that we have made those provisions.

Public Television cameras will be two in number. One will be on the floor of the House in the well of the House where it always is and another will be in the balcony in front of the screen.

I believe that the Speaker has covered the unusual arrangements or the different arrangements that will be in effect for tomorrow. We would ask all members to be on their best behavior, as you always are.

The Chair recognizes the gentleman from Berks, Mr. Davies. For what purpose does the gentleman rise?

Mr. DAVIES. Will that be equal to the former ruling that you had or the official 10-minute duration?

The SPEAKER. Ten minutes on the floor of the House for each television crew that comes on. They will be on for 10 minutes and off and another crew. The Sergeants at Arms have been instructed to let the next crew that wants to come on at that time. So there will only be two on the floor of the House at any one time.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Donnell, the majority leader. For what purpose does the gentleman rise?

Mr. O'DONNELL. Mr. Speaker, the Democrats are going to have a caucus immediately upon the adjournment, and the

subject matter of the caucus will primarily be the abortion legislation that is going to be considered tomorrow, so I would urge your attendance.

Second, as to the schedule, we will not be in session next week and will return after the election. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. Does the gentleman, Mr. Noye, have an announcement regarding caucus of the Republican Party? The gentleman indicates there is an announcement for caucus. The Chair recognizes the gentleman, Mr. Noye, for the purpose of an announcement.

Mr. NOYE. Thank you, Mr. Speaker.

Republicans, I would ask you to report to the caucus room immediately. We have the amendments on the major bill tomorrow to discuss, and we will try to get through that as quickly as possible so we do not have to go to caucus tomorrow. Thank you, Mr. Speaker.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
October 23, 1989

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 13, 1989, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 13, 1989, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

The SPEAKER. The Chair recognizes, from Washington County, Representative Trich.

Mr. TRICH. Mr. Speaker, I rise to correct the record.

On SB 134, the Reinard amendment A1440, my switch malfunctioned. I would like to be counted in the affirmative rather than the negative. Thank you.

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

The Representative from Franklin County, Representative Coy, indicates that he has a number of apples grown in his district for distribution to the members.

ANNOUNCEMENT BY MR. FREIND

The SPEAKER. The Chair recognizes at this time, without objection, Representative Freind from Delaware County.

Mr. FREIND. Thank you, Mr. Speaker.

There had been a meeting of the cosponsors of the Abortion Control Act scheduled for 3 o'clock. Because of the length of today's session and because we are going into caucus on the bill, that meeting has been switched until tomorrow morning at 10 o'clock. You will receive a telephone call early on that advising as to the place of the meeting. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1011, PN 1153 By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for notifying drivers of suspensions by certified mail; requiring drivers to return suspended driver's licenses in person or by certified mail; and increasing the fee for reinstatement of a suspended driver's license.

TRANSPORTATION.

HB 1764, PN 2201 By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for removal of vehicle by the police.

TRANSPORTATION.

HB 1769, PN 2206 By Rep. PETRARCA

An Act designating the Puttstown Bridge on State Route 913 in Hopewell Township, Huntingdon County, as the Kenneth Clapper Bridge.

TRANSPORTATION.

HB 1811, PN 2285 By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the delegation of departmental authority to issue permits.

TRANSPORTATION.

HB 1842, PN 2672 (Amended)

By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the weighing and measurement of vehicles.

TRANSPORTATION.

HB 1943, PN 2520 By Rep. PETRARCA

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), known as the "Turnpike Organization, Extension and Toll Road Conversion Act," providing for special purpose exits.

TRANSPORTATION.

SB 682, PN 732 By Rep. PETRARCA

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

TRANSPORTATION.**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that rule 30 of the House of Representatives be suspended so that when HB 1883 is returned from the Senate for concurrence in Senate amendments, that the same will go directly to the calendar and not the Rules Committee as rule 30 would require.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1883, PN 2641**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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

SB 522, PN 546 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

JUDICIARY.**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 522, presently on the tabled calendar, be removed from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. Is there further business to come before the Assembly from the majority party? From the minority party? The indication in each case is in the negative.

BILLS AND RESOLUTION PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Frank Gigliotti.

Mr. GIGLIOTTI. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 24, 1989, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:57 p.m., e.d.t., the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 25, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

PRAYER

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

Let us pray:

Gracious God our Father, grant that we will always lean upon You and not upon our own understanding. We recognize You as the source of all knowledge, so take us to the fountain of wisdom and cause us to drink deeply, for we know that a little knowledge is a dangerous thing.

We seek Your truth and righteousness, for the world can easily intoxicate us with error and wrongdoing. Teach us Your will and Your way. Lead us in a plain path, and grant that we will number our days and apply our hearts unto wisdom. If we acknowledge You in all that we say and do, we will always be victorious.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, we will postpone until printed the approval of the Journal dated Tuesday, October 24, 1989. The Chair hears no objection.

SENATE BILLS FOR CONCURRENCE

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

SB 29, PN 29

Referred to Committee on TRANSPORTATION, October 25, 1989.

SB 48, PN 48

Referred to Committee on TRANSPORTATION, October 25, 1989.

SB 258, PN 1311

Referred to Committee on EDUCATION, October 25, 1989.

SB 352, PN 1654

Referred to Committee on JUDICIARY, October 25, 1989.

SB 806, PN 1615

Referred to Committee on CONSERVATION, October 25, 1989.

SB 1056, PN 1247

Referred to Committee on HEALTH AND WELFARE, October 25, 1989.

SB 1258, PN 1623

Referred to Committee on TRANSPORTATION, October 25, 1989.

SB 1268, PN 1580

Referred to Committee on TRANSPORTATION, October 25, 1989.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 211, PN 237; HB 744, PN 825; and HB 1569, PN 1839**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 211, PN 237

An Act designating a certain bridge on State Route 849 in Juniata Township, Perry County, as the T. Luke Toomey Bridge.

HB 744, PN 825

An Act designating the section of T.R. 380 in Plum Borough, Allegheny County, Pennsylvania, as the Joseph F. Bonetto Memorial Highway; and making a repeal.

HB 1569, PN 1839

An Act designating a certain portion of Pennsylvania Route 61 in Schuylkill County as the Joseph H. Long Boulevard.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Robert O'Donnell from Philadelphia.

Mr. O'DONNELL. Mr. Speaker, I move that the following bills be taken from the tabled calendar and placed on the active calendar:

HB 1631;
HB 2025;
SB 405; and
SB 555.

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

CALENDAR**BILLS ON SECOND CONSIDERATION**

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

HB 1525, PN 1786.

* * *

The House proceeded to second consideration of **HB 1011, PN 1153**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for notifying drivers of suspensions by certified mail; requiring drivers to return suspended driver's licenses in person or by certified mail; and increasing the fee for reinstatement of a suspended driver's license.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1011** be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 1764, PN 2201.

* * *

The House proceeded to second consideration of **HB 1769, PN 2206**, entitled:

An Act designating the Puttstown Bridge on State Route 913 in Hopewell Township, Huntingdon County, as the Kenneth Clapper Bridge.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1769** be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 1811, PN 2285.

* * *

The House proceeded to second consideration of **HB 1842, PN 2672**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the weighing and measurement of vehicles.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1842** be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1943, PN 2520**, entitled:

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), known as the "Turnpike Organization, Extension and Toll Road Conversion Act," providing for special purpose exits.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1943 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **SB 682, PN 732**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 682 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all other items - House bills, a House resolution, and Senate bills - on today's calendar will go over in order. The Chair hears no objection.

**SUNSET REVIEW RESOLUTION
SUBMITTED**

The SPEAKER. Pursuant to Act 142 of 1981, the Sunset Act, the sunset review resolution for the Office of Consumer Advocate is submitted to be placed on the calendar.

Is there further business to come before the House from the majority party? Is there any further business to come before the House from the minority party? The indication is in the negative in each instance.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Harold James.

Mr. JAMES. Mr. Speaker, I move that this House do now adjourn until Monday, November 13, 1989, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:07 a.m., e.d.t., the House adjourned.