

Exhibit A

HISTORY OF HOUSE BILLS

HB 280 By Representatives DAWIDA, COWELL, PISTELLA, TRELLO, ITKIN, PRESTON, MICHLOVIC, IRVIS and MARKOSEK.

Printer's No. 297.

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), known as the "Mental Health Procedures Act," further providing for payment of costs for treatment.

Referred to HEALTH AND WELFARE, Feb. 11, 1985

HB 281 By Representative LASHINGER.

Printer's No. 298.

An Act declaring and adopting the song "In Pennsylvania," music and lyrics by Reverend Irvin R. Lindemuth, as the State song of the Commonwealth of Pennsylvania.

Referred to STATE GOVERNMENT, Feb. 11, 1985

HB 282 By Representatives BELFANTI, COHEN, FUNT, ITKIN, MERRY, RYBAK, BALDWIN, MRKONIC, LIVENGOOD, COY, SHOWERS, HALUSKA, BELARDI, ANGSTADT, KUKOVICH, STUBAN, P. TAYLOR, CLYMER, MICOZZIE, BATTISTO, VAN HORNE, WOGAN, PHILLIPS, KOSINSKI, LUCYK, COLAFELLA, HERMAN, KASUNIC, CIVERA, MICHLOVIC, SWEET, JOHNSON, DEWEESE, PRATT, RUDY, SEVENTI, DELUCA, WOZNIAK, APFLERBACH, STABACK, PISTELLA, STEVENS, DALEY, TELEK, BOWLEY, MARKOSEK, PRESSMANN, E. Z. TAYLOR and CARR.

Printer's No. 299.

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp.Sess., 1937 P. L. 2897 No. 1), further providing for the rate and amount of compensation.

Referred to LABOR RELATIONS, Feb. 11, 1985

HB 283 By Representatives LESCOVITZ, PRATT and VEON.

Printer's No. 300.

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the powers and duties of the Department of Corrections.

Referred to JUDICIARY, Feb. 11, 1985

HB 284 By Representatives WANEACH, IRVIS, MANDEGINO, NOYE, BAYES, COHEN, FITTS, CESSAR, C'LOKNEILL, BOWSER, D. E. WRIGHT, McCLATCHY, DOMBROWSKI, ITKIN, FEE, PIEVSKY, AETI, DeLUCA, ANGSTADT, ACCSTA, BURNS, APFLERBACH, BISMELIN, BORTNER, EOOK, BELARDI, BURD, ELAUM, BUNI, BELFANTI, EUSH, EGWLEY, EABLEY, EABER, ECVES, BATTISTO, ELACK, CARLEY, CLYMER, CAPPABIANCA, CIVERA, CLARK, CERNELLI, COWELL, CARLSON, COLAFELLA, CIMINI, COY, COSLETTI, CATTAGIONE, DISTIEA, CCLF, LIMINNI, CARR, DUBBAN, COBDISCC, DAVIES, DEWEESE, DIETZ, DONATOCCI, DCRR, DALEY, DEVEETER, DEAL, FOX, PUFFY, PAEGC, DAWIDA, FOSTER, EVANS, FREINL, FRYER, FLICK, FREEMAN, GALLAN, FATTAH, GEISI, GAMBLR, GLADECK, GALLAGHEE, GODSHALL, GEORGE, GREENWOOD, GUITZA, GANNON, HUTCHINSON, HASAY, HAEPIE, HERMAN, HOWLETT, HONAMAN, JABOLIN, BERSHEV, JOSEPHS, HAGARTY, KASUNIC, JACKSON, KOSINSKI, JOHNSON, KUKOVICH, KENNEY, LLOYD, LASHINGER, LEVLANSKY, MARMILLER, LIVENGOOD, MILLER, LEVIN, MACKOWSKI, LAUGHLIN, MICOZZIE, LETTEMAN, MERRY, LESCOVITZ, McVEEAY, LINTON, MOEHLMANN, LUCYK, NAHILL, McCALL, PEZZEL, MURPHY, PONT, MARKOSEK, MICHLOVIC, PHILLIPS, McHALL, PICCOLA, MRKONIC, RAYMOND, MORRIS, EGBBINS, OLIVER, REINHARD, BEEBE, PRESSIGN, SCHULEE, PETERBARCA, SCHEITZ, PETECHE, SWIFT, PISTELLA, SEMMEL, PRATT, SAUBMAN, PRESSMANN, E. SMITH, RYBAK, SIMIANNI, RICHARDSON, STAIRES, RUDY, E. W. SNYDER, SALOON, G. SNYDER, STABACK, E. Z. TAYLOR, SHOWERS, TELEK, STUBAN, VROON, STEIGHNEE, WASS, SWEET, WESTON, SIEMART, WILSON, TBELLO, J. E. WRIGHT, ZUMAN, E. C. WRIGHT, TIGUE, WOGAN, P. TAYLOR, VEON, VAN HORNE, WOZNIAK, WIGGINS, WILLIAMS, YANDRISSEVITS, GROFFC, HALUSKA, MAYERNIK, KENNEDY, RIEGER, ARGALL, BALDWIN, BROUJCS, STEVENS, PCTI and OLASZ.

Prior Printer's Nos. 301, 1538, 1774, 4155.

Printer's No. 1774.

An Act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties.

Referred to LABOR RELATIONS, Feb. 11, 1985

Reported as amended, May 29, 1985

First consideration, May 29, 1985

Laid on the table, May 29, 1985

Removed from table, June 3, 1985

Second consideration, June 4, 1985

Third consideration, with amendments, June 18, 1985

Final passage, June 18, 1985 (4C1-0)

✓ (Remarks see House Journal Page 1230-

June 18, 1985

In the Senate

Referred to LABOR AND INDUSTRY, June 24, 1985

Reported as amended, Nov. 18, 1986

First consideration, Nov. 18, 1986

Second consideration, Nov. 19, 1986

Action to revert to Printer's No. 1774 adopted,

Nov. 20, 1986

Third consideration and final passage,

Nov. 20, 1986 (47-0)

Signed in House, Nov. 24, 1986

Signed in Senate, Nov. 24, 1986

In hands of the Governor, Nov. 25, 1986

Last day for action, Dec. 26, 1986

Approved by the Governor, Dec. 12, 1986

Act No. 169

ordered. Therefore, the bill will have to be passed over temporarily.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Book, rise?

Mr. BOOK. Mr. Speaker, on HB 268 my switch was not working, and I would like to be voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

→ The House proceeded to third consideration of **HB 284, PN 1538**, entitled:

An Act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. CHADWICK offered the following amendment No. A2047:

Amend Sec. 2, page 4, lines 11 and 12, by striking out "SUBSTANTIALLY FUNDED" and inserting
funded, in an amount equal to at least 35% of the total revenue it receives in a fiscal year,

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

The issue before us this morning is whom the Whistleblower Law will apply to. When this bill was originally drafted and cosponsored by almost every member of this body, it applied to organizations that were primarily State funded. "Primarily" is an easily defined term. We can assume that it means more than half State funding, or 50 percent. In committee, over considerable objection, "primarily" was amended to "substantially." The well-meaning intention of those sponsoring that amendment was to broaden the act, to have it apply to entities which receive funding of less than 50 percent from the State. The problem is that "substantial" is not defined anywhere in the bill. Nobody really knows what substantial funding is. Is it 40 percent, 35 percent, 30 percent, is it 10 percent State funding? Everybody can have their own idea of what substantial funding is.

Mr. Speaker, if we do not define it, the courts will, and I do not see how the courts can define it and tell us what we mean if we do not know ourselves what we mean. Remember, Mr. Speaker, under this bill, depending on the level of employment, an action could be brought by an employee in the courts of common pleas of any of our 67 counties. That means possi-

bly dozens of different interpretations of what substantial funding is. Do we really want the first few years under this act to be marred by the uncertainty and confusion of not even knowing whom it applies to?

Mr. Speaker, there is an easy solution - to establish a threshold percentage of funding, and if an agency receives more than that percentage of State funding, the act applies; if it does not, the act does not apply. As the act was originally drafted, it applied to organizations primarily or 50 percent funded by the State. The feeling in committee was that it should be expanded. My amendment would expand the applicability to organizations which receive 35 percent or more State funding. The amendment would accomplish the intended purpose in committee, would eliminate the otherwise inevitable uncertainty and confusion and avoid surrendering our responsibility to our courts. Mr. Speaker, I urge passage of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Chadwick amendment, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Chadwick amendment. I thought when the committee took a position on changing from primarily funded to substantially funded, they did a correct amendment as far as the bill was concerned. What Mr. Chadwick's amendment will do is place a 35-percent limit on those funds received from public treasuries under the bill, and I feel personally that one-third of the money from public sources would not be covered under the Chadwick amendment, because his amendment calls for 35 percent of those funds to be excluded.

Mr. Speaker, when you have a \$10-million budget and \$1 million of that is given from public moneys, you are talking about 10 percent. I think that is substantial, and I think that is the point of the committee. The committee changed the wording to "substantial" because in my view I think \$1 million is substantial in a \$10-million budget, but it would not cover those conditions under Mr. Chadwick's amendment because you would have to in fact have an agency funded by less than \$3.5 million under that scenario.

I think we should maintain the committee's amendment of substantially funded and vote to defeat the Chadwick amendment, which would exclude one-third of the money that would be received by public sources from being covered under the act, and I would hope that all my colleagues, most of whom are cosponsors, would support that position. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Chadwick amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I wish to join Mr. Wambach in opposing the Chadwick amendment. We cannot lose sight, we cannot lose sight of the fact that the whistleblower bill deals with detecting fraud, waste, misuse of money. What the Chadwick amendment says is that the remedies granted to persons fired for exposing fraud, for exposing waste, for

exposing corruption are going to be denied people if the State gives less than 35 percent of the money to this program. This would exclude people who expose fraud, waste, corruption in many State-funded educational institutions; this would exclude people who expose fraud, waste, and corruption in many social service agencies; especially and ironically, I note, in view of the strong Republican opposition to Community Legal Services and Pennsylvania Legal Services, this would exclude employees from Pennsylvania Legal Services from being covered; this would exclude employees of many, many State-funded organizations from being covered.

What this would require an employee to do in many cases would be to conduct an audit of his agency and decide whether his agency gets 35 percent of its money from the State or 34 percent or 36 percent, and that is far beyond the resources of employees to do.

I would urge that the legislature send a clear message that corruption, that theft, that fraud will not be tolerated. Mr. Speaker, defeat of this amendment would send a clear message to all State-funded agencies in this State that corruption, that fraud, that waste will not be tolerated and that employees who expose such practices will be protected instead of being disciplined. I would urge the defeat of this amendment so that Pennsylvania passes a whistleblower bill we can all be proud of.

The SPEAKER. The Chair recognizes the gentleman, Mr. Chadwick, for the second time on his amendment.

Mr. CHADWICK. Mr. Speaker, would the gentleman, Mr. Wambach, stand for a brief period of interrogation?

The SPEAKER. Mr. Wambach indicates he will stand for interrogation. You are in order and may proceed, sir.

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman tell me what percentage of funding he would consider to be substantial under the bill?

Mr. WAMBACH. I think the term "substantially funded" is there purposely to in fact give the court and let the court make the opinion as to what is substantially funded, not a percentage of this legislature.

Mr. CHADWICK. In other words, Mr. Speaker, it is the intention as currently drafted that the courts would decide on a case-by-case basis and that in fact one court might decide that one agency which receives more funding might not apply and another agency which receives less might apply, depending on the circumstances of that case?

Mr. WAMBACH. Substantially, if I can use the word, I think that statement is correct, but I do not think that we should sit here in the legislature and say that a funding mechanism of 35 percent shall be excluded from this bill, that we feel that a percentage basis is in fact better than a "substantially" worded basis which is in the bill. I think that gives in fact the courts the flexibility to interpret what I feel is in fact appropriate. Like I mentioned in my initial comments, I think \$1 million of \$10 million funding is only 10 percent, but I think if the court finds that substantially funded, that in fact should be the case.

Mr. CHADWICK. Mr. Speaker, would anybody be excluded under this bill?

Mr. WAMBACH. I did not hear the question.

Mr. CHADWICK. Would anybody specifically be excluded under the bill as you have written it?

Mr. WAMBACH. This is really a bill written to confront public and quasi-public bodies. It does not affect at all the private sector, unless in fact they are receiving public funds.

Mr. CHADWICK. Mr. Speaker, are there organizations that you can think of which are funded by the State but which are not substantially funded?

Mr. WAMBACH. I think that, again to return to my original premise, Mr. Speaker, I feel that that decision in fact is a court decision, and in fact what is substantially funded under the court and their interpretation should in fact fall under the purview of the law.

Mr. CHADWICK. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak again on the bill.

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

Mr. CHADWICK. Mr. Speaker, we are being asked to pass a bill that would have the courts make a case-by-case determination as to whom this applies to and whom it does not apply to. As I indicated, an action can be brought in our county courts of common pleas; we have 67 counties in this Commonwealth. What we are headed for is a situation where in every case we may well have an appeal to the appellate courts of this State to make a determination as to whether or not a particular organization is substantially or not substantially funded. I think we are headed for confusion, chaos, and delay. I do not think it is fair to employees. I think if there is a lower percentage than 35 percent, I think that the bill should be amended to a lower percentage, but I think we should tell employers and employees in advance in fairness to them whether or not this bill is going to apply to them. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni, on the Chadwick amendment.

Miss SIRIANNI. Mr. Speaker, may I interrogate Mr. Wambach, please?

The SPEAKER. Mr. Wambach indicates he will stand for interrogation. You may proceed.

Miss SIRIANNI. Mr. Speaker, if you really want a whistleblower bill, why do you not say any amount? Why do you not include anyone who receives even a dollar from the State?

Mr. WAMBACH. Well, in fact my original intent was something along that line, Mr. Speaker, but I feel this way: I do not think we should put a percentage on an inclusion in a piece of legislation that—follow this through—that will force the employee to have an audit made on his or her agency before they can report wrongdoing because they may sit at 34 percent of funding, and I think that is wrong.

Miss SIRIANNI. Mr. Speaker, if your bill stated that any agency that receives any State funding an employee could blow the whistle, then it would cover everybody. Why exclude anyone?

Mr. WAMBACH. The bill does not necessarily exclude—
Miss SIRIANNI. Why did you exclude anyone in the first place?

Mr. WAMBACH. Mr. Speaker, I think we have heard on this amendment 35 percent, and now we are down to \$1. As far as I am concerned, I would accept the dollar—

Miss SIRIANNI. Well, then, why do we not amend it to that?

Mr. WAMBACH. —but I think it is basically acceptable in the language that we are going to leave up to the courts when we talk about substantially funded. I think you may find that there will be in fact judges who will say, a dollar misspent in the public trust is wrong, and I think this language in fact permits that person to bring that action in the court. That is the point. We do not want to thwart any effort by any employee of a public body or a quasi-public body for coming forth to report wrongdoing before in fact they must in fact order an audit on their own agency to see if in fact they are under the law.

I do not think that is correct; I do not think that is wise, and I would ask for the defeat of the amendment.

Miss SIRIANNI. Mr. Speaker, are you not excluding the courts and the legislature?

Mr. WAMBACH. Not in my interpretation; no.

Miss SIRIANNI. Mr. Speaker, may I again plead with you to change the amount to \$1? If you really want a whistleblowing bill, let us make it one.

Mr. WAMBACH. Mr. Speaker, if the woman is willing to prepare an amendment or have an amendment prepared in the Senate, I certainly would not be objecting to that stand on a concurrence basis, if it would come back.

Miss SIRIANNI. If the Speaker will hold the bill over, I would be happy to have an amendment made.

Mr. WAMBACH. I do not care to hold the bill over, Mr. Speaker, because of this point: Last year when we passed this bill by a unanimous vote of this House, the Senate had claimed that in fact they did not have enough time to consider the legislation. I think if we in fact get it to the Senate before the break, before the summer recess, they will have the rest of this year and next year to consider this vital piece of legislation, and I would hope that they can be corrected over in the Senate, which amendment I would support.

The SPEAKER. The question is, will the House adopt the Chadwick amendment? Those in favor of the amendment will vote "aye"—

You are not finished, Miss Sirianni?

Miss SIRIANNI. I was under the impression that Mr. Wambach asked to hold it over.

The SPEAKER. No; to the contrary. He said he insists on calling the bill up and insists that we move on the bill.

Miss SIRIANNI. Well, Mr. Speaker, I am asking that the bill be held over until I get my amendment. I will have it down here as soon as possible.

The SPEAKER. If the lady orders her amendment and informs the Chair that she has an amendment coming, after the Chair has finished with the business of the bill, the Chair

will put it over temporarily until her amendment can be produced. But the question before us now is, shall we adopt the Chadwick amendment?

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

The following roll call was recorded:

YEAS—89

Argall	Dorr	Langtry	Robbins
Barley	Fargo	Lashingier	Ryan
Birmelin	Fischer	McClatchy	Saloom
Book	Flick	McVerry	Saurman
Bowser	Foster, Jr., A.	Mackowski	Scheetz
Brandt	Fox	Manmiller	Schuler
Bunt	Gallen	Merry	Semmel
Burd	Gannon	Micozzie	Serafini
Burns	Geist	Miller	Smith, L. E.
Bush	Gladeck	Moehlmann	Snyder, D. W.
Carlson	Godshall	Mowery	Stairs
Cessar	Greenwood	Noye	Stevens
Chadwick	Gruppo	O'Brien	Swift
Cimini	Hagarty	Olasz	Taylor, E. Z.
Civera	Hasay	Perzel	Telek
Clymer	Hayes	Phillips	Truman
Cornell	Herman	Piccola	Vroon
Coslett	Hershey	Pitts	Wass
DeVerter	Honaman	Pott	Weston
Dietz	Jackson	Raymond	Wilson
Dininni	Johnson	Reber	Wogan
Distler	Kenney	Reinard	Wright, J. L.
Donatucci			

NAYS—110

Acosta	Daley	Levdansky	Roebuck
Afflerbach	Dawida	Levin	Rudy
Angstadt	Deal	Linton	Rybak
Arty	Dombrowski	Livengood	Seventy
Baldwin	Duffy	Lloyd	Showers
Barber	Durham	Lucyk	Sirianni
Battisto	Evans	McCall	Smith, B.
Belardi	Fattah	McHale	Snyder, G. M.
Belfanti	Fee	Maiale	Staback
Black	Freeman	Manderino	Steighner
Blaum	Fryer	Markosek	Stewart
Bortner	Gallagher	Mayermik	Stuban
Bowley	Gamble	Michlovic	Sweet
Boyes	George	Morris	Taylor, F. E.
Broujos	Gruitza	Mrkonic	Taylor, J.
Caltagirone	Harper	Murphy	Tigue
Cappabianca	Howlett	Nahill	Trello
Carn	Hutchinson	O'Donnell	Van Horne
Cawley	Itkin	Oliver	Veon
Clark	Jarolin	Petrarca	Wambach
Cohen	Josephs	Petrone	Wiggins
Colafella	Kasunic	Pievsky	Wozniak
Cole	Kennedy	Pistella	Wright, D. R.
Cordisco	Kosinski	Pratt	Wright, R. C.
Cowell	Kukovich	Pressmann	Yandrisevits
Coy	Laughlin	Preston	
Deluca	Lescovitz	Richardson	Irvis,
DeWeese	Letterman	Rieger	Speaker

NOT VOTING—2

Freind Haluska

EXCUSED—2

Davies Punt

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

On the question recurring,
 Will the House agree to the bill on third consideration?
 Mr. COHEN offered the following amendments No. A2182:

Amend Sec. 4, page 6, lines 1 and 2, by striking out "clear and convincing" and inserting

a preponderance of the

Amend Sec. 4, page 6, lines 9 through 13, by striking out all of said lines and inserting

(c) Defense.—It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

Amend Sec. 4, page 6, line 18, by inserting after "REPORT" , verbally or in writing,

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

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

Mr. COHEN. Mr. Speaker, this language changes the defense section of the bill in order to provide that it shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

This amendment is agreed to by Mr. Pitts; it is agreed to by Mr. Wambach. I urge everyone's support of it.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Chadwick, on the Cohen amendment.

Mr. CHADWICK. The amendment is agreed to, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Colafella, on the Cohen amendment.

Mr. COLAFELLA. Mr. Speaker, you have the wrong House bill number up there.

The SPEAKER. HB 284 should be up there; HB 284.

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

The following roll call was recorded:

YEAS—200

Acosta	Distler	Lescovitz	Robbins
Afflerbach	Dombrowski	Letterman	Roebuck
Angstadt	Donatucci	Levdansky	Rudy
Argall	Dorr	Levin	Ryan
Arty	Duffy	Linton	Rybak
Baldwin	Durham	Livengood	Saloom
Barber	Evans	Lloyd	Saurman
Barley	Fargo	Lucyk	Scheetz
Battisto	Fattah	McCall	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
Birmelin	Flick	McVerry	Seventy
Black	Foster, Jr., A.	Mackowski	Showers
Blaum	Fox	Maiale	Sirianni
Book	Freeman	Manderino	Smith, B.
Bortner	Freind	Manmiller	Smith, L. E.
Bowley	Fryer	Markosek	Snyder, D. W.
Bowser	Gallagher	Mayernik	Snyder, G. M.
Boyes	Gallen	Merry	Staback
Brandt	Gamble	Michlovic	Stairs
Broujos	Gannon	Micozzie	Steighner

Bunt	Geist	Miller	Stevens
Burd	George	Moehlmann	Stewart
Burns	Gladeck	Morris	Stuban
Bush	Godshall	Mowery	Sweet
Caltagirone	Greenwood	Mrkonjic	Swift
Cappabianca	Gruitza	Murphy	Taylor, E. Z.
Carlson	Gruppo	Nahill	Taylor, F. E.
Carn	Hagarty	Noye	Taylor, J.
Cawley	Haluska	O'Brien	Telek
Cessar	Harper	O'Donnell	Tigue
Chadwick	Hasay	Olasz	Trello
Cimini	Hayes	Oliver	Truman
Civera	Herman	Perzel	Van Horne
Clark	Hershey	Petrarca	Veon
Clymer	Honaman	Petrone	Vroon
Cohen	Howlett	Phillips	Wambach
Colafella	Hutchinson	Piccola	Wass
Cole	Itkin	Pievsky	Weston
Cordisco	Jackson	Pistella	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Dawida	Kukovich	Reinard	
Deal	Langtry	Richardson	Irvis,
Dietz	Lashinger	Rieger	Speaker
Dininni	Laughlin		

NAYS—0

NOT VOTING—1

Cowell

EXCUSED—2

Davies Punt

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 PASSED OVER TEMPORARILY

The SPEAKER. Miss Sirianni, are you ordering your amendment?

Miss SIRIANNI. Yes.

The SPEAKER. Very well. Then we will place the bill over temporarily.

Mr. WAMBACH. Mr. Speaker, that will be considered then after the lunch break?

The SPEAKER. It is over temporarily. We expect to be here for a long afternoon. There will be time for us to get the amendment and take the bill up. We are not passing it over permanently.

Mr. WAMBACH. Thank you, Mr. Speaker.

* * *

The House proceeded to third consideration of HB 289, PN 313, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for benefits.

Boyes	Freind	Miller	Smith, L. E.
Brandt	Gallen	Moehlmann	Snyder, D. W.
Bunt	Gannon	Mowery	Snyder, G. M.
Burd	Geist	Nahill	Stairs
Burns	Gladeck	Noye	Stevens
Bush	Godshall	O'Brien	Stuban
Caltagirone	Greenwood	Perzel	Swift
Carlson	Gruppo	Phillips	Taylor, E. Z.
Cessar	Hagarty	Piccola	Taylor, J.
Chadwick	Hasay	Pitts	Telek
Cimini	Hayes	Pott	Vroon
Civera	Herman	Pressmann	Wass
Clymer	Hershey	Raymond	Weston
Cornell	Honaman	Reber	Wilson
Coslett	Jackson	Reinard	Wogan
DeVerter	Johnson	Robbins	Wright, J. L.
Dietz	Kennedy	Rudy	Wright, R. C.

NAYS—97

Acosta	Dombrowski	Levdansky	Richardson
Baldwin	Donatucci	Levin	Rieger
Barber	Duffy	Linton	Roebuck
Battisto	Evans	Livengood	Rybak
Belardi	Fattah	Lloyd	Saloom
Belfanti	Fee	Lucy	Seventy
Blaum	Freeman	McCall	Staback
Bortner	Fryer	McHale	Steighner
Bowley	Gallagher	Maiale	Stewart
Broujos	Gamble	Manderino	Sweet
Cappabianca	George	Markosek	Taylor, F. E.
Carn	Gruitza	Mayernik	Tigue
Cawley	Haluska	Michlovic	Trello
Clark	Harper	Morris	Truman
Cohen	Howlett	Mrkonc	Van Horne
Colafrilla	Hutchinson	Murphy	Veon
Cole	Itkin	O'Donnell	Wambach
Cordisco	Jarolin	Olasz	Wiggins
Cowell	Josephs	Oliver	Wozniak
Coy	Kasunic	Petrarca	Wright, D. R.
Deluca	Kosinski	Petrone	Yandrisevits
DeWeese	Kukovich	Pievsky	
Daley	Laughlin	Pistella	Irvis,
Dawida	Lescovitz	Pratt	Speaker
Deal	Letterman	Preston	

NOT VOTING—0

EXCUSED—2

Davies Punt

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

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

The SPEAKER. Mr. Wilson, we are told you have a third amendment. That is not yet up from duplicating?

Mr. WILSON. It has been down there. I do not know if it has hit the desk, Mr. Speaker. I could explain it.

The SPEAKER. It is still in duplicating. Is that correct?

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Bill Harrison, JoAnne Williams, and Marvis Williams. They are the guests of Representative Deal. Welcome to the hall of the House.

CONSIDERATION OF HB 641 CONTINUED

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Mark HB 641 over temporarily. Rather than hold you here and wait until Mr. Wilson's amendment is duplicated, which may take some time, we will go to page 5.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. Mr. Speaker, on the Laughlin amendment A2207 to HB 641, I inadvertently voted in the negative. I would like to have my vote recorded in the positive, please.

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

If there are any other corrections to the record, the Chair will take them at a regular time so that we can keep going, hopefully, and get over with this calendar.

CONSIDERATION OF HB 284 RESUMED

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

Miss SIRIANNI offered the following amendments No. A2203:

Amend Sec. 2, page 4, line 11, by striking out "SUBSTANTIALLY"

Amend Sec. 2, page 4, line 12, by inserting after "FUNDED" in any amount

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

The SPEAKER. On the question, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. I yield to Mr. Wambach.

The SPEAKER. Does the gentleman, Mr. Wambach, wish to speak on the amendment?

Miss SIRIANNI. He said he agreed to it.

Mr. WAMBACH. It is the lady's amendment, Mr. Speaker.

The SPEAKER. The lady apparently does not wish to speak on the amendment.

Mr. WAMBACH. I ask my colleagues to support the agreed-to amendment of the lady's. I thought you called on her for an explanation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I changed the words to read "funded in any amount." I did not stipulate a certain percentage or a certain dollar. I believe it should be if they receive any funds.

The SPEAKER. The Chair understands.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdansky	Ryan
Arty	Donatucci	Levin	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucy	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gannon	Michlovic	Steighner
Bunt	Geist	Micozzie	Stevens
Burd	George	Miller	Stewart
Burns	Gladeck	Moehlmann	Stuban
Bush	Godshall	Morris	Sweet
Caltagirone	Greenwood	Mowery	Swift
Cappabianca	Gruitza	Mrkonic	Taylor, E. Z.
Carlson	Gruppo	Nahill	Taylor, F. E.
Carn	Hagarty	Noye	Taylor, J.
Cawley	Haluska	O'Brien	Telek
Cessar	Harper	O'Donnell	Tigue
Chadwick	Hasay	Olasz	Trello
Cimini	Hayes	Oliver	Truman
Civera	Herman	Perzel	Van Horne
Clark	Hershey	Petrarca	Veon
Clymer	Honaman	Petrone	Vroon
Cohen	Howlett	Phillips	Wambach
Colafella	Hutchinson	Piccola	Wass
Cole	Itkin	Pievsky	Weston
Cordisco	Jackson	Pistella	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pratt	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
Deluca	Kennedy	Preston	Wright, J. L.
DeVerter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashinger	Rieger	Speaker

NAYS—2

Fargo Gamble

NOT VOTING—1

Murphy

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dininni	Laughlin	Robbins
Afflerbach	Distler	Lescovitz	Roebuck
Angstadt	Dombrowski	Letterman	Rudy
Argall	Donatucci	Levdansky	Ryan
Arty	Dorr	Levin	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucy	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Micozzie	Stevens
Burd	Geist	Miller	Stewart
Burns	George	Moehlmann	Stuban
Bush	Gladeck	Morris	Sweet
Caltagirone	Godshall	Mowery	Swift
Cappabianca	Greenwood	Mrkonic	Taylor, E. Z.
Carlson	Gruitza	Murphy	Taylor, F. E.
Carn	Gruppo	Nahill	Taylor, J.
Cawley	Hagarty	Noye	Telek
Cessar	Haluska	O'Brien	Tigue
Chadwick	Harper	O'Donnell	Trello
Cimini	Hasay	Olasz	Truman
Civera	Hayes	Oliver	Van Horne
Clark	Herman	Perzel	Veon
Clymer	Hershey	Petrarca	Vroon
Cohen	Honaman	Petrone	Wambach
Colafella	Howlett	Phillips	Wass
Cole	Hutchinson	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashinger	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies Punt

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

CONSIDERATION OF HB 289 RESUMED

On the question recurring, Will the House agree to the bill on third consideration? Mrs. ARTY offered the following amendment No. A2038:

Amend Sec. 1 (Sec. 1), page 4, line 1, by striking out "or stroke" and inserting stroke or ruptured cerebral aneurysm

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

The SPEAKER. On the amendment, the Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker, and I apologize for any disruption I may have caused by not being prepared this morning.

The SPEAKER. No apology is necessary. The lady is in order and may offer her amendment.

Mrs. ARTY. Thank you for your indulgence, sir.

Mr. Speaker, this amendment adds to the reasons for being eligible for benefits under the provisions of this bill ruptured cerebral aneurysm in addition to stroke and heart attack, and simply covers those people who, for whatever reason, have had death occur during the time that they were serving as a volunteer, either as a firefighter or an ambulance corps attendant, during the time they were serving in that function, and puts ruptured cerebral aneurysm as a reason for being able to collect benefits.

The SPEAKER. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This is an agreed-to amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' in four columns: Acosta, Afferbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Dietz, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fattah, Fee, Fischer, Flick, Foster, Jr., A., Fox, Freeman, Freind, Gallagher, Gallen, Gamble, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Staback, Stairs, Steighner

Table listing names of members who voted 'NAYS' in four columns: Broujos, Bunt, Burd, Burns, Bush, Caitagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerte, DeWeese, Daley, Dawida, Deal, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kenney, Kosinski, Kukovich, Langtry, Lashinger, Laughlin, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Robbins, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek, Tighe, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker

NAYS—4

Table listing names of members who did not vote: Fargo, Fryer, Kennedy, Levin

NOT VOTING—0

EXCUSED—2

Table listing names of members who were excused: Davies, Punt

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

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

Mr. FOX offered the following amendments No. A2211:

Amend Sec. 1 (Sec. 1), page 3, by inserting between lines 16 and 17

(b) A death as the result of performance of duty shall mean a death caused, in whole or in part, by the performance of duty. Presentation of a notarized statement from a physician that death was caused, in whole or in part, as a result of the performance of duty, shall constitute a prima facie presumption that death was so caused. The statement shall be accompanied by a detailed analysis of the reason for the physician's findings.

Amend Sec. 1 (Sec. 1), page 3, line 17, by inserting brackets before and after "(b)" and inserting immediately thereafter

(c) Amend Sec. 1 (Sec. 1), page 3, line 29, by striking out "(c)" and inserting

(d) On the question, Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

This amendment would help the imbalance that there has been with regard to firemen killed in the line of duty or who