

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 9, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 15

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE
(J. SCOT CHADWICK) PRESIDING**

PRAYER

REV. D. WAYNE BENDER, Chaplain of the House of Representatives and pastor of Paxton United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pause for prayer:

O God, who is slow to anger and abounding in steadfast love, we come before You this day as the representatives of this Commonwealth reassemble to do the work of the people and for the people. In this room men and women throughout our history have acted in assembly for the betterment of this Commonwealth, and as we pause before You this day, may we remember You and Your attributes.

May we be slow to anger when frustration overwhelms. May we be forgiving when others have erred. May we be attentive to listen to the needs and the concerns of each other. May we be guided by Your wisdom as we discern our responsibility and cast our votes. May we be abounding in steadfast love for one another despite our differences. May we be humble in our desire to serve the needs of this great Commonwealth and its people.

O God, before You we pause asking Your blessing upon this House as its members seek the common good of all and the compassion and justice to enable them to do their best. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, February 17, 1998, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. However, the Journals of October 1, 1997; October 6, 1997; October 7, 1997; October 8, 1997; and October 20, 1997, are in print and, without objection, will be approved. The Chair hears no objection.

BILL REPORTED AND REREFERRED TO COMMITTEE ON JUDICIARY

HB 2077, PN 2723

By Rep. REINARD

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, establishing a Board of Directors of City Trusts; and providing for its powers and duties and for appointment of directors.

URBAN AFFAIRS.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 563, PN 626

By Rep. REINARD

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," providing for applicant residency qualifications.

URBAN AFFAIRS.

HB 969, PN 3015 (Amended)

By Rep. REINARD

An Act encouraging State agencies to locate facilities in a downtown area.

URBAN AFFAIRS.

HB 1518, PN 3016 (Amended)

By Rep. HERMAN

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for reserved land, for preferential assessments, for county assessors' responsibilities and for tax determinations upon abandoned use.

LOCAL GOVERNMENT.

HB 2098, PN 2747

By Rep. HERMAN

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

LOCAL GOVERNMENT.

HB 2133, PN 3017 (Amended)

By Rep. HERMAN

An Act repealing an obsolete act relating to recorder of deeds fees in certain counties.

LOCAL GOVERNMENT.

HB 2200, PN 3018 (Amended)

By Rep. HERMAN

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for the definition of "duplicate"; and further providing for collection and payment and for settlement and audits.

LOCAL GOVERNMENT.

SB 1175, PN 1638

By Rep. REINARD

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for planned communities.

URBAN AFFAIRS.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 969 and SB 1175 be removed from the table and placed on the active calendar.

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

BILLS RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HB 969 and SB 1175 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 1105 and SB 56 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.

BILLS RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1105 and SB 56 be recommitted to the Committee on Appropriations.

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2264 By Representatives M. COHEN, BELFANTI, WOGAN, GEORGE, DeLUCA, TANGRETTI, YOUNGBLOOD, ROBINSON, BELARDI, ITKIN, STEELMAN, CORRIGAN, LEVDANSKY, EVANS, VEON, DeWEESE, LAUGHLIN, CORPORA, WOJNAROSKI, ROEBUCK, MELIO, GIGLIOTTI, HORSEY, BOSCOLA, TRELLO, C. WILLIAMS, MANDERINO, PETRARCA, CARN, JOSEPHS, RAMOS, KIRKLAND, PISTELLA, STABACK, BEBKO-JONES, CAPPABIANCA, MYERS, WALKO, CASORIO, LUCYK, LEDERER, JAMES, SCRIMENTI, OLASZ, MUNDY and KELLER

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wage.

Referred to Committee on LABOR RELATIONS, February 19, 1998.

No. 2265 By Representatives ROBERTS, READSHAW, NAILOR, HALUSKA, JAMES, COLAIZZO, PISTELLA, TRELLO, STABACK, CALTAGIRONE, ORIE, DALEY, BELARDI, SERAFINI and KIRKLAND

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for division of certain military pensions.

Referred to Committee on JUDICIARY, February 19, 1998.

No. 2266 By Representatives GODSHALL, FAIRCHILD, BELARDI, BELFANTI, BROWNE, BAKER, BOSCOLA, L. I. COHEN, CURRY, DALEY, DeWEESE, FICHTER, DeLUCA, HERSHEY, JOSEPHS, KENNEY, LAUGHLIN, MANDERINO, MUNDY, KIRKLAND, NAILOR, ROSS,

RUBLEY, ORIE, PLATTS, PESCI, SERAFINI, SCHRODER, STABACK, ROONEY, HESS, THOMAS, RAMOS, SATHER, YOUNGBLOOD, TANGRETTI, WILT, LEVDANSKY, ADOLPH, OLASZ, GEORGE, GIGLIOTTI, ROBINSON, MICOZZIE, TRELLO, HALUSKA, WOJNAROSKI, BUNT, HENNESSEY and CIVERA

An Act directing the Department of Public Welfare to develop and submit a plan to eliminate the waiting list for certain persons with disabilities seeking residential programs by the year 2008.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 25, 1998.

No. 2267 By Representatives PETRARCA, MARKOSEK, ORIE, READSHAW, PESCI, LAUGHLIN, VAN HORNE, CALTAGIRONE, TRELLO, DeLUCA, WALKO, BELARDI, HERMAN, McNAUGHTON, ROBINSON, SAYLOR, McGEEHAN, JAMES, CORRIGAN, DALEY, JOSEPHS, TRAVAGLIO, TIGUE, SANTONI, SCRIMENTI, HALUSKA, McCALL, STABACK, DeWEESE, BATTISTO, KENNEY, DALLY, ITKIN, OLASZ, YOUNGBLOOD, MAHER, MUNDY, NICKOL, C. WILLIAMS, ROHRER, WASHINGTON, M. COHEN, SEYFERT and MELIO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, extending the right of child support to estate of decedent.

Referred to Committee on JUDICIARY, February 25, 1998.

No. 2268 By Representatives ORIE, O'BRIEN, BEBKO-JONES, VAN HORNE, STEELMAN, TRAVAGLIO, COY, HERMAN, PIPPY, STEIL, J. TAYLOR, DALLY, MANDERINO, WAUGH, E. Z. TAYLOR, PHILLIPS, DALEY, GEIST, ROBINSON, BARD, WASHINGTON, LAUGHLIN, YOUNGBLOOD, JOSEPHS, BELARDI, C. WILLIAMS and HENNESSEY

An Act providing for screening of certain patients for symptoms of domestic violence.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 25, 1998.

No. 2269 By Representatives ORIE, McNAUGHTON, HERMAN, L. I. COHEN, STURLA, WAUGH, CURRY, KENNEY, WALKO, BEBKO-JONES, VAN HORNE, BARD, BATTISTO, GEORGE, JOSEPHS, READSHAW, SAYLOR, BELARDI, O'BRIEN, GRUPPO, MANDERINO, DeLUCA, BROWNE, D. W. SNYDER, OLASZ, SERAFINI, YOUNGBLOOD, J. TAYLOR, MAHER, ADOLPH, KIRKLAND, C. WILLIAMS, PETRARCA, MILLER, E. Z. TAYLOR, PHILLIPS, WASHINGTON, RAMOS, SEYFERT and LAUGHLIN

An Act providing for the creation of a model domestic abuse awareness and assistance program and for related powers and duties of the Department of Labor and Industry.

Referred to Committee on LABOR RELATIONS, February 25, 1998.

No. 2270 By Representatives ORIE, ARGALL, WAUGH, SAINATO, GODSHALL, READSHAW, PESCI, DeLUCA, GIGLIOTTI, BAKER, MILLER, EGOLF, BOSCOLA, BELFANTI, SAYLOR, DALLY, McNAUGHTON, E. Z. TAYLOR, GEIST, BARRAR, SEYFERT, RAMOS, WOJNAROSKI, DENT, J. TAYLOR, McILHATTAN, MAHER and COY

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

Referred to Committee on JUDICIARY, February 25, 1998.

No. 2271 By Representatives GANNON, WOGAN, E. Z. TAYLOR, CLARK, GRUPPO, MASLAND, MICOZZIE, McNAUGHTON, SEMMEL, HENNESSEY, GEIST, STERN, SAYLOR, SCHRODER, WAUGH, BAKER, MAHER, ROSS, LEDERER, PIPPY, GORDNER, MELIO, M. COHEN, COLAFELLA, BATTISTO, GIGLIOTTI, MILLER and TRUE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting on-line gambling.

Referred to Committee on JUDICIARY, February 25, 1998.

No. 2272 By Representatives GANNON, FARGO, E. Z. TAYLOR, WOGAN, WAUGH, J. TAYLOR, SAYLOR, GEIST, WILT, SEMMEL, MICOZZIE, KENNEY, TRELLO, BELFANTI, BATTISTO, TRUE, ARMSTRONG, MELIO and YOUNGBLOOD

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for legislation to resolve conflicts relating to acts of the General Assembly held unconstitutional by the courts.

Referred to Committee on JUDICIARY, February 25, 1998.

No. 2273 By Representatives GANNON, CALTAGIRONE, ALLEN, SEYFERT, ROBINSON, STERN, STABACK, LEH, OLASZ, MASLAND, McNAUGHTON, GEIST, DALEY and READSHAW

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for governmental immunity relating to computer errors.

Referred to Committee on JUDICIARY, February 25, 1998.

No. 2274 By Representatives SEYFERT, THOMAS, BROWNE, CURRY, EGOLF, GEORGE, HARHART, HENNESSEY, HERSHEY, LAUGHLIN, MAHER, ROBINSON, RUBLEY, SANTONI, SERAFINI, STABACK, E. Z. TAYLOR, C. WILLIAMS and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, February 25, 1998.

No. 2275 By Representative BUNT

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

Referred to Committee on JUDICIARY, February 26, 1998.

No. 2276 By Representatives ZUG, HERSHEY, YOUNGBLOOD and TRELLO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for cooperative agreements, for training areas and for the operation of Fort Indiantown Gap.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 26, 1998.

No. 2277 By Representatives MARSICO, ROHRER, LEH, COY, LEDERER, SANTONI, FAIRCHILD, WOJNAROSKI, RUBLEY, BARRAR, STERN, BELARDI, YEWIC, LAUGHLIN, COWELL, DALLY, HERSHEY, EGOLF, TIGUE, YOUNGBLOOD, E. Z. TAYLOR, DALEY, COLAFELLA, ROSS, MILLER, C. WILLIAMS, SEYFERT, RAMOS, SCHRODER, MAHER, ITKIN and McNAUGHTON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating meeting or overtaking school bus.

Referred to Committee on TRANSPORTATION, March 2, 1998.

No. 2278 By Representatives PERZEL and JAROLIN

An Act authorizing certain officers in the Department of Corrections to perform certain peace officer duties.

Referred to Committee on JUDICIARY, March 2, 1998.

No. 2279 By Representatives O'BRIEN, ORIE, KENNEY, CURRY, McNAUGHTON, JOSEPHS, WOGAN, McGEEHAN, PLATTS, ITKIN, OLASZ, YOUNGBLOOD, HESS, MAHER, J. TAYLOR, BELFANTI, DONATUCCI, KIRKLAND, E. Z. TAYLOR, LEDERER, RAMOS, SEYFERT and LAUGHLIN

An Act prohibiting any municipal pension or retirement system in a city of the first class from denying certain benefits to surviving spouses of police officers or certain employees upon a subsequent remarriage of the surviving spouse; and making a repeal.

Referred to Committee on URBAN AFFAIRS, March 4, 1998.

No. 2280 By Representative BARLEY

An Act amending the act of May 6, 1997 (P.L. , No.4A), known as The General Appropriation Act of 1997, increasing and providing certain additional Federal appropriations; and increasing, decreasing and providing certain additional State appropriations.

Referred to Committee on APPROPRIATIONS, March 5, 1998.

No. 2281 By Representative BARLEY

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1998, to June 30, 1999, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Banking Department Fund and the Firearm Ownership Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1998, to June 30, 1999, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1998.

Referred to Committee on APPROPRIATIONS, March 5, 1998.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 352 By Representatives FLICK, HENNESSEY, DeWEESE, ZIMMERMAN, BROWNE, ORIE, CAPPABIANCA, MILLER, READSHAW, OLASZ, HERSHEY, BELFANTI, BATTISTO, HALUSKA, GEIST, RAMOS, LAUGHLIN, C. WILLIAMS, TRELLO and CIVERA

A Concurrent Resolution memorializing the Congress of the United States to create job and housing opportunities by supporting legislation to increase the private activity bond cap and low-income housing tax credit allocation.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, March 6, 1998.

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER pro tempore. The Chair acknowledges receipt of the Auditor General's certificate submitted pursuant to Article VIII, sections 7(a)(4) and 7(c), of the Constitution of Pennsylvania and section 1604-B of the Fiscal Code.

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

COMMUNICATION FROM LEGISLATIVE BUDGET AND FINANCE COMMITTEE

The SPEAKER pro tempore. The Chair acknowledges receipt of the performance audit of the Emergency Medical Services Operating Fund submitted by the Legislative Budget and Finance Committee pursuant to HR 186.

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

COMMUNICATION FROM PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

The SPEAKER pro tempore. The Chair acknowledges receipt of the operating budget for the Pennsylvania Intergovernmental Cooperation Authority submitted pursuant to the PICA Act for Cities of the First Class.

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

COMMUNICATION FROM DEPARTMENT OF HEALTH

The SPEAKER pro tempore. The Chair acknowledges receipt of the report on DES (diethylstilbestrol) submitted by the Department of Health pursuant to Act 89 of 1994.

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

COMMUNICATION FROM LEGISLATIVE BUDGET AND FINANCE COMMITTEE

The SPEAKER pro tempore. The Chair acknowledges receipt of the actuarial report on the HealthChoices program submitted by the Legislative Budget and Finance Committee pursuant to HR 207 of 1997.

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

COMMUNICATION FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION

The SPEAKER pro tempore. The Chair acknowledges receipt of the 1994-1995 radiation monitoring report submitted by the Department of Environmental Protection pursuant to Act 147 of 1984.

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

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker pro tempore laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 14, HB 109, HB 595, HB 911, HB 985, HB 1048, HB 1111, HB 1113, HB 1114, HB 1116, HB 1291, HB 1495, and HB 1764.

ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair is in receipt of an actuarial note for HB 2186, PN 2882.

The Chair is in receipt of an actuarial note for HB 2187, PN 2883.

The Chair is in receipt of an actuarial note for amendment 0586 to HB 908, PN 1016.

The Chair is in receipt of an actuarial note for HB 2052, PN 2695.

(Copies of actuarial notes are on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the week for the gentleman from Chester County, Mr. HERSHEY, and a leave for today's session for the gentleman from Northumberland County, Mr. PHILLIPS. Without objection, the leaves will be granted. The Chair hears no objection, and the leaves are granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests a leave for today's session for the lady from Erie County, Representative BEBKO-JONES. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT--200

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Bebko-Jones Hershey Phillips

LEAVES ADDED—2

Rohrer Williams, A.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 1635, PN 2037, 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.

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1635, PN 2037, be recommitted to the Committee on Appropriations.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome the Chester County Penn Ambassadors, who are with us today as guests of several of our members. The ambassadors include Diane Snyder, who is here as a guest of Representative E. Z. Taylor; John Lawrence, who is here as a guest of Representative Hennessey; Charles Walton, Jr., who is here as a guest of Representative Schroder; Meade Jones, who is here as a guest of Representative Carole Rubley; and Francis Taylor, who is here as a guest of Representative Chris Ross. They are located in the balcony. Would they please rise. Welcome to the hall of the House.

The Chair would also like to welcome Norman Hill and his son, Vincent, who are up in the balcony. Vincent's sister, Grace, is serving as a page today. Where is Grace? Would she please rise, and would Norman and Vincent please rise in the balcony. Welcome to the hall of the House. The Chair neglected to mention that they are here today as the guests of Representative Connie Williams from Montgomery County.

Representative Allan Egolf has a guest here with us today. Korry Franke is serving as a guest page. Would Korry please rise. Welcome to the hall of the House.

Representative Jim Lynch has a number of guests here with him today who are serving in a job shadow capacity. Some of them are seated in the back of the House and others are serving as pages. Would they all please rise. Welcome to the hall of the House.

MISS PENNSYLVANIA PRESENTED

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

We have a special guest with us today, and the Chair would like to invite Representative Charles Dent to come to the podium and introduce our special guest, so members will please take their seats.

Would the Sergeant at Arms please break up conversations in the aisles. Members will please take their seats.

The Chair would also like to invite the gentleman, Representative Fargo, to join Representative Dent up at the podium.

The gentleman, Mr. Dent, is recognized.

Mr. DENT. Thank you, Mr. Speaker.

It is indeed my honor, privilege, and pleasure, along with the support of my good friend, Representative Fargo, to introduce to you today Miss Pennsylvania, Heather Busin. I would also like to acknowledge the presence of her parents, Tom and Rita Busin, as well as her godparents, Dennis and Judy Katsaras. They are seated to the left. And also in the balcony are seated Rick Thompson and Nancy Bishop of the Miss Pennsylvania Organization. So would you all please rise.

Before Ms. Busin addresses the House, I would like to just tell you a couple things about her. She is a junior at Grove City College, where she studies early childhood education and elementary education. As Miss Pennsylvania, she has been a champion on issues such as family literacy as well as other important issues that are relevant in today's world. The Miss Pennsylvania Organization is located in the Lehigh Valley, and that is where Heather has been residing for the past several months, and she will relinquish her crown on June 6 when the

Miss Pennsylvania Pageant reconvenes again in Bethlehem, Pennsylvania.

So without any further ado, I would like to present this citation, presented on behalf of Harold Fargo and myself, to Heather, and then we are going to ask Heather to address you. Congratulations, Heather.

Ms. BUSIN. Thank you, Mr. Speaker.

Good afternoon. This is a wonderful honor and privilege to be here today amongst you.

I would like to share a quote with you by a famous writer by the name of Edward Everett Hale, and this states: "I am only one, but still I am one. I cannot do everything, but still I can do something; and because I cannot do everything, I will not refuse to do something that I can do." You and I are summoned as public leaders to serve, to take responsibility and become active in our communities, our State, and ultimately, our nation. We are called to consider others better than ourselves. We should look not only to our own interests, but also to the interests of others.

I am often confronted with questions about my crown: Is it real? Is it heavy? Do you wear it everywhere you go? Do you like wearing it? Yes, I like to wear my crown, but as you can see, I am not wearing it presently. My crown is not simply an award, but it is a symbol of strength, dignity, responsibility, and leadership.

It has been a desire all of my life to serve, to use the gifts and talents I was created with for the good of others. During my year of service as Miss Pennsylvania, I have been able to fulfill my dream, my desire to make an impact on society. More often, I am beginning to realize that it is my duty as a celebrity, role model, and leader to give back to my community. This is not just my duty, but it is our duty.

Now is the time that we take off our crowns, loosen our neckties, toss the attache cases aside, and get prepared to break some well-manicured fingernails — get involved in our communities and State through volunteerism. This is our call to action.

We all know too well the problems that plague our society. We know the ills and temptations that children face today — drugs, gangs, broken homes, illiteracy, and other situations that threaten the nation's future. I have seen up close and personal some of the 20 percent of the American population who cannot read or write. Illiteracy robs our society and, more importantly, our nation's future from developing productive citizens.

Do not think for a moment that in Pennsylvania, better yet, your hometown, that illiteracy does not exist. I experience the ill effects almost everywhere I travel, and though I attempt to make a difference by encouraging reading, I am still fearful of the negative productivity that occurs, and I am here to propose a solution. We are the solution. We can use the power we possess to make changes right now.

Why volunteer? Why should we be the silent heroes or, rather, those who change lives for our community behind and off the cameras? In Jacksonville, Florida, a volunteer was late in making her daily call to an elderly person living alone. The volunteer received a call from the elderly person, who said, "You didn't call this morning." The volunteer replied, "I was about to call." To this, the elderly person replied, "Then I will hang up and let you call back because if you don't call the phone won't ring today."

It is easy to volunteer when we think of volunteerism as an exchange, not just something we do for others. Most of us will find

ourselves in need at some point in our lives. Today we may be the person who commits to tutoring students who cannot read, but tomorrow you may be the recipient of volunteer firemen putting out a blaze in your own home.

Your reasons for volunteering might be to demonstrate commitment to a common cause or belief, to do your civic duty. Your reasons for volunteering might be for recognition; it might be to stand up and be counted, and/or it might be to be an agent of change.

There are many different reasons why we should volunteer, and there are many benefits of leaving the crowns, the neckties, and the attache cases at the door of service. It separates the workplace from the volunteer frontier, for it fosters unselfish service, places the self out of the service, creates energy for service, allows ordinary people to produce extraordinary results, fosters cooperation and teamwork, a sense of community.

By leaving personal agendas at the door and simply doing the service work is a difficult task, especially with our demanding schedules and the prestigious titles you and I possess. This is a practice that will become habitual over time.

We have been challenged as leaders and citizens recently to work together to meet the goal of equipping at least 2 million youngsters with five basic resources by the year 2000. We cannot afford to fail our children or ourselves. We, as public figures, leaders, American citizens, hold the real power to change lives. I take a popular quote from the number one best-selling book in the world, and it states: "For if you remain silent at this time, relief and deliverance will arise...from another place and you and your father's house will perish. And who knows whether you have not attained royalty for such a time as this?"

Could it be that we were sovereignly chosen at this very point in time, March 9, 1998, for this special moment to use our skills and talents to make a difference in the State of Pennsylvania? This is intrinsic motivation at its best.

I have come to a conclusion that the larger the critical mass of commitments that we generate together, the greater likelihood we will reach our State and ultimately our nation.

In our moderately populated State of Pennsylvania, it is easy to underestimate the significance of one, one volunteer, you and me, us — our convictions, our responsibility, our determination to say, I will be the one to help to make the difference.

There is no celestial shout urging you or urging us to serve, nor is a flash of lightning going to awaken us in the midst of our slumber. It just does not work that way. So we cannot get so consumed with our careers or with our titles that we ignore the issues and needs that surround us. I realize we cannot provide our service and respond to all of the needs, but this does not mean our solution is not to respond to any of them.

In conclusion, I would like to thank you for your kind attention to listen to one small voice who has the desire to serve. May you be encouraged to be the silent hero or heroine behind and off the eye of the camera. To volunteer is our duty, our responsibility, our call to action. Let us make a difference.

Thank you very much.

The SPEAKER pro tempore. Thank you, Heather.

I know I speak for the entire House when I say congratulations on your achievement, thank you for all of your good works, and best wishes in your future endeavors.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I have some comments I would like to submit for a matter of record.

The SPEAKER pro tempore. The gentleman will submit them to the clerk.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Gregory Hanlon, who has recently been awarded Scouting's highest honor — Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Gregory Hanlon.

Whereas, Gregory Hanlon earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 144.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Gregory Hanlon.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Troy Kravitz, who has recently been awarded Scouting's highest honor — Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Troy Kravitz.

Whereas, Troy Kravitz earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 147.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Troy Kravitz.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. BARLEY. Thank you, Mr. Speaker.

When we break for recess, I would like to call a meeting of the House Appropriations Committee in the majority Appropriations Committee conference room.

**COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE MEETING**

Mr. HASAY. Mr. Speaker?

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

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a meeting of the House Commerce Committee in the rear of the House as soon as we break; the House Commerce Committee in the rear of the House, and that replaces the 2 o'clock meeting that we had scheduled for today. We will try to schedule it sooner. Thank you.

EDUCATION COMMITTEE MEETING

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

Mr. STAIRS. Thank you, Mr. Speaker.

At the break I would like to announce to the Education Committee members that we will be holding a meeting at the back of the House to take up some questions we want to talk about on regulation. So we will be meeting immediately at the back of the House once we break. Thank you.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of a caucus announcement.

Mr. FARGO. Thank you, Mr. Speaker.

In order to provide time for these meetings that have been announced, we will hold caucus off until 2, and at 2 o'clock we will start caucus immediately. We will plan on coming back at 3 o'clock. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, have a caucus announcement?

Mr. COHEN. Yes, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Democratic Caucus immediately upon the recess.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 320, PN 2786

By Rep. FLICK

A Resolution memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp marking the 100th anniversary of the Veterans of Foreign Wars.

INTERGOVERNMENTAL AFFAIRS.

HR 330, PN 2850

By Rep. FLICK

A Resolution memorializing the President of the United States and Congress to maintain and increase funding for the Pennsylvania National Guard Counterdrug Program.

INTERGOVERNMENTAL AFFAIRS.

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

HB 498, PN 562

By Rep. MICOZZIE

An Act establishing the Long-Term Care Program to be administered by the Department of Public Welfare; providing for long-term care insurance and for the protection of certain assets, for coordination with the Medicaid program, for additional duties of the Insurance Department in relation to the precertification of certain policies offered by private insurers and for additional duties of the Department of Aging.

INSURANCE.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess until 3 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1518 be taken from the table.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1518 be recommitted to the Committee on Agriculture.

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests a leave of absence for the gentleman from Philadelphia County, Mr. WILLIAMS. The Chair hears no objection to granting leave, and the leave will be granted.

BILLS REREPORTED FROM COMMITTEE

HB 238, PN 3019 (Amended)

By Rep. BARLEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining the term "compensation" to include severance pay with exclusions; and adding definitions relating to severance pay.

APPROPRIATIONS.

HB 481, PN 545

By Rep. BARLEY

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

APPROPRIATIONS.

HB 501, PN 2891

By Rep. BARLEY

An Act creating the Statewide Committee for the Protection of Senior Citizens; and providing for powers and duties of the committee.

APPROPRIATIONS.

HB 591, PN 2587

By Rep. BARLEY

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for the procedure for joint municipal curative amendments.

APPROPRIATIONS.

HB 1075, PN 1221

By Rep. BARLEY

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to convey to Jackson Township a road right-of-way situate in Jackson Township, Dauphin County, Pennsylvania.

APPROPRIATIONS.

HB 1115, PN 1261

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for additional methods for the recording and copying of certain records.

APPROPRIATIONS.

HB 1895, PN 2397

By Rep. BARLEY

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for financial security of contractors.

APPROPRIATIONS.

HB 1985, PN 2569

By Rep. BARLEY

An Act amending the act of December 15, 1988 (P.L.1235, No.151), known as the Children's Trust Fund Act, adding a definition of "designee"; and providing for delegation of votes.

APPROPRIATIONS.

HB 2038, PN 2947

By Rep. BARLEY

An Act establishing a food service employee incentive program.

APPROPRIATIONS.

HB 2126, PN 2954

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for credit card fraud; defining the offense of unlawful device-making equipment; and providing penalties.

APPROPRIATIONS.

HB 2194, PN 2890

By Rep. BARLEY

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled, "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage; and specifying fees for certain services.

APPROPRIATIONS.

SB 585, PN 614

By Rep. BARLEY

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for composition of the commission.

APPROPRIATIONS.

SB 1168, PN 1420

By Rep. BARLEY

An Act authorizing and directing the Department of Conservation and Natural Resources, with the approval of the Governor, to convey to Turkeyfoot Fish and Game Association, Inc., a certain tract of land situate in Henry Clay Township, Fayette County, in exchange for certain tracts of land.

APPROPRIATIONS.

SB 1175, PN 1638

By Rep. BARLEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for planned communities.

APPROPRIATIONS.

SB 1204, PN 1535

By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to ORIX Wilkinson Neshaminy Venture certain land situate in Bensalem Township, Bucks County.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 238, PN 3019; HB 481, PN 545; HB 501, PN 2891; HB 591, PN 2587; HB 1075, PN 1221; HB 1115, PN 1261; HB 1895, PN 2397; HB 1985, PN 2569; HB 2038, PN 2947; HB 2126, PN 2954; HB 2194, PN 2890; SB 585, PN 614; SB 1168, PN 1420; and SB 1204, PN 1535.

**REPORT OF
COMMITTEE ON COMMITTEES**

The SPEAKER. The Chair is in receipt of the supplemental report of the Democratic chairman of the Committee on Committees, which the clerk will read.

The following report was read:

COMMITTEE ON COMMITTEES

Supplemental Report

In the House of Representatives
March 9, 1998

RESOLVED, that

Representative Ted Harhai, Westmoreland County, is elected a member of the House Consumer Affairs Committee vice Representative Anthony L. Colaizzo, resigned.

Representative Ted Harhai, Westmoreland County, is elected a member of the House Environmental Resources and Energy Committee vice Representative Joseph F. Markosek, resigned.

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

On the question,

Will the House adopt the resolution ?

Resolution was adopted.

COMMUNICATION**LOBBYIST LIST PRESENTED**

The SPEAKER. The Chair acknowledges receipt of a list of lobbyists who have registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

The General Assembly of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

March 2, 1998

To the Honorable, the Senate
of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from February 1, 1998 through February 28, 1998 inclusive, for the 182nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania

Ted Mazia, Chief Clerk
House of Representatives

(For list, see Appendix.)

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who asks that the gentleman, Mr. ROHRER, be added to today's leave of absence. The Chair hears no objection, and the gentleman will be placed on leave as of 2 p.m.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MELIO called up **HR 344, PN 2974**, entitled:

A Resolution declaring the week of March 15 through 20, 1998, as "Women and Addictions Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

- | | | | |
|-------------|----------|--------|-----------------|
| Bebko-Jones | Phillips | Rohrer | Williams, A. H. |
| Hershey | | | |

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

* * *

Mr. HASAY called up **HR 345, PN 2975**, entitled:

A Resolution designating the week of April 19 through 25, 1998, as "Community Banking Week" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

Ms. WILLIAMS called up HR 347, PN 2977, entitled:

A Resolution designating April 23, 1998, as "Take Our Daughters to Work Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-1

Olasz

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Lisa Boscola, Richard Grucela and Wayne Grube. The guests are located to the left of the Speaker.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. GRUPPO called up HR 350, PN 3007, entitled:

A Resolution proclaiming March 1, 1998, as Saint David's Day to be observed throughout this Commonwealth.

On the question, Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-198

Table listing names of representatives who voted 'YEAS' for Resolution HR 350. Includes names like Adolph, Allen, Argall, etc.

Table listing names of representatives who were present: DeWeese, DiGirolamo, Lloyd, Lucyk, Santoni, Sather, Ryan, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-5

Table listing names of representatives who were excused: Bebko-Jones, Hershey, Phillips, Rohrer, Williams, A. H.

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

Mr. MAITLAND called up HR 351, PN 3010, entitled:

A Resolution declaring March 6 through 15, 1998, as "Heritage Week" and March 9, 1998, as "Charter Day" in Pennsylvania.

On the question, Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-198

Table listing names of representatives who voted 'YEAS' for Resolution HR 351. Includes names like Adolph, Allen, Argall, etc.

Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, M. N.
Dally	Lawless	Roebuck	Yewcic
DeLuca	Lederer	Rooney	Youngblood
Dempsey	Leh	Ross	Zimmerman
Dent	Lescovitz	Rubley	Zug
Dermody	Levdansky	Sainato	
DeWeese	Lloyd	Santoni	Ryan,
DiGirolamo	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 482, PN 2657**, entitled:

An Act requiring the Department of Community and Economic Development to maintain data regarding research and development affecting the housing industry in this Commonwealth; and recognizing and supporting the Pennsylvania Housing Research Center.

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

Mr. **GEORGE** offered the following amendment No. **A0306**:

Amend Sec. 2, page 3, by inserting between lines 20 and 21
(6) Because economic expansion in rural areas is dependent on the adequate provision of public sewer and water, the PHRC conducts research projects on sewer and water line extensions into rural residential areas.

Amend Sec. 7, page 4, line 21, by inserting after "advancements"
, including, but not limited to, the improvement of infrastructure,

Amend Sec. 7, page 4, line 23, by inserting after "industry."
The department shall also report annually to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives regarding the effects of sewer and water line extensions into rural residential areas.

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

The **SPEAKER**. Mr. George.
Mr. **GEORGE**. I thank you, Mr. Speaker.

Mr. Speaker, this amendment requires the Pennsylvania Housing Research Center to investigate public water and sewer extensions in the rural areas. It also requires the Department of Community and Economic Development to report annually to the

House and Senate Environmental Resources Committees regarding the effects of sewer and water line extensions in our rural areas.

I ask for your support.
The **SPEAKER**. The gentleman from Centre, Mr. Herman.
Mr. **HERMAN**. Thank you very much, Mr. Speaker.
As prime sponsor of the legislation, I join Representative George in asking support for this amendment. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question,

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

Mr. GORDNER offered the following amendment No. A5295:

Amend Bill, page 5, by inserting between lines 2 and 3 Section 8. Expiration.

This act shall expire June 30, 2000.

Amend Sec. 8, page 5, line 3, by striking out "8" and inserting 9

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Gordner, is recognized on the amendment.

Mr. GORDNER. Thank you, Mr. Speaker.

My amendment simply adds a sunset date to the legislation. This legislation would sunset on June 30—

The SPEAKER. Will the gentleman yield.

Will the conferences move from the floor; will the conferences move from the floor.

Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

This amendment would simply add a sunset date to the legislation. It would establish a sunset date of June 30 in the year 2000.

I support the legislation but do believe that we should have an opportunity to review it since we are changing it into a freestanding act, and I would ask for your support of this amendment.

The SPEAKER. The gentleman from Centre County, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

Likewise, we support the amendment and appreciate an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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—193

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

NAYS—4

Carone	McIlhinney	Steil	True
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NOT VOTING—1

Horsey

EXCUSED—5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
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.

BILLS PASSED OVER

The SPEAKER. HB 2005 is over.
All the bills on page 2 are over.
Page 3. HB 1745 is over.

The House proceeded to third consideration of **SB 888, PN 1640**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that SB 888 be recommended to the Committee on Appropriations.

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

The House proceeded to third consideration of **HB 613, PN 2902**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, defining "catering hall"; providing for the issuance of restaurant liquor licenses to catering halls; and further providing for transfers of certain licenses.

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

The SPEAKER. May I have your attention; may I please have your attention.

Right now I am going to read the list of amendments I have for HB 613. If any of you have withdrawn or wish to withdraw amendments, I would appreciate it if you would let us know — Tangretti, Walko, Steelman, Sturla, Browne, Manderino, Serafini, Raymond, Haluska, Snyder, Manderino again, Masland, and Serafini again. Several of these that I have read filed their amendments too late and will require suspension of the rules for consideration. Any of the names that I read off, do any of these members wish to withdraw amendments ? Ms. Manderino ?

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

Mr. TANGRETTI offered the following amendment No. A0630:

Amend Title, page 1, line 19, by inserting after "PROVIDING"
for restrictions on sales by liquor licensees and

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 406(a) of the act is amended by adding a clause to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) * * *

(7) Notwithstanding other provisions to the contrary, a catering club licensee that is a volunteer fire company may sell liquor or malt or brewed beverages to nonmembers who purchase tickets in advance or at the door for a catered function.

* * *

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
4

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
5

On the question,

Will the House agree to the amendment?

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that we passed fairly significantly in terms of the vote just a few weeks ago for our volunteer fire companies that have club catering licenses.

As you know, and quite frankly, unfortunately, it was taken out of the bill in the Senate, so I am here again asking for the help of the members.

As you know, our volunteer fire companies have a very, very difficult time raising money to pay for all the things that they do for us, not the least of which is this very, very expensive equipment that has just gone through the roof in terms of the costs. I was at, anecdotally, a fire hall this past Saturday night in my district, and a piece of equipment needs to be replaced. It is 25 years old, and the replacement cost is well over \$400,000.

This amendment will enable them to continue — and I underline and underscore "continue" — their ability to raise money by holding events in those departments that have club catering licenses that, under the law, is illegal now but for the most part is unenforced.

Right now if you or I wanted to have a fundraiser at a firehall that has a club catering license, we would not be able to sell tickets at the door. Now, everybody in this room, most likely, has had that event at a firehall with a club catering license and you did sell tickets at the door, but you would be in violation of the law.

I think it is antiquated; I think it is anachronistic; I think it is something that we need to change. And I understand the concerns of the tavern industry.

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Tangretti, is entitled to be heard; please.

The gentleman may continue.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I understand the concerns, I believe, of the tavern industry. I appreciate and empathize with them, but, quite frankly, we are talking about, out of a total of almost 20,000 licenses in the Commonwealth, less than 2 percent of all those licenses belong to fire departments and less than that are club catering licenses. So

the significance of this, in terms of how it would affect those private establishments in these areas, I think is limited.

And so I would ask, as you have done in the past, to please support this amendment on behalf of those fire departments who need all the help that they can get. Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Serafini.

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, I rose several weeks ago to argue against the passage of this amendment when it was offered to HB 985. Although I am a former volunteer fireman who has a deep respect for the services provided by volunteer fire companies, I again rise to oppose amendment A0630 because I strongly believe that it would create bad liquor licensing policy for Pennsylvania.

Mr. Speaker, volunteer fire companies which possess a club liquor license are supposed to be member- and guest-only social venues. Under the catering club concept, volunteer fire companies possessing a catering club license are provided the extended privilege of leasing their facility to organized groups wishing to hold catered events at the firehouse facility. The concept of the catering club license is not to allow a volunteer fire company to plan its own catered events, solicit patrons, and then to sell them tickets at the door as this amendment would allow. To allow them to do so would inappropriately place them into the hospitality industry, competing against the small business people running our taverns and restaurants across the State. In other words, we might just as well issue those volunteer fire companies restaurant liquor licenses, because that is how they will operate.

Furthermore, if this amendment would be enacted, what will happen next is the veteran groups, Moose Lodges, and every other licensed club organized in Pennsylvania will want the same privilege. Quite frankly, I do not believe that we want to open Pandora's box in this way for this issue.

One final, very important point that everyone should realize relative to this type of a facility and one of the primary reasons that I must oppose this amendment: Under Title 42 of the Pennsylvania Consolidated Statutes, volunteer fire companies operating a liquor license incur no civil liability — let me repeat that — volunteer fire companies operating a liquor license incur no civil liability whatsoever in the operation of that license. This immunity from civil liability on the operation of a liquor license was confirmed by the Pennsylvania Supreme Court in 1993. This means that, if an accident occurs resulting in injury or death because of alcohol consumed at one of the firefighters' catered events, neither the volunteer fire company nor the volunteer personnel who dispensed alcohol can be held civilly liable. In effect, no one is legally responsible or accountable for the service of alcoholic beverages at these locations or events.

With this thought in mind, I urge my colleagues to defeat this amendment.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I would like to urge a "yes" vote on the Tangretti amendment.

Most of what the previous speaker talked about is already present law and is presently occurring. I believe the Tangretti amendment makes good sense for our fire companies, and I can point out an example of why this amendment is needed.

Presently many volunteer fire companies engage in interleague sporting activities, whether it be a billiard league or a shuffleboard league, a dart league, and to make it legal for visitors from another fire company to be admitted and be served in your own fire company requires at the present time that a catering license be held, and that way the volunteer fire company who is hosting the event— And perhaps one of every two matches might be a home match; the other match, whether it be billiards or shuffleboard, is played at one of the other fire companies.

So I believe that this amendment makes very good sense. I think the volunteer fire companies in this State are watching this vote, and I believe that most of us who have volunteer fire companies who do participate in interclub activities would appreciate a “yes” vote on the Tangretti amendment. Thank you.

The SPEAKER. The gentleman, Mr. Civera.

Mr. CIVERA. Mr. Speaker, could I interrogate Mr. Tangretti, please?

The SPEAKER. The gentleman indicates he would be pleased to stand for interrogation. You may begin.

Mr. CIVERA. Mr. Speaker, this amendment — and I might be incorrect and maybe do not understand it — but does this amendment allow every fire company in this Commonwealth to be able to sell liquor or malt beverage? Explain how this works.

Mr. TANGRETTI. No—

The SPEAKER. Will the gentleman yield.

This interrogation is important to many members. Those who do not think it is important should leave the floor for their discussions.

Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman’s question can be responded to this way: This amendment only deals with those volunteer fire companies that have a club catering license.

Mr. CIVERA. Okay.

Thank you, Mr. Speaker. There is no more need for interrogation. I understand the amendment. Thank you.

The SPEAKER. The question recurs, will the House adopt the amendment? Mr. Tangretti for the second time.

Mr. TANGRETTI. Mr. Speaker, I just want to reiterate, this is not something new. This is not something that is not happening now. This is not something that most of us have not participated in in our own districts. We are not creating a whole new series of liability issues. This is actual fact reality as it occurs today. Let us just make it legal.

It is an issue that in my mind and I would hope in all of your minds makes sense. Let us do it. Let us get it over with. Let us help our fire departments where they need it the most — providing access to funds that they have now. We just want to make legal what they have been doing anyway, and everybody agrees that they should be doing it, I believe so.

Thank you, and I would ask for your affirmative vote.

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—136

Allen	Dermody	Lvdansky	Ross
Argall	DeWeese	Lloyd	Rubley
Bard	Donatucci	Lucyk	Sainato
Barrar	Eachus	Manderino	Santoni
Battisto	Evans	Markosek	Saylor
Belardi	Feese	Marsico	Scrimenti
Belfanti	Fichter	Mayernik	Seyfert
Bishop	George	McCall	Shaner
Blaum	Gigliotti	McGeehan	Staback
Boscola	Gladeck	McGill	Stairs
Boyes	Godshall	McNaughton	Steelman
Browne	Gordner	Melio	Stetler
Bunt	Gruitza	Michlovic	Stevenson
Butkovitz	Gruppo	Micozzie	Sturla
Buxton	Habay	Miller	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Myers	Taylor, E. Z.
Carn	Harhai	Olasz	Thomas
Casorio	Harhart	Oliver	Tigue
Cawley	Hasay	Pesci	Travaglio
Civera	Hennessey	Petrarca	Trello
Cohen, L. I.	Horsey	Petrone	Trich
Cohen, M.	Itkin	Pippy	Tulli
Colafella	Jadlowiec	Pistella	Van Home
Colaizzo	James	Preston	Veon
Corpora	Jarolin	Ramos	Vitali
Corrigan	Josephs	Raymond	Walko
Cowell	Kaiser	Readshaw	Washington
Coy	Keller	Reber	Williams, C.
Curry	Kirkland	Rieger	Wilt
Daley	LaGrotta	Roberts	Wogan
Dally	Laughlin	Robinson	Wojnaroski
DeLuca	Lederer	Roebuck	Yewcic
Dempsey	Lescovitz	Rooney	Youngblood

NAYS—62

Adolph	Fairchild	Major	Smith, B.
Armstrong	Fargo	Masland	Smith, S. H.
Baker	Fleagle	McIlhattan	Snyder, D. W.
Barley	Flick	McIlhinney	Steil
Benninghoff	Gannon	Nailor	Stern
Birmelin	Geist	Nickol	Strittmatter
Brown	Herman	O’Brien	Taylor, J.
Carone	Hess	Orie	True
Chadwick	Hutchinson	Perzel	Vance
Clark	Kenney	Platts	Waugh
Clymer	Krebs	Reinard	Wright, M. N.
Cornell	Lawless	Sather	Zimmerman
Dent	Leh	Schroder	Zug
DiGirolamo	Lynch	Schuler	
Druce	Maher	Semmel	Ryan,
Egolf	Maitland	Serafini	Speaker

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

Mr. WALKO offered the following amendment No. A0632:

Amend Title, page 1, line 19, by removing the period after "LICENSES" and inserting
, for adult entertainment permits, for amusement permits and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Amend Bill, page 6, by inserting between lines 20 and 21

Section 4. Section 478 of the act, added October 5, 1994 (P.L.522, No.77), is amended to read:

Section 478. Renewal of Amusement Permit.—(a) Upon the annual review of the operating history of a licensee prior to the validation period or the periodic renewal of the license, the Director of the Bureau of Licensing shall have the authority to state objection to the renewal of the amusement permit as required by section 493(10). Such objection shall be based upon the operating history, and notice shall be provided to the licensee in writing, by certified mail, at the address listed on the license. Upon the completion of any hearing conducted concerning the renewal of the amusement permit pursuant to section 464, the board may, in its opinion, refuse to renew the amusement permit.

(a.1) ~~Every licensee, except clubs, that wishes to have adult entertainment shall be required to obtain an amusement permit required by section 493(10) and an adult entertainment permit required by this subsection. Adult entertainment includes, but is not limited to: go-go dancing, striptease dancing, mud wrestling and jello wrestling and is subject to the restrictions in section 493(10). The fee for the adult entertainment permit shall be two thousand dollars (\$2,000) per year and shall be renewed and/or validated in the same manner as amusement permits. Protests may be filed against the issuance of the adult entertainment permits by any church, hospital, charitable institution, school or public playground within three hundred feet, any other premises licensed by the board within two hundred feet, residents within five hundred feet and/or the municipality in which the premises is located. The procedures for protests shall be the same as those for protests of transfer applications. A hearing will be held upon the filing of a valid protest. Posting of the application shall be required and conducted in the manner described in the board's regulations for notice posting. The Director of the Bureau of Licensing shall have the authority to object to the issuance or renewal of such permit based upon licensee's operating history, and notice shall be provided to the licensee in writing by certified mail at the address provided. Upon completion of any hearing conducted concerning the initial granting of an adult entertainment permit pursuant to section 464, the board may, in its discretion, grant or refuse such permit if the applicant's premises are located within three hundred feet of any church, hospital, charitable institution, school or public playground or within two hundred feet of any other premises licensed by the board. The board shall refuse to issue or renew such permit if, in the board's opinion, it would be detrimental to the welfare, health, peace and morals of the residents within a radius of five hundred feet of the premises.~~

(b) [In cases where the board refuses to renew the amusement permit of any licensee, the licensee or the applicant or manager or person with a majority or controlling interest of either in the operation of this or any other license may not again be eligible to receive a new permit from the board until the expiration of a period of up to two years from the final adjudication on such matter based upon board opinion.] In cases where the board refuses to renew the amusement or adult entertainment permit of any licensee, the licensee or the applicant or manager or person with a majority or controlling interest of either in the operation of this or any other license may not again be eligible to receive a new permit from the board until the expiration of a period of up to two years from the final adjudication on such matter based upon board opinion.

(c) Any appeal to court filed by a licensee pursuant to section 464 concerning the renewal of a permit shall act as supersedeas unless upon sufficient cause shown the reviewing authority determines otherwise. Upon the filing of a motion by the board to vacate supersedeas, the reviewing authority shall rule on the motion forthwith.

Section 5. Section 493(10) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

* * *

(10) Entertainment on Licensed Premises (Except Clubs); Permits; Fees. For any licensee, his servants, agents or employes, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits, and to collect an annual fee for such permits as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license. For the purpose of this clause "lewd," "immoral" or "improper entertainment" shall mean:

(i) Employment or use of any person while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(ii) Employment or use of any person who touches, caresses or fondles the breast, buttocks, anus or genitals of any other person, or who is so touched, caressed or fondled by another person.

(iii) Employment or use of any person to wear or use any device or covering, exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(iv) Employment or use of any person to perform acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(v) The showing of films, still pictures, electronic reproductions, or other visual reproductions depicting:

(A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(B) Any person being touched, caressed or fondled on the breasts, buttocks, anus or the genitals.

(C) Scenes wherein a person displays the vulva or the anus or the genitals.

(D) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in this clause.

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting

6

On the question,

Will the House agree to the amendment?

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

Mr. WALKO. Thank you, Mr. Speaker.

My amendment will inject public scrutiny in the process of applying for an amusement permit for adult entertainment establishments. This legislation will give residents of neighborhoods in which licensees wish to conduct adult entertainment the opportunity to protest.

This legislation will require the public posting of applications for amusement permits. The granting of adult entertainment amusement permits has been automatic to date, and I do not believe that that is good public policy. With this legislation, the amusement permit process will be given the same public accountability that person-to-person and place-to-place transfers of liquor licenses are subjected to now.

The cost of hearings and any administrative expenses which the Liquor Control Board will have to incur as a result of this legislation will be covered by a fee for adult entertainment permits in the amount of \$2,000 per year.

Keep in mind, this amendment includes certain definitions of lewd, immoral, improper entertainment and the like. Those provisions, rather graphic in their explanation, are now provided for in Title 18, section 7329, so with regard to those rather graphic definitions, we are not inventing new law but we are transferring law which has withstood court challenge and court scrutiny to the Liquor Code.

This legislation was inspired by the opening of an adult entertainment center in my district. The establishment is in a mixed commercial and residential neighborhood. Ironically, it is one block from the Pittsburgh Ballet Theatre's training program and building.

The people of Pennsylvania deserve the opportunity to be notified and to file protests to adult entertainment permits in an organized hearing process.

The SPEAKER. The gentleman will yield.

Please. Conferences on the floor, please break up.

Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I would urge an affirmative vote on this amendment, because the people of Pennsylvania and all the people in our neighborhoods who are affected by this kind of endeavor deserve the opportunity to be notified of what is going on, the opportunity to file protests, the opportunity to have organized hearings on the business which will be conducted in their neighborhoods, and that is what this legislation will do. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayernik	Smith, B.
Barrar	Gannon	McCall	Smith, S. H.
Battisto	Geist	McGeehan	Snyder, D. W.
Belardi	George	McGill	Staback
Belfanti	Gigliotti	McIlhattan	Stairs

Benninghoff	Gladeck	McIlhinney	Steelman
Birmelin	Godshall	McNaughton	Steil
Bishop	Gordner	Melio	Stern
Blaum	Gruitza	Michlovic	Stetler
Boscola	Gruppo	Micozzie	Stevenson
Brown	Habay	Miller	Strittmatter
Browne	Haluska	Mundy	Sturla
Butkovitz	Hanna	Myers	Surra
Buxton	Harhai	Nailor	Tangretti
Caltagirone	Harhart	Nickol	Taylor, E. Z.
Cappabianca	Hasay	O'Brien	Taylor, J.
Carn	Hennessey	Olasz	Thomas
Carone	Herman	Oliver	Tigue
Casorio	Hess	Orie	Travaglio
Cawley	Horsey	Perzel	Trello
Chadwick	Hutchinson	Pesci	Trich
Civera	Itkin	Petrarca	True
Clymer	Jadlowiec	Petrone	Tulli
Cohen, M.	James	Pippy	Vance
Colafella	Jarolin	Pistella	Van Horne
Colaizzo	Josephs	Platts	Veon
Corpora	Kaiser	Preston	Vitali
Corrigan	Keller	Ramos	Walko
Cowell	Kenney	Raymond	Washington
Coy	Kirkland	Readshaw	Waugh
Curry	Krebs	Reber	Williams, C.
Daley	LaGrotta	Reinard	Wilt
Dally	Laughlin	Rieger	Wogan
DeLuca	Lawless	Roberts	Wojnaroski
Dempsey	Lederer	Robinson	Wright, M. N.
Dent	Leh	Roebuck	Yewcic
Dermody	Lescovitz	Rooney	Youngblood
DeWeese	Levdansky	Ross	Zimmerman
DiGirolamo	Lloyd	Rublely	Zug
Donatucci	Lucyk	Sainato	
Druce	Lynch	Santoni	Ryan,
Eachus	Maher	Sather	Speaker
Egolf			

NAYS—7

Boyes	Clark	Cornell	Seyfert
Bunt	Cohen, L. I.	Schroder	

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

Ms. STEELMAN offered the following amendment No. A0633:

Amend Title, page 1, line 17, by inserting after "hall"; further providing for special occasion permits:

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 408.4(a) and (c) of the act, amended April 29, 1994 (P.L.212, No.30), October 5, 1994 (P.L.522, No.77) and December 20, 1996 (P.L.1523, No.199), are amended and the section is amended by adding a subsection to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, volunteer ambulance

company, volunteer rescue squad, nonprofit agricultural association in existence for at least ten years, bona fide sportsmen's club in existence for at least ten years, nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, or the auxiliary of any of the foregoing, and upon payment of the prescribed fee for special occasion permits under section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the board shall issue a special occasion permit good for a period of not more than five consecutive or nonconsecutive days: Provided, however, That the five nonconsecutive days shall be used in a three-month period measured from the date of the first day. Special occasion permits may also be issued to a museum operated by a nonprofit corporation [in a city of the third class or township of the first class or], a nonprofit corporation engaged in the performing arts [in a city of the third class or in an incorporated town], or an arts council for a period of not more than six nonconsecutive or ten consecutive days at the prescribed fee for special occasion permits under section 614-A of "The Administrative Code of 1929."

(c) Such special occasion permit shall only be valid for the number of days stated in the permit. Only one permit may be issued to any permittee during the year. Provided, that a museum operated by a nonprofit corporation [in a city of the third class or township of the first class and], a nonprofit corporation engaged in the performing arts [in a city of the third class], or an arts council may be issued no more than six permits during the year, each permit being valid for only one day, or in the alternative, one permit valid for no more than a total of ten consecutive days per year, which may be issued only during the month of August].

(g) For the purposes of this section "arts council" means a tax-exempt organization which promotes the visual arts, performing arts, or both, and which receives funding under the Local Arts Services Program administered by the Pennsylvania Council on the Arts.

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
4

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
5

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

The SPEAKER. The Chair recognizes the lady in connection with amendment 0633.

Ms. STEELMAN. Thank you, Mr. Speaker.

The purpose of this amendment is to extend to arts councils in Pennsylvania the opportunity to apply for special occasion permits under the same statute that we already allow museums and performing arts groups to apply for short-term, limited special occasion permits.

There are two versions of this amendment, and that is because when I started to look at the statutory language as it currently exists, I could see and you will see if you look at the amendment that that language is sort of messy and convoluted, and if you followed my struggles with legislative reapportionment ideas over the last several years, you will know that I have what seems to be a burning desire to neaten things up in the Pennsylvania legal code. So what I tried to do with this original amendment is to make the language simple, straightforward, and clear. It is not going to result in an enormous expansion of special occasion permits, but what it will do is enable some of our cultural organizations to raise

a little money through special occasion permits for very brief periods of time during the year.

I would appreciate your support.

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

The following roll call was recorded:

YEAS-165

Allen	Druce	Manderino	Saylor
Argall	Eachus	Markosek	Scrimenti
Bard	Evans	Marsico	Semmel
Barrar	Fairchild	Masland	Serafini
Battisto	Feese	Mayernik	Seyfert
Belardi	Fichter	McCall	Shaner
Belfanti	Flick	McGeehan	Smith, B.
Bishop	Gannon	McIlhinney	Smith, S. H.
Blaum	George	McNaughton	Snyder, D. W.
Boscola	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Browne	Gordner	Miller	Stetler
Bunt	Gruitza	Mundy	Stevenson
Butkovitz	Gruppo	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	O'Brien	Taylor, E. Z.
Carn	Harhai	Olasz	Taylor, J.
Carone	Harhart	Oliver	Thomas
Casorio	Hasay	Perzel	Tigue
Cawley	Hennessey	Pesci	Travaglio
Chadwick	Herman	Petrarca	Trello
Civera	Horsey	Petrone	Trich
Cohen, L. I.	Itkin	Pippy	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Corpora	Josephs	Ramos	Vitali
Corrigan	Kaiser	Raymond	Walko
Cowell	Keller	Readshaw	Washington
Coy	Kenney	Reber	Waugh
Curry	Kirkland	Reinard	Williams, C.
Daley	LaGrotta	Rieger	Wogan
Dally	Laughlin	Roberts	Wojnaroski
DeLuca	Lederer	Robinson	Wright, M. N.
Dempsey	Lescovitz	Roebuck	Yewcic
Dent	Levdansky	Rooney	Youngblood
Dermody	Lloyd	Ross	
DeWeese	Lucyk	Rubley	Ryan,
DiGirolamo	Maher	Sainato	Speaker
Donatucci	Major	Santoni	

NAYS-31

Adolph	Egolf	Lynch	Steil
Armstrong	Fleagle	Maitland	Stern
Baker	Geist	McGill	Strittmatter
Benninghoff	Hess	McIlhattan	True
Birmelin	Hutchinson	Orie	Wilt
Clark	Krebs	Sather	Zimmerman
Clymer	Lawless	Schroder	Zug
Cornell	Leh	Schuler	

NOT VOTING-2

Barley	Fargo
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EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

The SPEAKER. Does the lady have a second amendment?

Ms. STEELMAN. Since the amendment was just passed — that is the stronger version — we do not need to run the weaker version at all. The second amendment is withdrawn.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

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

Mr. BROWNE offered the following amendment No. A0637:

Amend Title, page 1, line 19, by inserting after "TRANSFERS" and renewals

Amend Bill, page 6, by inserting between lines 20 and 21

Section 4. Section 470(a) of the act, amended April 29, 1994 (P.L.212, No.30) is amended and the section is amended by adding subsections to read:

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.—(a) All applications for renewal of licenses under the provisions of this article shall be filed with a new bond, tax clearance from the Department of Revenue and the Department of Labor and Industry and requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required bond and fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but before the board has received a renewal application within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required bond and fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the board and if an appeal is taken from the board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by a new bond and the requisite filing and license fees and any additional filing fee required by this section. [Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the board, the license of a licensee shall be renewed.]

(a.1). The Director of the Bureau of Licensing may object to a properly filed license application:

(1) if the licensee, its shareholders, directors, officers, association members, servants, agents or employes have violated any of the laws of this Commonwealth or any of the regulations of the board;

(2) if the licensee has one or more adjudicated citations;

(3) if the licensed premises no longer meets the requirements of this act or the board's regulations; or

(4) due to the manner in which the licensed premises is being operated, the board can consider activity occurring on or about the licensed premises or in areas under licensee's control, if there is a relationship between the activity outside the premises and the manner in which the licensed premises is operated. The board may take into consideration whether the licensee has taken any substantial steps to address the activity occurring on or about the premises.

(a.2) The board shall only refuse to renew a license application if the Bureau of Licensing gives the applicant at least ten days' notice, stating the basis for the objection; otherwise, the board must renew the license after receiving a properly filed renewal application.

* * *

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting 5

On the question,

Will the House agree to the amendment?

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

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, amendment 0637 amends section 470 of the Liquor Code to allow the LCB (Liquor Control Board) to consider outside activities outside a licensed establishment in looking at the renewal of licenses of that establishment. The standard has been developed in the consideration of civil nuisance actions under section 611 to target those institutions that are a legitimate problem in communities, that are not a valuable asset to communities; in other words, a nuisance bar.

To make sure that we are not targeting well-run establishments, it also requires the LCB to consider remediation on the part of the licensed establishment and contacting law enforcement when there are problems occurring outside the doors of the establishment. Since we are considering this type of activity in civil actions against bars in the nuisance section, I believe it is prudent to also consider this when renewing the licenses of establishments.

The amendment is supported by the LCB, and I ask for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

Ms. MANDERINO offered the following amendment No. A0664:

Amend Title, page 1, line 18, by striking out "AND"

Amend Title, page 1, line 19, by removing the period after "LICENSES" and inserting
; and further providing for use of The State Stores Fund.

Amend Bill, page 6, line 21, by striking out all of said line and inserting
Section 4. Section 802(g) of the act, amended July 11, 1996 (P.L.654, No.111), is amended to read:
Section 802. Moneys Paid Into The State Stores Fund for Use of the Commonwealth.—* * *

(g) The sum of [five million dollars (\$5,000,000)] seventeen million dollars (\$17,000,000) shall be transferred from The State Stores Fund in accordance with subsection (f) to the Children's Health Fund for health care for indigent children established by section 1296 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," to carry out the provisions of the act of December 2, 1992 (P.L.741, No.113), known as the "Children's Health Care Act," for the fiscal year [July 1, 1996, to June 30, 1997] July 1, 1997, to June 30, 1998. Funds transferred under this subsection shall not be subject to the limitation set forth in section 3101 of the "Children's Health Care Act."

Section 5. This act shall take effect immediately.

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would authorize the one-time transfer of \$17 million from the liquor store fund to provide in this fiscal year for CHIP (Children's Health Insurance Program). We have done that in the past, about 2 years ago, with the \$5-million transfer from CHIP. There is about \$65 million-plus over and above in the liquor store fund now, and by transferring these already enhanced State dollars to the CHIP program, it will allow us to draw down in this fiscal year the maximum amount of Federal child health-care dollars available, and I would appreciate all of the members' support.

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

Mr. SERAFINI. Mr. Speaker, I agree to this amendment and I believe it is a good vote for the members to make, and I appreciate that.

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

The following roll call was recorded:

YEAS-198

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

Cawley	Herman	Perzel	Trello
Chadwick	Hess	Pesci	Trich
Civera	Horsey	Petrarca	True
Clark	Hutchinson	Petrone	Tulli
Clymer	Itkin	Pippy	Vance
Cohen, L. I.	Jadlowiec	Pistella	Van Horne
Cohen, M.	James	Platts	Veon
Colafrilla	Jarolin	Preston	Vitali
Colaizzo	Josephs	Ramos	Walko
Cornell	Kaiser	Raymond	Washington
Corpora	Keller	Readshaw	Waugh
Corrigan	Kenney	Reber	Williams, C.
Cowell	Kirkland	Reinard	Wilt
Coy	Krebs	Rieger	Wogan
Curry	LaGrotta	Roberts	Wojnarowski
Daley	Laughlin	Robinson	Wright, M. N.
Dally	Lawless	Roebuck	Yewcic
DeLuca	Lederer	Rooney	Youngblood
Dempsey	Leh	Ross	Zimmerman
Dent	Lescovitz	Rubley	Zug
Dermody	Levdansky	Sainato	
DeWeese	Lloyd	Santoni	Ryan,
DiGirolamo	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

Mr. SERAFINI offered the following amendment No. A0662:

Amend Title, page 1, line 18, by striking out "AND"

Amend Title, page 1, line 19, by removing the period after "LICENSES" and inserting

; and eliminating the requirement that certain licensees obtain bonds.

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 403(a) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) Every applicant for a hotel liquor license, restaurant liquor license or club liquor license or for the transfer of an existing license to another premises not then licensed shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee and an annual license fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No. 175), known as "The Administrative Code of 1929[," and the bond hereinafter specified.]" Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board. The descriptions, information and plans referred to in this subsection shall show the hotel, restaurant, club, or the proposed location for the construction of a hotel, restaurant or club, at the time the application is made, and shall show any alterations proposed to be made

thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, restaurant or club, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval, and the licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes to the licensed premises, or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event, the license may be transferred by the board as provided in this act.

* * *

Section 4. Section 404 of the act, amended April 29, 1994 (P.L.212, No.30) and October 5, 1994 (P.L.522, No.77), is amended to read:

Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.—Upon receipt of the application[,] and the proper fees [and bond,] and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That prior to July 1, 1996, in any license district in a city of the first class, the board may, in its opinion, refuse any application for a new license or for any person-to-person transfer which shall include a change in stockholders involving ten per centum or more of all outstanding voting stock and/or less than ten per centum of all outstanding voting stock when such change involves a majority or controlling interest, of any license if the licensed premises is or would be within three hundred feet of any church, hospital, charitable institution, school or public playground or within two hundred feet of any other premises licensed by the board and if, in the opinion of the board, the

licensed premises is or would be detrimental to the welfare, health, peace and morals of such church, hospital, school, public playground and/or the inhabitants of the neighborhood within a radius of five hundred feet of the licensed premises. This authority to refuse a person-to-person transfer in a city of the first class is in addition to and not in derogation of the authority of the board generally stated for all areas of this Commonwealth: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

Section 5. Section 405(e) and 408(c) and (d) of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 405. License Fees.—* * *

(e) Every application for a restaurant liquor license for a nonprimary pari-mutuel wagering location or a racetrack shall be accompanied by an applicant's fee of five thousand dollars (\$5,000) [and a bond in the penal sum of two thousand dollars (\$2,000)] for the first year of a licensing period. Thereafter, the nonprimary pari-mutuel wagering location or the racetrack shall be subject to the above stated fees for restaurant licenses [and the filing of a bond in the amount of two thousand dollars (\$2,000)] for each year of a licensing period.

Section 408. Public Service Liquor Licenses.—* * *

(c) Every applicant for a public service liquor license shall [file with the board a surety bond as hereinafter prescribed,] pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(d) Unless previously revoked, every license issued by the board under this section shall expire if the annual fee is not timely paid or on the last day of the license period for which the license is issued. Licenses issued under the provisions of this section shall be renewed as herein provided, upon the filing of applications in such form as the board shall prescribe, but no license shall be renewed until the applicant shall [file with the board a new surety bond and shall] pay the requisite license fee.

* * *

Section 6. Sections 408.1(f), 408.2(f) and 408.3(f) of the act are amended to read:

Section 408.1. Trade Show and Convention Licenses.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a trade show and convention license pursuant to section 465 of this article shall be two thousand dollars (\$2,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any suspension of license up to one hundred days.]

* * *

Section 408.2. City-Owned Stadia.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a stadium license pursuant to section 465 of the "Liquor Code" shall be two thousand dollars (\$2,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]

* * *

Section 408.3. Performing Arts Facilities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 of the "Liquor Code" shall be two thousand dollars (\$2,000).]

* * *

Section 7. Sections 408.6(f), 408.7(f), 408.8(f), 408.10(f), 408.11(f), 409(b) and 410(b) and (c) of the act, amended or added April 29, 1994 (P.L.212, No.30), are amended to read:

Section 408.6. Performing Arts Facilities in Second Class A Cities, Third Class Cities and Townships of the Second Class Located in Fourth Class Counties.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

* * *

Section 408.7. Performing Arts Facilities in First and Second Class Cities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

* * *

Section 408.8. Trade Shows and Convention Licenses; Cities of the Third Class.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a trade show or convention facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

* * *

Section 408.10. Recreation Facilities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000) for each year of a licensing period, and in addition thereto the applicant shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]

* * *

Section 408.11. Seasonal Outdoor Cafe.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000).]

* * *

Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions.—* * *

(b) Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and a license fee of one hundred dollars[, and a bond as hereinafter prescribed]. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.

* * *

Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions.—* * *

(b) Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe. The filing and license fees shall be as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [The applicant shall file a bond as hereinafter required.] Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.

(c) The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored, located in the same municipality in which his licensed premises is situate, and not elsewhere, unless such licensee secures from the board a license for each additional storage warehouse desired. The board is authorized and empowered to issue to a holder of an importer's license a license for

an additional storage warehouse or warehouses located in this Commonwealth, provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require. The filing and license fees shall be as prescribed in section 614-A of "The Administrative Code of 1929." [The applicant shall file a bond of an approved surety company in the amount of ten thousand dollars for each year of a licensing period. Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.]

* * *

Section 8. Section 431(a) and (b) of the act, amended May 31, 1996 (P.L.312, No.49), are amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, and pays the license fee hereinafter prescribed, [and files the bond hereinafter required,] a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for a license period to be determined by the board. Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof. Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to make full payment or pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.

(b) The board shall issue to any reputable person who applies therefor, and pays the license fee hereinafter prescribed, [and files the bond hereinafter required,] a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and

in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary

importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

* * *

Section 9. Sections 433.1(b) and 435 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 433.1. Stadium or Arena Permits.—* * *

(b) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. An applicant under subsection (a)(2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its seating capacity in which the sale of malt and brewed beverages shall not be authorized. The applicant shall submit such other information as the board may require. Applications shall be, in writing on forms prescribed by the board, and signed and sworn to by the applicant. The application and permit fees shall be as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [A surety bond in the amount of one thousand dollars (\$1000) shall be filed for each year of a licensing period conditioned the same as the license bonds required by this act for retail dispenser licenses.]

* * *

Section 435. Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee.—Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board. The applicant shall file with the board fees as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [The applicant shall file a bond as herein required.]

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting

10

Amend Bill, page 6, by inserting between lines 20 and 21

Section 11. Sections 469 and 470 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 469. Applications for Transfers; Fees.—(a) Every applicant for a transfer of a license under the provisions of this article shall file a written application with the board, together with a filing fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [Each such applicant shall also file an approved bond for each year of a licensing period as required on original applications for such licenses.]

(b) Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the portion of the license period for which the license fee has been paid by the transferor, except for transfer fees provided in section 614-A of "The Administrative Code of 1929."

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.—(a) All applications for renewal of licenses under the provisions of this article shall be filed with [a new bond,] tax clearance from the Department of Revenue and the Department of Labor and Industry and requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required [bond and] fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but before the board has received a renewal application within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required [bond and] fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the board and if an appeal is taken from the board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by [a new bond and] the requisite filing and license fees and any additional filing fee required by this section. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employees of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the board, the license of a licensee shall be renewed.

(b) In cases where a licensee or his servants, agents or employees are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, and where the board has on file in such cases reports of enforcement officers or investigators of the enforcement bureau or from other sources that a licensee or his servants, agents or employees have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license, notwithstanding such alleged violations, but such renewal license may be revoked if and when the licensee or any of his servants, agents or employees are convicted or plead guilty to violations under the previous license, as aforesaid, or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board, neither the license fee paid for such license nor any part thereof shall be returned to the licensee[, but the license bond filed with the application for such renewal of license shall not be forfeited].

Section 12. Section 471(b) of the act is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.—* * *

(b) Hearing on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or both, notifying the licensee by registered letter addressed to his licensed premises. If the licensee has been cited and found to have violated section 493(1) insofar

as it relates to sales to minors, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both. The administrative law judge shall notify the licensee by registered mail, addressed to the licensed premises, of such suspension, revocation or fine. [The increased civil penalty imposed by this subsection shall not be used to require any licensee to increase the amount of the bond required by this act.] In the event the fine is not paid within twenty days of the adjudication, the administrative law judge shall suspend or revoke the license, notifying the licensee by registered mail addressed to the licensed premises. Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication during which time the licensee may take an appeal as provided for in this act. [When a license is revoked, the licensee's bond may be forfeited.] Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event a license is revoked, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the adjudication of the administrative law judge, there shall be a right to appeal to the board. The appeal shall be based solely on the record before the administrative law judge. The board shall affirm the decision of the administrative law judge if it is based on substantial evidence; otherwise, the board shall reverse the decision of the administrative law judge. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the decision of the board, there shall be a right to appeal to the court of common pleas in the same manner as herein provided for appeals from refusals to grant licenses. Each of the appeals shall act as a supersedeas unless, upon sufficient cause shown, the reviewing authority shall determine otherwise; however, if the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises, its appeal shall not act as a supersedeas unless the reviewing authority determines otherwise upon sufficient cause shown. In any hearing on an application for a supersedeas under this section, the reviewing authority may consider, in addition to other relevant evidence, documentary evidence, including records of the bureau, showing the prior history of citations, fines, suspensions or revocations against the licensee; and the reviewing authority may also consider, in addition to other relevant evidence, evidence of any recurrence of the unlawful activity occurring between the date of the citation which is the subject of the appeal and the date of the hearing. No penalty provided by this section shall be imposed for any violations provided for in this act unless the bureau notifies the licensee of its nature within thirty days of the completion of the investigation.

Section 13. Section 492(8) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

(8) Transportation of Malt or Brewed Beverages. For any person, to transport malt or brewed beverages except in the original containers, or to transport malt or brewed beverages for another who is engaged in selling either liquor or malt or brewed beverages, unless such person shall hold (a) a license to transport for hire, alcohol, liquor and malt or brewed beverages, as hereinafter provided in this act, or (b) shall hold a permit issued by the board and shall have paid to the board such permit fee, as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," [and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000) for each year of a licensing period, as may be fixed by the rules and regulations of the board,] any other law to the contrary notwithstanding.

Section 14. Sections 504, 505 and 514 of the act are amended to read:

Section 504. Applications; Filing Fees.—(a) Every applicant for a license under this article shall file with the board a written application in such form as the board shall from time to time require. Every such application shall be accompanied by a filing fee of twenty dollars (\$20), the prescribed license fee [and the bond hereinafter specified,] and shall set forth:

(1) The legal names of the applicant and of the owner of the place where business under the license will be carried on, with their residence addresses by street and number, if a partnership, of each separate partner, and if a corporation, of each individual officer thereof.

(2) The exact location of said place of business and of every place to be occupied or used in connection with such business, the productive capacity of each plant where any alcohol or liquor is to be manufactured, produced, distilled, rectified, blended, developed or used in the process of manufacture, denatured, redistilled, recovered, reused, the capacity of every warehouse or other place where such alcohol or liquor or malt or brewed beverage is to be held in bond or stored for hire or the equipment to be used where a transportation business is to be carried on under the license.

(3) That each and every one of the applicants is a citizen of the United States of America.

(4) Such other relevant information as the board shall from time to time require by rule or regulation.

(b) Each application must be verified by affidavit of the applicant made before any officer legally qualified to administer oaths, and if any false statement is wilfully made in any part of said application, the applicant or applicants shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Section 505. Licenses Issued.—Upon receipt of the application in the form herein provided[,] and the proper fees [and an approved bond as herein designated], the board may grant to such applicant a license to engage in, (a) the operation of a limited winery or a winery; or, (b) the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor; or, (c) the holding in bond of alcohol and liquor; or, (d) the holding in storage, as bailee for hire, of alcohol, liquor and malt or brewed beverages; or, (e) the transporting for hire of alcohol, liquor and malt or brewed beverages.

Section 514. Suspension and Revocation of Licenses.—(a) Upon learning of any violation of this act or of any rule or regulation promulgated by the board under the authority of this act, or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of alcohol, liquor or malt or brewed beverages

by the holder of a license issued under the provisions of this article, or upon other sufficient cause, the enforcement bureau may, within one year from the date of such violation or cause appearing, cite such licensee to appear before an administrative law judge not less than ten (10) nor more than sixty (60) days from the date of sending such licensee, by registered mail, a notice addressed to his licensed premises, to show cause why the license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. And upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke such license, notifying the licensee thereof by registered letter addressed to his licensed premises, or to the address given in his application where no licensed premises is maintained in Pennsylvania.

(b) [When a license is revoked, the licensee's bond may be forfeited.] Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act relating to alcohol, liquor or malt or brewed beverages until the expiration of three (3) years from the date such license was revoked. In the event of a revocation, no license shall be granted for the premises or transferred to the premises in which said license was conducted for a period of at least one (1) year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within said year. Such hearing before and adjudication by an administrative law judge shall be in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

Section 15. Section 517 of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 517. Expiration of Licenses; Renewals.—All licenses issued under this article shall expire at the close of the license period, but new licenses for the succeeding license period shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original application are unchanged, and upon payment of the fee as hereinafter provided [and the furnishing of a new bond], without the filing of further statements or the furnishing of any further information unless specifically requested by the board: Provided, however, That any such license issued to a corporation shall expire thirty (30) days after any change in the officers of such corporation, unless the name and address of each such new officer of such corporation shall, within that period, be reported to the board by certificate, duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the expiration of the license period. All applications for renewal received otherwise shall be treated as original applications.

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting

16

On the question,

Will the House agree to the amendment?

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

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, amendment 662 is a provision which will eliminate the requirement in the Liquor Code that licensees must submit a \$2,000 surety bond in order to purchase, transfer, renew, or validate all classes of alcoholic beverage licenses within the Liquor Code. I offer this amendment in order to assist the almost 20,000 licensees in the State which are subject to this outdated, archaic bonding requirement.

Mr. Speaker, this bonding requirement was implemented some 65 years ago to ensure that licensees operated within the law and

to ensure that if fines levied against a licensee were not paid, the Commonwealth would have access to that fine money.

Today, Mr. Speaker, the bonding requirement has outlived its usefulness for several reasons. First, the value of a liquor license as a personal asset has escalated to a level where a licensee will almost certainly pay a liquor fine levied against them in order to avoid the potential penalty of license revocation. In addition, the bonding mechanism has become very cumbersome and costly for the Liquor Control Board to administer on an annual basis.

The LCB has indicated that the bonding program is costing them in excess of \$150,000 per year to administer while the actual redemption of bonds for delinquent fines generates about \$80,000 per year. In essence, the LCB is losing \$70,000 per year to administer this bonding program, money that would otherwise be turned over to the General Fund. It seems patently absurd to maintain a bonding program in which the Commonwealth loses \$70,000 per year to administer in order to protect itself against the potential loss of money through unpaid fines.

Finally, Mr. Speaker, this bonding mechanism has become a real nuisance for the 20,000 alcoholic beverage licensees in the State who are under it. In addition to costing them money to purchase a bond, the bonding mechanism is the number one obstacle which hinders the ability of the LCB to get license transactions completed on a timely basis.

The bottom line on this bonding requirement is that it is highly cumbersome, inefficient, and a revenue loser for the Commonwealth. Therefore, I would ask for an affirmative vote to help me eliminate it.

This amendment passed overwhelmingly when it was recently introduced a few months ago in a bill that went to the Senate, but it was taken out in the Senate when final passage of that legislation was completed. I would appreciate your support once again for this very important piece of legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I would like to interrogate the maker of this amendment, if I may.

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

Mr. DENT. Thank you, Mr. Speaker.

I would like to ask the gentleman if the Liquor Control Board is in favor of eliminating this bonding requirement. Is it true that they are?

Mr. SERAFINI. Well, Mr. Speaker, almost 2 years ago or a year and a half ago, the chairman of the board had a press announcement in the Capitol press room where he emphatically stated that he would be doing everything in his power to eliminate this particular issue — this bonding requirement — because of the offensive nature it had created in getting licenses renewed and issued.

Mr. DENT. Mr. Speaker, has his position changed at all between now and the 2½ years ago you just suggested?

Mr. SERAFINI. You would have to ask him, Mr. Speaker.

Mr. DENT. Okay. Because I was under the impression that the LCB—

The SPEAKER. The gentleman will yield.

The noise level is unbelievably high. Please.

The gentleman may proceed.

Mr. DENT. Thank you, Mr. Speaker.

Again, I would like to just remind the gentleman from Lackawanna County that I was under the impression that the LCB did not support the elimination of the bond, because they wanted to implement a more streamlined bonding process that they thought would substantially reduce the cost of the LCB to administer the bond and perhaps even reduce the burden of the bond to the licensees, and I guess that was my first comment. And second, is it true that no other State has eliminated this bond?

Mr. SERAFINI. I do not know if that is true, but I will tell you this, Mr. Speaker, if you are asking me the question?

Mr. DENT. Yes; yes.

Mr. SERAFINI. Just recently I had a meeting with the members of the Liquor Committee, which was attended by Chairman Jones, Dave Martin of Licensing, chief counsel, and oddly enough, a gentleman who owned a bonding company from South Dakota who is in the legislature in South Dakota. During that meeting, the only individual who supported this bonding requirement was the legislator from South Dakota, who said he probably would not support the issue if he lived in Pennsylvania, and did not give me an answer to that question, and was supporting it because he owns a bonding company.

During that meeting we found very little reason to not support this issue. It is costing the State \$70,000. In essence, it is a loser for the State of Pennsylvania. I cannot comprehend why we would want to sacrifice helping 20,000 licensed establishments so that we could support a bonding company in South Dakota. I just cannot fathom that, but everyone has to make their own decision relative to this particular issue.

Mr. DENT. Thank you, Mr. Speaker, for answering those questions. I appreciate it.

The SPEAKER. The gentleman from Lehigh, Mr. Browne, come to the desk, please. The gentleman, Mr. Serafini, come to the desk.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The question recurs, will the House agree to the Serafini amendment? On the question, Mr. Serafini, did you desire further recognition?

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

The following roll call was recorded:

YEAS-197

Adolph	Donatucci	Maher	Schroder
Allen	Druce	Maitland	Schuler
Argall	Eachus	Major	Scrimenti
Armstrong	Egolf	Manderino	Semmel
Baker	Evans	Markosek	Serafini
Bard	Fairchild	Marsico	Seyfert
Barley	Fargo	Masland	Shaner
Barrar	Feese	Mayernik	Smith, B.
Battisto	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGeehan	Snyder, D. W.
Beffanti	Flick	McGill	Staback
Benninghoff	Gannon	McIlhattan	Stairs
Birmelin	Geist	McIlhinney	Steelman

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

NAYS-1

Itkin

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

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

Mr. HALUSKA. Thank you, Mr. Speaker.

The SPEAKER. For the information of the House, the following amendments are yet to be considered: Haluska, Snyder, Manderino, Masland, and Serafini. All of these will require a suspension of the rules.

RULES SUSPENDED

NOT VOTING-3

The SPEAKER. Mr. Haluska.
 Mr. HALUSKA. Mr. Speaker, mine has to have a suspension of the rules?
 The SPEAKER. The gentleman, Mr. Haluska, moves that the rules of the House be suspended to permit him to offer amendment No. 0751 to HB 613.

Civera Manderino Thomas

EXCUSED-5

Bebko-Jones Phillips Rohrer Williams, A. H.
 Hershey

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

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

The following roll call was recorded:

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

YEAS-191

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

Mr. HALUSKA offered the following amendment No. A0751:

Amend Title, page 1, line 19, by inserting after "FOR"
 special occasion permits and for
 Amend Bill, page 2, by inserting between lines 20 and 21
 Section 3. Section 408.4(e) of the act, amended October 5, 1994
 (P.L.522, No.77), is amended to read:
 Section 408.4. Special Occasion Permits.--* * *
 (e) The provisions of this section shall not be applicable to any of the
 following:
 (1) A licensee now or hereafter possessing a caterer's license, [nor to
 any] other than a volunteer fire company, volunteer ambulance company
 or volunteer rescue squad, which owns its own facility.

(2) A professional fund raiser.
 * * *

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
 4

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
 5

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

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

Mr. HALUSKA. Thank you, Mr. Speaker.

What this amendment does, it allows fire companies, rescue companies, and volunteer ambulance services that do have a club catering license to use their own facilities. The way the law reads now, they are allowed to cater to other groups, but if they want to use their own facilities to raise funds in the summertime when they get their special occasion permits or to have turkey raffles, they are not allowed to use their own facilities. This would change that and would allow them to use their own facilities when it comes time to use their special occasion permits and also their auxiliaries.

So I would ask for an affirmative vote.

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

The following roll call was recorded:

NAYS-4

- | | | | |
|--------|-------|--------|-------|
| Carone | Krebs | Platts | Steil |
|--------|-------|--------|-------|

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

RULES SUSPENDED

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

Mr. SNYDER. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 0805 to HB 613.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-191

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

NAYS-5

Armstrong	Krebs	Platts	Steil
Carone			

NOT VOTING-2

McIlhinney	Saylor
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EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

Mr. SNYDER offered the following amendment No. A0805:

Amend Title, page 1, line 19, by inserting after "FOR;"
performing arts facility licenses and for

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 408.6(a) of the act, amended May 31, 1996 (P.L.312, No.49), is amended to read:

Section 408.6: Performing Arts Facilities in Second Class A Cities, Third Class Cities and Townships of the Second Class Located in Fourth Class Counties.—(a) The board is authorized to issue a restaurant liquor license to a nonprofit corporation or to a concessionaire selected by such nonprofit corporation in any city of the second class A or any city of the third class for the retail sale of liquor and malt or brewed beverages by the glass, open bottles or other container or in any mixture for consumption on any city-owned premises utilized as a nonprofit performing arts facility or any other premises utilized as a nonprofit performing arts facility where there is an available seating capacity within the premises of [six hundred fifty] five hundred or more: Provided, however, That no sale or consumption of such beverages shall take place on any portions of such premises other than service areas approved by the board.

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
4

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
5

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

The SPEAKER. The Chair recognizes the gentleman from Lehigh.

Mr. SNYDER. Thank you, Mr. Speaker. I appreciate the consideration of this amendment.

This amendment would simply reduce the seating capacity for a performing arts facility from 650 down to 500.

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

The following roll call was recorded:

YEAS-198

Adolph	Donatucci	Lynch	Saylor
Allen	Druce	Maher	Schroder
Argall	Eachus	Maitland	Schuler
Armstrong	Egolf	Major	Scrimenti
Baker	Evans	Manderino	Semmel
Bard	Fairchild	Markosek	Serafini

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Manderino, who withdraws her amendment.

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Masland.

Mr. MASLAND. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 0811 to HB 613.

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

The following roll call was recorded:

YEAS-190

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

NAYS-7

Armstrong	Carone	Krebs	Steil
Carn	Hanna	Platts	

NOT VOTING-1

Roebuck

EXCUSED-5

Bebko-Jones Phillips Rohrer Williams, A. H.
Hershey

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

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

Mr. MASLAND offered the following amendment No. A0811:

Amend Title, page 1, line 19, by inserting after "PROVIDING"
for incorporated units of national veterans' organizations and

Amend Bill, page 2, by inserting between lines 20 and 21
Section 3. Section 461.1 of the act, amended June 30, 1992 (P.L.327, No.66), is amended to read:

Section 461.1. Incorporated Units of National Veterans' Organizations.—(a) The board shall have the authority to issue new licenses to incorporated units of national veterans' organizations, as defined herein, in municipalities where the number of licenses exceeds the limitation prescribed by section 461.

(b) The term "national veterans' organization" shall mean any veterans' organization having a national charter.

The term "incorporated unit of a national veterans' organization" shall mean any incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization having one hundred or more paid up members and organized for a period of at least one year prior to filing the application for a license. The term does not include auxiliaries, "sons of" or other similar organization.

The term "affiliated organization" shall mean home associations, home corporations, auxiliaries, "sons of" or similar organizations, which are directly affiliated with an incorporated unit or a national veterans' organization. An affiliated organization must meet the definition of a club set forth in section 102, except that:

(1) if incorporated, the affiliated organization need not have been in continuous existence for at least one year prior to its application; or

(2) if unincorporated, the affiliated organization need not have been in continuous existence for at least ten years prior to its application.

(c) When the charter of an incorporated unit of a national veterans' organization is suspended or revoked, the [retail] club license of the organization shall also be suspended or [revoked] rescinded. The [retail] club license of an incorporated unit of a national veterans' organization is not transferable to any other organization or person[.], except as provided in this section.

(d) An incorporated unit of a national veterans' organization may transfer its club license to its affiliated organization as long as, in addition to fulfilling all the requirements pertaining to the transfer of club licenses, the state department of the national veterans' organization provides the board with written approval for such a transfer. The license shall be suspended or rescinded upon the suspension or revocation of the charter of the affiliated incorporated unit of the national veterans' organization. The license shall also be rescinded upon request of the state department of the national veterans' organization or if the affiliated organization's affiliation with the incorporated unit of the national veterans' organization is severed.

(e) Only one club license may be issued to the incorporated unit of the national veterans' organization, and the board may not issue a license to

an incorporated unit of a national veterans' organization if any of the unit's affiliated organizations holds a club license.

(f) For purposes of this section, a municipality which permits the issuance of club liquor licenses to incorporated units of national veterans' organizations also permits the transfer of such licenses to an affiliated organization of the incorporated unit of the national veterans' organization.

(g) An incorporated unit of a national veterans' association or an affiliated organization which has its license suspended or rescinded or its request for transfer denied under this section may request a hearing before a hearing examiner under section 464. The board may not consider the propriety of the state department of the national veterans' organization's decision to suspend the charter, revoke the charter or refuse to approve the transfer. The written request from the state department of the national veterans' organization, standing alone, is admissible evidence at the board hearing. An appeal of the board's decision may be taken under section 464, except that the appeal shall not act as a supersedeas of the board's decision.

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting 4

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting 5

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

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

Mr. MASLAND. Thank you, Mr. Speaker.

This amendment deals with a problem which surfaced in my district but I am sure is not unique, and it deals with veterans organizations, like the VFW (Veterans of Foreign Wars) and American Legion.

In short, because of their dwindling membership, these organizations have permitted social members to come into the organization so that they can survive. Unfortunately, the national charter prohibits so-called social members, people who were not veterans of a foreign war but may have been veterans. Because of that, they are technically in violation of their national charter, and because they are in violation of their national charter, they are in violation of the Liquor Code, because the LCB requires them to comply with their national charter.

The LCB and the State organizations for the VFW and the American Legion have been working on the language that you see before you as this amendment so that local VFWs and American Legions will be able to survive, in short. What it does, what this amendment does, is to allow these organizations to transfer their license to a home association, which they are not allowed to do now. The home association will hold the license. Thereby, they will be able to comply not only with the national charter but also with the LCB.

I would be happy to answer any questions. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

RULES SUSPENDED

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

Mr. SERAFINI. Mr. Speaker, I move that the rules of the House be suspended to permit the offering of amendment A0806 to HB 613.

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

The following roll call was recorded:

YEAS-192

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

NAYS-6

Armstrong	Hanna	Platts	Steil
Carone	Krebs		

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

Mr. SERAFINI offered the following amendment No. A0806:

Amend Title, page 1, line 19, by removing the period after "LICENSES" and inserting

and for wholesale storage of malt or brewed beverages.

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 431(a) and (b) of the act, amended May 31, 1996 (P.L.312, No.49), are amended and the section is amended by adding a subsection to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages [at or from one or more places of manufacture or storage.] from the place of manufacture only in original containers, in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. [Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five.] The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for a license period to be determined by the board. Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show. (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof. Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to make full payment

or pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.

(a.1) ~~Any out of State manufacturer whose products are sold and delivered within this Commonwealth shall be authorized to rent, lease or otherwise acquire space from an importing distributor or bailee for hire authorized by this act at no more than two different locations for use of a segregated portion of a warehouse or other storage facility owned or operated by the importing distributor or bailee for hire at which the out of State manufacturer may store and sell malt or brewed beverages to any importing distributor to whom the out of State manufacturer has granted distribution rights pursuant to subsection (b) or to any purchaser outside this Commonwealth for delivery outside this Commonwealth; or to ship to its storage facility outside this Commonwealth. Such manufacturer may compensate the importing distributor or bailee for hire for any related storage or delivery services. Nothing in this act authorizing storage facilities for out of State manufacturers is intended to make any change in the manner malt or brewed beverages is distributed through the three-tier system.~~

(a.2) ~~The board shall issue to a holder of a manufacturer's license no more than two storage licenses to cover storage facilities separate from the location of the manufacturing facility. A manufacturer may use its storage facilities to receive, store, sell and distribute malt or brewed beverages in the same manner as it can at its place of manufacture. A separate written application must be filed to acquire storage licenses and the board is empowered to establish what information must be provided on that application. The filing and license fees shall be prescribed in section 614-A of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929." Nothing in this act authorizing off-site storage facilities for manufacturers is intended to make any change in the manner malt or brewed beverages is distributed through the three-tier system.~~

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt

or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from importing distributors as provided in this subsection manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article. ~~In the case of an importing distributor, the holder of such a license shall be authorized to store malt or brewed beverages owned by an out of State manufacturer at a segregated portion of a warehouse or other storage facility operated by the importing distributor, and deliver such beverages to another importing distributor who has been granted distribution rights by the out of State manufacturer as provided herein. The importing distributor shall be permitted to receive a fee from the out of State manufacturer for any related storage or delivery services. In the case of a bailee for hire hired by an out of State manufacturer, the holder of such a permit shall be authorized to receive, store, configure or reconfigure cases of or repackage cases of malt or brewed beverages produced by that out of State manufacturer for sale by that manufacturer to importing distributors to whom that out of State manufacturer has given distribution rights pursuant to this subsection or to purchasers outside this Commonwealth for delivery outside this Commonwealth; or to ship to that out of State manufacturer's storage facilities outside this Commonwealth. The bailee for hire shall be permitted to receive a fee from the out of State manufacturer for any related storage or delivery services.~~

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical

area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

* * *

Section 4. Section 441(a) of the act, amended May 31, 1996 (P.L.312, No.49), is amended to read:

Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc.—(a) No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except:

(1) in the original containers as prepared for the market by the manufacturer at the place of manufacture; [or]

(2) in the case of identical containers repackaged in the manner described by subsection (f)[.]; or

(3) as provided in section 431(b).

* * *

Section 5. Section 443(e) and (f) of the act are amended to read:

Section 443. Interlocking Business Prohibited.—* * *

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or any mortgage lien against the same, for which a distributor's or importing distributor's license is granted; nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor, excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture: Provided, however, That a holder of a manufacturer's license under section 431(a) who is eligible to operate a brewery pub under section 446(2) or a limited winery as provided for under section 505.2 may also hold and operate under a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license on the manufacturer's or limited winery's licensed premises. The hotel liquor license or restaurant liquor license or the malt and brewed beverages retail license shall be acquired by the manufacturer or limited winery subject to section 461 and shall satisfy all requirements for each respective license. Nothing in this section shall be construed to prohibit an out of State manufacturer from engaging in a transaction or making payments authorized by section 431(a.1).

(f) No distributor, importing distributor or retail dispenser shall in anywise receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture: Provided, however, That a holder of a manufacturer's license under section 431(a) who is eligible to operate a brewery pub under section 446(2) or a limited winery as provided for under section 505.2 may also hold and operate under a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license on the manufacturer's or limited winery's licensed premises. The hotel liquor license or restaurant liquor license or the malt and brewed beverages retail license shall be acquired by the manufacturer or limited

winery subject to section 461 and shall satisfy all requirements for each respective license. Nothing in this section shall be construed to prohibit an importing distributor from receiving payment from an out of State manufacturer for engaging in a transaction or performing services authorized by section 431(b) or 444(a.1).

* * *

Section 6. Section 444(e) of the act is amended and the section is amended by adding a subsection to read:

Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—* * *

(a.1). Any out of State manufacturer of malt or brewed beverages may appoint an importing distributor or bailee for hire to perform the services prescribed in section 431(b) and provide a fee to an importing distributor or bailee for hire who performs such services.

* * *

(e) Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the board is specifically empowered and directed to issue an order imposing a fine upon such outside manufacturer of not less than five hundred dollars (\$500) or more than ten thousand dollars (\$10,000), or prohibiting the importation of malt or brewed beverages manufactured by such [outside] out of State manufacturer into this Commonwealth for a period not exceeding three years, or both. Such fine or prohibition shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order.

* * *

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
7

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
8

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman.

Mr. SERAFINI. Mr. Speaker, this amendment is a provision which is aimed at addressing the storage problems being experienced by both out-of-State and in-State manufacturers which distribute beer in the Commonwealth.

My proposal would allow an out-of-State manufacturer to establish up to two in-State storage facilities to which they could ship beer into Pennsylvania. From this storage facility, the beer would then be shipped to Pennsylvania importing distributors and into the normal distribution channels as if it were being shipped from out of State as now required by law.

This proposal sets up two different ways that these storage facilities would be operated. The out-of-State manufacturer could designate one or more of its Pennsylvania licensed importing distributors to operate a segregated portion of its warehouse as the depot for the beer being shipped into Pennsylvania. The other approach would be to utilize a bailee-for-hire licensee approved by the Liquor Control Board to operate the storage facility. In both cases, either the importing distributor or bailee-for-hire would be compensated by the brewer for its storage and delivery services.

My amendment would also take care of a significant problem for the Pennsylvania in-State manufacturers. Because of the limited room that they have within their breweries, several of them also have need for additional storage space. As the Liquor Code is presently written, these breweries are not authorized to have a separate storage place for their beer. Specifically, the Lion Brewery in Wilkes-Barre and the Yuengling Brewery in Pottsville as well as others have these storage problems. My

proposal would authorize two additional off-site licensed storage facilities for them where they can store their beer and from which their beer could then be distributed through the normal distribution channels.

Mr. Speaker, the depot system established under this amendment would be beneficial for several reasons. First, it will allow Pennsylvania beer consumers to have a better choice of beer products and fresher products to choose from. It will allow beer distributors to have access to certain brands on a more timely basis, which enhances their business climate. Also, the system will create jobs in Pennsylvania, because instead of being stored out of State, this beer would be stored in Pennsylvania and handled by Pennsylvania workers.

While accomplishing all of these, this depot system will not negatively alter our beer distribution system and would have no fiscal impact, no negative fiscal impact, on the Commonwealth. For these reasons I urge an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. On the question, those in favor will vote—

Mr. ARMSTRONG. Mr. Speaker?

The SPEAKER. Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I rise in opposition to this amendment, not so much as to what is contained in here. As we were just handed this amendment, we are supposed to sit here and listen to an explanation. We are supposed to just believe—

The SPEAKER. The gentleman will yield.

Conferences, conferences on the floor, break up. The conference in the side aisles and the center aisle, please break up. Sergeants at Arms, move the people from in back of the rail.

The gentleman, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

As I stated before — I will say it again — we just got this amendment. We were asked to suspend the rules, which we did, to consider this. It was not the content; I do not even recall it even being brought up in our caucus, and I am not trying to discolor anybody at this point, but I think it insults our process, the committee process. This is something I believe should have been dealt with in the committee. If there was a problem, it should have been dealt with in the committee. I have no time to think about this amendment, as I have not with some of the other amendments that we have been asked to suspend the rules to consider immediately. And I know we have done this over and over again, but I am just standing to raise the concern that it insults my intelligence and my representation of my district. And quite honestly, for all of you, PCN (Pennsylvania Cable Network) does not air in my district, so I am not standing here for recognition for PCN in my district. But I think this does insult our intelligence to have to deal with this legislation in this form, and for that sake I am voting “no.”

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor will vote “aye”; opposed—

Mr. LLOYD. Mr. Speaker?

The SPEAKER. Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I would like to interrogate the sponsor of the amendment.

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

Mr. LLOYD. Mr. Speaker, I had a hard time understanding to what circumstances this amendment applies. Does this apply only to beer which is manufactured in Pennsylvania?

Mr. SERAFINI. No; no, Mr. Speaker. It would apply to both — beer manufactured in the State and outside of the State.

Mr. LLOYD. All right. Today, beer manufactured in this State is stored where?

Mr. SERAFINI. Currently it is stored at the manufacturing facility.

Mr. LLOYD. And how will this amendment change that?

Mr. SERAFINI. They would now, with this amendment, be allowed to have two outside storage facilities in the State.

Mr. LLOYD. So in other words, this is not taking anything away from a distributor who has it today; this just lets the manufacturer, instead of having one big warehouse, he may have two or three around the State. Is that right?

Mr. SERAFINI. Two. Two, not three.

Mr. LLOYD. Two; okay. But he may now have two under this amendment; today he is allowed to have only one, and that is at the site where he actually has the brewery.

Mr. SERAFINI. Well, currently they cannot have any storage facility, the in-State manufacturers, only on their brewery premises, right on the premises.

Mr. LLOYD. On the premises. And what happens with regard to an out-of-State brewery today?

Mr. SERAFINI. They deliver directly to the import distributor.

Mr. LLOYD. It must go to an importing distributor.

Mr. SERAFINI. Directly from the manufacturer out of State.

Mr. LLOYD. And how does this amendment change that?

Mr. SERAFINI. This amendment would allow that manufacturer out of State to set up two storage facilities, and from those storage facilities, there would be distribution throughout the State. The beer would be shipped from the manufacturer to a storage facility in Pennsylvania; from that storage facility it would be distributed to the import distributors.

Mr. LLOYD. So this will take some work away from the importing distributors?

Mr. SERAFINI. It would only ease the distribution process. In other words, the import distributor would then be able to go to a storage facility within the State, which would be geographically closer, and have easier access to that product.

Mr. LLOYD. But today the out-of-State brewer has to put all of that beer with importing distributors in Pennsylvania. Under this amendment, he may put it someplace else, and then it goes to the importing distributors.

Mr. SERAFINI. Essentially that is what will happen.

Mr. LLOYD. And what—

Mr. SERAFINI. The storage would— Excuse me. The storage process would, the way I understand it, take approximately 2 days for draft beer and 5 days for canned or bottled beer. In other words, it would be stored for 2 days if it were draft and 5 days if it were bottled. It would bring a fresher product to the consumer.

Mr. LLOYD. But it will not reduce the amount of work— What I am trying to understand is, are importing distributors going to be hurt by this amendment?

Mr. SERAFINI. Not the way I understand it. The way I understand it, they support this amendment.

Mr. LLOYD. They do. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Allen.

Mr. ALLEN. Mr. Speaker, because I cannot get a clarification on this, and because the oldest brewery in America, Yuengling, is

located in Pottsville, I will ask the gentleman from Lackawanna County if he would consider withdrawing the amendment.

Mr. SERAFINI. Mr. Speaker, if there is a controversy with the fellow legislator relative to this amendment, especially for a manufacturing establishment in the State, I would be willing to withdraw the amendment and give those State manufacturers an opportunity to review it, if that is the problem, Mr. Allen. I have no problem with that.

Mr. ALLEN. I thank the gentleman.

AMENDMENT WITHDRAWN

The SPEAKER. Is it the Chair's understanding that the gentleman, Mr. Serafini, is withdrawing his amendment?

Mr. SERAFINI. Yes, Mr. Speaker. If there is a problem with an in-State manufacturer, I will withdraw the amendment.

The SPEAKER. You have heard the gentleman—

Mr. SERAFINI. I believe that is what he is saying, there is a problem with the amendment with Yuengling.

The SPEAKER. Yes; you have heard the gentleman, Mr. Allen. Are you satisfied to withdraw your amendment?

Mr. SERAFINI. Of course. Definitely.

The SPEAKER. All right.

Mr. SERAFINI. Yes.

The SPEAKER. The gentleman has withdrawn his amendment.

On the question recurring,

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

The SPEAKER. Mr. Serafini, I have you marked down for two amendments. Do you have another amendment?

Mr. SERAFINI. Not on this legislation, Mr. Speaker. The other amendment was adopted, the bond amendment.

The SPEAKER. All right. I have no further amendments.

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Tulli.

Mr. TULLI. Thank you, Mr. Speaker.

I move that we suspend—

The SPEAKER. The gentleman, Mr. Tulli, moves that the rules of the House be suspended to permit the immediate consideration of— What number is your amendment?

Mr. TULLI. A0829.

The SPEAKER. Would you send that to the desk, please.

The gentleman, Mr. Tulli, moves that the rules of the House be suspended to permit the immediate consideration of amendment 0829 to this bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—191

Adolph	Eachus	Maitland	Schroder
Allen	Egolf	Major	Schuler
Argall	Evans	Manderino	Scrimenti

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

NAYS—6

Armstrong	Hanna	Platts	Steil
Carone	Krebs		

NOT VOTING—1

Belfanti

EXCUSED—5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

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

Mr. TULLI offered the following amendment No. A0829:

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 433.1(a) of the act, amended May 31, 1996 (P.L.312, No.49), is amended to read:

Section 433.1. Stadium or Arena Permits.—(a) The board is hereby authorized to issue, in cities of the first, second and third class, in counties of the third class and in school districts in counties of the third class, special permits allowing the holders thereof to make retail sales of malt or brewed beverages in shatterproof containers at all events on premises principally utilized for competition of professional and amateur athletes and other types of entertainment having an available seating capacity of; (1) twelve thousand or more in cities of the first and second class; (2) four thousand or more and owned by the county or the city in cities of the third class; (3) four thousand two hundred or more and owned by counties of the third class; and (4) two thousand five hundred or more in school districts in counties of the third class: Provided, however, That in cities of the second class this section shall be applicable only to premises owned, leased or operated by any authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law." Such sales may be made only to adults and only on days when the premises are so used and only during the period from one hour before the start of and ending one-half hour after the close of the event on the premises[: Provided, however, That in school districts in counties of the third class sales may be made only during professional athletic competition].

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
4

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
5

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Tulli, on the amendment.

Mr. TULLI. Thank you, Mr. Speaker.

This amendment allows school districts in counties of the third class, the stadiums and arenas in those, to have permits for events such as concerts and other events, not only professional sports but other events. We had a question on this, and it does apply to counties of the third class with stadiums and arenas with seating of over 4,200 or more.

The SPEAKER. The gentleman, Mr. Geist.
The gentleman will yield.

Mr. GEIST. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield.

This is the last amendment.

Mr. Geist.

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

Would my good friend, Representative Tulli, stand for some brief questioning ?

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

Mr. GEIST. Thank you, Mr. Speaker.

The way I hear this amendment, you would be allowed to serve alcoholic beverages — beer — at sporting events, for all sporting events, held in the stadium at Hershey? Is that correct ?

Mr. TULLI. Not all sporting events, Mr. Speaker.

Mr. GEIST. Okay. To be specific, the high school football championships, would you be able to serve beer in the stands during the high school playoffs ?

Mr. TULLI. No. That is a PIAA event. They are the concessionaires there, not, in this case, Hersheypark Stadium.

Mr. GEIST. Thank you, Mr. Speaker.

I wanted to ask that question before it got to the Senate.

The SPEAKER. The gentleman, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I got up to raise my contention last time; I actually had an amendment in my hand. I do not have an amendment in my hand. I have not seen them circulate it. So I was wondering if there is an amendment for the House members.

The SPEAKER. Has this amendment been circulated ?

This amendment is 0829, and it has Mr. Serafini's name on top. It has "Serafini," then "Tulli."

Mr. ARMSTRONG. I am sorry, Mr. Speaker. I do not have it, and other members do not have it.

Mr. Speaker, I now have a copy of it in my hands, and I know a question was raised to the prime sponsor of the amendment, and I would like to interrogate the prime sponsor.

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

Mr. ARMSTRONG. I understand that it is the PIAA that has set down its regulations that in any high school activity, that alcohol would not be allowed to be— Well, is it true that alcohol could not be served at a PIAA activity ?

Mr. TULLI. Yes; that is their policy, Mr. Speaker.

Mr. ARMSTRONG. But it is not a State law ?

Mr. TULLI. It is not a State law. It is the PIAA's policy, Mr. Speaker.

Mr. ARMSTRONG. Okay. All of you, of course, have seen the troubles that we have had with PIAA recently, and I would just raise the suspicion that, you know, we are at their whims. We are opening up a stadium to be able to serve alcohol as a vendor. At this point we are being told that in PIAA events it will not be served because Hershey will not be the vendor itself, but I would raise the question that somewhere down the road, that this could take place. PIAA may loosen up its standards and allow for alcohol to be served. I do not necessarily see that taking place, but at the same time, we are submitting ourselves to an organization that that is their own policy. Plus, coupled— With that, Mr. Speaker, I am done with that remark, and I would just like to make another comment.

Mr. Speaker? I am done with my interrogation and would just like to make a comment.

The SPEAKER. The gentleman is in order.

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

I know it may be kind of stretching what I just said, but I just want to raise again the question of further expansion of alcohol in our Commonwealth, which has proven through many years to destroy families. And I know there are individuals in this State that feel that they can drink responsibly and not create that kind of a burden to our community, but dare we raise the numbers of accidents and individuals that have been killed and have been injured because of alcohol-related incidences ?

And this is just another, just another assault on our State laws to provide more expansion of alcohol, coupled with the fact that this amendment, again, is an amendment that we just received in

our hands. We have very little time to consider, to think about it, to be intelligent legislators, and for that I am opposing it. Thank you.

The SPEAKER. The gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

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

Mr. GORDNER. Thank you, Mr. Speaker.

If I read the amendment correctly, in current law you can only sell alcohol at events involving a school district of a county of the third class when it is during a professional athletic competition. Is that correct?

Mr. TULLI. That is correct, Mr. Speaker.

Mr. GORDNER. And if I read the amendment correctly, you are now bracketing out that section beginning on line 25 so you no longer have that provision dealing with professional athletic competition, and alcohol can now be sold in a school district of a county of the third class at any related event.

Mr. TULLI. At stadium events such as concerts, shows, things of that sort.

Mr. GORDNER. Okay. But it no longer has to involve professional athletic competition—

Mr. TULLI. That is right.

Mr. GORDNER. —and I do not see any restrictions in regard to concerts. I see that it can be offered at any event involving a school district in a county of the third class—

Mr. TULLI. No.

Mr. GORDNER. —at that stadium.

Mr. TULLI. No. It does not have to involve the school districts' events. That is in school districts in counties of the third class.

Mr. GORDNER. Okay. Then, Mr. Speaker, I do not understand. Right now it is very specific that the only time the sales can occur are during professional athletic competition events. You are eliminating that provision, so when that is eliminated, from my reading of the amendment, any event held at that stadium in a school district in a county of the third class can have alcohol sales added. Is that correct?

Mr. TULLI. Mr. Speaker, this would do that as it does with every other stadium in the Commonwealth of Pennsylvania. It would be the same rules and regulations. The reference to the school district is just a municipal designation.

Mr. GORDNER. Okay.

Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for a brief interrogation?

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

Mr. CLYMER. I am not sure I am clear with this issue, listening to the dialogue that just transacted between Representative Gordner and the maker of the amendment. Let me ask this question: How many more activities would be involved with the selling of malted beverages under this legislation? Are we looking at an increase in a year's time of 15, 20 more activities by this HERCO (Hershey Entertainment and Resort Company) corporation — 15, 20, 25, what?

Mr. TULLI. I am not sure of the number, Mr. Speaker. However, the vendor has traditionally been very responsible in their handling of the sales of alcoholic beverages. They have roped-off areas, areas set aside, and careful checking of it. So I think this is the kind of thing that we can be assured that it is going to be handled responsibly, and it deals with their arena and stadium in this instance—

The SPEAKER. The gentleman will yield.

Will the gentleman, Mr. Tulli, get closer to the microphone, please.

Mr. TULLI. Thank you, Mr. Speaker.

This would deal with their stadium and arena for the sales of the alcoholic beverage.

Mr. CLYMER. All right.

Mr. Speaker, I am through with my questioning. Could I speak on the amendment?

Thank you, Mr. Speaker.

Mr. Speaker, what I find challenging here is that at the Federal level they want to make the penalties for DUI (driving under the influence) much more severe. They want to go from 1.0 to 0.8. And we see in testimony recently before the House Appropriations group that college leaders are concerned about the abuse of alcohol. There seems to be a thrust in our society that says enough is enough; we have got to deal with the problems that we presently have, and to expand, it is my understanding this amendment will expand the use of alcohol in sporting games and other events as I understand the interrogation that took place. I do not feel that that is in the best interests of our communities. I do not feel it is good public policy, and it is a bad model to set for our young people.

So, Mr. Speaker, I would ask for a "no" vote on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—60

Allen	Herman	Myers	Scrimenti
Argall	James	Nailor	Serafini
Belardi	Kenney	O'Brien	Staback
Butkowitz	Kirkland	Petrone	Stevenson
Buxton	LaGrotta	Preston	Sturla
Caltagirone	Lescovitz	Ramos	Surra
Carone	Lucyk	Reinard	Taylor, J.
Cohen, L. I.	Marsico	Rieger	Tulli
Cohen, M.	Masland	Robinson	Vance
Colafella	McCall	Roebuck	Van Horne
Corrigan	McGeehan	Rooney	Veon
Donatucci	McGill	Ross	Washington
Druce	McIlhinney	Sainato	Wogan
Gannon	McNaughton	Santoni	Wright, M. N.
Haluska	Miller	Saylor	Youngblood

NAYS—137

Adolph	Dent	Keller	Schroder
Armstrong	Dermody	Krebs	Schuler
Baker	DeWeese	Laughlin	Semmel
Bard	DiGirolamo	Lawless	Seyfert
Barley	Eachus	Lederer	Shaner
Barrar	Egolf	Leh	Smith, B.
Battisto	Evans	Levdansky	Smith, S. H.
Belfanti	Fairchild	Lloyd	Snyder, D. W.

Benninghoff	Fargo	Lynch	Stairs
Birmelin	Feese	Maher	Steelman
Bishop	Fichter	Maitland	Steil
Blaum	Fleagle	Major	Stern
Boscola	Flick	Manderino	Stetler
Boyes	Geist	Markosek	Strittmatter
Brown	George	Mayernik	Tangretti
Browne	Gigliotti	McIlhattan	Taylor, E. Z.
Bunt	Gladeck	Melio	Thomas
Cappabianca	Godshall	Michlovic	Tigue
Carn	Gordner	Micozzie	Travaglio
Casorio	Gruitza	Mundy	Trello
Cawley	Gruppo	Nickol	Trich
Chadwick	Habay	Olasz	True
Civera	Hanna	Oliver	Vitali
Clark	Harhai	Orie	Walko
Clymer	Harhart	Perzel	Waugh
Colaizzo	Hasay	Petrarca	Williams, C.
Cornell	Hennessey	Pippy	Wilt
Corpora	Hess	Pistella	Wojnaroski
Cowell	Horsey	Platts	Yewcic
Coy	Hutchinson	Raymond	Zimmerman
Curry	Itkin	Readshaw	Zug
Daley	Jadlowiec	Reber	
Dally	Jarolin	Roberts	Ryan,
DeLuca	Josephs	Rubley	Speaker
Dempsey	Kaiser	Sather	

NOT VOTING-1

Pesci

EXCUSED-5

Bebko-Jones Phillips Rohrer Williams, A. H.
Hershey

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

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

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Serafini, reoffers amendment 0806. Is that accurate? The rules have already been suspended to consider this amendment.

Mr. SERAFINI reoffered the following amendment No. A0806:

Amend Title, page 1, line 19, by removing the period after "LICENSES" and inserting

and for wholesale storage of malt or brewed beverages.

Amend Bill, page 2, by inserting between lines 20 and 21

Section 3. Section 431(a) and (b) of the act, amended May 31, 1996 (P.L.312, No.49), are amended and the section is amended by adding a subsection to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages [at or from one or more places of manufacture

or storage.] from the place of manufacture only in original containers, in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. [Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five.] The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for a license period to be determined by the board. Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof. Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to make full payment or pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.

(a.1) Any out of State manufacturer whose products are sold and delivered within this Commonwealth shall be authorized to rent, lease or otherwise acquire space from an importing distributor or bailee for hire authorized by this act at no more than two different locations for use of a segregated portion of a warehouse or other storage facility owned or operated by the importing distributor or bailee for hire at which the out of State manufacturer may store and sell malt or brewed beverages to any importing distributor to whom the out of State manufacturer has granted distribution rights pursuant to subsection (b) or to any purchaser outside this Commonwealth for delivery outside this Commonwealth; or to ship to its storage facility outside this Commonwealth. Such manufacturer may compensate the importing distributor or bailee for hire for any related storage or delivery services. Nothing in this act authorizing storage facilities for out of State manufacturers is intended to make any change in the manner malt or brewed beverages is distributed through the three-tier system.

(a.2) The board shall issue to a holder of a manufacturer's license no more than two storage licenses to cover storage facilities separate from the location of the manufacturing facility. A manufacturer may use its storage facilities to receive, store, sell and distribute malt or brewed beverages in the same manner as it can at its place of manufacture. A separate written application must be filed to acquire storage licenses and the board is empowered to establish what information must be provided on that application. The filing and license fees shall be prescribed in

section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." Nothing in this act authorizing off-site storage facilities for manufacturers is intended to make any change in the manner malt or brewed beverages is distributed through the three-tier system.

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from importing distributors as provided in this subsection manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article. In the case of an importing distributor, the holder of such a license shall be authorized to store malt or brewed beverages owned by an out of State manufacturer at a segregated portion of a warehouse or other storage facility operated by the importing distributor, and deliver such beverages to another importing distributor who has been granted distribution rights by the out of State manufacturer as provided herein. The importing distributor shall be permitted to receive a fee from the out of State manufacturer for any related storage or delivery services. In the case of a bailee for hire hired by an out of State manufacturer, the holder of such a permit shall be authorized to receive, store, configure or reconfigure cases of or repackage cases of malt or brewed beverages produced by that out of State manufacturer for sale by that manufacturer to importing distributors to whom that out of State manufacturer has given distribution rights pursuant to this subsection or to purchasers outside this Commonwealth for delivery outside this Commonwealth; or to ship to that out of State manufacturer's storage facilities outside this Commonwealth. The bailee for hire shall be permitted to receive a fee from the out of State manufacturer for any related storage or delivery services.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

Section 4. Section 441(a) of the act, amended May 31, 1996 (P.L.312, No.49), is amended to read:

Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc.—(a) No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except:

- (1) in the original containers as prepared for the market by the manufacturer at the place of manufacture; [or]
- (2) in the case of identical containers repackaged in the manner described by subsection (f)[.]; or
- (3) as provided in section 431(b).

Section 5. Section 443(e) and (f) of the act are amended to read:
Section 443. Interlocking Business Prohibited.—***

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or any mortgage lien against the same, for which a distributor's or importing distributor's license is granted: nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor, excepting only the usual credits

allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture: Provided, however, That a holder of a manufacturer's license under section 431(a) who is eligible to operate a brewery pub under section 446(2) or a limited winery as provided for under section 505.2 may also hold and operate under a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license on the manufacturer's or limited winery's licensed premises. The hotel liquor license or restaurant liquor license or the malt and brewed beverages retail license shall be acquired by the manufacturer or limited winery subject to section 461 and shall satisfy all requirements for each respective license. Nothing in this section shall be construed to prohibit an out of State manufacturer from engaging in a transaction or making payments authorized by section 431(a.1).

(f) No distributor, importing distributor or retail dispenser shall in anywise receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture: Provided, however, That a holder of a manufacturer's license under section 431(a) who is eligible to operate a brewery pub under section 446(2) or a limited winery as provided for under section 505.2 may also hold and operate under a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license on the manufacturer's or limited winery's licensed premises. The hotel liquor license or restaurant liquor license or the malt and brewed beverages retail license shall be acquired by the manufacturer or limited winery subject to section 461 and shall satisfy all requirements for each respective license. Nothing in this section shall be construed to prohibit an importing distributor from receiving payment from an out of State manufacturer for engaging in a transaction or performing services authorized by section 431(b) or 444(a.1).

Section 6. Section 444(e) of the act is amended and the section is amended by adding a subsection to read:

Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—***

(a.1) Any out of State manufacturer of malt or brewed beverages may appoint an importing distributor or bailee for hire to perform the services prescribed in section 431(b) and provide a fee to an importing distributor or bailee for hire who performs such services.

(e) Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the board is specifically empowered and directed to issue an order imposing a fine upon such outside manufacturer of not less than five hundred dollars (\$500) or more than ten thousand dollars (\$10,000), or prohibiting the importation of malt or brewed beverages manufactured by such [outside] out of State manufacturer into this Commonwealth for a period not exceeding three years, or both. Such fine or prohibition shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order.

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting
7

Amend Sec. 4, page 6, line 21, by striking out "4" and inserting
8

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

The SPEAKER. Would the gentleman explain it once again.
Mr. SERAFINI. Mr. Speaker, essentially what this amendment does is it allows storage facilities to be put into the State of Pennsylvania as a distribution point for beer.

The reason I withdrew the amendment was because there was a question about whether the in-State brewer, Yuengling, would have approved this kind of legislation, and they do. This legislation does help in-State brewers, especially in-State brewers, because it gives them an ability to set up storage facilities throughout the State and enhance their distribution systems.

So I would appreciate support for the amendment. Thank you.
The SPEAKER. Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.
Mr. Speaker, first of all, I would like to thank the gentleman, Mr. Serafini, for withdrawing the amendment for a few minutes. I have received clarification from the brewery in Pottsville, and I now ask the members to support the amendment. Thank you very much.

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

The following roll call was recorded:

YEAS—193

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

Daley	Laughlin	Robinson	Wright, M. N.
Dally	Lawless	Roebuck	Yewcic
DeLuca	Lederer	Rooney	Youngblood
Dempsey	Leh	Ross	Zimmerman
Dent	Lescovitz	Rubley	Zug
Dermody	Levdansky	Sainato	
DeWeese	Lloyd	Santoni	Ryan,
DiGirolamo	Lucyk	Sather	Speaker
Donatucci	Lynch	Saylor	

NAYS-4

Armstrong	Birmelin	Petrarca	True
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NOT VOTING-1

Horsey

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Wright?

Mr. WRIGHT. Comments on the bill.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wright, on the question of final passage.

Mr. WRIGHT. I just want to explain what the bill does in the first place that all the amendments were to. It sets up what they call a "catering hall" definition in the Liquor Code. Currently, for-profit catering halls do not fit into any of our classifications. What this bill does, it sets up a definition and then allows that definition to go into a restaurant license. It allows the skirting of that recommendation that they have to be open for business for anybody off the street, for lunch or whatever to walk off the street.

This does not increase the number of liquor licenses. It just allows this new group, the catering hall, for-profit, to go out on the open market and buy the existing restaurant licenses.

The other part of the bill was an amendment that went in in the committee, which allows the transfer of a liquor license from one municipality to another if the previous one is in a blighted area — and it is very narrowly defined here, if you read the rules — in a blighted area, and it also must go to a bowling alley. That was adopted in the committee. It was not part of the original bill, but it is in it now. Thank you.

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-171

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

NAYS-27

Armstrong	Clymer	Jadlowiec	Smith, S. H.
Baker	Egolf	Krebs	Stern
Barley	Fleagle	Maitland	Strittmatter
Benninghoff	Geist	McIlhattan	True
Birmelin	Herman	Orie	Zimmerman
Brown	Hess	Sather	Zug
Clark	Hutchinson	Schuler	

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
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.

* * *

BILLS PASSED OVER

The SPEAKER. Page 4. SB 220 is over.
SB 669 is over.

* * *

The House proceeded to third consideration of **HB 1326, PN 1514**, entitled:

An Act amending the act of June 22, 196 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, Further providing for compensation for delay in payment.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1326 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 1769, PN 2903**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to sell and convey to Marc G. and Susan K. Springman, certain land situate in Old Lycoming Township, Lycoming County, Pennsylvania.

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

Mr. LLOYD offered the following amendment No. **A0644**:

Amend Title. page 1, line 5, by inserting after "Pennsylvania"
; and authorizing the Department of General Services to convey a tract of land located in Somerset Township, Somerset County.

Amend Sec. 1, page 1, line 13, by inserting after "Section 1."
(a) Authorization.—

Amend Sec. 2, page 9, line 19, by striking out "Section 4 2." and inserting

(b) Easements.—

Amend Sec. 3, page 9, line 27, by striking out "Section 5 3." and inserting

(c) Proceeds.—

Amend Sec. 4, page 9, line 30, by striking out "Section 6 4." and inserting

(d) Execution.—

Amend Sec. 5, page 10, line 4, by striking out "SECTION 5." and inserting

(e) Costs.—

Amend Bill, page 10, by inserting between lines 16 and 17

Section 2. (a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey, Somerset Christian Fellowship, the described tract of land in subsection (b) for fair market value as determined by an independent appraisal.

(b) Description.—Beginning at an existing iron pin/cap and on the jurisdictional division line between lands of the Somerset Christian Fellowship and lands of the Commonwealth of Pennsylvania. Thence along lands of the Commonwealth of Pennsylvania and the Somerset Christian Fellowship the following courses and distances;

(1) South 65 degrees 43 minutes 09 seconds East, 403.22 feet to set iron pin/cap;

(2) North 39 degrees 36 minutes 00 seconds East, 238.77 feet to set iron pin/cap;

(3) South 22 degrees 49 minutes 30 seconds West, 32.30 feet to set iron pin/cap;

(4) South 38 degrees 46 minutes 00 seconds West, 139.80 feet to set iron pin/cap;

(5) South 66 degrees 05 minutes 15 seconds East, 49.00 feet to set iron/pin cap;

(6) South 20 degrees 05 minutes 15 seconds West, 145.67 feet to set iron/pin cap;

(7) North 65 degrees 21 minutes 15 seconds West, 370.50 feet to set iron/pin cap;

(8) North 32 degrees 20 minutes 00 seconds West, 145.30 feet to set iron/pin cap;

Containing approximately .936 acres.

(c) Easement.—The conveyance shall be made under and subject to all easements, servitudes and rights of others, including but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed.—The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs.—The costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 6, page 10, line 17, by striking out "6" and inserting

3

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with a land conveyance in Somerset County. It would authorize the sale of land now belonging to the State Correctional Institution at Laurel Highlands to the Somerset Christian Fellowship for fair market value for use as a church parking lot.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question,

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

Mr. SERAFINI offered the following amendment No. A0571:

Amend Title, page 1, line 5, by striking out "AND" where it appears the first time

Amend Title, page 1, line 10, by removing the period after "PENNSYLVANIA" and inserting

; and providing for removal of open space land use restrictions on a tract of land situate in the Township of Newton, Lackawanna County.

Amend Sec. 4, page 9, line 19, by inserting after "CONVEYANCES" under section 1

Amend Sec. 6, page 9, line 30, by inserting after "conveyance" under section 1

Amend Bill, page 10, by inserting between lines 17 and 18

Section 8. (a) Upon receipt of fair consideration, the Department of General Services, with the approval of the Governor and the Department of Agriculture, is authorized and directed on behalf of the Commonwealth of Pennsylvania to execute the appropriate instrument to terminate the open space land use restrictions imposed by the Commonwealth in accordance with the act of January 19, 1968 (1967 P.L.992, No.442) entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," in its deed dated December 15, 1986, and recorded in the Office of the Recorder of Deeds of Lackawanna County, in Deed Book Volume 1198, Page 503.

INDENTURE

This indenture made and entered into this 15th day of December, A.D., 1986 between the Commonwealth of Pennsylvania, acting by and through Walter Baran, Secretary of the Department of General Services, an administrative department of the Commonwealth of Pennsylvania, with the approval of the Governor of the Commonwealth of Pennsylvania, herein referred to as grantor and Ernest D'Agata, Donald L. Sherwood, John F. Walsh and George E. Clark, Jr., of Lackawanna County, Pennsylvania, herein referred to as grantees:

WHEREAS, under authority of Act No.48, approved July 1, 1981, the Department of General Services, with the approval of the Governor, is authorized to grant and convey to the grantees, the tract of land described herein.

WITNESSETH, that the said grantor, for and in consideration of the sum of one hundred eleven thousand dollars and 00/100 (\$111,000.00), receipt of which is hereby acknowledged, has granted and conveyed and by these presents does grant and convey unto the said grantees, their heirs and assigns, a tract or parcel of land situate in the Township of Newton, County of Lackawanna, Pennsylvania, bounded and described as follows:

Beginning at a corner in the intersection of Legislative Routes 365 and 35053; thence in the right of way of Legislative Route No. 365 south 45 degrees 17 minutes 17 seconds east a distance of 446.69 feet to a corner; thence along the line of lands of Thomas Florey, George Esslinger and May O. Dorsheimer the following three courses: (1) south 37 degrees 35 minutes west a distance of 75 feet to a corner; (2) south 45 degrees 2 minutes east a distance of 680.70 feet to a corner; (3) south 39 degrees 16 minutes 51 seconds east a distance of 374.27 feet to a corner; thence along the line of lands of Newton Township the following two courses: (1) south 51 degrees 57 minutes 24 seconds west a distance of 582 feet to a corner; (2) south 75 degrees 12 minutes 25 seconds west a distance of 434 feet to a corner; thence along the line of lands conveyed to the Abington Area Line Officers Association the following two courses: (1) north 83 degrees 35 minutes 33 seconds west a distance of 800 feet to a corner; (2) south 6 degrees 13 minutes 16 seconds west a distance of 1440.20 feet to a corner in the center of Legislative Route No. 440; thence along the center of Legislative Route No. 440 the following two courses: (1) north 86 degrees 55 minutes 4 seconds west a distance of 145.97 feet to a corner; (2) north 83 degrees 49 minutes 20 seconds west a distance of 1235.18 feet to a corner; thence along the line of lands of Earl Dunlap

the following two courses: (1) north 10 degrees 59 minutes 40 seconds east a distance of 1896.75 feet to a corner; (2) north 82 degrees 30 minutes west a distance of 769 feet to a corner; thence along the line of lands of Warren M. Thompson and William D. Walsh north 50 degrees 35 minutes east a distance of 2475 feet to a corner on the north side of Legislative Route No. 365; thence along the line of lands of Samuel Schiavi the following three courses: (1) north 71 degrees 9 minutes west a distance of 194.50 feet to a corner; (2) north 6 degrees 8 minutes west a distance of 511.50 feet to a corner; (3) south 82 degrees 8 minutes east a distance of 807 feet to a corner; thence along the line of lands of Frank Grippo and Forrest Carr the following two courses: (1) south 39 degrees 25 minutes east a distance of 1306.40 feet to a corner; (2) south 40 degrees 37 minutes 12 seconds west a distance of 142.87 feet to a corner in the right of way of Legislative Route No. 35053; thence in the right of way of Legislative Route No. 35053 south 84 degrees 7 minutes 36 seconds west a distance of 600.18 feet to a corner, said corner being in the intersection of Legislative Route Nos. 365 and 35053; thence in the right-of-way of Legislative Route 35053, the place of beginning.

Containing 171.22 acres of land more or less.

Being part of the premises which Lackawanna County Institution District by its Deed dated December 10, 1948 and recorded at Scranton in the County Recorder of Deeds Office in Deed Book 478, Page 577, granted and conveyed to the Commonwealth of Pennsylvania, in fee.

The grantor shall specially warrant the property herein conveyed.

Reserving and excepting therein and thereout all the oil, gas and minerals, including coal, unto the grantor herein, its successors and assigns, and the right to enter upon, explore and use equipment on the surface, subject to restoration of same to its original condition, so as not to obstruct and so as to minimize interference with, the use of the surface by grantees, their heirs and assigns, together with the right to remove such oil, gas and minerals in accordance with the law.

Under and subject to the restrictions, limitations and conditions that the land herein described and any improvements thereon shall be used, added and limited to agricultural, horticultural, forestland, livestock or open space uses as defined in section 2 of the act of January 19, 1968 (1967 P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses."

Under and subject to all easements, servitudes and rights of others, including but not confined to streets, roadways, and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(b) The instrument removing the open space land use restrictions shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(c) Costs and fees incidental to the transaction authorized by this section shall be borne by the property owners.

Amend Sec. 8, page 10, line 18, by striking out "8" and inserting
9

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

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

Mr. SERAFINI. Mr. Speaker, this property is the potential site of a nursing home in the township of Newton, and there is an open-space restriction that we are discussing the removal of with the help of the Department of General Services.

I would appreciate your support. Thank you.

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Phillips	Rohrer	Williams, A. H.
Hershey			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—0

NOT VOTING—1

Boscola

EXCUSED—5

Bebko-Jones Phillips Rohrer Williams, A. H.
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.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for a meeting of the Rules Committee at the majority leader's desk.

There will be no more recorded votes.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the lady, Ms. Boscola. Ms. BOSCOLA. Thank you, Mr. Speaker.

The last vote, HB 1769, I was not recorded on that vote. My button malfunctioned. Could you please record me in the affirmative.

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

The gentleman, Mr. Pesci. Mr. PESCI. Thank you, Mr. Speaker. Correction for the record.

On amendment 0829 my voting machine malfunctioned. I would like to be recorded in the negative, sir.

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

Mr. PESCI. Thank you. The SPEAKER. The gentleman, Mr. Bunt. Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, on HB 613, the Walko amendment, I would like to have my vote reflected in the affirmative.

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

Mr. Schroder. Mr. SCHRODER. Thank you, Mr. Speaker.

On amendment A0632, the Walko amendment to HB 613, I wish to be recorded in the affirmative. I was inadvertently recorded in the negative and wish to be in the affirmative. Thank you, Mr. Speaker.

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

The gentleman, Mr. Thomas. Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on the motion to suspend for amendment A0751, my button did not record a vote. I would like to be recorded in the affirmative.

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

Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

A correction of the record.

On HB 613, amendment 0751, motion to suspend, my vote was not recorded. I wish the record to reflect I would have voted in the affirmative.

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 60, PN 523

By Rep. PERZEL

A Concurrent Resolution directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to study the issues concerning the environmental, technological, economic and regulatory constraints and problems covering hydraulically overloaded municipal sewerage treatment facilities.

RULES.

HR 357, PN 3023

By Rep. PERZEL

A Resolution adopting a temporary rule of the House relating solely to amendments to and debate on the General Appropriation Bill and all nonpreferred appropriation bills, for the fiscal year 1998-1999, including amendments or supplementals to appropriations of prior fiscal years.

Originated in Committee on RULES, March 9, 1998.

Reported from Committee on RULES, March 9, 1998.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1855, PN 2327

By Rep. HASAY

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for authorization to engage in banking.

COMMERCE AND ECONOMIC DEVELOPMENT.

SB 429, PN 1525

By Rep. HASAY

An Act amending the act of December 5, 1972 (P.L.1280, No.284), entitled Pennsylvania Securities Act of 1972, providing for the salaries of commissioners; and making repeals.

COMMERCE AND ECONOMIC DEVELOPMENT.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1855 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1855 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

The SPEAKER. Does the gentleman, Mr. Perzel, have anything further?

Does the gentleman, Mr. DeWeese, have anything further?

Any further announcements? Corrections of the record?

Hearing none, the Chair recognizes the gentleman from Bucks County, Mr. McIlhinney.

Mr. McILHINNEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 10, 1998, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:07 p.m., e.s.t., the House adjourned.