

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 6, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 35

HOUSE OF REPRESENTATIVES

The House convened at 10:30 a.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

HON. LOUISE WILLIAMS BISHOP, member of the House of Representatives and guest Chaplain, offered the following prayer:

Let us pray:

Eternal God, our Heavenly Father, Thou whose presence reaches out beyond Jupiter, beyond Mars, beyond Pluto, beyond Venus, beyond Saturn, beyond Uranus, and even the farthest star, and yet, with all of Your mercy and grace, You will allow even me to enter into Your presence. Into Your sanctuary I come, You who are the shepherd of the sheep on a thousand hills, and I thank You for this new day that You have made and given unto us. As I come, I present this House of Representatives, and I ask that You deal with us the way You have dealt with those of old. Give strength to the weak, give hope to those who faint, and help us to walk before You, to love mercy, to do justly, and to walk humbly in Your presence. Help us to perform our duties with fidelity and to know that we are an extension of Your creation, Your mercy, Your love, Your grace, and Your wisdom. Be with us today, and give us guidance and wisdom and understanding.

We ask all of these blessings in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, May 5, 1998, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2593 By Representatives WALKO, TRELLO, FAIRCHILD, M. N. WRIGHT, JOSEPHS, LAUGHLIN, GEORGE, HARHAI, BROWNE, SCRIMENTI, EVANS, BELARDI, BELFANTI, ROBINSON, WOJNAROSKI, GIGLIOTTI, SERAFINI, ITKIN, FORCIER, MANDERINO, STABACK, STEELMAN, TIGUE, TRAVAGLIO, McCALL, SANTONI, DeLUCA, KIRKLAND, RAMOS, LEDERER, JAMES, OLASZ, M. COHEN and MAHER

A Joint Resolution proposing an amendment to the Constitution of Pennsylvania, authorizing jurors to make notes during the course of a trial and authorizing the presiding judge to provide jurors with a copy of all or a portion of the judge's instructions to the jury.

Referred to Committee on JUDICIARY, May 6, 1998.

No. 2594 By Representatives ROBERTS, JAROLIN, PESCI, LAUGHLIN, WOJNAROSKI, TRELLO, TIGUE, GEORGE, READSHAW, YOUNGBLOOD, EGOLF, BELFANTI, GODSHALL, ARMSTRONG, ROBINSON, TRAVAGLIO, STEELMAN, RAMOS and KIRKLAND

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for permanent records system.

Referred to Committee on LOCAL GOVERNMENT, May 6, 1998.

No. 2595 By Representatives BENNINGHOFF, CLARK, DeLUCA, HERMAN, FAIRCHILD, GODSHALL, HALUSKA, HUTCHINSON, LYNCH, MAITLAND, McCALL, MILLER, OLASZ, READSHAW, ROBINSON, ROSS, SATHER, SERAFINI, SEYFERT, E. Z. TAYLOR, THOMAS, TRELLO, WALKO, YOUNGBLOOD and HENNESSEY

An Act regulating criminal conduct concerning computer activities; providing for remedies, for penalties, for forfeiture and for defenses.

Referred to Committee on JUDICIARY, May 6, 1998.

No. 2596 By Representatives BENNINGHOFF, ORIE, READSHAW, TIGUE, BELFANTI, LAUGHLIN, GEIST, BELARDI, NICKOL, KIRKLAND, CARONE, LYNCH, OLASZ, ARGALL, HALUSKA, WILT, TRELLO, FAIRCHILD, EGOLF, SCRIMENTI, CLARK, STABACK, PHILLIPS, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, RAMOS, BARD, WOJNAROSKI, WAUGH, STERN, ROSS, ROHRER, A. H. WILLIAMS, SERAFINI, ROONEY, B. SMITH, SURRA, HENNESSEY, TRUE, WASHINGTON and THOMAS

An Act providing for disclosure of HIV-related information to coroners and medical examiners.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 6, 1998.

No. 2597 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing the act of March 28, 1931 (P.L.11, No.9), entitled "An act to enable the farmers of the Commonwealth of Pennsylvania, as an emergency measure, to borrow money from the United States of America under the provisions of the Joint Resolution of Congress, approved the twentieth day of December one thousand nine hundred and thirty (Public Resolution, Number one hundred twelve, Seventy-first Congress), as amended, for the relief of farmers in the drought and storm-stricken areas of the United States; authorizing the execution and recording of chattel mortgages unto the United States of America on crops already planted or to be planted; and designating the nature of the lien operation and effect of such mortgages."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 6, 1998.

No. 2598 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing the act of July 10, 1935 (P.L.641, No.226), entitled "An act providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commissions, after popular referendum, and the appointment of their members by the county commissioners; prescribing the powers and duties of such commissions."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 6, 1998.

No. 2599 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL,

FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing the act of May 15, 1945 (P.L.557, No.218), entitled "An act providing a uniform method for taking samples of food or processed food for the purpose of analysis or examination by duly authorized representatives of any city, county, township, incorporated town or borough."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 6, 1998.

No. 2600 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing the act of May 19, 1897 (P.L.77, No.56), entitled "An act granting the permission and regulating the establishment and operation of bone boiling establishments and depositories of dead animals in the Commonwealth of Pennsylvania, and providing for violations of the provisions of this act."

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, May 6, 1998.

No. 2601 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing the act of April 4, 1919 (P.L.45, No.34), entitled "An act establishing a Bureau of Municipalities in the Department of Internal Affairs; and repealing the act, approved June first, one thousand nine hundred and fifteen, entitled 'An act creating a Division of Municipal Statistics and Information of the Department of Labor and Industry, and fixing the compensation of officers and employes therein.'"

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, May 6, 1998.

No. 2602 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing the act of June 12, 1931 (P.L.512, No.166), referred to as the Industrial Farms and Workhouses Law.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 6, 1998.

No. 2603 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act repealing obsolete laws relating to public morgues and salaries for and fees collected by coroners of certain classes of counties.

Referred to Committee on LOCAL GOVERNMENT, May 6, 1998.

No. 2604 By Representatives BENNINGHOFF, ROSS, PESCI, FARGO, HERMAN, ORIE, ARMSTRONG, MAITLAND, NICKOL, WOJNAROSKI, TRELLO, CORRIGAN, GEIST, EGOLF, SAYLOR, E. Z. TAYLOR, YOUNGBLOOD, McNAUGHTON, SEYFERT, ZUG, VANCE, GODSHALL, FLICK, HERSHEY, STERN, STEVENSON, ROHRER, SERAFINI, PIPPY, ARGALL and HENNESSEY

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, repealing certain provisions relating to health services.

Referred to Committee on LOCAL GOVERNMENT, May 6, 1998.

No. 2605 By Representatives L. I. COHEN, MAITLAND, WALKO, TRAVAGLIO, YOUNGBLOOD, DeLUCA, JAMES and SCRIMENTI

An Act requiring liability insurance for house inspectors; and imposing penalties.

Referred to Committee on CONSUMER AFFAIRS, May 6, 1998.

No. 2606 By Representatives DeLUCA, OLASZ, GIGLIOTTI, SCHULER, ADOLPH, READSHAW, COLAIZZO, HARHAI, MELIO, TRICH, TRELLO, SCRIMENTI, STEELMAN, TANGRETTI, CARONE and C. WILLIAMS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons ineligible for licensing and for learner's permits; providing for junior learner's permit and for probationary driver's license; and further providing for revocation or suspension of operating privilege and for fees for driver's license, learner's permit and probationary driver's license.

Referred to Committee on TRANSPORTATION, May 6, 1998.

No. 2607 By Representatives BELARDI, DeWEESE, BELFANTI, COY, PESCI, GEORGE, MUNDY, MELIO, HERMAN, COLAIZZO, SHANER, GIGLIOTTI, McCALL, CALTAGIRONE, WOJNAROSKI, ROBERTS, LAUGHLIN, DALEY, SANTONI, SCRIMENTI, CASORIO, PHILLIPS, HALUSKA, ROBINSON, ITKIN, PIPPY, ARGALL, SAINATO, CAPPABIANCA, TIGUE, OLASZ, LEDERER, MICOZZIE, STABACK, TRAVAGLIO, DERMODY, STEELMAN, MYERS,

YOUNGBLOOD, M. COHEN, RAMOS, BROWNE, HORSEY, HASAY, PETRARCA, E. Z. TAYLOR, L. I. COHEN, TRELLO, SERAFINI, WASHINGTON, KIRKLAND, JAMES, LUCYK, BEBKO-JONES, ROONEY, SURRA and HENNESSEY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to increase certain retirement benefits or pensions.

Referred to Committee on STATE GOVERNMENT, May 6, 1998.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 468 By Representatives LEVDANSKY, McNAUGHTON, ARGALL and BOSCOLA

A Resolution requests the Attorney General of the United States to investigate the proposed merger of Waste Management Inc., and USA Waste Services Inc.

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

SENATE BILLS FOR CONCURRENCE

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

SB 491, PN 1989

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, May 6, 1998.

SB 930, PN 1983

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 6, 1998.

SB 962, PN 1945

Referred to Committee on CONSUMER AFFAIRS, May 6, 1998.

SB 1423, PN 1922

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 6, 1998.

SB 1440, PN 1985

Referred to Committee on AGING AND YOUTH, May 6, 1998.

LEAVES ADDED-5

Druce Olasz Roberts Washington
Itkin

LEAVES CANCELED-1

Itkin

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today two seventh grade students from the Camp Hill School District, here as the guests of Representative Pat Vance. The guests are Danny Eckrich and Jonathan Schneider. Would the guests please rise.

And as the guests of Representative Harhart, we have guest pages Daniel Zenko and Chad Kern. Family members of Daniel and Chad are seated in the gallery. Would they please rise.

CALENDAR

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. HB 2100 is over.

* * *

The House proceeded to third consideration of **HB 1289, PN 3300**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for a supplemental annuity; adding definitions; further providing for actuarial cost method, for set-aside special contribution rates and for annuity reserve account; and providing for a supplemental annuity reserve account.

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 1289 be recommitted to the Committee on Appropriations.

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

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BILL PASSED OVER

The SPEAKER. Page 2 of today's calendar. HB 1020 is over.

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BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2268 is over temporarily.

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The House proceeded to third consideration of **SB 100, PN 1971**, entitled:

An Act providing for access by enrollees of managed care health benefits plans to health care services and for duties of the Bureau of Drug and Alcohol Programs; specifying certain standards relating to financial incentive programs of managed care plans; prohibiting managed care plans from restricting providers from disclosing appropriate health care information to enrollees; specifying certain standards of managed care plans relating to emergency services, termination of contracts and confidentiality; requiring certain disclosures to enrollees of managed care plans; imposing penalties; and making repeals.

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

Ms. **BARD** offered the following amendment No. **A2629**:

Amend Sec. 4, page 6, line 25, by removing the period after "provider" and inserting
, and shall inform the enrollee that the enrollee may select a family physician or internist from whom the enrollee wishes to obtain maternity care and gynecological care.

Amend Sec. 4, page 6, line 28, by inserting after "rendered."
A managed care plan may not require referrals from a women's health care provider to be subject to approval or review of the enrollee's primary care physician, and shall not include the costs of services provided on referral by a women's health care provider in the primary care physician's referral pool or incentive compensation calculation. A managed care plan shall not impose an economic penalty under any contract against an enrollee's primary care physician, and shall not impose a negative credentialing decision against an enrollee's primary care physician as a result of a referral under this paragraph.

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

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

The SPEAKER. The Chair recognizes the lady, Ms. Bard.
Ms. BARD. Thank you, Mr. Speaker.
I would ask that amendment 2629 be divided between lines 5 and 6, and I would request that lines 6 through 16 be accorded consideration first.

The SPEAKER. Amendment A2629, at the request of the lady, Ms. Bard, is divided. The House will consider initially that portion of the amendment which begins, "Amend Sec. 4,..." on line 6, down to the end of the amendment.

On the question,
Will the House agree to part 2 of the amendment?

The SPEAKER. The Chair recognizes the lady.

Ms. BARD. Thank you, Mr. Speaker.

SB 100 currently provides, as it should, for direct access for obstetrical and gynecological services, and this amendment supports that access. However, an unintended consequence of the current language is a loophole potentially affecting Pennsylvania's 13,000 primary-care physicians and their patients.

The amendment I am offering clarifies that a primary-care physician would not be required to approve nor review referrals made by the enrollee's gynecological or maternal-health-care provider. Furthermore, the amendment clarifies that actions against a primary-care physician, including negative credentialing decisions based on referrals or the cost of referrals by providers other than the primary-care physician, are prohibited.

The amendment is supported by the Pennsylvania Chapter of the American Academy of Pediatrics, the Pennsylvania Society of Internal Medicine, and the Pennsylvania Academy of Family Physicians, and I ask for the support of the members.

The SPEAKER. On the question of the Bard amendment, the gentleman, Mr. Micozzie.

Mr. MICOZZIE. I believe there is similar language in HB 977 that addresses the concerns of Representative Bard, and I support the amendment.

Ms. BARD. Thank you.

The SPEAKER. On the question of the Bard amendment, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this is a good amendment, and I encourage an affirmative vote.

On the question recurring,
Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS-196

Adolph	Eachus	Maitland	Schroder
Argall	Egolf	Major	Schuler
Armstrong	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.
Belfanti	Forcier	McGill	Snyder, D. W.
Benninghoff	Gannon	McLhattan	Staback
Birmelin	Geist	McLhinney	Stairs
Bishop	George	McNaughton	Steelman
Blaum	Gigliotti	Melio	Steil
Boscola	Gladeck	Michlovic	Stern
Boyes	Gordner	Micozzie	Sterler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Pippy	True

Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Home
Colaella	Jarolin	Ramos	Veon
Colaizzo	Josephs	Raymond	Vitali
Cornell	Kaiser	Readshaw	Walko
Corpora	Keller	Reber	Waugh
Corrigan	Kenney	Reinard	Williams, A. H.
Cowell	Kirkland	Rieger	Williams, C.
Coy	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright, M. N.
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Ross	Yungblood
Dent	Lescovitz	Rubley	Zimmerman
Dermody	Levdansky	Sainato	Zug
DeWeese	Lloyd	Santoni	
DiGirolamo	Lucyk	Sather	Ryan,
Donatucci	Lynch	Saylor	Speaker
Druce	Maier		

NAYS-0

NOT VOTING-3

James	Myers	Washington
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EXCUSED-4

Allen	Bebko-Jones	Godshall	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the amendment was agreed to.

The SPEAKER. Ms. Bard, do you want the first portion of that amendment considered?

Ms. BARD. Please, Mr. Speaker.

The SPEAKER. The clerk will read the first portion— Well, that has been read.

On the question,
Will the House agree to part 1 of the amendment?

The SPEAKER. We are now considering lines 1 through 5 of amendment A2629. The lady is recognized.

Ms. BARD. Thank you, Mr. Speaker.

Lines 1 through 6 of amendment 2629 simply provide for notification that internists and family physicians may be selected for maternity or gynecological care if the enrollee so desires.

Again, this language is supported by the Primary Care Consortium, and I ask for support.

The SPEAKER. The portion of the amendment we are now considering, Ms. Bard, if I am not mistaken, is lines 1 through and including 5, excluding 6.

Ms. BARD. Thank you, Mr. Speaker; that is correct.

The SPEAKER. On the question, Mr. Micozzie.

Mr. MICOZZIE. Mr. Speaker, I also support that portion of the amendment.

On the question recurring,
Will the House agree to part 1 of the amendment?

The following roll call was recorded:

YEAS—175

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

NAYS—20

Barley	Major	Smith, S. H.	Vance
Chadwick	Manderino	Snyder, D. W.	Williams, C.
Fargo	Nickol	Stern	
Fichter	Perzel	Taylor, E. Z.	Ryan,
Geist	Ross	Tulli	Speaker
Hess	Sather		

NOT VOTING—4

James	Myers	Pistella	Washington
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EXCUSED—4

Allen	Bebko-Jones	Godshall	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and part 1 of the amendment was agreed to.

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

Ms. BARD offered the following amendment No. A2628:

Amend Sec. 3, page 5, lines 4 through 8, by striking out all of said lines and inserting

“Primary care.” Care provided by physicians specifically trained for and skilled in comprehensive first contact and comprehensive continuing care for persons with any undiagnosed sign or symptom of health concern, the “undifferentiated” patient, not limited by problem origin, gender or diagnosis. The term includes health promotion, disease prevention, health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic illnesses in a variety of health care settings, including office, inpatient, critical care, long-term care and home care. Primary care is performed and managed by a personal physician, utilizing other health professions, consultation and referral, as appropriate; provides patient advocacy in the health care system to accomplish cost-effective case management and care coordination of health care services; and promotes effective doctor-patient communication and encourages the role of the patient as a partner in health care.

“Primary care physician” or “primary care provider.” A physician who:

- (1) is board certified or board eligible in and limits his practice to family medicine, general internal medicine or pediatrics; or
- (2) is a generalist physician, renders primary care at least 50% of the time in which he engages in the practice of medicine, provides definite care to the undifferentiated patient at the point of first contact and takes continuing responsibility for providing the patient’s care.

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

The SPEAKER. On the question of the Bard amendment, the lady is recognized.

Ms. BARD. Thank you, Mr. Speaker.

The law does not currently define the terms “primary care” or “primary care physician,” and those definitions are not contained in the current language of SB 100. This amendment offers definitions consistent with existing Department of Health regulations under Pennsylvania Code 28, section 9.76, and I ask for support.

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

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I ask for a “no” vote on the second Bard amendment. The concern I have, which I actually had about the divided amendment, too, but I think it is more glaring here, is that there are primary-care providers recognized by the department, recognized by the regulations, recognized by the Federal government because they have their own MA (medical assistance) number, who are not necessarily primary-care physicians – for example, the nurse practitioners.

I have nurse practitioners that run a health clinic in my district. They are the primary-care provider, a term that is being used on line 19 of this amendment as interchangeable with the word “physician,” which it is not, and they get to do their own billing, they get their own reimbursement, they have their own MA reimbursement number, and I believe that this language would prohibit or inhibit the work, the good work, of the nurse

practitioners in my district, and I think the nurse midwives also would fall under this same concern, and for that reason I would ask for a "no" vote on this definition and on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—120

Argall	Dent	Kirkland	Rohrer
Armstrong	Dermody	LaGrotta	Rooney
Bard	DeWeese	Laughlin	Sainato
Barrar	DiGiroiamo	Lederer	Saylor
Belardi	Donatucci	Leh	Schroder
Belfanti	Druce	Lescovitz	Schuler
Benninghoff	Eachus	Maher	Semmel
Birmelin	Evans	Markosek	Serafini
Boyes	Fairchild	Mayernik	Seyfert
Browne	Feese	McCall	Shaner
Bunt	Flick	McGill	Smith, B.
Buxton	Forcier	McIlhattan	Smith, S. H.
Cappabianca	Gannon	McIlhinney	Staback
Carone	George	McNaughton	Stairs
Casorio	Gigliotti	Melio	Steelman
Cawley	Gladeck	Michlovic	Steil
Civera	Gordner	Miller	Stevenson
Clark	Gruitza	Olasz	Strittmatter
Clymer	Gruppo	Oliver	Surra
Cohen, L. I.	Habay	Orie	Tangretti
Colafella	Haluska	Pesci	Travaglio
Colaizzo	Hanna	Petrarca	Trello
Cornell	Harhai	Petrone	Trich
Corpora	Harhart	Pippy	Walko
Corrigan	Herman	Preston	Wilt
Cowell	Horsey	Ramos	Wogan
Daley	Hutchinson	Readshaw	Wojnaroski
Dally	Itkin	Reber	Wright, M. N.
DeLuca	Jadlowiec	Roberts	Yewcic
Dempsey	Jarolin	Robinson	Zimmerman

NAYS—71

Adolph	Hershey	McGeehan	Sturla
Baker	Hess	Micozzie	Taylor, E. Z.
Barley	James	Mundy	Thomas
Battisto	Josephs	Nailor	Tigue
Bishop	Kaiser	Nickol	True
Blaum	Keller	Perzel	Tulli
Boscola	Kenney	Platts	Vance
Butkovitz	Krebs	Raymond	Van Horne
Carn	Lawless	Reinard	Veon
Chadwick	Levdansky	Rieger	Vitali
Cohen, M.	Lloyd	Ross	Waugh
Coy	Lucyk	Rublely	Williams, A. H.
Curry	Lynch	Santoni	Williams, C.
Egolf	Maitland	Sather	Youngblood
Fargo	Major	Scrimenti	Zug
Fichter	Manderino	Snyder, D. W.	
Fleagle	Marsico	Stern	Ryan,
Geist	Masland	Stetler	Speaker
Hasay			

NOT VOTING—8

Caltagirone	Myers	Pistella	Taylor, J.
Hennessey	O'Brien	Roebuck	Washington

EXCUSED—4

Allen	Bebko-Jones	Godshall	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Ron Marsico, Mr. and Mrs. Gary Arvey and their daughter, Katie. They are seated in the balcony, and apparently they are from right here in Dauphin County. Would the guests please rise.

CONSIDERATION OF SB 100 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd. Mr. Lloyd, do we have a list of the order in which you are offering your amendments?

Mr. LLOYD. Mr. Speaker, I am withdrawing a number of them, but if you just take them numerically as they appear in the packet, it is okay with me. The first one would be 2511.

The SPEAKER. The clerk will read the amendment.

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

Mr. LLOYD offered the following amendment No. A2511:

Amend Bill, page 21, by inserting between lines 21 and 22 Section 14. Compliance with act.

(a) Existing plans.—By no later than one year following the effective date of this act, the secretary and the commissioner shall review all managed care plans offered in this Commonwealth on the effective date of this act to assure that those plans are in compliance with the provisions of this act.

(b) New plans.—Beginning on the effective date of this act, neither the secretary nor the commissioner shall approve under any other provision of law the offering in this Commonwealth of any managed care plan which was not offered in this Commonwealth on the effective date of this act, unless the secretary or the commissioner determines that such plan is in compliance with this act.

Amend Sec. 14, page 21, line 22, by striking out "14" and inserting 15

Amend Sec. 15, page 21, line 28, by striking out "15" and inserting 16

Amend Sec. 16, page 22, line 2, by striking out "16" and inserting 17

Amend Sec. 17, page 22, line 5, by striking out "17" and inserting 18

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

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

Mr. LLOYD. Mr. Speaker, this amendment is intended to impose on the Secretary of Health and the Insurance

Commissioner the legal obligation to review all existing plans to make sure that they are in compliance with the provisions of SB 100 and to refuse approval of new plans unless and until those new plans are in compliance with the provisions of SB 100.

I would ask for an affirmative vote.

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

I believe that the Secretary of Health and the Insurance Commissioner do this in the matter of their duties, but I do support the amendment.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Washington

EXCUSED—4

Allen Bebko-Jones Godshall Phillips

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

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

The SPEAKER. The clerk will read the second Lloyd amendment.

Mr. LLOYD. Mr. Speaker, that one is withdrawn. You can go to 2513.

The SPEAKER. The clerk will read 2513.

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

Mr. LLOYD offered the following amendment No. A2513:

Amend Sec. 13, page 21, line 20, by striking out "second or subsequent"

Amend Sec. 13, page 21, line 22, by inserting after "12."

In deciding whether to order a managed care plan to restrict or cease marketing activities for a violation of section 12, the department or the commissioner shall consider whether the violation is the first violation of section 12 by the managed care plan.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, in the bill now, there is a provision which authorizes the Secretary of Health and the Insurance Commissioner to order a managed-care company to stop selling policies if it violates certain of the disclosure requirements in the legislation. The problem is that that cease order may be issued only for a second or subsequent violation. The amendment would remove that hurdle and would allow the Secretary and the Insurance Commissioner to decide from the first violation on whether or not to issue a cease order but would require that if it is the first violation, that that is to be given some consideration.

I think that we ought to trust the discretion of the department. If it is an egregious violation, the fact that it is the first one should be sufficient, and I would urge an affirmative vote.

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

Mr. MICOZZIE. The amendment is supported.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Washington

EXCUSED—4

Allen	Bebko-Jones	Godshall	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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

Mr. LLOYD. The next amendment, Mr. Speaker, would be A2514.

The SPEAKER. The clerk will read 2514.

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

Mr. LLOYD offered the following amendment No. A2514:

Amend Sec. 4, page 5, line 26, by inserting after "manner" and within a reasonable distance

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

The SPEAKER. On that amendment, the Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to make sure that the managed-care plan provides providers in the network who are within a reasonable distance of where the consumers are. One of the problems in my county is that there was someone who was in a managed-care network; that company was taken over in a merger; there now is nobody designated in the county. That presents a handicap, and I think that there ought to be a requirement that you have a provider within a reasonable distance.

This amendment was put into HB 977, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I talked to the gentleman and understand what he is trying to accomplish with his amendment, but I have some serious concerns over unintended consequences of this amendment.

Under current law, the Department of Health must give approval for a managed-care plan to sell their coverage within a county. To get such approval, they have to assemble an adequate network of providers.

The SPEAKER. Will the gentleman yield.

Sergeants at Arms, clear the area in the rear of the House. Conferences on the side aisle will please break up. Conferences between sections 1 and 2 will please break up.

The gentleman, Mr. Nickol.

Mr. NICKOL. Mr. Speaker, I noticed I am speaking on the wrong amendment, so my apologies.

The SPEAKER. Those things happen.

The Chair recognizes the gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

There is similar language in HB 977, and I support the amendment.

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-1

Washington

EXCUSED-4

Allen Bebko-Jones Godshall Phillips

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

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

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

Mr. LLOYD. Mr. Speaker, in order to facilitate matters, I will tell you which ones will be withdrawn so you do not have to read those.

I do want to offer 2515, 2516, and 2517. However, 2518, 2519, 2520, and 2521 are withdrawn. I do want to offer 2522, but 2566 will be withdrawn.

The SPEAKER. The clerk will read 2515.

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

Mr. LLOYD offered the following amendment No. A2515:

Amend Title, page 1, line 10, by inserting after "@AEand" providing for consumer information;

Amend Bill, page 20, by inserting between lines 25 and 26

Section 13. Consumer information.

(a) Development of standards.—Not later than December 31, 1999, the Physician General shall develop a health insurance plan report card to aid consumers of this Commonwealth in choosing a health insurance plan. The report card shall include sufficient comparative information to permit consumers to compare and evaluate health insurance plans.

(b) Duties of Physician General.—In developing a health insurance plan report card, the Physician General shall:

(1) Select from existing comparative health care measures, where such measures exist, or develop additional comparative health care measures to guide consumer choice. In selecting such measures, the Physician General may use any measures from the National Committee on Quality Assurance's HEDIS.3 system, the Foundation for Accountability (FACCT) measurement sets, the Agency for Health Care Policy and Research's CAHPS system, the Oregon Consumer Scorecard Project, the New Jersey HMO Report Card Project or public health data bases.

(2) Ensure that comparative information is tailored to consider the needs of individual health care consumers, including consumers with special or extraordinary health care needs.

(3) Ensure that comparative information is geographically sensitive to reflect the health plan experiences of rural consumers.

(4) Develop procedures to consolidate and reduce the data burden on health insurance plans through the development of uniform data specifications and sharing of health care information where appropriate.

(5) Implement a program to provide consumers with access to appropriate comparative information in a manner which will enable consumers to make informed health care decisions by comparing the various health insurance plans in which consumers are eligible to enroll.

(6) Ensure that comparative information is in a standardized form and understandable to a reasonable layperson.

(7) Ensure that comparative information includes consumer and provider satisfaction data. Such data shall be derived from annual surveys of consumers enrolled in a particular health insurance plan and those consumers who have withdrawn from such plan during the preceding 12-month period. The survey shall be conducted by an organization independent of the health plan.

(c) Duties of secretary and commissioner.—The secretary and commissioner shall supply all necessary assistance to the Physician General in carrying out the provisions of this section.

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

“Comparative information.” Information on access to care, cost of care, use of health services, satisfaction with care and services, management practices of health plans and any other aspect of health care delivery which may be used by consumers to judge the overall quality of care and to distinguish between the care provided by health plans.

“CAHPS.” The Federal Agency for Health Care Policy and Research’s “Consumer Assessment of Health Plans Study” designed to provide an integrated set of standardized survey questionnaires and report formats which can be used to collect and report information from health plan enrollees about their health care experiences with a particular health plan.

“FACCT.” The Foundation for Accountability’s Consumer Information Framework designed to give consumers clear, concise and understandable performance measures for comparing the clinical quality of health plans.

“Health insurance plan.” A health insurance plan which uses a gatekeeper to manage the utilization of health care services by enrollees including any such plan provided by or arranged through an entity operating under any of the following:

(1) Section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) The act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code.

(4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(5) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(6) A contract with the Department of Public Welfare to provide medical assistance benefits through a capitation plan.

“HEDIS.” The “Health Plan Employer Data and Information Set” developed by the National Committee on Quality Assurance (NCQA) as a set of standardized performance measures designed to ensure that consumers have the information necessary to compare the performance of health plans.

“Performance measures.” A set of measures, such as a standard or indicator, used to assess the performance of a health plan.

Amend Sec. 13, page 20, line 26, by striking out “13” and inserting 14

Amend Sec. 14, page 21, line 22, by striking out “14” and inserting 15

Amend Sec. 15, page 21, line 28, by striking out “15” and inserting 16

Amend Sec. 16, page 22, line 2, by striking out “16” and inserting 17

Amend Sec. 17, page 22, line 5, by striking out “17” and inserting 18

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

The SPEAKER. On the question, the Chair recognizes the gentleman on amendment 2515.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the same amendment we put into HB 977 to have a health-care insurance plan report card, which would allow consumers to compare different plans, just as we can get

reports which compare different cars or we can compare different airlines. For those who do not want to micromanage the HMO (health maintenance organization) industry, I hope that something along these lines can be incorporated into the final legislation, because it is designed to let the marketplace work by ensuring that consumers have the information they need to make an intelligent choice.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER. Mr. Micozzie, on the question.

Mr. MICOZZIE. I support the amendment.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING-2

Blaum Washington

EXCUSED-4

Allen Bebk-Jones Godshall Phillips

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

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

Mr. LLOYD offered the following amendment No. A2516:

Amend Sec. 4, page 7, by inserting between lines 6 and 7 (8) Ensure that no enrollee is required to use a narcotic drug to replace a nonnarcotic drug which was previously prescribed and which is as medically effective.

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

The SPEAKER. The gentleman, Mr. Lloyd, is recognized.

Mr. LLOYD. Mr. Speaker, I am offering this amendment in response to a complaint I got from a pharmacist in my district. He told me that one of the managed-care plans has adopted a closed formulary, which restricts the drugs which can be provided under the plan. He told me that one of my constituents had been taking a nonnarcotic drug for pain. Because of the closed formulary, that constituent now has to take morphine.

Mr. Speaker, it does not seem to me that we ought to be requiring people to take a narcotic if there is a nonnarcotic available which had been previously prescribed and which is as good from a medical standpoint. This amendment would say that an HMO could not require you to take a narcotic if you had been previously prescribed a nonnarcotic and that nonnarcotic was as medically effective.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER. On the question, Mr. Micozzie.

Mr. MICOZZIE. This is an agreed-to amendment. I support the amendment.

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

The following roll call was recorded:

YEAS-198

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

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

NAYS-0

NOT VOTING-1

Washington

EXCUSED-4

Allen Bebk-Jones Godshall Phillips

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

GUESTS INTRODUCED

The SPEAKER. The Chair at this time interrupts the proceeding to welcome to the hall of the House guests of Representative Roy Reinard - Dani Christ and Alison Waple, who are guest pages today. They are working in the hall of the House as guest pages. I am not sure just where they are. If they would rise so that we could give them a hand, it would be appreciated.

And a guest page here today from Representative Sheila Miller's district, Walter Burd. He recently received an Eagle Scout Award. He is a senior at Tulpehocken High School. Walter, would you please rise.

CONSIDERATION OF SB 100 CONTINUED

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

Mr. LLOYD offered the following amendment No. A2517:

Amend Sec. 9, page 12, line 29, by inserting after "PCP" for any reason, including the merger or takeover of the entity providing the plan

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Under the bill now, if a provider is terminated from the network, there is to be a notice of that fact to the consumer and an indication as to what the consumer is to do in order to pick a new provider. This amendment makes clear that it does not matter what the reason for the termination is, that if there has been a termination because of a merger or takeover, there must be a notice provided to the consumer so that the consumer has the opportunity to pick a new provider.

This is the case which I mentioned earlier in which a constituent of mine was in one network with one managed-care plan which was taken over. He did not know and was not informed of the fact that the new company did not have a provider in our area. He needed service and only at that time discovered that in fact there was no provider designated. I think he should have had the same opportunity to pick a new provider as would have been the case if the first one had been thrown out of the network for some misconduct, and that is what this amendment would do, Mr. Speaker.

I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Micozzie, on the question.

Mr. MICOZZIE. It is an agreed-to amendment. I support it.

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

The following roll call was recorded:

YEAS-198

Table listing names of members who voted 'YEAS-198', including Adolph, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Eachus, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Forcier, Gannon, Geist, George, Maher, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhertan, McIlhinney, Saylor, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, and Stairs.

Table listing names of members who did not vote 'YEAS-198', including Blaum, Boscola, Boyes, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Carone, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Cornell, Corpora, Corrigan, Cowell, Coy, Curry, Daley, Dally, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Gigliotti, Gladeck, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Lynch, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, O'Brien, Olasz, Oliver, Orie, Perzel, Pesci, Petrarca, Petrone, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Santoni, Sather, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturlia, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Home, Veon, Vitali, Walko, Waugh, Williams, A. H., Williams, C., Wilt, Wogan, Wojnaroski, Wright, M. N., Yewcic, Youngblood, Zimmerman, and Zug.

NAYS-0

NOT VOTING-1

Washington

EXCUSED-4

Allen, Bebko-Jones, Godshall, Phillips

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

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

Mr. LLOYD offered the following amendment No. A2522:

Amend Sec. 12, page 19, by inserting between lines 16 and 17 (16) A listing of primary care physicians, which may be in a separate document that is updated no less than annually, by name, address and telephone number.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the last amendment. This is also one which was incorporated into HB 977. It is designed to make sure that the managed-care system provides an annually updated list of primary-care physicians from whom the people who are consumers may pick.

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

NAYS—0

NOT VOTING—1

Washington

EXCUSED—4

Allen Bebko-Jones Godshall Phillips

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

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

AMENDMENT A2361 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who moves that the vote by which amendment 2361 passed to SB 100, PN 1971, on the 5th day of May 1998 be reconsidered.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-1

Washington

EXCUSED-4

Allen	Bebko-Jones	Godshall	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

The clerk read the following amendment No. A2361:

Amend Sec. 4, page 7, by inserting between lines 6 and 7

(8) Ensure an enrollee can select any appropriate specialist provider in the managed care plan's network once the need for specialist care has been established by the enrollee's primary care provider.

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

The SPEAKER. The question before the House is, will the House agree to the amendment offered by the gentleman, Mr. Curry?

By way of recollection, this is Mr. Curry's amendment 2361, which passed 156 to 42.

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

The following roll call was recorded:

YEAS-176

Argall	Donatucci	Lucyk	Santoni
Armstrong	Druce	Lynch	Sather
Baker	Eachus	Maher	Schroder
Bard	Evans	Maitland	Schuler
Barley	Fairchild	Major	Scrimenti
Battisto	Feese	Manderino	Semmel
Belardi	Fleagle	Markosek	Serafini
Belfanti	Flick	Marsico	Seyfert
Birmelin	Forcier	Masland	Shaner
Bishop	Geist	Mayernik	Smith, B.
Blaum	George	McCall	Smith, S. H.
Boscola	Gigliotti	McGeehan	Snyder, D. W.
Boyes	Gordner	McGill	Staback
Browne	Gruitza	McIlhattan	Stairs
Bunt	Gruppo	McIlhinney	Steelman
Butkovitz	Habay	McNaughton	Stern

Buxton	Haluska	Melio	Stetler
Caltagirone	Hanna	Michlovic	Stevenson
Cappabianca	Harhai	Miller	Strittmatter
Carn	Harhart	Mundy	Sturla
Carone	Hasay	Myers	Surra
Casorio	Hennessey	O'Brien	Tangretti
Cawley	Herman	Olasz	Taylor, E. Z.
Chadwick	Hershey	Oliver	Taylor, J.
Clark	Hess	Orie	Thomas
Clymer	Horsey	Pesci	Tigue
Cohen, L. I.	Hutchinson	Petrarca	Travaglio
Cohen, M.	Itkin	Petrone	Trello
Colafella	Jadlowiec	Pippy	Trich
Colaizzo	James	Pistella	True
Cornell	Jarolin	Platts	Van Horne
Corpora	Josephs	Preston	Veon
Corrigan	Kaiser	Ramos	Vitali
Cowell	Keller	Readshaw	Walko
Coy	Kenney	Reber	Waugh
Curry	Kirkland	Rieger	Williams, A. H.
Daley	Krebs	Roberts	Williams, C.
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lederer	Rohrer	Wright, M. N.
Dent	Leh	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Zimmerman
DiGirolamo	Lloyd	Sainato	Zug

NAYS-22

Adolph	Fichter	Nickol	Tulli
Barrar	Gannon	Perzel	Vance
Benninghoff	Gladeck	Raymond	Wilt
Civera	Lawless	Reinard	
Egolf	Micozzie	Saylor	Ryan,
Fargo	Nailor	Steil	Speaker

NOT VOTING-1

Washington

EXCUSED-4

Allen	Bebko-Jones	Godshall	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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?

Somebody wishes to speak on this bill? Mr. Thomas, do you desire recognition?

The gentleman, Mr. Thomas, yields to the lady, Ms. Manderino, who is recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make a few remarks on final passage, because while I think that we have done a lot of work, I still feel that SB 100 is a work in progress, and while I want to ask members to vote "yes" on final passage, I also want to make it

clear that, in my opinion, there are some things that still need to be done.

I would like to make sure and urge the members of the conference committee to make sure that they are adequately protecting consumer rights. If we are going to pass a managed-care bill, if we are going to give consumers rights, it is very important that those rights be meaningful, and there are a few areas which I believe, unfortunately, we have fallen a little short.

I would like to urge this work in progress to look at the areas particularly under grievance to make sure that people are getting adequate time to appeal to the department, so that they have *enough time between mailing and when they have to file their appeal to actually gather the medical documents that are necessary.* The bill's timeframe is too short.

I also want to make sure that we strengthen the notification of the right to grieve to the enrollee, because right now, if we do not, the same thing that we are getting complaints about will continue to happen. People will have an oral complaint, they will consider it unresolved, and they will never be told that it is considered unresolved by the managed-care company, and then therefore they will never be told about the right to grieve. So I think that notification to the enrollee must be strengthened.

And the one other point that I would point out is that we do not want to inhibit appeals, and so we have to deal realistically with the appeal fee that was put in the grievance amendment. It should either be free or specifically listed at a minimal cost so that we do not deter individuals because of cost from taking care of their health care.

I applaud everyone who worked so hard on this. I hope that the work will continue all the way through final product, and I ask for a "yes" vote.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who asks that the Representative from Bucks, Mr. DRUCE, be placed on leave. The Chair hears no objections. The gentleman is placed on leave.

CONSIDERATION OF SB 100 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of SB 100, and I only ask that the record be clear about a couple things.

One, as you very well know, some time ago we kind of went to sleep on this whole issue. We allowed the executive branch of government to really shape what managed care would look like in the Commonwealth of Pennsylvania. And while the executive branch put its best foot forward in providing a system that hopefully would eventually lead to reliability, affordability, and accessibility, we now, as we look back in retrospect, we now find that this is something that the legislature should have done, should have dealt with in the very beginning, and allowed the executive branch to follow the legislative branch in shaping the outcome of managed care in the Commonwealth of Pennsylvania.

But as keepers of the promise and as keepers of the trust that the Pennsylvania citizens have placed in us, the time is ripe for us to

step up to the plate, and so, Mr. Speaker, as this bill moves forward and more than likely will go to a conference committee and more than likely will come back, I ask that the conferees keep in mind four very basic things.

Number one, access to health care is a matter of right, not a matter of privilege, and so those amendments that have expanded the base of accessibility should be sustained by the conferees. Please do not tamper with those amendments that expand the base of accessibility.

Secondly, on the issue of affordability, those amendments that make access to managed care more affordable for all Pennsylvanians, not just some Pennsylvanians, then those amendments of affordability must be sustained by the conferees, and anything that the conferees can do to spread out the whole issue of affordability will be more than welcome.

Thirdly, on the question of reliability, people must be able to rely on the systems that they will either be forced or encouraged to take, to participate in, for dealing with their health-care issues. So all of those amendments that deal with issues of accountability, that deal with issues of reliability, that provide the Pennsylvania consumer with some level of confidence that, one, they will be able to deal with physicians of choice and be able to deal with systems of choice and be able to deal with systems that have their best interest at heart, those amendments, too, must be sustained by the conferees.

And last but not least, Mr. Speaker, last but not least, on the whole question of the neighborhood pharmacies, as I said yesterday and I am not going to repeat that, I am only going to ask that the conferees keep in mind that we have delayed too long in starving out the pharmacies. Stick with the amendment that now carves out the pharmacies, and allow the pharmacies to be able to participate in a reasonable and equitable manner. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lawrence County, Mr. Sainato.

Mr. SAINATO. Mr. Speaker, I rise today in support of SB 100. I think it is very important that we pass this legislation and encourage the Senate to keep many of the amendments we put in in the House.

This has been a long-in-coming piece of legislation. The last 3 years, I know it has been very involving, working with Mr. Veon and the House Democratic Policy Committee and having hearings and trying to do what is right for the people of Pennsylvania, and I commend my colleague from Beaver County for the information that he has provided for us on this side of the aisle.

I think today is a very important day in Pennsylvania history as we try to do something to help each consumer in Pennsylvania, to give them a right, a right to go to doctors of their choices, to be able to get the treatment that they truly deserve. We have heard the horror stories, Mr. Speaker, over the last many years when people go in to get treatment and they have to wait for hours and hours to try to get ahold of their primary-care physician, where it is not approved, where people are literally dying in some of our facilities because of the treatment that they were not given.

I think today is a milestone in Pennsylvania history, that we are doing something for the people of Pennsylvania, and I think it is very important that the Senate keep these amendments in. We need to make the health-care system in Pennsylvania the best in the nation. It is a right that every citizen in Pennsylvania deserves, and they have a right to choose the doctor of their choice. That is very

important, Mr. Speaker. Many times especially our senior citizens get into an HMO not understanding all the ramifications, not understanding some of the fine print. Then they find out that what they thought they were getting they really did not have. So today, Mr. Speaker, with passing this legislation, hopefully the Senate will do what we have done over here in the House and give the consumers the right to choose for health care in Pennsylvania.

I urge my colleagues to support this bill. The time has come, and everyone deserves the best that we can get in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, very briefly, we had labored somewhat on this package of amendments into this bill. I think, from the effort placed forward and the votes as they were recorded, that most of us are in agreement that managed care needed to be apprised that the service forthcoming in some instances was not in the manner that our constituency felt they should have been served in regard to treatment and other matters.

It was said that Neil Armstrong, when he hit the moon, said that it was a giant leap for mankind. This, too, indeed is a giant leap for members of the General Assembly, because if in fact when the Senate edifies and sends it back that substantive language that we have all been a part of to amend remains intact, then again we will support the bill, as I urge you to do now; if in fact it comes back nothing but a shell, nothing but a manner in which managed care controlled those of us that are controllable, then I would urge that we take yet another look and possibly not agree with what we have done yesterday and this morning. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, of course I rise to support final passage of SB 100, and I appreciate the work that the entire House has done on this bill over the last 2 weeks, and I appreciate the work of the chairman of the Insurance Committee, the gentleman, Mr. Micozzie, and as he knows, the Democrats have worked cooperatively over the last couple of weeks to produce the amendments that we offered here today. I appreciate the majority leader giving us the opportunity to offer these amendments.

I am particularly proud of the work that the Democratic Caucus has done on this issue this entire session, and I think that by the amendments that we offered here today, we have been very clear that we are going to insist on the strongest possible proconsumer managed-care bill of rights that we can get, and I think that members on the Republican side also, by their votes here today, recognized that SB 100 as it came to this House was a very weak proconsumer bill of rights; it was not good enough. The amendments that we offered and we voted for, on both sides, Republicans and Democrats, have gone a tremendous distance in strengthening this bill and making it, I think, the product that we are passing here today, a very strong proconsumer bill of rights.

Now, Mr. Speaker, I recognize that the cynics, perhaps one or two in this chamber, perhaps the special interest groups that are watching this debate and paying very close attention, I might add, to the votes that we are casting, those cynics might say that this was an exercise in futility, that we are just offering these amendments and we are just passing these amendments and we are

just going to stick them into SB 100 and it is going to go over to the Senate and they are going to take it out and they are going to send it back to this House. Mr. Speaker, I do not believe those cynics. I think that everybody here recognizes this is one of the most important issues we will deal with this session, and I think everybody here recognizes this is certainly something that our constituents are very, very interested in, and I would like to say that from the Democratic side, we would like to politely but firmly insist that we be part of the discussions for the final product that this House will vote on, and, Mr. Speaker, if we are not part of those discussions, we cannot in good conscience come back here and vote on a bill that will be handed to us that we have not had a say in in the final product and that we are going to insist on a very strong proconsumer bill coming back from that Senate.

I would like to say to our colleagues in the other chamber, the Senators that have worked on this bill, Senators Murphy and Corman and others, be strong. There is a lot of support for your provisions in this House, and we have shown you that in these last couple of days by overwhelming votes on some issues that they could not get into the Senate with their amendments. Be strong in the Senate. We are prepared to be strong on this side, and I think that there are many members in the Republican Caucus that want to have a good bill and a very strong proconsumer bill.

So, Mr. Speaker, I would encourage an affirmative vote, and I think that all the members ought to be proud of the product that we are sending back to the Senate here today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as guests of Representatives Flick and Dent, Edward Donley, former chairman of Air Products & Chemicals, Inc.; Thomas Saterfiel, senior vice president of ACT, Inc.; and John Kauffman, retired president of PP&L. These gentlemen were all here testifying before one of our committees earlier today. They are seated to the left of the Chair.

CONSIDERATION OF SB 100 CONTINUED

The SPEAKER. The gentleman, Mr. DeWeese, waives off.

The Chair recognizes the gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

First off, I would like to thank Representative Veon and Representative Colafella for their cooperation in this whole process.

I would like to talk about the process a little bit. I have been up here long enough to know that the process probably will never change, but I would be remiss in my duties as the majority chairman if I did not explain my concerns and my frustration over the process.

When HB 977, utilization review — remember — utilization review and the appeal process was introduced, it was supposed to address the concerns of the managed-care industry, the concerns of ourselves on committee, and we worked hard and long. If there is ever a committee that has worked harder than the Insurance Committee, I do not know of any in my years, 20 years, here in the chamber. We have had three public hearings, four informational

meetings, and we focused on appeals and utilization review. Representative Vance and myself, Representative Colafella, and the joint committee — bipartisan approach.

In the Senate, SB 100, the leadership of Senator Murphy, Senator Loeper did an outstanding job. They had public hearings. We had an informational meeting on SB 100 ourselves in our own committee. Senator Murphy's bill had to do with patients' rights. We have had 55 amendments here today.

I have heard on the other side of the aisle by the esteemed leader, the committee process, the committee process. If I have heard that term once in the last 6 months, I must have heard it 50 times. Whatever controversial issue that came on the floor, it had to be committee process; you are bypassing the committee process. We gave you the committee process. We worked hard and long during the summers. I have been working on this issue, HB 977, and similar issues for at least 2½ years. So I think something should change.

I would venture to say most of you, most of you, voted on issues today that you really do not have an indepth knowledge of. It was hard for me to vote for some of these amendments, very difficult. I would say, out of the 55 amendments, there might have been 5 of them that really pertained to the issue at hand. Diabetes we already passed; the hearing aid, we already passed that. Many of the issues that were brought up on the floor we already passed and are sitting in the Senate. So I ask, in the future, use the process. Nick Colafella could tell you. There are two bills that he had that are contained in HB 977 because of the cooperation between the both of us.

Again I would like to thank all who were involved — my committee on both sides of the issue; the leadership; and especially over in the Senate, Senator Murphy; Representative Vance in the House; and Senator Loeper.

I urge a "yes" vote.

The SPEAKER. On the question, does the gentleman, Mr. DeWeese, desire recognition?

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. DeWEESE. Thank you.

The gentleman from Delaware has indicated that the committee process has worked this time in our chamber, and I come to the same conclusion and I give you my accolade, Mr. Speaker. It did work this time here in this chamber. The process that you have marshaled has been worthwhile and it has been lauded by our leadership team and by our rank and file. So you are correct when you bring that subject up at the microphone just now. You and your team are worthy of some encomium from us. Having said that, sir, with all due respect, that is the exception in this session.

When health-care cuts, especially in the city of Philadelphia, for those suffering from tuberculosis or sexually transmitted diseases and a variety of other maladies and ailments were foisted upon the General Assembly earlier in this session, they were called welfare reform. You probably remember that, Mr. Speaker. The committee system did not work when the welfare reform, ostensible welfare reform, was perpetrated upon this chamber. It came flying at us at a vertiginous speed and, without committee work, was passed.

When prescriptions for senior citizens were limited and you called it or your GOP nizams called it reform, PACE (Pharmaceutical Assistance Contract for the Elderly) reform, in actuality, prescriptions were cut for senior citizens and we did not

have any committee system working. So you look very good and your team deservingly is being complimented by our team for your work, but when you took away the collective-bargaining rights of Philadelphia schoolteachers with 87 of our team sticking with collective bargaining and your team not, that did not go through the committee system either, Mr. Speaker.

So as I close my remarks on SB 100, naturally I believe all of us are going to vote in the affirmative and hopefully this will be the launching pad for more aggressive committee work and more aggressive committee chairmanship stewardship that you have manifest yourself, but echoing the policy chairman on our side of the aisle, it is incumbent upon our brothers and sisters in the State Senate to keep these proconsumer amendments that we have interlarded into the bill in the bill. If 90 percent, Mr. Speaker, if 90 percent of those amendments are ripped — no better word — ripped out of the bill, then your work product, notwithstanding all of the glad-handing and warm feeling that we are sharing today, will be for naught.

There is a word in the English language called "meretrix," and the adjective is "meretricious," and it comes from the French for woman of the night, alluring and bespangled in all kinds of finery, seductive at the dizzying apex of that strange phenomenon known as seduction. My statement to you, sir, is, if this comes back with 90 percent of the proconsumer amendments ripped out, this will all have been a meretricious exercise.

Under your generalship, under your generalship, Mr. Speaker, we have a good measure flying to the State Senate. I commend you and I admonish you to try your best with the State Senate Republican leadership to keep this bill as it is. This is a big burden, sir, but you have big shoulders, and I am sure you are up to the task.

Congratulations again on a job well done.

The SPEAKER. On the question, the gentleman, Mr. Colafella. Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I want to commend Representative Micozzie. He has done an outstanding job and the committee itself, who put this thing together.

But, quite frankly, all the amendments that were introduced and so on are noteworthy, because what it is, this is the democratic process. A committee brings out a bill and then it is up to members to determine what they want, what they like about a bill, and what they do not like about the bill, but I think that this bill is an excellent bill. Hopefully, a lot of this information and material will stay in the bill and we will have a really good bill someday. Thank you very much, Mr. Speaker.

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

Mr. MICOZZIE. Briefly, I have not had the opportunity to talk to or debate the minority leader — oh, I am sorry; the Democratic leader.

I have been up here 20 years, and I believe they, Representative DeWeese, was in the majority at least 13 years. All the things that he has accused or perceives what we have done on the Republican side he, and his leadership have done in spades in the past. And I can remember, I can remember himself, and Representative Irvis, Representative Manderino, shoving things down our throats—

The SPEAKER. Mr. Micozzie—

Mr. MICOZZIE. —in the wee hours of the morning.

The SPEAKER. Mr. Micozzie.

Mr. MICOZZIE. I ask for your support.

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.

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

YEAS—198

GUEST INTRODUCED

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

The SPEAKER. The Chair is pleased to welcome to the hall of
 the House today a guest page, here today as the guest of
 Representative Hess, Nicole Bouche, seated, I believe, with the
 pages in front of the Speaker. Would Nicole please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2268, PN
 3551**, entitled:

An Act providing for screening of patients for symptoms of domestic
 violence; establishing the Domestic Violence Health Care Response
 Program in the Department of Public Welfare; providing for domestic
 violence medical advocacy projects to assist in implementation of
 domestic violence policies, procedures, health care worker training and
 hospital, health center and clinic response to domestic violence victims;
 and making an appropriation.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

- | | | | |
|-------------|-------|----------|----------|
| Allen | Druce | Godshall | Phillips |
| Bebko-Jones | | | |

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

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

NAYS-0

NOT VOTING-1

Itkin

EXCUSED-5

Allen	Druce	Godshall	Phillips
Bebko-Jones			

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

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

The House proceeded to third consideration of **HB 522, PN 585**, entitled:

An Act establishing a loan program to install safety devices and improve safety at convenience stores; providing for additional duties of the Attorney General; establishing the Mom and Pop Convenience Store Protection Fund; and making an appropriation.

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

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

The question is, shall the bill pass finally?

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this legislation, and I would like to explain why.

Just a year or so ago in my district there was a robbery at a convenience store where the convenience store operator was shot point-blank in the head by a juvenile. The reason was that he had refused to turn over the \$50 or so that was in his cash register at the time. And when the juveniles were caught and questioned about why, one, they would commit such a heinous act, but, two,

why they chose this particular convenience store, they explained that they had driven around to various convenience stores and contemplated doing this but they stayed away from the convenience stores that had cameras, and they focused in on this particular convenience store because it did not have a video camera and, therefore, they thought they had a chance of getting away with this heinous crime.

For that reason I support this amendment and would encourage all members to support this legislation, and would encourage all members to support it so that those working men and women who have jobs in these stores to support their families have at least a modicum of protection and safety. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS-192

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

NAYS-5

Birmelin Rohrer Saylor Vitali
Leh

NOT VOTING-1

Itkin

EXCUSED-5

Allen Druce Godshall Phillips
Bebko-Jones

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

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

BILL PASSED OVER

The SPEAKER. HB 568 is over.

LEAVE OF ABSENCE

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Would it be appropriate at this time to put Representative Itkin on leave temporarily?

The SPEAKER. It would.

Mr. DeWEESE. Thank you.

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority leader, who requests that the gentleman, Mr. ITKIN, be placed on leave temporarily. Without objection, the leave is granted. The Chair hears none.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 786, PN 3526**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for harassment by communication or address; and making an editorial change.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Rooney.

Mr. ROONEY. Mr. Speaker, I will yield to the gentleman, Mr. Veon.

The SPEAKER. Will the gentleman, Mr. Rooney, yield.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon, who requests that the Chair return to leaves of absence and requests a leave for the gentleman, Mr. OLASZ, for the balance of today's session. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 786 CONTINUED

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

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

In the last 10 years, Mr. Speaker, more than 2,300 American children 14 years of age and younger have died from unintentional shootings. The United States leads the industrialized world in the rates of children and youth lost to unintentional firearm-related deaths. Our rates are nine times higher than the 25 other industrialized countries combined.

At least 25 million American households keep handguns, and 50 percent of their owners keep them loaded. In a study of accidental handgun shootings of children under 16, nearly 40 percent of the shootings occurred in the homes of friends and relatives. A study in the Archives of Pediatric and Adolescent Medicine found that children as young as 3 years old are strong enough to fire most commercially available handguns. Edinboro, Jonesboro, and hundreds of other shootings of children by children using their parents' firearms suggests that it is time for us in Pennsylvania to look into how we can, once and for all, begin to end the senseless, needless tragedies that occur in our Commonwealth and in our country on a far too regular basis.

It is time, in my estimation, Mr. Speaker, to consider preventive, commonsense measures, and legislation has been introduced in this chamber that would facilitate that discussion here in Pennsylvania.

With the Speaker's indulgence, I would like to ask the gentleman, Mr. Gannon, to stand for a brief interrogation.

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

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that you have taken or are in the process of taking a step to allow the debate concerning these types of issues to which I have just alluded to take place in Pennsylvania, and I was wondering if you would share with the members your intentions going forward relative to some firearm legislation.

Mr. GANNON. Yes, Mr. Speaker. It is the intention of the Judiciary Committee to hold public hearings on this issue. In addition, the committee has set up several task forces within the committee, and at least one of those task forces will be taking a look at this issue.

Mr. ROONEY. Mr. Speaker, it is my further understanding that you intend to commence these hearings sometime once we break for the summer recess, perhaps as early as June, next month.

Mr. GANNON. That is correct, Mr. Speaker. We are going to attempt to schedule the hearings as soon as we can after the break.

Mr. ROONEY. Thank you, Mr. Speaker.

I commend the gentleman, Mr. Gannon, and the members of the Judiciary Committee on both sides for having the courage to begin

to take up discussion of these bills that have been introduced by myself and my colleagues — Representative Carn, Representative Evans, Representative Lita Cohen, and Representative Mike Horsey, among others. I think it is time, the time has come that we in Pennsylvania begin to have this discussion in a thoughtful and hopefully in a very productive fashion.

So to that end I will withdraw the amendment that I have offered to the bills, the Title 18 bills, on the calendar today — both amendments — in return for Chairman Gannon's sincere commitment to have a real debate and a real discussion in Pennsylvania about how, once and for all, we can begin to take the appropriate steps to end the senseless, needless tragedies that occur in our midst every single day.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lucyk.

Mr. LUCYK. Mr. Speaker, before we take that vote, in light of the conversation that went on between the two members, I would like to question the chairman of the Judiciary Committee as to the contents of HB 786.

Is there anything in the bill now that deals with firearms?

Mr. GANNON. No.

Mr. LUCYK. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—196

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

Cowell	Krebs	Roberts	Williams, C.
Coy	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright, M. N.
DeLuca	Leh	Ross	Yewcic
Dempsey	Lescovitz	Rubley	Youngblood
Dent	Levdansky	Sainato	Zimmerman
Dermody	Lloyd	Santoni	Zug
DeWeese	Lucyk	Sather	
DiGirolamo	Lynch	Saylor	Ryan,
Donatucci	Maher	Schroder	Speaker
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

The House proceeded to third consideration of **HB 814, PN 3527**, entitled:

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

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 HB 814 be recommitted to Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL PASSED OVER

The SPEAKER. Page 4 of today's calendar. HB 1115 is over.

The House proceeded to third consideration of **HB 1143, PN 1532**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining the offenses of aggravated assault by vehicle and aggravated homicide by vehicle.

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 1143 be recommitted to Appropriations.

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

The House proceeded to third consideration of **HB 1269, PN 2625**, entitled:

An Act Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making the appearance in public while under the influence of a controlled substance an offense.

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

Mr. **GEORGE** offered the following amendment No. **A2759**:

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

; and making an appropriation.

Amend Bill, page 1, by inserting after line 17

Section 2. To promote the enforcement of 18 Pa.C.S. § 5505 and other offenses under 18 Pa.C.S. the sum of \$10,000,000 is hereby appropriated to the Pennsylvania Commission on Crime and Delinquency for fiscal year July 1, 1998, to June 30, 1999, for competitive grants to local law enforcement agencies and to the Pennsylvania State Police to carry out the provisions of this act and to prevent the occurrence or apprehend persons who commit offenses under 18 Pa.C.S. At least \$3,000,000 of this appropriation is allocated to police departments with ten or fewer policemen.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting
3

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

The SPEAKER. On the question of the adoption of the George amendment, the Chair recognizes the gentleman from Clearfield.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment appropriates \$10 million to the Pennsylvania Commission on Crime and Delinquency for competitive grants to law enforcement agencies and to the Pennsylvania State Police for enforcement of violations of the

Crimes Code. It further states that \$3 million of this appropriation be allocated to police departments with 10 or fewer policemen.

I would urge you to adopt this amendment.

**BILL AND AMENDMENT
PASSED OVER TEMPORARILY**

The SPEAKER. Mr. George, at this time the amendment has not been circulated, so I am going to pass this bill over temporarily until it has been printed and circulated.

Without objection, HB 1269 and Mr. George's amendment will go over temporarily. The Chair hears no objection.

The House proceeded to third consideration of **HB 1331, PN 1519**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for false identification to law enforcement authorities.

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

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

The question is, shall the bill pass finally?

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

YEAS-196

Adolph	Egolf	Major	Schuler
Argall	Evans	Manderino	Scrimenti
Armstrong	Fairchild	Markosek	Semmel
Baker	Fargo	Marsico	Serafini
Bard	Feese	Masland	Seyfert
Barley	Fichter	Mayermik	Shaner
Barrar	Fleagle	McCall	Smith, B.
Battisto	Flick	McGeehan	Smith, S. H.
Belardi	Forcier	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	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hasay	Orie	Thomas
Carone	Hennessey	Perzel	Tigue
Casorio	Herman	Pesci	Travaglio
Cawley	Hershey	Petrarca	Trello
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Pippy	True
Clark	Hutchinson	Pistella	Tulli
Clymer	Jadlowiec	Platts	Vance
Cohen, L. I.	James	Preston	Van Horne
Cohen, M.	Jarolin	Ramos	Veon
Colafrilla	Josephs	Raymond	Vitali
Colaizzo	Kaiser	Readshaw	Walko

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

The House proceeded to third consideration of **HB 1897, PN 3348**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS-196

Adolph	Egolf	Major	Schuler
Argall	Evans	Manderino	Scrimenti
Armstrong	Fairchild	Markosek	Semmel
Baker	Fargo	Marsico	Serafini
Bard	Feese	Masland	Seyfert
Barley	Fichter	Mayernik	Shaner
Barrar	Fleagle	McCall	Smith, B.
Battisto	Flick	McGeehan	Smith, S. H.
Belardi	Forcier	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steelman
Bishop	Gigliotti	Melio	Steil
Blaum	Gladeck	Michlovic	Stem

NAYS-0

NOT VOTING-0

EXCUSED-7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

The House proceeded to third consideration of **HB 2467, PN 3426**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for inquiry as to the source of security for bail in drug offenses.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Pistella, who offers— Mr. Pistella, I have you marked down for three amendments. Is that accurate?

The clerk will read the first Pistella amendment.

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

Mr. PISTELLA offered the following amendment No. A2684:

Amend Title, page 1, line 2, by inserting after "Statutes,"
exempting certified constables and deputy constables
from mandatory continuing education; and

Amend Bill, page 2, lines 4 and 5, by striking out all of said lines and
inserting

Section 1. Section 2946 of Title 42 of the Pennsylvania Consolidated
Statutes is amended to read:

§ 2946. Continuing education.

(a). General requirement.—The board, with the review and approval of
the commission, shall establish a mandatory continuing education
program for constables and deputy constables, which shall include no
more than 40 hours per year, concerning subjects the board may deem
necessary and appropriate for the continued education and training of
constables and deputy constables.

(b). Exemption.—A person who has completed 15 years of service as
a constable or deputy constable shall be exempt from mandatory
continuing education.

§ 2947. Automatic certification.

[All] (a). General rule.—Except as provided in subsection (b), all
constables and deputy constables who are in office as of the effective date
of this subchapter shall be deemed to be certified under and in compliance
with sections 2945 (relating to program contents) and 2946 (relating to
continuing education) for the balance of their current term of office or
until the constables and deputy constables have been provided an
opportunity to complete the education and training in accordance with
section 2945 or 2946, whichever is sooner.

(b). Exception.—A person who has completed 15 years of service as a
constable or deputy constable and who is in office as of the effective date
of this subchapter shall be deemed to be certified under and in compliance
with sections 2945 and 2946(a).

Section 2. Chapter 57 of Title 42 is amended by adding a subchapter
to read:

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting
3

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will exempt those constables with
15 years of service from the requirement of mandatory continuing
education, and it will grandfather in to the certification process
those constables who have completed 15 years of service.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Just to refresh the members' memories—

The SPEAKER. Will the gentleman yield.

Conferences between sections 1 and 2, please break up.

Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

With all due respect to my good colleague from Allegheny
County, the question of constables receiving training certification,
we dealt with this issue in the House Judiciary Committee. We
worked on this issue for well over a year. The State constables and

the local constables worked with us. Legislation that was signed
into law that I had prime-sponsored passed both chambers and was
signed into law by the Governor. This requires that the constables
are proficient, trained, certified. We have these standards and
requirements. To pass this amendment would be regressive. They
are an important part of our judicial system; they serve a purpose.

But again, as I have said earlier, in due respect to my colleague,
I think we would be going backwards rather than forward by
accepting this amendment, and I would duly ask that the members
please vote in the negative. Thank you, Mr. Speaker.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, for all of the reasons expressed by my colleague
and Democratic chairman of the House Judiciary Committee, I
would ask for a "no" vote on this amendment.

We have to make certain that our law enforcement is current
with the newest technologies that are available for them to do their
job, and without this continuing education requirement, they
would simply fall behind.

I ask for a "no" vote.

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

The following roll call was recorded:

YEAS—48

Belardi	George	Lescovitz	Sainato
Bishop	Gigliotti	Lucyk	Seyfert
Butkovitz	Hanna	McGeehan	Staback
Cappabianca	Harhai	Oliver	Surra
Cam	Horsey	Petrarca	Trello
Cawley	James	Petrone	Trich
Cohen, M.	Jarolin	Pistella	Veon
Colafella	Keller	Preston	Walko
Colaizzo	Kirkland	Roberts	Washington
Corrigan	LaGrotta	Robinson	Williams, A. H.
Daley	Laughlin	Roebuck	Wojnaroski
DeLuca	Lederer	Rooney	Youngblood

NAYS—148

Adolph	Egolf	Markosek	Scrimenti
Argall	Evans	Marsico	Semmel
Armstrong	Fairchild	Masland	Serafini
Baker	Fargo	Mayernik	Shaner
Bard	Feese	McCall	Smith, B.
Barley	Fichter	McGill	Smith, S. H.
Barrar	Fleagle	McIlhattan	Snyder, D. W.
Battisto	Flick	McIlhenny	Stairs
Belfanti	Forcier	McNaughton	Steelman
Benninghoff	Gannon	Melio	Steil
Birmelin	Geist	Michlovic	Stern
Blaum	Gladeck	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Tangretti
Buxton	Haluska	Nickol	Taylor, E. Z.
Caltagirone	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hershey	Pippy	True
Clark	Hess	Platts	Tulli
Clymer	Hutchinson	Ramos	Vance

Cohen, L. I.	Jadlowiec	Raymond	Van Horne
Cornell	Josephs	Readshaw	Vitali
Corpora	Kaiser	Reber	Waugh
Cowell	Kenney	Reinard	Williams, C.
Coy	Krebs	Rieger	Wilt
Curry	Lawless	Rohrer	Wogan
Dally	Leh	Ross	Wright, M. N.
Dempsey	Levdansky	Rublely	Yewcic
Dent	Lloyd	Santoni	Zimmerman
Dermody	Lynch	Sather	Zug
DeWeese	Maher	Saylor	
DiGirolamo	Maitland	Schroder	Ryan,
Donatucci	Major	Schuler	Speaker
Eachus	Manderino		

NOT VOTING—0

EXCUSED—7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

Mr. PISTELLA offered the following amendment No. A2688:

Amend Title, page 1, line 2, by inserting after "for" a restricted liability insurance account for constables and for a residency requirement for constables and deputy constables and for

Amend Bill, page 2, lines 4 and 5, by striking out all of said lines and inserting

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 2951. Restricted liability insurance account.

(a). Account established.—There is hereby established a special restricted account within the General Fund, which shall be known as the Constables' Liability Insurance Account, for the purposes of assisting the payment of liability insurance and the cost of administering the account.

(b). Surcharge.—There is hereby assessed as a cost in each case before a district justice a surcharge of \$1 per docket number in each criminal case and \$1 per named defendant in each civil case in which a constable or deputy constable performs a service provided in this subchapter, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

(c). Disposition of funds.—The surcharges collected under subsection (b), if collected by a constable or deputy constable shall be turned over within one week to the issuing authority. The issuing authority shall remit the same to the Department of Revenue for deposit into the account.

(d). Disbursements.—Disbursements from the account shall be made by the commission.

(1) The commission shall establish each year the amount available for disbursement to each constable or deputy constable for the payment of his or her liability insurance premium as required under section 2942(b) (relating to conduct and insurance). The amount available shall be determined by the amount of funds available at the end of each fiscal year, minus administrative expenses, divided by the number of constables and deputy constables certified for that particular year.

(2) If in any year the amount available exceeds the amount actually paid out of the account, the excess shall be reinvested and added to the computation formula under this subsection for the following year.

(e). Audit.—The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to time, but not less than once every three years.

§ 2952. Residency.

(a). General rule.—Constables and deputy constables for any ward or municipality shall be duly registered electors of the ward or municipality from which they have been elected or, in the case of vacancy, for which they have been appointed. A candidate for the position of constable or deputy constable for any ward or municipality shall be a duly registered elector of the ward or municipality for which the candidate seeks to be elected or appointed. Constables and deputy constables shall continue to be duly registered electors of such ward or municipality during their term of service and shall reside continuously in such ward or municipality during their term of office.

(b). Application.—This section shall apply to all constables and deputy constables one year after the effective date of this section. No person or deputy constable shall be eligible for election or appointment as a constable or deputy constable on or after the effective date of this section unless such person is in compliance with subsection (a).

Section 2. Chapter 57 of Title 42 is amended by adding a subchapter to read:

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting
3

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will exempt the mandatory continuing education provision currently enacted for constables at this time.

The SPEAKER. The gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again, in due respect to my colleague, the mandatory continuing education has been a component of upgrading the skills and ability of our constables. We have had training going on now for several years, and I think it is incumbent upon the process that they continue to receive this education and training.

I would again ask my colleagues on both sides of the aisle for a negative vote. Thank you, Mr. Speaker.

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

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

Mr. GANNON. Thank you, Mr. Speaker.

Once again I join with the fellow chairman of the Judiciary Committee and ask for a "no" vote on this amendment.

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

The following roll call was recorded:

YEAS—36

Buxton	George	Lucyk	Roebuck
Cappabianca	Gigliotti	Markosek	Rooney
Carn	Hanna	Mayernik	Sainato

Cawley	Harhai	McGeehan	Trello
Cohen, M.	Horsey	Oliver	Trich
Corrigan	James	Petrarca	Veon
Daley	Keller	Petrone	Walko
DeLuca	Kirkland	Pistella	Washington
Dermody	LaGrotta	Robinson	Williams, A. H.

NAYS—159

Adolph	Evans	Manderino	Serafini
Argall	Fairchild	Marsico	Seyfert
Armstrong	Fargo	Masland	Shaner
Baker	Feece	McCall	Smith, B.
Bard	Fichter	McGill	Smith, S. H.
Barley	Fleagle	McIlhattan	Snyder, D. W.
Barrar	Flick	McIlhinney	Staback
Battisto	Forcier	McNaughton	Stairs
Belardi	Gannon	Melio	Steelman
Benninghoff	Geist	Michlovic	Steil
Birmelin	Gladeck	Micozzie	Stern
Bishop	Gordner	Miller	Stetler
Blaum	Gruitza	Mundy	Stevenson
Boscola	Gruppo	Myers	Strittmatter
Boyes	Habay	Nailor	Sturla
Browne	Haluska	Nickol	Surra
Bunt	Harhart	O'Brien	Tangretti
Butkovitz	Hasay	Orie	Taylor, E. Z.
Caltagirone	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Casorio	Hershey	Pippy	Tigue
Chadwick	Hess	Platts	Travaglio
Civera	Hutchinson	Preston	True
Clark	Jadlowiec	Ramos	Tulli
Clymer	Jarolin	Raymond	Vance
Cohen, L. I.	Josephs	Readshaw	Van Horne
Colafella	Kaiser	Reber	Vitali
Colaizzo	Kenney	Reinard	Waugh
Cornell	Krebs	Rieger	Williams, C.
Corpora	Laughlin	Roberts	Wilt
Cowell	Lawless	Rohrer	Wogan
Coy	Lederer	Ross	Wojnaroski
Curry	Leh	Rublely	Wright, M. N.
Dally	Lescovitz	Santoni	Yewcic
Dempsey	Levdansky	Sather	Youngblood
Dent	Lloyd	Saylor	Zimmerman
DeWeese	Lynch	Schroder	Zug
DiGirolamo	Maher	Schuler	
Donatucci	Maitland	Scrimenti	Ryan,
Eachus	Major	Semmel	Speaker
Egolf			

NOT VOTING—1

Belfanti

EXCUSED—7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

Mr. PISTELLA offered the following amendment No. A2689:

Amend Title, page 1, line 2, by inserting after "for"
exemptions from continuing education for constables and for

Amend Bill, page 2, lines 4 and 5, by striking out all of said lines and inserting

Section 1. Section 2946 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2946. Continuing education.

(a) General requirement.—The board, with the review and approval of the commission, shall establish a mandatory continuing education program for constables and deputy constables, which shall include no more than 40 hours per year, concerning subjects the board may deem necessary and appropriate for the continued education and training of constables and deputy constables.

(b) Exemption.—A person who has completed 15 years of service as a constable or deputy constable shall be exempt from mandatory continuing education.

Section 2. Chapter 57 of Title 42 is amended by adding a subchapter to read:

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting

3

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will propose to institute a restricted liability insurance account. Apparently the constables are required now to provide their own insurance for the purposes of conducting their official duties. What this legislation will do is institute a surcharge of \$1 per named defendant in each civil case and \$1 for docket number for criminal cases to establish a liability insurance fund to pay the premiums. I realize that the legislature may want to look into this issue.

I would appreciate the support of the members for this amendment. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

We must remember that the constables are independent contractors. The court has made this clear. They do provide for their own insurance and their other accesses.

I think the gentleman, Mr. Pistella, wants recognition.

POINT OF ORDER

Mr. PISTELLA. Mr. Speaker, if I could, point of order.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. PISTELLA. With all due respect, it has been pointed out to me, Mr. Speaker, that the voting board shows amendment A2689, which I think was just defeated. The amendment that I am offering now is A2688.

The SPEAKER pro tempore. The Chair is advised that A2688 was defeated and that the correct amendment number is on the board.

Mr. PISTELLA. I apologize, Mr. Speaker, because that was the one for the liability insurance, and I— Mr. Speaker, I am just having one of those days, Mr. Speaker. Mr. Speaker—

The SPEAKER pro tempore. Would the gentleman like to explain this amendment to the House ?

Mr. PISTELLA. Yes.

The SPEAKER pro tempore. The gentleman is in order.
 Mr. PISTELLA. Mr. Speaker, this was the previous explanation that I gave. And for those of you who may have lost their place like I did, it is just eliminating the mandatory continuing education, and I am sure you will all still vote against this one.

The SPEAKER pro tempore. Mr. Gannon, on the amendment.
 Mr. GANNON. Mr. Speaker, I join with the Democratic chairman of the Judiciary Committee and urge the members to vote "no" on this amendment.

The SPEAKER pro tempore. Mr. Caltagirone.
 Mr. CALTAGIRONE. Mr. Speaker, I would concur in the Republican chair's comments that we vote in the negative on this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-37

Bishop	DeWeese	LaGrotta	Robinson
Buxton	George	Mayernik	Roebuck
Cappabianca	Gigliotti	McGeehan	Rooney
Carn	Hanna	Oliver	Sainato
Cawley	Harhai	Petrarca	Trello
Cohen, M.	Horsey	Pistella	Veon
Colaizzo	James	Preston	Vitali
Corrigan	Keller	Readshaw	Washington
DeLuca	Kirkland	Rieger	Williams, A. H.
Dermody			

NAYS-156

Adolph	Evans	Major	Seyfert
Argall	Fairchild	Manderino	Shaner
Armstrong	Fargo	Marsico	Smith, B.
Baker	Feece	Masland	Smith, S. H.
Bard	Fichter	McCall	Snyder, D. W.
Barley	Fleagle	McGill	Staback
Barrar	Flick	McIlhattan	Stairs
Battisto	Forcier	McIlhinney	Steelman
Belardi	Gannon	McNaughton	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	Gladeck	Michlovic	Stetler
Birmelin	Gordner	Micozzie	Stevenson
Blaum	Gruitza	Miller	Strittmatter
Boscola	Gruppo	Mundy	Sturla
Boyes	Habay	Myers	Surra
Browne	Haluska	Nailor	Tangretti
Bunt	Harhart	Nickol	Taylor, E. Z.
Butkovitz	Hasay	O'Brien	Taylor, J.
Caltagirone	Hennessey	Orie	Thomas
Carone	Herman	Perzel	Tigue
Casorio	Hershey	Pesci	Travaglio
Chadwick	Hess	Pippy	Trich
Civera	Hutchinson	Platts	True
Clark	Jadlowiec	Ramos	Tulli
Clymer	Jarolin	Raymond	Vance
Cohen, L. I.	Josephs	Reber	Van Home
Colafiglia	Kaiser	Reinard	Waugh
Cornell	Kenney	Roberts	Williams, C.
Corpora	Krebs	Rohrer	Wilt
Cowell	Laughlin	Ross	Wogan
Coy	Lawless	Rubley	Wojnarowski
Curry	Lederer	Santoni	Wright, M. N.
Daley	Leh	Sather	Yewcic
Dally	Lescovitz	Saylor	Youngblood
Dempsey	Levdansky	Schroder	Zimmerman
Dent	Lloyd	Schuler	Zug
DiGirolamo	Lucyk	Scrimenti	

Donatucci	Lynch	Semmel	Ryan,
Eachus	Maher	Serafini	Speaker
Egolf	Maitland		

NOT VOTING-3

Markosek	Petrone	Walko
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EXCUSED-7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

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

Mr. GANNON. Mr. Speaker, would it be in order to ask for a reconsideration on amendment A2688 at this time?

The SPEAKER pro tempore. The motion would be in order. The gentleman, Mr. Gannon, moves— The Chair apologizes. The gentleman has to file the appropriate form with the clerk.

Mr. GANNON. Oh, okay.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to take this opportunity to welcome Matt Goodrich, a legislative intern for Representative Ron Marsico, who is a student at Lycoming College. He is seated to the left of the Speaker. Would he please rise. Welcome to the hall of the House.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1499, PN 3579 (Amended) By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for members of the civil service commission and for organization and a quorum of the commission.

LOCAL GOVERNMENT.

HB 2024, PN 2636 By Rep. CLYMER

An Act providing for a waiver of tuition and other fees for children of certain deceased police officers and firefighters at community colleges and State-owned and State-related institutions of higher education and for additional powers and duties of the Pennsylvania Higher Education Assistance Agency and the Department of General Services.

STATE GOVERNMENT.

HB 2518, PN 3415

By Rep. HERMAN

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for auxiliary appeal boards.

LOCAL GOVERNMENT.

HB 2538, PN 3580 (Amended)

By Rep. CLYMER

An Act providing for recovery of emergency response costs.

STATE GOVERNMENT.

SB 540, PN 569

By Rep. HERMAN

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for limitations on owners and for purchases from the repository for unsold property.

LOCAL GOVERNMENT.

SB 1218, PN 1546

By Rep. CLYMER

An Act authorizing and directing the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to grant and convey to Joseph Pintola a tract of land and building situate at 78 West Maiden Street, City of Washington, Washington County, Pennsylvania, known as the Washington Armory.

STATE GOVERNMENT.

BILLS REPORTED AND REREFERRED TO COMMITTEE ON URBAN AFFAIRS

HB 2525, PN 3438

By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, authorizing municipalities to institute in personam actions against certain property owners.

LOCAL GOVERNMENT.

HB 2528, PN 3441

By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, authorizing municipalities to deny issuing permits, variances, licenses or other approvals to persons who are delinquent in tax payments or are in violation of certain codes, statutes or regulations.

LOCAL GOVERNMENT.

HB 2531, PN 3444

By Rep. HERMAN

An Act amending the act of September 28, 1965 (P.L.543, No.282), entitled, "An act authorizing incorporated towns to adopt and enforce zoning ordinances regulating the location, construction, and use of

buildings, the size of courts and open spaces, the density of population, and the use of land," authorizing boards of adjustment to deny applications if applicant has a tax delinquency or housing violation relating to real property.

LOCAL GOVERNMENT.

HB 2532, PN 3445

By Rep. HERMAN

An Act providing for the establishment, implementation and administration of a Statewide registry for the compilation of and the dissemination of information relating to outstanding violations of municipal codes and ordinances relating to housing and for the use of disseminated information; and imposing powers and duties on the Department of Community and Economic Development and on the various classes of municipalities.

LOCAL GOVERNMENT.

HB 2534, PN 3447

By Rep. HERMAN

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, providing for code compliance, for responsibilities of purchasers, for municipal tax liens, for default on payments and for hearings on certain appeals.

LOCAL GOVERNMENT.

CONSIDERATION OF HB 2467 CONTINUED

AMENDMENT A2688 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Gannon, who moves that the vote by which amendment A2688 was defeated to HB 2467 be reconsidered.

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Major	Schuler
Argall	Evans	Manderino	Scrimenti
Armstrong	Fairchild	Markosek	Semmel
Baker	Fargo	Marsico	Serafini
Bard	Feese	Masland	Seyfert
Barley	Fichter	Mayernik	Shaner
Barrar	Fleagle	McCall	Smith, B.
Battisto	Flick	McGeehan	Smith, S. H.
Belardi	Forcier	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	Gruitza	Micozzie	Stetler
Boyes	Gruppo	Miller	Stevenson
Browne	Habay	Mundy	Strittmatter
Bunt	Haluska	Myers	Sturla
Butkovitz	Hanna	Nailor	Surra
Buxton	Harhai	Nickol	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Oliver	Taylor, J.
Cam	Hennessey	Orie	Thomas
Carone	Herman	Perzel	Tigue

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

NAYS-1

Gordner

NOT VOTING-0

EXCUSED-7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

The clerk read the following amendment No. A2688:

Amend Title, page 1, line 2, by inserting after "for" a restricted liability insurance account for constables and for a residency requirement for constables and deputy constables and for

Amend Bill, page 2, lines 4 and 5, by striking out all of said lines and inserting

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 2951. Restricted liability insurance account.

(a) Account established.—There is hereby established a special restricted account within the General Fund, which shall be known as the Constables' Liability Insurance Account, for the purposes of assisting the payment of liability insurance and the cost of administering the account.

(b) Surcharge.—There is hereby assessed as a cost in each case before a district justice a surcharge of \$1 per docket number in each criminal case and \$1 per named defendant in each civil case in which a constable or deputy constable performs a service provided in this subchapter, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

(c) Disposition of funds.—The surcharges collected under subsection (b), if collected by a constable or deputy constable shall be turned over within one week to the issuing authority. The issuing authority shall remit the same to the Department of Revenue for deposit into the account.

(d) Disbursements.—Disbursements from the account shall be made by the commission.

(1) The commission shall establish each year the amount available for disbursement to each constable or deputy constable for the payment of his or her liability insurance premium as required under section 2942(b) (relating to conduct and insurance). The amount available shall be determined by the amount of funds available at the end of each fiscal year, minus administrative expenses, divided by the number of constables and deputy constables certified for that particular year.

(2) If in any year the amount available exceeds the amount actually paid out of the account, the excess shall be reinvested and added to the computation formula under this subsection for the following year.

(e) Audit.—The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to time, but not less than once every three years.

§ 2952. Residency.

(a) General rule.—Constables and deputy constables for any ward or municipality shall be duly registered electors of the ward or municipality from which they have been elected or, in the case of vacancy, for which they have been appointed. A candidate for the position of constable or deputy constable for any ward or municipality shall be a duly registered elector of the ward or municipality for which the candidate seeks to be elected or appointed. Constables and deputy constables shall continue to be duly registered electors of such ward or municipality during their term of service and shall reside continuously in such ward or municipality during their term of office.

(b) Application.—This section shall apply to all constables and deputy constables one year after the effective date of this section. No person or deputy constable shall be eligible for election or appointment as a constable or deputy constable on or after the effective date of this section unless such person is in compliance with subsection (a).

Section 2. Chapter 57 of Title 42 is amended by adding a subchapter to read:

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting
3

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Again, I apologize to the members of the chamber in getting confused on the amendment numbers.

A2688 is the restricted liability insurance account, which again would provide for a surcharge of \$1 per docket number in each criminal case and \$1 per named defendant in each civil case. The purpose of the fund, to be used for paying liability insurance, which the constables and deputies are required to purchase of their own.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone, on the amendment.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again, I would encourage the members to cast a negative vote.

The committee chairs both agreed that we will take a look at this issue.

However, currently constables are independent agents. The courts have ruled that way. They pay for their own insurance; they pay for their own uniforms. We do not want to deviate from that process, so I would encourage a negative vote. Thank you,

Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Gannon, seek recognition on the amendment? The gentleman is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, once again I join with the Democratic chairman of the Judiciary Committee and urge a "no" vote on this amendment.

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

The following roll call was recorded:

YEAS-45

Buxton	Gigliotti	Mayernik	Rooney
Cappabianca	Gruitza	McGeehan	Sainato
Carn	Hanna	Myers	Shaner
Cawley	Harhai	Oliver	Tigue
Cohen, M.	Horsley	Petrarca	Travaglio
Corrigan	James	Petrone	Trello
Daley	Jarolin	Pistella	Trich
DeLuca	Keller	Rieger	Veon
Dermody	Kirkland	Roberts	Walko
DeWeese	LaGrotta	Robinson	Washington
Donatucci	Markosek	Roebuck	Williams, A. H.
George			

NAYS-151

Adolph	Egolf	Maitland	Semmel
Argall	Evans	Major	Serafini
Armstrong	Fairchild	Manderino	Seyfert
Baker	Fargo	Marsico	Smith, B.
Bard	Feese	Masland	Smith, S. H.
Barley	Fichter	McCall	Snyder, D. W.
Barrar	Fleagle	McGill	Staback
Battisto	Flick	McIlhattan	Stairs
Belardi	Forcier	McIlhinney	Steelman
Belfanti	Gannon	McNaughton	Steil
Benninghoff	Geist	Melio	Stern
Birmelin	Gladeck	Michlovic	Stetler
Bishop	Gordner	Micozzie	Stevenson
Blaum	Gruppo	Miller	Strittmatter
Boscola	Habay	Mundy	Sturla
Boyes	Haluska	Nailor	Surra
Browne	Harhart	Nickol	Tangretti
Bunt	Hasay	O'Brien	Taylor, E. Z.
Butkovitz	Hennessey	Orie	Taylor, J.
Caltagirone	Herman	Perzel	Thomas
Carone	Hershey	Pesci	True
Casorio	Hess	Pippy	Tulli
Chadwick	Hutchinson	Platts	Vance
Civera	Jadlowiec	Preston	Van Home
Clark	Josephs	Ramos	Vitali
Clymer	Kaiser	Raymond	Waugh
Cohen, L. I.	Kenney	Readshaw	Williams, C.
Colaifella	Krebs	Reber	Wilt
Colaizzo	Laughlin	Reinard	Wogan
Cornell	Lawless	Rohrer	Wojnaroski
Corpora	Lederer	Ross	Wright, M. N.
Cowell	Leh	Rubley	Yewcic
Coy	Lescovitz	Santoni	Youngblood
Curry	Levdansky	Sather	Zimmerman
Dally	Lloyd	Saylor	Zug
Dempsey	Lucyk	Schroder	
Dent	Lynch	Schuler	
DiGirolamo	Maher	Scrimenti	
Eachus			

NOT VOTING-0

EXCUSED-7

Allen	Druce	Itkin	Phillips
Bebko-Jones	Godshall	Olasz	

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

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

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

On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali, on final passage.

Mr. DeWEESE. Mr. Speaker?

Mr. VITALI. Thank you.

The SPEAKER pro tempore. Will the gentleman suspend.

LEAVE OF ABSENCE

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

Mr. DeWEESE. I apologize to the Chair, but I would like to ask that Representative WASHINGTON be placed on leave for the rest of the day.

The SPEAKER pro tempore. Without objection, the leave will be granted. The Chair hears no objection.

CONSIDERATION OF HB 2467 CONTINUED

The SPEAKER pro tempore. Mr. Vitali, you are in order on final passage.

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman, the chairman of the Appropriations Committee, stand for brief interrogation — Judiciary Committee — stand for brief interrogation?

The SPEAKER pro tempore. Does the gentleman, Mr. Gannon, agree to stand for interrogation? The gentleman does. The gentleman, Mr. Vitali, is in order and may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, with regard to the provision which allows the district justice to determine the source of bail funds, what standard is to be employed by the district justice? Is it a preponderance-of-evidence standard? Is it a— What standard is he to employ here?

Mr. GANNON. Thank you.

Mr. Speaker, in the case of the United States v. Nebbia, the court of appeals held that it was permissible for a court to hold a hearing to explore the origin of bail proffered by the defendant to determine if the moneys were derived from illegal enterprises. At that case the court held that if the defendant could not establish a legitimate source, that such proffer could be rejected by the court

and additional requirements could be placed upon a defendant prior to the acceptance of a bail proffer.

So, Mr. Speaker, it bases down to a simple question, where did you get the money? And if you cannot give an adequate explanation, you better come up with a good one. That decision is followed by State courts everywhere.

Mr. VITALI. Mr. Speaker, with regard to this legislation, in giving guidance to our district justices, what standard do they need to employ in determining whether the source of funds is appropriate or not? Is it a more-likely-than-not standard? Is it a preponderance-of-evidence standard? Is it beyond-a-reasonable-doubt standard? What standard, should this bill become law, should our district justices apply here?

Mr. GANNON. Mr. Speaker, the standard is applied and established by case law. I do not think we should, if the speaker is recommending some type of a standard be applied or some type of a rule be imposed upon the judge, I do not know if we want to do that. And this should be done on a case-by-case basis, and there is case law on this that makes it clear that sureties must reveal their property resources so that the court can be satisfied that they had an incentive and purpose to secure the defendant's presence at trial.

So I guess if you are going to come out with any kind of a standard, it is whatever satisfies the court that these moneys came from a legal source and were not from any illegal enterprises. And no matter what the defendant does, once he satisfies the court, what he does or does not do, if the court is satisfied, then that should be the sufficient standard to be applied in these instances.

Mr. VITALI. Mr. Speaker, with regard to the determination of whether the source of bail funds is legal or not, what sort of evidentiary hearing needs to be held? For example, does the defendant or the accused have a right to present evidence on his behalf? Does he have a right to present witnesses? What sort of guidance are we giving our local courts when this question arises? Is there a right to present evidence on the part of the accused with regard to bail? Is there a right to present witnesses? Is there a right to present physical evidence?

Mr. GANNON. Mr. Speaker, if we go back to the *Nebbia* case, it is pretty clear that the defendant can present whatever evidence he feels would be probative to establish, to the satisfaction of the court, that these moneys indeed were obtained from a legal source and were not obtained from an illegal enterprise.

Mr. VITALI. Mr. Speaker, just to create a record, is it the intention to create a situation where there is a right to present witnesses and evidence on the issue of bail?

Mr. GANNON. Yes.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, with regard to the determination of the district justice with regard to bail and in those cases where determination is made by the district justice that the bail comes from illegal sources, is there a right to appeal to the court of common pleas?

Mr. GANNON. Yes, there would be a right to appeal to the court of common pleas for a hearing on that issue.

Mr. VITALI. Mr. Speaker, are there other States which have enacted provisions similar to this and what States might they be?

Mr. GANNON. If I may, Mr. Speaker, to clarify the last answer that I just gave on that appeal, and I said court of common pleas. However, if the defendant is in the court of common pleas at that time, then the appeal would be to the Superior Court. I just want

to make it clear. If you are in the district court, it would be to the common pleas; if you are in the court of common pleas, the appeal would go to the Superior Court.

Mr. VITALI. Thank you.

Mr. Speaker, what other States have employed this sort of procedure with regard to the examination of the source of bail funding?

Mr. GANNON. Pardon me, Mr. Speaker; I did not hear the entire question.

Mr. VITALI. Mr. Speaker, what other States have employed this procedure with regard to the examination of the source of bail funding?

Mr. GANNON. Mr. Speaker, I do not have a list of all of the States that have done this, but we do know that the Federal courts have followed this, and in some instances, the Federal courts in Pennsylvania have done this also. What we are doing is simply codifying that *Nebbia* case here in Pennsylvania.

Mr. VITALI. Mr. Speaker, that concludes my interrogation. I would like to speak on the bill.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, in a free society, the presumption of innocence and the right to bail is fundamental, and I have many concerns with regard to this statute because so much is unsaid; there are so many uncertainties. I am very disturbed by the chairman of the committee when he talks about the standard being whatever the district justice wants it to be. That is fundamentally wrong to have that sort of broad standard.

Mr. Speaker, although I understand the intent of the bill is to deal with a very serious problem of drug dealers who can quickly get back on the streets by posting moneys suspected to be from illegal sources, this legislation will not only affect drug dealers but every single person in Pennsylvania, because all potentially may have a right and may find themselves accused of a crime.

MOTION TO RECOMMIT

Mr. VITALI. Mr. Speaker, I believe that this legislation, although good intentioned, needs more clarification, needs more discussion, needs more clarification with regard to the standards, right of appeal, evidentiary proceedings. And for that reason I would move that this bill be recommitted to the Appropriations Committee for further study. I am sorry; to Judiciary, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, moves that HB 2467 be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the motion to recommit this bill.

This bill was reported out of the Judiciary Committee unanimously. There is no need to refer it back. Thank you.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again I would concur with my cochair in the committee that we have done work on this bill. The prime sponsor had submitted it; we did review it. I think we need to get off the dime and get this bill moving. We have a terrible problem in this State with drugs and drug dealers. I think this is one of the first steps here to start to address it, and I would ask that you vote this motion to recommit down. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Before we take the vote, the Chair notes the presence on the floor of the gentleman, Mr. Itkin, and requests the clerk to place the gentleman on the master roll.

CONSIDERATION OF HB 2467 CONTINUED

The SPEAKER pro tempore. Mr. Williams, on the motion or on the bill?

Mr. WILLIAMS. Motion, Mr. Speaker.

The SPEAKER pro tempore. On the motion, the gentleman is recognized.

Mr. WILLIAMS. Mr. Speaker, on the motion, I would also concur with both chairmen.

Obviously, I am the sponsor of the bill. The issues that are relevant that the gentleman prior spoke of, Mr. Vitali, I would be happy to discuss on the floor, but I do not think they are that complicated that we cannot resolve them here publicly before the legislature, and I do not think it requires any more committee discussion. The members have to be confronted with this reality and vote it up or down, and therefore, I stand with both of the chairmen.

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, we do not need to recommit this. If you sell drugs and you are trying to deal with bail with drug money, you cannot use it. I mean, this is not something that we need to be negotiating on or something that we need to look into. What are we looking into, protections for drug dealers?

Do not recommit this bill. Let us move this bill forward. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-5

Cohen, M. Colaizzo	Corrigan	Robinson	Vitali
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NAYS-191

Adolph	Fairchild	Maitland	Schroder
Argall	Fargo	Major	Schuler
Armstrong	Feese	Manderino	Scrimenti
Baker	Fichter	Markosek	Semmel
Bard	Fleagle	Marsico	Serafini
Barley	Flick	Masland	Seyfert
Barrar	Forcier	Mayernik	Shaner
Battisto	Gannon	McCall	Smith, B.

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

NOT VOTING-0

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

On the question recurring,
Shall the bill pass finally?

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

I believe that the prior interrogation resolved many of the questions that may be asked of this process, but I want to thank both of the chairmen from the Judiciary Committee for considering this issue and moving it forward.

I also want to assure that members of this body are quite aware that as a member of long standing, I have always been concerned about victims and their rights; I have always been concerned about those people who have to come before the court and protecting them in a fair and balanced manner. But I also am concerned with the reality that in Philadelphia County, we, unfortunately, have a population, and for whatever reason, a population that sometimes

comes before the court and uses illegal proceeds, and in a specific item, drug proceeds to relieve themselves to get back on the street. They are a recurring menace to communities across Philadelphia County and, quite frankly, probably a recurring menace to many communities across this Commonwealth.

We do not want anyone to lose their rights, and that is why we structured the bill in such a way that it is clear that if someone happens to get proceeds that will allow them to get out of jail, that that will be heard at a hearing, that they will be given fair consideration about how they raised their bail money if there is any question about that. But the bottom line, it will also guarantee that a community in southwest Philadelphia, in north Philadelphia, south Philadelphia, northeast Philadelphia, or other parts, that they, too, will be relieved of the concern that the guy that we have always cooperated with, that the drug vigils fight against, that people and community members recognize is a recurring cancer to their community will not only be locked up but will remain locked up because they do not have a legitimate source other than the illegal proceeds that have freed them in the past. This is not a theory to us. This is not for those folks who live in areas that do not have this problem to consider all the components of legalness and legality and fairness. This is a harsh reality of those of us who have to see this and come out of our homes.

So I am appreciative of the gentleman from another section of the Commonwealth, but I would like to walk out of his front door and ask him what he would do if he were confronted with this same harsh reality. The constituents of his would be not only clamoring but probably be able to afford to ride up in their Lexuses and other nice cars to this fine body and not only ask us but to demand of us immediately to pass this kind of legislation.

Anyone from any other community that does not have this problem and would stand up and talk in that manner, frankly, is hypocritical. I do not believe they are any more concerned about the quality of the judicial system than they are concerned about the safety of my streets in southwest Philadelphia. So I would kindly ask them to relieve themselves and take that theoretical discussion to another place and time and deal with the harsh reality and be supportive of us who are trying to do something about the problem in our community, and therefore, I am asking every member of this legislative body to be supportive of this legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On final passage, the gentleman, Mr. Thomas, is recognized.

Mr. THOMAS. Mr. Speaker, we have had a number of reports involving a serious drug problem, not just in Philadelphia County, but there is something called a San Juan-New York-Pennsylvania connection, and it appears as though from these reports that the San Juan-New York-Pennsylvania connection allows for drug distribution all over Pennsylvania, not just in urban Pennsylvania, but in rural Pennsylvania there is a problem, in suburban Pennsylvania there is a problem, and the message from HB 2467 is very simple — very simple — and that message is, if you try to use your drug money to post bail, that in Pennsylvania, you will remain in jail. That is the message for HB 2467.

Support HB 2467.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Just to revert back to a concern that was raised about substantial evidence and in reviewing it with the chief counsel, we were concurring about, the evidence that is going to be used in these situations would be evidence that a reasonable person would use in adjudicating whether or not a person would be eligible for bail, and that would personally apply both at the district justice level and the common pleas level.

I would concur with the statements made by Representatives Williams and Thomas about the need for this legislation. I do not think we have to don the black robes; we elect the judiciary to do that. Our role in this system of government is to propose legislation to deal with a problem that has been a plague on this State.

I would urge you very strongly to vote in favor of HB 2467. Send a clear message to the drug dealers in this State that we are going to put them out of business. Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

I join with the Democrat chairman and ask for a “yes” vote on this bill. It simply says that, look, when the judge sets bail, he can ask the defendant, where did you get all that money? Answer the question satisfactorily, and things are fine.

I ask for a “yes” vote.

On the question recurring,
Shall the bill pass finally?

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

YEAS-196

Adolph	Egolf	Maitland	Schroder
Argall	Evans	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Seyfert
Barrar	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Smith, B.
Belardi	Forcier	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	Steil
Boscola	Gordner	Michlovic	Stern
Boyes	Gruitza	Micozzie	Stetler
Browne	Gruppo	Miller	Stevenson
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Cam	Hasay	Oliver	Taylor, J.
Carone	Hennessey	Orie	Thomas
Casorio	Herman	Perzel	Tigue
Cawley	Hershey	Pesci	Travaglio
Chadwick	Hess	Petrarca	Trello
Civera	Horsey	Petrone	Trich
Clark	Hutchinson	Pippy	True
Clymer	Itkin	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Cohen, M.	James	Preston	Van Home
Colafella	Jarolin	Ramos	Veon
Colaizzo	Josephs	Raymond	Vitali
Cornell	Kaiser	Readshaw	Waiko
Corpora	Keller	Reber	Waugh

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

CONSIDERATION OF HB 1269 CONTINUED

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

Mr. **GEORGE** reoffered the following amendment No. **A2759**:

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

; and making an appropriation.

Amend Bill, page 1, by inserting after line 17

Section 2. To promote the enforcement of 18 Pa.C.S. § 5505 and other offenses under 18 Pa.C.S. the sum of \$10,000,000 is hereby appropriated to the Pennsylvania Commission on Crime and Delinquency for fiscal year July 1, 1998, to June 30, 1999, for competitive grants to local law enforcement agencies and to the Pennsylvania State Police to carry out the provisions of this act and to prevent the occurrence or apprehend persons who commit offenses under 18 Pa.C.S. At least \$3,000,000 of this appropriation is allocated to police departments with ten or fewer policemen.

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

3

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

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

Mr. **GEORGE**. Mr. Speaker, as I had offered a few moments ago, this appropriates \$10 million to the Pennsylvania Commission on Crime and Delinquency for competitive grants for the law enforcement agencies and to the Pennsylvania State Police for

enforcement of violations of the Crimes Code. It further states that \$3 million of this fund be applied in an appropriation to be allocated to police departments with less than 10 police officers.

I urge that you adopt this amendment.

The **SPEAKER** pro tempore. Mr. Gannon, on the amendment.

Mr. **GANNON**. Thank you, Mr. Speaker.

I support this amendment and ask for a "yes" vote.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone, on the amendment.

Mr. **CALTAGIRONE**. I talk too much. Thank you, Mr. Speaker.

I just want to concur in the sentiments by Representatives Gannon and also George, that I would urge the members on our side of the aisle to please support this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-195

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

DiGirolamo	Lucyk	Sather	Ryan,
Donatucci	Lynch	Saylor	Speaker
Eachus			

NAYS-1

Maitland

NOT VOTING-0

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

Ms. STEELMAN offered the following amendment No. A2739:

Amend Title, page 1, line 2, by inserting after "Statutes," defining offenses relating to certain substances; and
Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 2715. Unauthorized administration of intoxicant.

(a) Offense defined.—A person commits a felony of the third degree when, with the intent to commit an offense under section 3121(a)(4) (relating to rape), 3123(a)(4) (relating to involuntary deviate sexual intercourse), 3125(5) (relating to aggravated indecent assault), or 3126(a)(5) (relating to indecent assault), he or she substantially impairs the complainant's power to appraise or control his or her conduct by administering, without the knowledge of the complainant, drugs or other intoxicants.

(b) Definition.—As used in this section "intoxicant" includes flunitrazepam and gamma hydroxybutyric acid.

Section 2. Section 3121 of Title 18 is amended to read:
§ 3121. Rape.

(a) Offense defined.—A person commits a felony of the first degree when he or she engages in sexual intercourse with a complainant:

(1) By forcible compulsion.

(2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

(3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

(4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

(5) Who suffers from a mental disability which renders the complainant incapable of consent.

(6) Who is less than 13 years of age.

(b). Additional penalties.—In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to

appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

(c) Definition.—As used in this section "substance" includes any drug or other intoxicant as described in section 2714 (relating to unauthorized administration of intoxicant).

Section 3. Section 5505 of Title 18 is amended to read:

Amend Bill, page 1, by inserting after line 17

Section 4. Title 18 is amended by adding a section to read:

§ 5517. Possession of certain substances prohibited.

(a) Offense defined.—The manufacture, possession, use or delivery of flunitrazepam or gamma hydroxybutyric acid is prohibited.

(b) Penalty.—A violation of this section constitutes a misdemeanor of the third degree.

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

5

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Last year the House, I believe unanimously, passed legislation that resulted in making it illegal in Pennsylvania to utilize the drugs whose chemical name is flunitrazepam or gamma hydroxybutyric acid in the commission of rape and other varieties of sexual assault.

Since that time it has become apparent that we also need legislation in place to criminalize the synthesis, possession, and sale of those particular drugs, and building on the work done by Representative Bard in introducing that original legislation, I am introducing this amendment. Representative Bard has been kind enough to cosponsor it, and I hope that the House of Representatives will support it.

The SPEAKER pro tempore. Does the gentleman, Mr. Gannon, seek recognition on the amendment?

The Chair recognizes the gentleman, Mr. Caltagirone, on the amendment.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would urge the members to support this. It is a very good amendment. We dealt with this issue in committee, and I would urge the members to please consider supporting it. Thank you.

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

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

Does the gentleman, Mr. Thomas, seek recognition on final passage? The gentleman is recognized.
Mr. THOMAS. Mr. Speaker, I would like to ask if the maker of the bill would stand for interrogation. I have one question.
The SPEAKER pro tempore. The gentleman, Mr. Gannon, indicates that he is willing to stand for interrogation. The gentleman is in order and may proceed.
Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would you explain as best as possible how "public drunkenness" is expanded within this bill?

Mr. GANNON. Mr. Speaker, I can give you a specific instance. In my district, a young man was found on a railroad crossing, and he appeared to be under the influence, he appeared to be drunk, and the police took him in and it turns out he was high on drugs, and he could not be charged with any public drunkenness crime. So to cover that, we want to include the influence of drugs under "public drunkenness" where a situation would find where somebody was on the highway or falling down on the street and it turns out that he had not drank too much, he just took drugs. And the police get training for that to make that distinction.

Mr. THOMAS. Mr. Speaker, you feel pretty secure that this expansion will not result in false arrests or false detention?

Mr. GANNON. No; this applies to illegal drugs, Mr. Speaker, only illegal drugs.

Mr. THOMAS. Okay. But you are saying that the definition of "public drunkenness" has been expanded to include illegal drugs?

Mr. GANNON. To include someone who is under the influence of illegal drugs. Right now it would just apply to somebody who is under the influence of alcohol and on the public highway or public street, not walking as a pedestrian. This expands it to someone who would be under the influence of illegal drugs.

Mr. THOMAS. Thank you, Mr. Speaker.
Thank you, sir.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER pro tempore. Pursuant to rule 66, the Chair would request that the majority whip push my button in the affirmative. Thank you.

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Maitland	Schroder
Argall	Evans	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Seraffini
Barley	Fichter	Masland	Seyfert
Barrar	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Smith, B.
Belardi	Forcier	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	Steil
Boscola	Gordner	Michlovic	Stern
Boyes	Gruitza	Micozzie	Stetler
Browne	Gruppo	Miller	Stevenson
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Oliver	Taylor, J.
Carone	Hennessey	Orie	Thomas

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

* * *

BILL PASSED OVER

The SPEAKER pro tempore. Turn to page 5 of today's calendar. HB 2488 is over for today.

Mr. MELIO. Mr. Speaker?

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

Mr. MELIO. Mr. Speaker, may I speak under unanimous consent, please?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. MELIO. Mr. Speaker, two bills today — HB 814 and HB 1143 — were both recommended to Appropriations. On both of these bills, I had two very important amendments that are very critical to the constituents in the 141st Legislative District, especially to senior citizens.

I was wondering, Mr. Speaker, if there could be a timeframe put on the commitment to the Appropriations Committee so that we can have those bills considered and especially my amendments, Mr. Speaker.

The SPEAKER pro tempore. The Chair would suggest that the gentleman take that up with the Appropriations Committee chairman. That is something over which the Chair does not have control.

Mr. MELIO. Is it possible, Mr. Speaker, to interrogate the chairman of the Appropriations Committee?

The SPEAKER pro tempore. The gentleman does not appear to be available for interrogation at the moment, sir.

Mr. MELIO. Thank you, Mr. Speaker.

REQUEST TO CALL UP HB 2488

The SPEAKER pro tempore. Page 5 of today's calendar. SB 97—

Mr. GORDNER. Mr. Speaker? Mr. Speaker, a point of order.

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

Mr. GORDNER. I object to going over HB 2488.

The SPEAKER pro tempore. The Chair would request of the majority leader whether he desires to move to postpone or whether he wants to have the bill considered today. We are referring to HB 2488.

Mr. PERZEL. I would like the bill over for the day.

Mr. GORDNER. Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Gordner, has the right to call it up.

The House proceeded to third consideration of **HB 2488, PN 3344**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the commission.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER pro tempore. The gentleman, Mr. Perzel, will have to move to postpone. Does the gentleman, Mr. Perzel, move to postpone HB 2488 for the day?

Mr. PERZEL. Yes.

The SPEAKER pro tempore. The gentleman, Mr. Perzel, moves that the bill be postponed for today's session.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. GORDNER. Mr. Speaker?

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

Mr. GORDNER. Thank you, Mr. Speaker.

A point of parliamentary procedure.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. GORDNER. Will this now mean that there will be a vote on this motion to postpone?

The SPEAKER pro tempore. Yes.

Mr. GORDNER. Okay. Thank you.

I would like to speak on that motion then, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for that purpose.

Mr. GORDNER. Thank you, Mr. Speaker.

HB 2488 is scheduled to be voted on. I have a marked-up calendar. It is marked to be voted on. I have an amendment filed to this bill — timely filed. It affects a school district in my area, not only my area but Representative Bob Belfanti and Representative Merle Phillips. It is a very important amendment and is amplified by the fact that there is a front-page story in my home newspaper addressing that amendment, and it revolves around the tax reform bill that was signed into law yesterday by Gov. Tom Ridge.

In that bill there is a provision dealing with the amusement tax. That provision says that any school district that had an amusement tax prior to June 30, 1997, would be able to continue with that amusement tax.

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

The Chair would advise the gentleman and anyone else who wishes to speak on the motion that you are limited to reasons why the bill should or should not be postponed, not the merits of the legislation.

The gentleman may proceed.

Mr. GORDNER. Thank you, Mr. Speaker, and obviously I need to speak on that issue in order to realize the merits of it, and I will keep it brief.

There is a provision that says that if a school district had the amusement tax prior to June 30, 1997, they are allowed to continue it. If a school district did not have the amusement tax by June 30, 1997, they are prevented from imposing it.

Mr. SNYDER. Mr. Speaker?

Mr. GORDNER. I have a school district that is going to be facing a \$375,000 hit—

Mr. SNYDER. Mr. Speaker?

Mr. GORDNER. —as of today as a result of that bill.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman is doing exactly what I asked him not to do. The gentleman will please restrain his remarks to the question before the House, which is the motion to postpone.

Mr. GORDNER. Then I will briefly say, Mr. Speaker, the importance of running this today — and I will be within 30 seconds brief — the importance of running this today is that I have got a school district that is going to have a \$375,000 hit, and my amendment to this bill would address that issue or else we are going to have a tax increase in the Southern Columbia School District, and Representative Phillips and Representative Belfanti and I are going to have to deal with it.

So I would urge you not to postpone this bill so we can vote on this issue today.

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I will be brief, and I will speak to the motion to postpone.

As a courtesy to one of our members, Representative Phillips, who is in the hospital right now, Mr. Speaker, he asked us to delay

this till he could be here for a vote, Mr. Speaker, and that is why I would ask the members to support us and postpone the vote on 2488.

The SPEAKER pro tempore. The gentleman, Mr. Belfanti, is recognized on the motion to postpone.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, may I briefly interrogate the majority leader concerning the schedule following today so that we have an idea of when we are postponing this vote to?

The SPEAKER pro tempore. The gentleman indicates he is willing to stand for interrogation.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, rumor has it that we will in fact be returning to session during the month of June. I would just like to confirm that that is in fact the case.

Mr. PERZEL. Mr. Speaker, every member of the General Assembly was sent a calendar of what we intended to do. We will be here in June, Mr. Speaker.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, on the motion to postpone.

The SPEAKER pro tempore. On the motion.

Mr. BELFANTI. Mr. Speaker, it is critical for this one particular school district that this matter be debated at some point prior to the November election, which is, I believe, the first occasion the voters will have the opportunity to vote “yea” or “nay” on converting their tax structure to coincide with the legislation adopted last week.

So with that in mind, I would agree with my colleague, Representative Gordner, that I would like to try to at least discuss this issue today, but if not, I would be inclined to join my colleague, Mr. Gordner, and hopefully my colleague, Mr. Phillips, when we return in June to vote on or at least debate this issue, because I believe that any legislation some 80 pages thick that is adopted without the committee structure is going to have a few items contained therein that are shortcomings or omissions, and I believe that that is what this issue that Representative Gordner is attempting to bring forward deals with.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Gordner, do you seek recognition for the second time?

Mr. GORDNER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GORDNER. Thank you.

Again, I would urge us to be allowed to vote on this bill, to be allowed to vote on this amendment, and again, I am saying it affects my school district, but I would not be surprised if there is not another school district out in some other member's district where this is going to apply, where they have an in-lieu-of tax agreement and they are going to be hurt by it because they did not have an amusement tax in, and instead, they had an in-lieu-of tax agreement, and as a result— Okay. As a result, again, I would urge that we be allowed to vote on this, because again, we cannot wait until November. The budgets have to be done by June, and so this is an issue, since today is our last day in session, that we need to address today.

I would ask all of my colleagues to at least give me the opportunity to have my amendment brought forward. Whether you vote it up or down, give me that opportunity as a courtesy. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Surra, on the motion to postpone — on the motion to postpone.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to postpone. It is obvious that there are some serious problems for many members in this chamber that impact on them. It is unfortunate, a week after we passed the historic tax reform proposal the Republicans pushed through the legislature, that these districts are going to be forced to raise their property taxes. So we need to vote on this amendment now to give them some relief.

It is really unfortunate when we dealt with tax reform that we did not do the right thing, Mr. Speaker, and that is why we are here today and why we have to do this. So I move and I would ask my colleagues to oppose the motion to postpone.

MOTION WITHDRAWN

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

Mr. PERZEL. Thank you, Mr. Speaker.

I withdraw my motion.

The SPEAKER pro tempore. The gentleman withdraws the motion to postpone.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair would advise the gentleman, Mr. Gordner, that his amendment has not yet been distributed, so we are going to go over the bill temporarily until his amendment has been circulated.

* * *

The House proceeded to third consideration of SB 97, PN 1417, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies; and making editorial changes.

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

The SPEAKER pro tempore. The Chair understands that all the amendments have been withdrawn.

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally ? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—196

- | | | | |
|--------|-------|----------|----------|
| Adolph | Egolf | Maitland | Schroder |
| Argall | Evans | Major | Schuler |

- | | | | |
|--------------|------------|------------|-----------------|
| Armstrong | Fairchild | Manderino | Scrimenti |
| Baker | Fargo | Markosek | Semmel |
| Bard | Feese | Marsico | Serafini |
| Barley | Fichter | Masland | Seyfert |
| Barrar | Fleagle | Mayernik | Shaner |
| Battisto | Flick | McCall | Smith, B. |
| Belardi | Forcier | 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 | Steil |
| Boscola | Gordner | Michlovic | Stern |
| Boyes | Gruitza | Micozzie | Stetler |
| Browne | Gruppo | Miller | Stevenson |
| Bunt | Habay | Mundy | Strittmatter |
| Butkovitz | Haluska | Myers | Sturla |
| Buxton | Hanna | Nailor | Surra |
| Caltagirone | Harhai | Nickol | Tangretti |
| Cappabianca | Harhart | O'Brien | Taylor, E. Z. |
| Carn | Hasay | Oliver | Taylor, J. |
| Carone | Hennessey | Oric | Thomas |
| Casorio | Herman | Perzel | Tigue |
| Cawley | Hershey | Pesci | Travaglio |
| Chadwick | Hess | Petrarca | Trello |
| Civera | Horsey | Petrone | Trich |
| Clark | Hutchinson | Pippy | True |
| Clymer | Itkin | Pistella | Tulli |
| Cohen, L. I. | Jadlowiec | Platts | Vance |
| Cohen, M. | James | Preston | Van Horne |
| Colafella | Jarolin | Ramos | Veon |
| Colaizzo | Josephs | Raymond | Vitali |
| Cornell | Kaiser | Readshaw | Walko |
| Corpora | Keller | Reber | Waugh |
| Corrigan | Kenney | Reinard | Williams, A. H. |
| Cowell | Kirkland | Rieger | Williams, C. |
| Coy | Krebs | Roberts | Wilt |
| Curry | LaGrotta | Robinson | Wogan |
| Daley | Laughlin | Roebuck | Wojnaroski |
| Dally | Lawless | Rohrer | Wright, M. N. |
| DeLuca | Lederer | Rooney | Yewcic |
| Dempsey | Leh | Ross | Youngblood |
| Dent | Lescovitz | Rubley | Zimmerman |
| Dermody | Levdansky | Sainato | Zug |
| DeWeese | Lloyd | Santoni | |
| DiGirolamo | Lucyk | Sather | Ryan, |
| Donatucci | Lynch | Saylor | Speaker |
| Eachus | Maher | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

- | | | | |
|-------------|----------|----------|------------|
| Allen | Druce | Oiasz | Washington |
| Bebko-Jones | Godshall | Phillips | |

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

INTERROGATION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Melio, seek recognition ?

Mr. MELIO. Mr. Speaker, a point of personal privilege.

The SPEAKER pro tempore. The gentleman is recognized under unanimous consent.

Mr. MELIO. I asked a question earlier; I wanted to interrogate the Appropriations chairman. The honorable chairman is here now. I wonder if I might ask him a few questions.

The SPEAKER pro tempore. The gentleman, Mr. Barley, indicates that he is willing to stand for interrogation. The gentleman, Mr. Melio, may proceed.

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, what I wanted to know is, two Title 75 bills have been recommitted to the Appropriations Committee, and both bills had some very serious amendments that I wanted to propose that would help my district a great deal, especially the senior citizens, and I was just wondering if it is possible that we could put a time limit on how long the Appropriations Committee has those bills so that we might be able to vote on them when we come back in June?

Mr. BARLEY. Yes, Mr. Speaker. The best advice that I could give the gentleman, as I am looking forward to my next committee meetings and looking forward to scheduling various bills, I do not have any intent at this time to schedule any meetings until we would be back in early June, as the majority leader has already indicated appears to be our schedule. What I will do, in the meantime I would be willing to, number one, I will consult with the majority leader as to our overall schedule and the likelihood that we would have in our schedule to be able to accommodate your request, and I would certainly be more than happy to discuss your request personally as well as we are planning our agenda. So I would be certainly willing to do that, and I will also consult with the majority leader as well.

Mr. MELIO. Well, I thank you, you and the majority leader, for considering my request. Thank you.

Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 420, PN 1859, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

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

Mr. CASORIO offered the following amendment No. A2184:

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

; and requiring the domestic relations section to investigate child support files.

Amend Bill, page 4, by inserting between lines 7 and 8

Section 2. Title 54 is amended by adding a section to read:
§. 702.1. Domestic relations section to investigate child support files.

(a) General rule.—The domestic relations section serving the court of common pleas of the county in which a person applies for a change of name shall conduct an investigation of all child support files to determine

if the applicant owes or is paying child support. The domestic relations section also shall contact the Pennsylvania Department of Public Welfare to determine if the applicant owes support in another county or state. The applicant shall provide his Social Security number to the court and to the domestic relations section on a form not open to public review.

(b) Those owing child support.—The court may order a change of name for anyone owing child support, but shall notify the domestic relations section or other office or agency in charge of the support case and the Department of Public Welfare of the change of name and the Social Security number of the person granted a change of name.

Section 3. The Department of Public Welfare shall draft rules and regulations and shall print the form necessary to comply with the addition of 54 Pa.C.S. § 702.1.

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

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

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, this Senate bill, SB 420, is language of mine that went over to the Senate, this House passed unanimously, that helps to protect the identities and Social Security numbers of individuals.

The amendment that I have, Mr. Speaker, goes to the core of those folks trying to evade their responsibility, those folks that are delinquent in their child support, those folks that are certainly not taking responsibility for their actions. This amendment asks the county courts, through the domestic relations section, the child support section, to investigate anyone having a name change that is purposefully trying to change their name to avoid child support payments. If in fact they are granted a change of name, Mr. Speaker, the Department of Public Welfare will be notified.

Again, this is just another weapon, I believe, in our arsenal to go after those individuals who are delinquent and not paying their fair share of child support, and I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

Mr. ROBINSON offered the following amendment No. A2696:

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

; and defining the offense of unauthorized possession or use of personal identifying information.

Amend Bill, page 4, by inserting between lines 7 and 8

Section 2. Title 18 is amended by adding a section to read:

§ 4120. Unauthorized possession or use of personal identifying information.

- (a) Offense defined.—A person commits an offense if he:
 - (1) possesses personal identifying information of another without the authorization of that other person; or
 - (2) uses personal identifying information of another person to obtain, or to attempt to obtain, credit, goods or services in the name of the other person without the consent of that other person.
- (b) Grading.—

(1) A violation of subsection (a)(1) constitutes a misdemeanor of the third degree. A second or subsequent

violation of subsection (a)(1) constitutes a misdemeanor of the second degree.

(2) An offense under subsection (a)(2) shall fall within the following classifications depending on the value of the credit, goods or services secured or sought to be secured by means of the unauthorized use of personal identifying information:

(i) if the value involved exceeds \$500, the violation constitutes a misdemeanor of the first degree;

(ii) if the value involved was \$50 or more but less than \$500, the offense constitutes a misdemeanor of the second degree;

(iii) if the value involved was less than \$50, the offense constitutes a misdemeanor of the third degree;

(iv) if the value involved cannot be satisfactorily ascertained, the offense constitutes a misdemeanor of the third degree; or

(v) if the offense is a second or subsequent violation, the offense constitutes a felony of the third degree regardless of the amount involved.

(3) The value involved in the unauthorized use of personal identifying information pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the classification of the offense.

(4) Where a person commits an offense under subsection (a) and the victim of the offense is 60 years of age or older, the grading of the offense shall be one grade higher than specified in paragraph (1) or (2).

(c) Definition.—As used in this section, the term "personal identifying information" means the name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, checking account number, savings account number, debit card number, money access card number or credit card number of an individual person.

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

3

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

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

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses an issue that I brought before the House on at least two other occasions, and it is the issue of identity theft.

Right now in Pennsylvania, there is no definition of "identity theft," even though it is going on. Essentially what identity theft is, someone takes your Social Security number, your mother's maiden name, your debit card number, and uses it to establish either credit card accounts or make purchases without your authorization.

Mr. Speaker, this is an issue that is prevalent across this nation. It is about a \$30-billion situation where people are being defrauded.

My amendment is an attempt to do three things: one, define "identity theft," and members will find that definition at the end of the amendment.

Also, it is designed to make sure that those persons who are not authorized to have possession of your personal identity information can be brought before a court and found guilty if they do not have your authorization to possess that information and/or to use it. Right now in Pennsylvania there is no law that protects the average citizen against having their personal, private information utilized without their authorization, and this amendment attempts to put some restrictions in place.

Thirdly, Mr. Speaker, this is designed to help many of you who are probably unaware that someone probably is using your Social Security number or your mother's maiden name or your debit card number to engage in business activities without your authorization. Both Representative George and myself and many others here can document instances in which you have been contacted by a creditor or a bank to inform you that you are in debt and you find out later on that it is debt that has been created by someone other than yourself.

So I would encourage all members to seriously consider this amendment. I believe that this issue of identity theft is the commercial crime of the 21st century, and I think we would be taking a giant step in Pennsylvania to protect people's privacy, protect their credit histories, and protect their personal information and make sure that people, unscrupulous people, do not have an opportunity to take advantage of the good, hardworking citizens in this Commonwealth.

I urge a "yes" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KAISER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Robinson amendment. I have a neighbor that this happened to, and within a very short period of time, they had over 100,000 dollars' worth of merchandise charged to their accounts. Someone stole their identity, and there was nothing they could do.

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

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Members of the Judiciary Committee did hold a public hearing on this issue, and I think the amendment speaks for itself. Representative Robinson in fact testified at that hearing, and I would urge the members to please vote in the affirmative on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I concur with the Democrat chairman and support the amendment.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—1

Carone

EXCUSED—7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

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—195

Adolph	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

* * *

The House proceeded to third consideration of **SB 770, PN 826**, entitled:

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

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

Mr. GANNON offered the following amendment No. **A2694**:

Amend Sec. 1 (Sec. 8703), page 2, lines 1 through 6, by striking out all of lines 1 through 5 and "(c)" in line 6 and inserting
(b)

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

The SPEAKER. On the question of the amendment, Mr. Gannon is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is really a technical amendment, and it provides that the district justices do not have to get AOPC (Administrative Office of Pennsylvania Courts) approval. They are already doing this, so this simply puts into place the existing practice.

The SPEAKER. Mr. Caltagirone is recognized.

Mr. CALTAGIRONE. Mr. Speaker, this is an agreed-to amendment with the chairman. I ask the members to vote in favor.

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

The following roll call was recorded:

YEAS-195

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

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

The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I am prepared to support this bill, but I have a couple of questions, and I would just like to ask for clarification of the chairman of the Judiciary.

The SPEAKER. The gentleman, Mr. Gannon, will stand for interrogation. You may begin.

Mr. ARMSTRONG. Thank you, Mr. Speaker.
Mr. Speaker, it is my understanding that this is just for arraignment purposes only. Is that correct?

Mr. GANNON. That is correct, Mr. Speaker.
Mr. ARMSTRONG. And, Mr. Speaker, can you tell me what kinds of situations have occurred that this could have been used in, because my understanding is that most if not all times they have to appear before the judge for arraignment, they have to appear face to face, one on one, and I would just like to know if you can give me some situations.

Mr. GANNON. For example, in the city of Philadelphia, they do it through closed circuit so that they do not have to bring people in from all the different districts into the Round House.
Mr. ARMSTRONG. But the defendants are within the city limits when they do this.
Mr. GANNON. Yes.
Mr. ARMSTRONG. Okay. Thank you, Mr. Speaker.
I am in favor of the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-194

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

NAYS-1

McGill

NOT VOTING-1

Carone

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

* * *

The House proceeded to third consideration of **SB 987, PN 1909**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity for antidrug and town-watch volunteers.

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

Mr. **GEORGE** offered the following amendment No. **A2552**:

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

and for immunity from suit in connection with certain actions related to environmental law or regulation.

Amend Preamble, page 2, line 6, by inserting after "to" where it appears the first time

identify environmental hazards in the community and to

Amend Sec. 1, page 2, line 13, by striking out "a section" and inserting sections

Amend Bill, page 4, by inserting between lines 16 and 17
§ 8340.1. Environmental law or regulation.

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

(b) Motion to strike.—

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

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

conducted. The stay of discovery shall remain in effect until notice of the entry of the order ruling on the motion to strike.

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

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

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

(d) Intervention of government agency.—The government agency involved in the furtherance of a person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue shall have the right to intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

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

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

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

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

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

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

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

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

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, hopefully my colleagues will agree that on most days and just about each time we present an amendment, the purpose of that amendment is for remediation of a problem that has been directed to our attention. An ongoing problem, as many of you have heard right here and surely have read in the papers, is

the matter of when environmental degradation has been brought or inflicted on individuals, that individual, at each time he attempts to have the department remediate, finds himself backed off by a SLAPP suit (strategic lawsuit against public participation).

We passed the legislation some time ago. The answer to leadership will be, well, we cannot help it what the Senate does—

The SPEAKER. The gentleman will yield.

Sergeant at Arms, clear the area behind the rail. The conference right by the rail, please break up.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

It is indeed important that this legislation allows the possibility to strike the motion. It awards attorney fees. It gives to each and every individual that is faced with this situation their day in court that they can afford. I am told time and time again it is the Senate's fault. Unfortunately, we cannot do much in that every time they send a bill over, it is put into Rules, and then a new number is applied and our amendments are laid aside and nothing is accomplished.

Mr. Speaker, 13 States have approved this measure, several others are about to, and I ask that my members on each side of the aisle agree that we have to do something, and too long of a time has gone by where we have turned our backs on this matter. I ask for an affirmative vote.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, first, I want to thank Representative George for agreeing to withdraw this amendment to some other bills that were on the calendar. I know this is a subject of great interest and concern to him. However, with that said, I am going to ask the members to vote "no" on this amendment.

I believe that there is a way to handle the situation that Representative George is addressing, and there is a solution that we can work together and arrive at in a bipartisan fashion that will accomplish his goals and also satisfy those, including myself, who are not satisfied or cannot support the amendment the way it is presently written and the way it is presently structured. And I am willing to work with Representative George, to sit down with him, work together, to come up with a solution that we can both agree to that accomplishes the goal and the object that he wants to reach.

With that said, though, this amendment is terribly flawed. The process included in this amendment, I believe, is not the way to go, and I would ask the members to vote "no" on the George amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, it is not very often that I disagree with the chairman of the Judiciary Committee, but today, after looking at this particular version of the George amendment, it is at least my opinion that current law — and when I say "current law," the Pennsylvania Rules of Civil Procedure are what I am referring to — already provides for various forms of preliminary motions in the form of preliminary objections that could accomplish the special motion to strike that is spoken about and referenced in the George amendment.

It would seem to me that the only unique, new aspect to this particular issue, as framed by Representative George in the version which is before us today, is the permissibility of a successful party in the defense of such an action to recover attorney fees. I think members of the Environmental Resources Committee have heard over the years some of the concerns raised, and I would submit that if going through the judicial process there is a determination that an individual should be awarded such fees, that there should be statutory authority for that, and with that in mind and under this particular version that is before us today, I would support the George amendment. Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, it is not often that I disagree with the esteemed chairman of the Conservation Committee. However, I must point out that this bill does provide for procedures to be followed by a court, and even under our Constitution it specifically says that the procedures of the court will be determined by the court, not by the legislature and not by the executive branch of government.

I think that it is clear from this amendment that we are overstepping our constitutional authority and reaching into the court and telling them what their procedures are going to be in cases such as this, and structurally, I think that is flawed, I think it is constitutionally flawed, and I would ask the members to vote "no."

As I said before, I think there is a way to work this out. There is a solution. We can find it by working with Representative George and the parties at interest, the stakeholders, and I am willing to do that, but this amendment is not the way to go. Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. George, for the second time.

Mr. GEORGE. Mr. Speaker—

The SPEAKER. The gentleman will yield. I will save— Mr. George should be last.

Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, Representative George has worked long and hard on this very issue. I think he has honed it down to a policy decision that this body has to make. I think each member has to rummage through his or her own mind as to whether or not they agree with the direction that Representative George wants to take us.

I am in favor of it. I would urge you to support it, and I now defer to Representative George. Thank you, Mr. Speaker.

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

Mr. GEORGE. Mr. Speaker, I am not going to prolong this. The only thing I do know is, several months ago the gentleman, Mr. Gannon — and I am sure that he feels at ease in insisting that we cannot promulgate these things that I am trying to do — we just did something on bail, forcing the courts to take this kind of action.

The gentleman, the majority leader, said that Mr. George will have his time and his day. I think it is about time we give the people of Pennsylvania their time, their day, so they are not forced to expend money they do not have defending themselves because they attempt to do something about a lackluster approach in which no one does something about the fact that their properties and their

homes have been inundated. They have had difficulty. The situation will continue; it will worsen.

Today, as long as these people understand that we will stand up and provide this legal entanglement of argument about what can and what cannot, they will continue to abuse our people, and very simply I would say, use your conscience and help us out on this matter. Thank you.

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

The following roll call was recorded:

YEAS-176

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

NAYS-18

Adolph	Fargo	Micozzie	Zimmerman
Barley	Flick	Perzel	Zug
Civera	Gannon	Raymond	
Clymer	Hershey	Rohrer	Ryan,
Egolf	Kenney	Snyder, D. W.	Speaker

NOT VOTING-2

Baker	Carone
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EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

Ms. STEELMAN offered the following amendment No. A2733:

Amend Title, page 1, line 3, by removing the period after "volunteers" and inserting
, for sentences for offenses against nursing home residents and for certain youthful persons.

Amend Bill, page 4, by inserting between lines 16 and 17
Section 2. Sections 9717 and 9718 of Title 42 are amended to read:
§ 9717. Sentences for offenses against elderly persons.

(a) Mandatory sentence.—A person under 60 years of age convicted of the following offenses when the victim is over 60 years of age and not a police officer shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121 (relating to rape) - not less than five years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than five years.

18 Pa.C.S. § 3922 (relating to theft by deception) - not less than 12 months, but the imposition of the minimum sentence shall be discretionary with the court where the court finds justifiable cause and that finding is written in the opinion.

(b) Nursing home resident.—A person under 60 years of age convicted under 18 Pa.C.S. § 3126 (relating to indecent assault) when the victim is a resident of a nursing home shall be sentenced to:

(1) a mandatory term of imprisonment of two years; and

(2) a mandatory term of therapeutic intervention for behavioral disorders for a period of two years.

(c) Eligibility for parole.—Parole shall not be granted until the minimum term of imprisonment has been served.

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—

(1) A person convicted of the following offenses when the victim is under 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121(1), (2), (3), (4), (5) and (6) (relating to rape) - not less than five years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. § 3125(1) through (6) (relating to aggravated indecent assault) - not less than two and one-half years.

(b) Indecent assault.—A person convicted of the crime of indecent assault, under 18 Pa.C.S. § 3126 (relating to indecent assault), when the victim is under 21 years of age shall be sentenced to:

- (1) a mandatory term of imprisonment of two years; and
- (2) a mandatory term of therapeutic intervention for behavioral disorders for a period of two years.

(c) Eligibility for parole.—Parole shall not be granted until the minimum term of imprisonment has been served.

Amend Sec. 2, page 4, line 17, by striking out "2" and inserting
3

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

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER. The Chair recognizes the lady, Ms. Steelman. Ms. STEELMAN. Thank you, Mr. Speaker.

The amendment that I wish to put before the House has to do with the protection of individuals who are less able to protect themselves than members of the general population. However, in the rush to get the amendment attached to the right bill at the right time, we seem to have committed a typographical error.

On page 2, line 13, there is a number "21," which should actually be "12." Rather than trying to deal with changing the amendment at this point and suspending the rules to consider the changed amendment, I would like to ask if it is possible to divide the amendment between lines 32 and 33 on page 1 and consider only that section of the proposed amendment.

The SPEAKER. Would the lady say again the place where she wants to divide this amendment?

Ms. STEELMAN. Between lines 32 and 33 on page 1; that is, I would like us to consider the section "Sentences for offenses against elderly persons" and drop the "Sentences for offenses against infant persons" at this time.

The SPEAKER. The amendment is not divisible at that point.

Ms. STEELMAN. Is there a point at which it is divisible?

The SPEAKER. Would the lady come to the rostrum.

(Conference held at Speaker's podium.)

AMENDMENT WITHDRAWN

The SPEAKER. The lady, Ms. Steelman, withdraws her amendment at this time.

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 987, together with amendments, is over temporarily.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Gerald and Betty Ward of Pittsburgh, here today as the guests of Representative Tom Petrone. The Wards are seated in the balcony. Would they please rise.

The Chair requests the gentleman, Mr. Chadwick, to preside temporarily.

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

BILL ON THIRD CONSIDERATION

**DECISION OF CHAIR RESCINDED
ON HB 1020**

The SPEAKER pro tempore. Return to page 2 of today's calendar, HB 1020, PN 1125.

Without objection, the Chair rescinds its announcement that the bill is over for today's session.

The House proceeded to third consideration of **HB 1020, PN 1125**, entitled:

An Act providing for the removal of waste illegally deposited on or adjacent to State forests, for the closure of disposal sites, for the prevention of unauthorized waste disposal on State forests and for grant programs; and establishing the Forest Lands Beautification Restricted Account.

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

The SPEAKER pro tempore. The Chair understands that all of the amendments to HB 1020 have been withdrawn.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

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

NAYS-0

NOT VOTING-2

Carone Pippy

EXCUSED-7

Allen Druce Olasz Washington
 Bebko-Jones Godshall Phillips

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

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

CONSIDERATION OF HB 2488 CONTINUED

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

Mr. GORDNER offered the following amendment No. A2681:

Amend Title, page 1, line 3, by removing the period after "commission" and inserting
 and for amusement taxes collected by
 school districts.

Amend Bill, page 2, by inserting between lines 17 and 18
 Section 2. Section 8402(c) of Title 53, added 1998 (P.L. , No.),
 is amended to read:

§ 8402. Scope and limitations.

 (c) Amusement and admissions taxes.—

(1) Any school district which has on or before June 30, 1997, levied, assessed or collected or provided for the levying, assessment or collection of an amusement or admissions tax may continue to levy, assess and collect the tax on such subjects upon which the tax was imposed as of

June 30, 1997. Neither the rate imposed nor amount collected shall exceed the rate imposed or amount collected by the school district for the fiscal year ending in 1997. A school district which did not assess, levy or collect an amusement or admissions tax as of June 30, 1997, may not assess, levy or collect the tax. The provisions as set forth in section 8(6), (9), (10) and (11) of the Local Tax Enabling Act shall remain in effect, other than the limitations as set forth in this paragraph. This paragraph shall apply regardless of whether there is an election by the school district under section 8703(a) (relating to adoption of referendum). Any school district which as of June 30, 1997, collected funds pursuant to in-lieu-of taxing agreement may continue to collect funds under that agreement or may levy, assess and collect an amusement or admissions tax as if it had collected that tax on June 30, 1997. If the school districts elect to collect that tax, the amount of revenues collected shall not exceed the revenue collected pursuant to the in-lieu-of tax agreement.

(2) Any municipality which has on or before December 31, 1997, levied, assessed or collected or provided for the levying, assessment or collection of an amusement or admissions tax under the Local Tax Enabling Act may continue to levy, assess and collect the tax on such subjects upon which the tax was imposed by the municipality as of December 31, 1997, at a rate not to exceed the effective rate as collected by the municipality as of December 31, 1997, or 5%, whichever is greater. A municipality which did not assess, levy or collect an amusement or admissions tax as of December 31, 1997, may not assess, levy or collect the tax at a rate higher than 5%. The provisions as set forth in section 8(6), (9), (10) and (11) of the Local Tax Enabling Act shall remain in effect, other than the reduction in rate as set forth in this paragraph.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting
 3

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

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

Mr. GORDNER. Thank you, Mr. Speaker.

First of all, I would like to thank the majority leader for withdrawing his motion to allow this to be debated and voted on today.

Amendment 2681 is a result of the tax reform act that was signed into law yesterday. There is a provision in that act that deals with amusement taxes. The provision in the act that deals with amusement taxes says that any school district that had an amusement tax in place prior to June 30 of 1997 would be able to continue to collect that tax at the fiscal amount that they were collecting it during that year. It goes on to say that any school district that does not have an amusement tax in place as of June 30, 1997, would not be able to at any point in the future impose an amusement tax.

I have in my district the Southern Columbia School District, or I should say I have part of Southern Columbia School District, because the school district is shared by myself, Representative Belfanti, and Representative Phillips. Southern Columbia School District a few years ago decided to impose an in-lieu-of tax on an amusement park called Knoebels Grove. Now, they could have and wanted to at one point impose an amusement tax, and they

decided to instead go with an in-lieu-of tax agreement between themselves and Knoebels Grove.

As a result of that agreement, the Southern Columbia School District is anticipating getting this year an amount equal to \$375,000, which they have budgeted and expect to get in September. As of yesterday, with the signing of the Local Tax Reform Act, they now expect to get zero, because under the bill that was passed, it basically wipes out in-lieu-of tax agreements, because it prevents any school district that did not have an amusement tax prior to June 30 of 1997 from implementing one.

Specifically in regard to the Southern Columbia School District, there is a provision in their agreement that says that if at any time the school district loses its ability to impose that tax, then the agreement becomes null and void. So as of today, the school district is now looking at a hole in their budget of \$375,000. They have basically the option of going ahead and passing that tax burden on to the people in that district. They have already cut their budget to the bone in order to get to where they are, and now they have this hole blown apart.

The amendment that I am offering says that any school district which as of June 30, 1997, collected funds pursuant to an in-lieu-of taxing agreement may continue to be able to collect taxes pursuant to that agreement. If they choose to, they can impose an amusement tax, but it cannot be for more than the level of funding collected as of June 30, 1997.

The interesting part of this is that prior to June 30 of 1997, the Southern Columbia School District had an in-lieu-of agreement in which they collected \$125,000. They entered into a new agreement with Knoebels this January for an additional \$250,000. Even if this amendment goes through, they are not going to get that \$375,000 that they had planned, because the in-lieu-of agreement that was entered into in January of this year is not going to be allowed. The school district is only going to be able to go back to the funding levels as of June 30 of 1997.

So prior to yesterday, the Southern Columbia School District anticipated getting \$375,000; as of today, they are going to get zero. With this amendment, they would at least get \$125,000, which was what the agreement had provided since 1993.

I am asking for the members in this hall to support myself in helping out this school district. This very well may be a unique problem with 1 school district out of 501. I am hopeful that it is. On the other hand, this may be a problem that may affect a school district in your district that you just may not be aware of yet.

This is just going back and saying that for those school districts who decided, rather than impose an amusement tax, that they would go with an in-lieu-of tax, that they would be allowed to continue to collect moneys provided that they had that agreement prior to June 30 of 1997. So we are not allowing anything new or anything that any school districts have talked about after that date; it is only prior to that date. And again, I may have the only school district in the State that this deals with.

So I would ask you to support this amendment. And again, I understand that the owner of Knoebels Grove is not happy. Well, what is more fair? What is more fair, I ask you — whether they should pay a portion of the amount of moneys for this school district, or should we in fact ask the thousands of residential people who live within that school district to pay it instead?

And again, this is a school district that does not have many plants. It is rural. It is probably one of my most rural of rural

school districts, and it is going to fall on the homeowners in regard to making up this difference, and so I ask for your support of this amendment.

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

Mr. PERZEL. Thank you, Mr. Speaker.

I will make this brief.

This amendment, pure and simple, is a tax increase. It is imposing a tax that we repealed just last week, a majority of the members — 140 of them, Mr. Speaker. So I would urge a “no” vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk County, Mr. Surra, on the amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support my colleague.

What we passed last week has tied the hands of many of our local districts, and here we are the day after it was signed into law trying to fix a problem that is going to poke a hole in the budget for the school districts in those counties.

Mr. Speaker, I just want to bring to the members' attention that when we all talked about local tax reform, we talked about giving local governments, local municipalities, local school districts, the menu; let them decide what is best for them. But that is not what Governor Ridge and the Republican-controlled Senate and House passed, at the disappointment of many Democrats and Republican members, Mr. Speaker, and here we are the day after the bill was signed already trying to fix a problem.

I brought out last week that what we were doing was wrong, and I just want to reinforce that again today, and let us help these counties and these school districts and vote for the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland County, Mr. Belfanti, on the amendment.

Mr. BELFANTI. Thank you, Mr. Speaker, and I will attempt to be brief, but I would like to clarify a comment or two made by my colleague, Representative Gordner.

Much of what was negotiated between Knoebels Amusement Resort and the Southern Columbia School District occurred in the early to mid eighties, when I was presently serving in the House and Representative Gordner's predecessor, Representative Ted Stuban, was serving here, and I recall very vividly, not only through the news media at the time but because I am very close personal friends with the owners of Knoebels, Dick and Barb Knoebel, the entire discussion that took place back in those days was a bit more complicated than was originally explained, but I will try to simplify it by stating that it was not the school district nor the municipality of Ralpho Township that requested an in-lieu-of tax instead of a recreation head tax; it was actually the amusement resort itself who requested that both the school district and the municipality enter into an agreement where they would willingly pay a fair share of the tax for the school district and the municipality so that they would not have to keep a head count of people that visit that amusement park.

Now, that park is a bit different than Kennywood or a bit different than Hersheypark in that there is no admission fee; there is no numbered ticket that one receives when they enter the gates. In fact, there are no gates. It is a free amusement park. Once you are inside, you are free to purchase a ticket for any ride that you wish to participate in or purchase any food that you care to buy. So

unlike most amusement parks in the State, Knoebels is a free park, and the owners did not want to — at least part of their rationale for not imposing a head tax was they did not want to have to enclose the park with chain-link fence and keep a head count and charge people admission.

So it was the amusement park owners themselves that solicited the in-lieu-of agreement from the municipality and the school district, and they reluctantly agreed to do that in order to save the jobs at the park and ensure that the tourism dollars that were generated to Ralpho Township would continue.

As I said, Mr. Speaker, I recall these accounts not only in the media but because of discussions that I held with both the school board members, the township supervisors, and the owner of the park over many years.

Now, this year, Mr. Speaker, the park owners agreed to a \$250,000 increase in their amusement tax or in-lieu-of amusement tax, and even with the Gordner amendment being adopted, that money, I believe, is down the drain.

But, Mr. Speaker, this is a very small, very poor, rural school district, and to deprive them of \$375,000, which they have already budgeted for, will definitely mean a huge local increase in taxes, and that is what the majority leader commented during the debates last week that we wanted to eliminate. We wanted to help out the locals; we wanted to help out the local taxpayers and the property owners.

So, Mr. Speaker, if we are going to be consistent with what we claimed we did last week and what we are able to do today for this school district, a “yes” vote on the Gordner amendment would be greatly appreciated. Thank you.

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

The gentleman defers to the gentleman, Mr. Tigie. The gentleman, Mr. Tigie, is recognized.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the Gordner amendment.

Last week I stood here and I spoke about tax reform and the shift, and I think there was justification for what we did last week and I still support what we did, and I think this is an indication of a mistake that was made, and we have to stand up and correct that mistake as a technicality.

Here we have a situation where a school district and a business entered into an agreement in lieu of taxes, that the school district would not put the tax on as long as they received this in lieu of taxes, so they did not apply the tax. In fact, it was a good deal for both, and the amusement park that we are talking about seemed to agree.

Ironically, this year — and Mr. Gordner’s amendment talks about what was in effect last year — but this year the amusement park agreed to increase their payments in lieu of taxes, so the 1998 agreement is three times as much as the 1997 agreement. Mr. Gordner’s amendment talks about what was in effect in 1997. I think in this case the amusement park gets a substantial reduction in what they already have agreed to pay for 1998, and ironically, when you talk about budgets and that, the agreement that is in for 1998 will be paid in 1998, because the bill, I think, goes into effect that we passed, that was signed yesterday as a law, goes into effect January 1 of 1999.

So I would ask support in fairness from those of us who supported what we did last week. This is a fairness issue.

Mr. Gordner is absolutely right in asking us to correct this situation, which, in all honesty, no one thought about; no one thought about this.

If this school district had not been a good neighbor and had insisted on putting a 10-percent amusement tax on Knoebels Grove, they would have been paying 10 percent today, tomorrow, and forever. Instead, they were good neighbors. They were reasonable people that went in and signed an in-lieu-of tax agreement, and they came up. Just recently, another indication of this was, locally Hersheypark entered into an in-lieu-of tax agreement with a municipality.

So I think in fairness and in honesty and to show that we are willing to correct any mistakes that may have been done, we should support the Gordner amendment, and I would ask you to vote “yes.” Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Gordner, for the second time.

Mr. GORDNER. Thank you, Mr. Speaker, and I will be brief.

I do ask you to put yourself in the same position, if you would, as me. I got a call Monday morning from the school district, from the business manager, saying, what did you pass; can you send me the language? I sent him the language. I got another couple of phone calls. And now they are faced with a \$375,000 hole in a budget that is 99.9 percent done.

I would ask you again, what would you do in that case if you had a school district in the same situation, when they had entered into an in-lieu-of tax agreement rather than imposing the amusement tax?

This is a reasonable amendment to try to deal with this situation, and it may be, again, dealing with just 1 school district out of 501, but still, it is very important to that school district. More importantly, it is important to the people who live within that school district, whether it is my father-in-law or mother-in-law or whoever else that lives within that school district — a very rural, poor school district. If this situation is not addressed, they are looking at a \$375,000 hole in their budget, which is going to create very difficult problems for the farmers and the other individuals who live in that community.

So I would ask for your support of this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—90

Battisto	Donatucci	Manderino	Rooney
Belardi	Eachus	Markosok	Sainato
Belfanti	George	Masland	Santoni
Bishop	Gigliotti	Mayermik	Scrimiento
Blaum	Gordner	McCall	Shaner
Butkovitz	Gruitza	McGeehan	Staback
Buxton	Haluska	Melio	Steelman
Cappabianca	Hanna	Michlovic	Stetler
Carn	Harhai	Mundy	Sturla
Casorio	Itkin	Myers	Surra
Cawley	James	Oliver	Tigue
Cohen. M.	Jarolin	Pesci	Travaglio
Colafella	Josephs	Petrarca	Trello
Colaizzo	Kaiser	Petrone	Trich
Corpora	Keller	Pistella	Van Horne
Corrigan	Kirkland	Preston	Veon

Cowell	LaGrotta	Ramos	Vitali
Coy	Laughlin	Readshaw	Walko
Curry	Lederer	Rieger	Williams, C.
Daley	Lescovitz	Roberts	Wojnaroski
DeLuca	Levdansky	Robinson	Yewcic
Dermody	Lloyd	Roebuck	Youngblood
DeWeese	Lucyk		

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

NAYS-104

Adolph	Fargo	Marsico	Seyfert
Argall	Feese	McGill	Smith, B.
Armstrong	Fichter	McIlhatten	Smith, S. H.
Baker	Fleagle	McIlhinney	Snyder, D. W.
Bard	Flick	McNaughton	Stairs
Barley	Forcier	Micozzie	Steil
Barrar	Gannon	Miller	Stern
Benninghoff	Geist	Nailor	Stevenson
Birmelin	Gladeck	Nickol	Strittmatter
Boscola	Gruppo	O'Brien	Tangretti
Boyes	Habay	Orie	Taylor, E. Z.
Browne	Harhart	Perzel	Taylor, J.
Bunt	Hasay	Pippy	Thomas
Caltagirone	Hennessey	Platts	True
Chadwick	Herman	Raymond	Tulli
Civera	Hershey	Reber	Vance
Clark	Hess	Reinard	Wagh
Clymer	Hutchinson	Rohrer	Williams, A. H.
Cohen, L. I.	Jadlowiec	Ross	Wilt
Cornell	Kenney	Rubley	Wogan
Dally	Krebs	Sather	Wright, M. N.
Dempsey	Lawless	Saylor	Zimmerman
Dent	Leh	Schroder	Zug
DiGirolamo	Lynch	Schuler	
Egolf	Maher	Semmel	Ryan,
Evans	Maitland	Serafini	Speaker
Fairchild	Major		

NOT VOTING-2

Carone	Horsey
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EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

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

The question is, shall the bill pass finally?

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

YEAS-195

Adolph	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Seyfert
Barrar	Flick	Mayernik	Shaner

NAYS-0

NOT VOTING-1

Carone

EXCUSED-7

Allen	Druce	Olasz	Washington
Bebko-Jones	Godshall	Phillips	

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

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests a leave for the balance of today's session for the gentleman, Mr. ROBERTS. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

BILL ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER pro tempore. Turn to page 6 of today's calendar.

HB 1895 will be over for today's session.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1472, PN 1764**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of tobacco.

On the question,
Shall the bill pass finally ?

BILL RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1472 be recommitted to the Committee on Appropriations.

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

RESOLUTIONS

Mr. MAITLAND called up **HR 319, PN 2777**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to examine the equity of the current formula for funding volunteer firefighters' relief associations.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mrs. HARHART called up **HR 426, PN 3397**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a performance audit of the Commonwealth's children and youth agencies.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mr. KENNEY called up HR 443, PN 3435, entitled:

A Resolution memorializing the President of the United States and the Congress of the United States to enact H.R. 953, the Ovarian Cancer Research and Information Amendments of 1997, to authorize \$90 million to conduct ovarian cancer research.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mr. LEVDANSKY called up HR 450, PN 3476, entitled:

A Resolution calling for the Legislative Budget and Finance Committee to update that portion of a February 1989 Legislative Budget and Finance Committee Report On Salary Levels and Their Impact on Quality of Care for Client Contact Workers in Community-Based MH/MR and Child Day Care Programs pertaining to workers in mental retardation community living arrangements.

On the question, Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

- Allen, Druce, Olasz, Roberts, Bebko-Jones, Godshall, Phillips, Washington

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

RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. The balance of the resolutions on page 7 will be over for the day.

RESOLUTIONS PURSUANT TO RULE 35

Mr. WRIGHT called up HR 461, PN 3528, entitled:

A Resolution designating June 7, 1998, as "Cancer Survivors Day" in Pennsylvania.

On the question, Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

* * *

Mrs. COHEN called up **HR 462, PN 3529**, entitled:

A Resolution declaring May 11 through 15, 1998, as "Try Transit Week" in Pennsylvania; and encouraging all citizens to examine their personal travel choices and to commute via transit or share the ride.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

* * *

Mr. DEMPSEY called up **HR 463, PN 3530**, entitled:

A Resolution designating May 9, 1998, as "Food Drive Day" in Pennsylvania; and commending the National Association of Letter Carriers.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mr. O'BRIEN called up **HR 464, PN 3531**, entitled:

A Resolution recognizing the American Heart Association for 50 years of service as a voluntary health organization in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Egolf	Maher	Schroder
Argall	Evans	Maitland	Schuler
Armstrong	Fairchild	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Seyfert
Barrar	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Smith, B.
Belardi	Forcier	McCall	Smith, S. H.

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

DISCHARGE RESOLUTION

RESOLUTION PASSED OVER

The SPEAKER pro tempore. Discharge Resolution 1 will be over for the day.

STATEMENT BY MR. STURLA

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

Mr. STURLA. *Point of personal privilege, Mr. Speaker.*

The SPEAKER pro tempore. Personal privilege or unanimous consent?

Mr. STURLA. Well, unanimous consent, I guess.
The SPEAKER pro tempore. The gentleman is recognized on unanimous consent.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, each year for the past 45 years the Lancaster Sertoma Club has held a chicken barbecue to raise funds for Long's Park in Lancaster, where the barbecue is held. Over the years, thousands of volunteers have helped this event to grow to the point where we are recognized in the Guinness Book of World Records as the largest chicken barbecue in the world. This year we expect to break our own record of last year and barbecue over 33,000 Purdue chickens.

You, Mr. Speaker, and others throughout the State have the opportunity to be a part of this event on Saturday, May 16, by simply purchasing a ticket to the event. I did not do a resolution on this, but I would encourage members to come be a part of the world's largest chicken barbecue in Lancaster on Saturday, May 16. Thank you, Mr. Speaker.

HB 1020 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the vote by which HB 1020 was passed be reconsidered.

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

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

On the question recurring,
Shall the bill pass finally ?

Mr. HASAY. Mr. Speaker ?

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

Mr. HASAY. Mr. Speaker, I would like to call a brief meeting of the House Commerce Committee for the purpose of rereferring bills at the rear of the House as soon as we break.

The SPEAKER pro tempore. The Chair will recognize the gentleman momentarily. We have a bill before us on the calendar.

Mr. HASAY. Certainly, Mr. Speaker.

The SPEAKER pro tempore. I will recognize you as soon as we are done.

Mr. HASAY. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally ?

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

YEAS-194

Adolph	Egolf	Maher	Schroder
Argall	Evans	Maitland	Schuler
Armstrong	Fairchild	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Seyfert
Barrar	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Smith, B.
Belardi	Forcier	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	McNaughton	Steil

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

RULES COMMITTEE MEETING

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

ANNOUNCEMENT BY MR. BELFANTI

The SPEAKER pro tempore. Mr. Belfanti, for what purpose do you rise?

Mr. BELFANTI. Mr. Speaker, during this break in the action, I would like to ask to be allowed to make a comment under unanimous consent.

The SPEAKER pro tempore. The gentleman is recognized under unanimous consent.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, it is my intention prior to the desk closing at the end of the business day today to introduce a piece of legislation that would partially repeal the Philadelphia school legislation that was adopted last week. Specifically, this legislation would only repeal those sections that deal with the issues of collective bargaining for the Philadelphia School District.

Anyone who would care to cosponsor that legislation, please contact my office immediately, as I do intend to file that prior to our recess. Thank you.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the lady, Miss Orie, rise?

Miss ORIE. Mr. Speaker, at this time I would like to submit my remarks for HB 2268.

The SPEAKER pro tempore. The lady will submit the remarks to the clerk.

Miss ORIE submitted the following remarks for the Legislative Journal:

Domestic Violence Statistics

General

- Nationally, 4 million women who are married or living with intimate partners are physically abused.
- Domestic violence is repetitive in nature: About one in five women victimized by their partner reported that they had been a victim of a series of at least three assaults in the last 6 months.
- 92 percent of women who were physically abused by their partners did not discuss these incidents with their physicians; 57 percent did not discuss the incidents with anyone.

Medical

- One of every four women reporting to an emergency room was a victim of domestic violence, according to a 1997 article in the Journal of the American Medical Association.
- 37 percent of women who sought medical treatment for violence-related injuries were hurt by a current or former intimate partner.
- Annual medical costs associated with domestic violence in Pennsylvania is \$326.6 million. This is more than elder abuse, child abuse, and street violence combined.

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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.

COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

The SPEAKER pro tempore. Mr. Hasay, to make an announcement.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a brief meeting of the House Commerce Committee at the rear of the House for the purpose of rereferring a number of bills. Thank you, Mr. Speaker.

The SPEAKER pro tempore. When we break; right, Mr. Hasay? At the break.

Crime

- Nationally, domestic violence accounts for almost 15 percent of total crime costs — \$67 billion per year.
- Domestic violence incidents account for the largest category of calls to police each year. One-third of all police time is spent responding to domestic violence calls.
- In 1993, 32,795 protection-from-abuse petitions were filed throughout Pennsylvania courts.
- FBI data for 1995 shows that among all female murder victims, 26 percent were killed by husbands or boyfriends.
- 125 Pennsylvanians died in 1996 as the result of a domestic violence-related homicide.

Universal Screening Procedures

- A study published by the *Journal of the American Medical Association* in May 1997 shows three brief questions will detect 64.4 percent to 71.4 percent of abuse cases.

In 1985, then Surgeon General C. Everett Koop brought domestic violence as a public health issue into public discussion for the first time by stating:

“The professions of medicine, nursing and health-related social services must come forward and recognize violence as their issue and one that profoundly affects the public health.”

Thirteen years have passed since Dr. Koop made this statement, yet the issue of domestic violence remains unaddressed by the health-care industry because they have not been given the tools to respond.

Domestic violence is a health-care crisis across the nation and in Pennsylvania.

- One of every four women reporting to an emergency room was a victim of domestic violence, according to a 1997 article in the *Journal of the American Medical Association*.
- 37 percent of women who sought medical treatment for violence-related injuries were hurt by a current or former intimate partner.
- Annual medical costs associated with domestic violence in Pennsylvania is \$326.6 million. This is more than elder abuse, child abuse, and street violence combined.

The purpose of HB 2268 is to provide a mechanism for health-care professionals to receive training in identifying the characteristics of domestic violence, appropriately documenting domestic violence in the medical record and offering referral services, including domestic violence services available in the community.

By increasing the identification of domestic violence, this bill seeks not only to reduce the incidence of domestic violence but also to reduce health-care costs associated with domestic violence.

HB 2268 will create 25 medical advocacy project sites where training for domestic violence identification and screening will be provided to health-care workers.

However, the focus of this bill is not only on the training of health-care professionals but also on the implementation of universal screening procedures in participating medical advocacy project sites. “Universal screening” means having health-care providers at a project site ask all patients about their experience with domestic violence, whether or not the patient exhibits signs of abuse. The purpose of universal screening procedures is to identify victims who do not show outward signs of abuse but who are in need of services.

Universal screening procedures have been proven to work in a pilot program currently operating at Mercy Hospital in Allegheny County. This program, which began in 1989, has increased the identification of domestic violence victims by over 500 percent. Women who were

identified as domestic violence victims were given information about services available in the community.

As stated previously, this bill will also assist health-care professionals in learning how to document abuse appropriately in the medical record. The purpose of this documentation will be to assist the victim should she ever decide to prosecute the abuser. As a former prosecutor, I can recount for you many stories where perpetrators of domestic abuse were not prosecuted due to a lack of evidence. HB 2268 will aid prosecutors by providing supportive evidence regarding the abuse.

However, the focus of this bill is not to increase the prosecution of domestic violence but to enable health-care professionals to identify victims and assist these victims in receiving appropriate services.

I ask your support for HB 2268.

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

**VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS
COMMITTEE MEETING**

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

Mr. HERSHEY. To announce a meeting, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. HERSHEY. Thank you, Mr. Speaker.

I would like to call a meeting at the break of the House Veterans Affairs and Emergency Preparedness Committee for the purpose of holding hearings. Thank you.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the House, when we return from this recess, when we conclude business today, we will be not returning to this chamber, so if you have personal property that you use on a daily basis that you keep in these desks, I suggest you remove it when you leave today. Do not take your headsets. There will be no need for them. You can store them in your desks.

The bill books, the black bill books that are on your desks, leave them on your desks, and the pages will see to their being moved.

The 2 or 3 weeks — may I have your attention, please — the 2 or 3 weeks that we are in session in the East Wing, the quarters will be cramped; there is no question about that. It would be inappropriate to suggest that there is room to bring in groups of visitors, because it just is not going to work. I have advised the staff that visitors with three people, we could accommodate. When we are giving citations and we have, over these past several weeks on Mondays, had 15 and 20 people in a group and we give a citation, we are not going to be able to do that; we cannot accommodate them. We could accommodate three people as representative members of a group, but beyond that, we will not be able to do.

VOTE CORRECTION

The SPEAKER. Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

I would like to correct the record.

The SPEAKER. The gentleman is in order.
 Mr. BAKER. Mr. Speaker, my switch malfunctioned on the amendment 2552 to SB 987, and I would like to be recorded in the positive.
 The SPEAKER. The remarks of the gentleman will be spread upon the record.
 Mr. BAKER. Thank you.

**BILL ON CONCURRENCE
 REPORTED FROM COMMITTEE**

SB 1168, PN 1990 By Rep. PERZEL

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; and authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey a sanitary sewer right-of-way over certain State land to Penn Township, York County, Pennsylvania.

RULES.

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

SB 211, PN 940 By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled The Borough Code, further providing for tax levies.

LOCAL GOVERNMENT.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

SUPPLEMENTAL CALENDAR A

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1168, PN 1990**, entitled:

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; and authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey a sanitary sewer right-of-way over certain State land to Penn Township, York County, Pennsylvania.

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

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

YEAS-194

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

- | | | | |
|-------------|----------|----------|------------|
| Allen | Druce | Olasz | Roberts |
| Bebko-Jones | Godshall | Phillips | Washington |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a meeting of the House Judiciary Committee in the Appropriations Committee conference room immediately upon the declaration of the recess or adjournment.

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B

RESOLUTIONS PURSUANT TO RULE 35

Mr. SCHRODER called up **HR 465, PN 3555**, entitled:

A Resolution proclaiming the week of June 7 through 13, 1998, as "State Veterans' Home Week."

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

* * *

Mr. MASLAND called up **HR 466, PN 3556**, entitled:

A Resolution designating the week of May 10 through 16, 1998, as "MADD Week" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

Adolph	Egolf	Maher	Schroder
Argall	Evans	Maitland	Schuler
Armstrong	Fairchild	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Seyfert
Barrar	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Smith, B.
Belardi	Forcier	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	McNaughton	Steil
Boscola	Gordner	Melio	Stern
Boyes	Gruitza	Michlovic	Stetler
Browne	Gruppo	Micozzie	Stevenson
Bunt	Habay	Miller	Strittmatter
Butkovitz	Haluska	Mundy	Sturla
Buxton	Hanna	Myers	Surra
Caltagirone	Harhai	Nailor	Tangretti
Cappabianca	Harhart	Nickol	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Casorio	Hennessey	Oliver	Thomas
Cawley	Herman	Orie	Tigue
Chadwick	Hershey	Perzel	Travaglio
Civera	Hess	Pesci	Trello
Clark	Horshey	Petrarca	Trich
Clymer	Hutchinson	Petrone	True
Cohen, L. I.	Itkin	Pippy	Tulli

Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Cornell	Josephs	Ramos	Vitali
Corpora	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams, A. H.
Coy	Kirkland	Reinard	Williams, C.
Curry	Krebs	Rieger	Wilt
Daley	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mr. THOMAS called up HR 467, PN 3557, entitled:

A Resolution congratulating The United Supreme Council, Ancient and Accepted Scottish Rite of Freemasonry, Prince Hall Affiliation, Northern Jurisdiction, U.S.A., Inc. on its 117th Anniversary.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

Adolph	Egolf	Maher	Schroder
Argall	Evans	Maitland	Schuler
Armstrong	Fairchild	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Seyfert
Barrar	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Smith, B.
Belardi	Forcier	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	McNaughton	Stem
Boscola	Gordner	Melio	Sterner
Boyes	Gruitza	Michlovic	Stetler
Browne	Gruppo	Micozzie	Stevenson
Bunt	Habay	Miller	Strittmatter
Butkovitz	Haluska	Mundy	Sturla
Buxton	Hanna	Myers	Surra
Caltagirone	Harhai	Nailor	Tangretti

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mr. BATTISTO called up HR 469, PN 3559, entitled:

A Resolution designating June 2, 1998, as "Anti-Violence Day" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

Mr. B. SMITH called up HR 470, PN 3560, entitled:

A Resolution observing the week of June 1 through 7, 1998, as "National Fishing Week" and proclaiming June 6, 1998, as "Fish for Free Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Egolf	Maher	Schroder
Argall	Evans	Maitland	Schuler
Armstrong	Fairchild	Major	Scrimenti
Baker	Fargo	Manderino	Semmel

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Ms. BARD called up HR 473, PN 3581, entitled:

A Resolution commemorating the week of May 16 through 22, 1998, as "National Safe Boating Week."

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. STERN called up HR 471, PN 3576, entitled:

A Resolution honoring the memory of the two police officers who gave their lives in the line of duty in this Commonwealth in 1997 and recognizing the memorial service in their honor in Martinsburg, Blair County, on May 17, 1998.

On the question,
Will the House adopt the resolution ?

The SPEAKER. The Chair recognizes the gentleman, Mr. Stern, on the resolution.

Mr. STERN. Thank you, Mr. Speaker.

I rise today to introduce HR 471.

Mr. Speaker, I wish it was not necessary to introduce resolutions such as these. Even more, I wish over 600 police officers had not died while protecting our citizens and keeping our communities safe over the years.

During 1997 Officers Daniel Rice of the Bethlehem Police Department and Leddie J. Brown of the Philadelphia Police Department made the ultimate sacrifice in the line of duty. My resolution honors the memory of these two fine officers and the nearly 600 officers that gave their life protecting the residents of Pennsylvania.

On May 17, the seventh annual Law Enforcement Officers Memorial Service will be given in their honor and in honor of all who have made the ultimate sacrifice.

By joint resolution of the 87th Congress of the United States of America and signed by President John F. Kennedy on October 1, 1962, this resolution authorizes the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week.

This year's service will be held in my legislative district at the Martinsburg Grace Brethren Church.

Mr. Speaker, these officers are being honored for their sacrifice, dedication, their loyalty, and heroism in serving the members of their communities. However, much needed and deserved recognition is due to the thousands of men and women who put their lives on the line every day that they put on a badge.

Furthermore, the week of Sunday, May 10, through Saturday, May 16, is National Police Week throughout the Commonwealth.

Mr. Speaker, it is humbling for me to think that these men and women go to work each and every day with the thought that they may never come home. That is why this resolution is so important, because it not only honors those that have fallen but it also recognizes the bravery of our law enforcement officers and the danger that they face on a daily basis.

Our men and women in uniform devote their lives to keeping the peace and protecting our citizens. Now we are taking the time to honor them.

Mr. Speaker, we will not forget these officers that have made the ultimate sacrifice, for they have left behind a legacy of hard work, dedication to duty, and a commitment to all the communities of this Commonwealth that they have served and protected.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Daniel Rice of Bethlehem is among the 600 law enforcement officers who have been killed in the line of duty and who this resolution commemorates today.

Danny Rice, a law enforcement officer who served the people of Bethlehem for 26 years, died 5 months before his 50th birthday. Killed in a car accident in his police cruiser in 1997, Danny was posthumously awarded his 21st commendation by the police department for his professionalism and his years of good deeds.

I think that today it is important once again to reflect upon individuals like Danny Rice. Far too often I think the public underestimates or overlooks the hard work and dedication that men like Danny Rice provide to our individual communities.

These individuals are like us — husbands and fathers, mothers and wives, sisters and brothers — who have the same interests as we do, keeping our families safe and sound, but people like Danny are special, and they are willing to sacrifice their lives to ensure that we have these protections and these benefits that we all enjoy.

These public servants deserve the respect of all Pennsylvanians and the pride of their families and friends.

I would like to read a poem written by Danny for his family in 1988. The poem, called "My Memorial," reads as follows:

There are memorials for men who die,
Men of honor, men of pride,
They are there for all to see,
They honor the men who keep us free.
My memorial is simple and grows every day.
It's a girl and two boys who are out at play.
They are the gifts of God to my life,
Let me not forget Pat, my loving wife.
When my days are over and I am gone,
My living memorial lives on and on.

Mr. Speaker, on October 25 we dedicated the Daniel Rice Memorial Plaza in Bethlehem, and suffice it to say, no action or deed that we could embark on would match the sacrifices that Dan Rice made over his 26 years in law enforcement. But having done that and having paid what we hope is a fitting tribute and memorial to Officer Rice, what we have done is we have memorialized the contributions and the ultimate sacrifice that Dan Rice made on behalf of his community, and those years that he gave so unselfishly will remind the generations that follow who Officer Dan Rice was.

So I want to thank Representative Stern for his thoughtful introduction of this resolution, and I would just ask that when we do support the resolution, we keep in mind people like Officer Danny Rice.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—1

Carone

EXCUSED—8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

CALENDAR CONTINUED

CONSIDERATION OF SB 987 CONTINUED

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. DeLuca, on SB 987. It will be necessary for you to suspend the rules to offer your amendment, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I ask for a suspension of the rules so that I can introduce amendment A2776.

The reason I ask for a suspension for this amendment is because in 1982, Mr. Speaker, this House, by a vote of 162 to 25, passed legislation that mandated a 5-year mandatory sentence for anybody convicted of a felony using a firearm. The sad reality is that the crimes committed are increasing, especially with a firearm, and what we have seen throughout the Commonwealth is, a lot of our members of the judiciary have run these sentences concurrently with the sentence for the crime that they committed, thereby skirting what this House and a majority in the Senate, by a vote of 50 to nothing, signed by the Governor in 1982, stated, that if you would commit a crime with a firearm, you would get a mandatory sentence of 5 years. So what we are doing is we are asking this House to adopt this amendment to make it consecutive, when you are caught committing a crime and using a firearm—

The SPEAKER. Mr. DeLuca—

Mr. DeLUCA. —to run the sentences consecutively instead of concurrently.

The SPEAKER. Let us first suspend the rules before we vote on the amendment.

Mr. DeLUCA. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. Snyder, on the question of suspension of the rules.

Mr. SNYDER. Mr. Speaker, we support suspension, and I think the maker already explained the amendment, so hopefully we can get right into the final passage.

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

The following roll call was recorded:

YEAS-190

Table listing names of members who voted in favor (Yeas): Adolph, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B.

Table listing names of members who voted in opposition (Nays): Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boscola, Boyes, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Cornell, Corpora, Corrgan, Cowell, Coy, Daley, Dally, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Forcier, Gannon, Geist, George, Gigliotti, Gladeck, Gordner, Gruitza, Gruppo, Habay, Haluska, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Lynch, Maher, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Orie, Perzel, Pesci, Petrarca, Petrone, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Santoni, Sather, Saylor, Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Waugh, Williams, A. H., Williams, C., Wilt, Wogan, Wojnaroski, Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

NAYS-3

Table listing names of members who voted in opposition (Nays): Hanna, Krebs, Steil

NOT VOTING-2

Table listing names of members who did not vote: Carone, Curry

EXCUSED-8

Table listing names of members who were excused: Allen, Bebk-Jones, Druce, Godshall, Olasz, Phillips, Roberts, Washington

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. DeLUCA offered the following amendment No. A2776:

Amend Title, page 1, line 3, by removing the period after "volunteers" and inserting and for sentences for offenses committed with firearms. Amend Bill, page 4, by inserting between lines 16 and 17 Section 2. Section 9712 of Title 42 is amended to read:

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence.—Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses), shall, if the person visibly possessed a firearm or a replica of a firearm, whether or not the firearm or replica was loaded or functional, that placed the victim in reasonable fear of death or serious bodily injury, during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary. Such persons shall not be eligible for parole, probation, work release or furlough. The mandatory sentence imposed under this subsection shall be imposed consecutive to any other sentence imposed by the court.

(b) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(c) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) [or], to place such offender on probation [or], to suspend sentence or to impose the mandatory sentence concurrent to any other sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

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

"Firearm." Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or the expansion of gas therein.

"Replica of a firearm." An item that can reasonably be perceived to be a firearm.

Amend Sec. 2, page 4, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Does the gentleman wish the board stricken to debate the amendment?

Mr. DERMODY. Yes; I would like the board stricken, Mr. Speaker. Thank you.

The SPEAKER. The gentleman would like to urge support for this amendment, I suspect, and he is entitled to do so.

Mr. DERMODY. No; I sure do not.

I would like to see the amendment, first of all, Mr. Speaker. I believe it is just being passed out right now, and I do not have a copy.

Well, we have a fiscal note. Is there a copy—

The SPEAKER. Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

I have a few comments on the amendment. I saw the board, but I would still like to say a few things.

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, hearing the explanation of the amendment, I do not believe it was ever claimed that the judges in the Commonwealth were not sentencing people to the mandatory sentence of 5 years. You know, I have been in my seat over the years and I have kept quiet, but I have often wondered why we think we can tell judges how they should sentence criminal defendants, and it really has come to me, because it is very easy for us to tell judges how to sentence criminal defendants, because we sit here unencumbered with any knowledge. We have absolutely no knowledge of the facts of the case. We have not spoken a word to a district attorney. We have not seen or heard from a victim in the case. We are unencumbered with any knowledge from the probation office or even unencumbered with any knowledge or the ability to review a presentence report. However, that makes it quite easy for us to sit here and tell a judge what to do.

Mr. Speaker, over the years, in the past 2 years, especially after the special session on crime, we have passed several laws that have made tremendous progress in helping judges fashion appropriate sentences in criminal cases. We have removed the minimum-maximum requirement in the sentence — that is, if a person was charged with a robbery or an aggravated assault, a felony of the first degree, the maximum penalty is 20 years. However, before, they would have had to have been sentenced to 10 to 20 years, because your minimum could be no more than half your maximum. Even if the facts of that crime were so bad that you felt that defendant should serve every day, the D.A. could argue that but the judge could not do it. Well, we removed that from the bill. If you have a serious crime and the judge has the facts of the case in front of him or her and the D.A. argues that, that judge can now sentence that criminal defendant to 18 years, 19 to 20 years, and if it is a repeat offender, if he has done something bad before, the maximum penalties can now be 40 years.

We need to leave what should be for judges to do to the judges. We should give the judges the ability and the tools to fashion the appropriate sentences for criminal defendants and then let them do that. I can tell you, as chairman of the Pennsylvania Commission on Sentencing, the judges are complying with our sentencing guidelines. We have just revised those guidelines, and they are tough, and our judges are complying at a record rate.

You know, this measure is not tough on crime; it is stupid on crime, and I am tired of sitting in that chair and being dumb on crime. This amendment will not do anything to be tough on crime. Let us let our judges — we have given them the tools to act; we have given them the tools to sentence defendants appropriately — and let those who have some knowledge about the facts of the case and the victim that was injured in that case and all

the policy and all the things that are happening with them in the courtroom, let us let them make the decision. Our job is to give them the tools to make the appropriate decision.

I want to defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER. The lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker, and I want to thank the gentleman from Allegheny for bringing this to my attention. Everything that he says I agree with.

But I wanted to add, I mean, obviously, we all know we have a bad crime problem, but we are not going to solve it by blaming it on judges, and that is what, with all due respect, the maker of this amendment is doing. Judges are struggling the same as we are. They are elected the same as we are. They are Pennsylvania men and women the same as we are. They walk on the streets; they can be victims of crime the same as we can be. It is not their fault we have a crime problem in this State. It is the fault of every single one of us who is in charge or it is not the fault of every single one of us in charge. It is cowardly of us; it is very disingenuous of us. It is not fair of us to keep saying here, with all many, many of the criminal bills that we pass, that it is the fault of the judiciary. It is not.

I urge a "no" vote on this amendment.

The SPEAKER. The gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I will not belabor this, because what Representative Dermody said is exactly what I was going to say.

I believe that we are making a major mistake here if we remove the discretion from the sentencing judges. So like Representative Dermody, I would urge that we vote against this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise to make a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKO. Mr. Speaker, I wondered if I could question the chairman of the House Appropriations Committee regarding the fiscal impact note.

The SPEAKER. There is a fiscal note attached. Is that—

Mr. WALKO. Well, I was not certain about my request, Mr. Speaker. I would like to have the letter explained. The fiscal impact is indicated on the letter as having no adverse impact on Commonwealth funds, and I would like to ask a question regarding that.

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who has indicated he will stand for interrogation. You may begin.

Mr. WALKO. Thank you, Mr. Speaker.

Mr. Speaker, according to the fiscal note of May 6 regarding this amendment, it is indicated that there will be no adverse impact on Commonwealth funds. However, my understanding of the amendment would be making sentences consecutive, and that would, I believe, add to the time of a number of people serving, and I was wondering how that could not have a fiscal impact.

Mr. BARLEY. Well, Mr. Speaker, as I understand the legislation and as I look at the fiscal note that we have prepared, this is not — there is a "may" provision in here. They will serve the 5 years, for instance, under any condition, and if it is concurrent, it is not absolutely necessary that there will be additional time and therefore additional cost incurred.

Mr. WALKO. But, Mr. Speaker, if I could read from the amendment, I quote, "The mandatory sentence imposed under this subsection shall be imposed consecutive to any other sentence imposed by the court." In other words, it shall not be concurrent. Therefore, there would be added time to sentences, and I would think that would mean there would be more time served, more years in prison.

Mr. BARLEY. Well, Mr. Speaker, there is no way to absolutely tell if there will be additional time. We do not know if there is additional time that they are serving for some other offense. So there is no way to absolutely know that.

Mr. WALKO. Well, Mr. Speaker, I believe that there would have to be— Why are we doing this if we are not adding to the time being served by criminals or inmates? Why are we even doing this then? We are adding time. We are making it consecutive rather than concurrent.

The SPEAKER. Is that a question directed to the Appropriations Committee or the sponsor of the amendment?

Mr. WALKO. I am sorry, Mr. Speaker; that would be more appropriate for the sponsor of the amendment.

I have no further questions, Mr. Speaker, of this witness.

The SPEAKER. The Chair thanks the gentleman.

The witness is excused.

Mr. WALKO. I am sorry; I slipped.

The SPEAKER. The gentleman, Mr. Vitali. Did you seek recognition on this point?

Mr. VITALI. Thank you, Mr. Speaker.

I think I can safely speak on this amendment without affecting its outcome.

I also would rise in opposition to this amendment.

I think the gentleman from Allegheny County has said something that needed to be said for a long time — the madness that we are doing in this House with regard to this type of sentencing.

Perhaps the reason that the existing law is not working is because the approach is simply wrong. What we are doing is taking away from judges the ability to do justice. We are, by legislation which is proposed and which is before us, we are taking away their discretion to look into the facts and circumstances of each case and do what is right.

Mr. Speaker, I just might add parenthetically that judges and others need to step forward and speak out against this legislation and legislation like this.

Mr. Speaker, for this House to vote for this amendment would be to put their own political interests before the interests of those people who stand before the criminal justice system. I have no doubt that that is what will be done today, but my hope is that the remarks from the gentleman from Allegheny County will bring a little more — be the start of bringing a little more sanity to this House, and I ask for a negative vote.

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

On two occasions in the last few months, I have authored an amendment to two separate bills that has in effect said that whenever we deal with legislation that is going to impact on our criminal justice system, that we ought to get a study and a report from the Pennsylvania Commission on Crime and Delinquency so that we understand its full impact.

This amendment is a classic illustration of why we ought to have that in law today and why we ought not to pass this amendment. I have no idea what impact this is going to have on our criminal justice system — what it is going to do to our prisons, what it is going to cost, how many more prisoners we are going to have. This comes to us from out of the blue. It has a major, major impact, and there is no way that we in the Judiciary Committee, who study these issues on an ongoing basis, have any ability to judge its merits. It may have merit; it may not, but I am not prepared to vote for it today because I am leery of what it may do ultimately to our criminal justice system.

So in light of the fact that we either have to vote “yes” or “no” on this legislation today, I think the wise course is to vote “no,” and I would ask members to do that.

The SPEAKER. The Chair recognizes the lady, Miss Orié.

Miss ORIE. Mr. Speaker, as a veteran 10-year prosecutor who has seen and has prosecuted the cases involving mandatory sentencing, the language in this amendment specifically deals with crimes of violence.

And I think the zero tolerance, when an individual — if you look to the mandatory sentencing, it applies to rapes, to robberies, and to serious, serious criminal offenses, and to give a criminal the option of having a concurrent sentence when he carries a gun and commits that type of offense is intolerable. I think this, this amendment, indicates the zero tolerance, protects victims, and keeps the criminals in jail instead of getting them out of jail.

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

Mr. REBER. Thank you, Mr. Speaker.

Very briefly. I knew if I hung around here long enough, I would be able to see the day when Representative Vitali and Representative Birmelin would agree on something. I think that in and of itself is justification to take a hard look at this amendment.

In all seriousness though, Mr. Speaker, I was in the anteroom when the debate started, and I became actually transfixed, transfixed to the TV. And in 18 years, I can honestly say it has been very, very seldom — thank you for your attention; it has been very, very seldom when I have had this kind of attention — it has been very, very seldom when I have been influenced on a particular issue by the debate of an individual where I was already moving in a particular direction, but I can honestly say, after having served now almost 18 years of hard labor in this august body, that Representative Dermody was right on point with the primordial, jugular issue.

There is no doubt that not a single member on either side of the aisle has any desire to do exactly what was admonished by the prior speaker from Allegheny County. No one in any way, shape, or form, by whatever their vote, “yes” or “no,” has any desire to be associated with or to be soft, if you will, on violent crime. That is just not so. That is not the issue. The issue is those concerns that Representative Dermody expressed. Someday you have to decide, Mr. Speaker, either run for this body or run for the court. It is very simple. You are either a judge or you are a legislator. There are certain issues that have to be left to the judiciary. This is a particular type of issue that, in most instances, should be left to the judiciary.

I would respectfully, respectfully ask for defeat of the amendment. Thank you.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I do not have any experience as a prosecutor, but even I can figure out, as did Mr. Barley, the Appropriations chair, that this is really going to have no impact on the sentences in Pennsylvania.

What is going to happen as a result of this — and I somewhat agree with Representative Dermody when he spoke about giving judges flexibility — the judges, if they have anything upstairs, are going to understand that instead of what they do now, which is to sentence somebody for 20 years for the particular crime that they committed, whether it is burglary or murder or whatever it was, and have the 5 years served concurrently so that the person is in jail for 20 years — the judge obviously made the decision that the person ought to be there for 20 years and so therefore they gave the concurrent sentence — what will happen — and I believe judges will do this across the State — is, they will instead give 15 years for the one sentence that they were going to give and 5 years to be served consecutively, and the end result will be that the person will be there 20 years just like they were before this amendment was passed.

So I believe Representative Barley was correct in stating that this will not have any impact on the fiscal affairs of the State because I do not think it will have any impact on how long people stay in jail. It is just going to tie some judges' hands but the outcome is going to be the same. And so no matter which way members vote, I do not think it is going to have any impact on the final outcome.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Dermody, for the second time on the issue.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as chairman of the Pennsylvania Commission on Sentencing, we have been in touch with the staff of the Commission on Sentencing, and after having witnessed the problem or the discussion with the fiscal note, we have asked the Commission on Sentencing staff to compute what effect this may have on the prison population, which would certainly then have an impact on our fiscal note. We have not had the ability or the time to gather that information.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. DERMODY. I make a motion now that we postpone this amendment or this bill or hold it over until we come back, until we are able to gather that information from the Pennsylvania Commission on Sentencing and get an accurate statement as to what effect this will have, this amendment will have, on the prison population and on the revenues and the taxpayers of the Commonwealth.

The SPEAKER. The gentleman, Mr. Dermody, moves that SB 987, together with the amendments, be postponed until the June 1 calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

If the members do not like the amendment, then they should vote "no," not postpone the bill, Mr. Speaker. This is the last one of the quality-of-life crimes in the quality-of-life crimes package, and I would suggest the members vote "no" to postpone.

On the question recurring,

Will the House agree to the motion ?

The following roll call was recorded:

YEAS-77

Battisto	Forcier	Masland	Shaner
Belardi	Gordner	Mayernik	Staback
Birmelin	Gruitza	McCall	Steelman
Bishop	Hanna	Michlovic	Stetler
Butkovitz	Harhai	Myers	Sturla
Cappabianca	Hennessey	Oliver	Surra
Carn	Horsey	Pesci	Tangretti
Casorio	Jadlowiec	Petrarca	Thomas
Cawley	James	Petrone	Travaglio
Cohen, M.	Jarolin	Preston	Trello
Colaella	Josephs	Reber	Trich
Colaizzo	Kirkland	Rieger	Van Horne
Corpora	LaGrotta	Robinson	Veon
Corrigan	Laughlin	Roebuck	Vitali
Coy	Lescovitz	Rooney	Walko
Curry	Lloyd	Sainato	Williams, A. H.
Dermody	Lucyk	Santoni	Wojnaroski
Donatucci	Manderino	Scrimenti	Yewcic
Eachus	Markosek	Seyfert	Youngblood
Fairchild			

NAYS-116

Adolph	Evans	Maher	Saylor
Argall	Fargo	Maitland	Schroder
Armstrong	Feese	Major	Schuler
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	McGeehan	Serafini
Barley	Flick	McGill	Smith, B.
Barrar	Gannon	McIlhatten	Smith, S. H.
Belfanti	Geist	McIlhinney	Snyder, D. W.
Benninghoff	George	McNaughton	Stairs
Blaum	Gigliotti	Melio	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Gruppo	Miller	Stevenson
Browne	Habay	Mundy	Strittmatter
Bunt	Haluska	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Hasay	O'Brien	Tigue
Chadwick	Herman	Orie	True
Civera	Hershey	Perzel	Tulli
Clark	Hess	Pippy	Vance
Clymer	Hutchinson	Pistella	Waugh
Cohen, L. I.	Itkin	Platts	Williams, C.
Cornell	Kaiser	Ramos	Wilt
Cowell	Keller	Raymond	Wogan
Dally	Kenney	Readshaw	Wright, M. N.
DeLuca	Krebs	Reinard	Zimmerman
Dempsey	Lawless	Rohrer	Zug
Dent	Lederer	Ross	
DeWeese	Leh	Rublely	Ryan,
DiGirolamo	Levdansky	Sather	Speaker
Egolf	Lynch		

NOT VOTING-2

Carone	Daley
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EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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

On the question recurring,

Will the House agree to the amendment ?

The following roll call was recorded:

YEAS-116

Adolph	Evans	Maher	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fichter	Markosek	Scrimenti
Baker	Fleagle	Marsico	Semmel
Barley	Flick	Mayernik	Serafini
Barrar	Gannon	McCall	Seyfert
Belardi	Geist	McGeehan	Snyder, D. W.
Blaum	Gordner	McIlhatten	Staback
Boscola	Gruitza	McNaughton	Steelman
Browne	Gruppo	Micozzie	Stern
Butkovitz	Habay	O'Brien	Stetler
Buxton	Haluska	Oliver	Stevenson
Caltagirone	Harhart	Orie	Strittmatter
Cappabianca	Hasay	Perzel	Sturla
Casorio	Hess	Pesci	Taylor, E. Z.
Cawley	Hutchinson	Petrone	Taylor, J.
Chadwick	Itkin	Pippy	Travaglio
Civera	Jarolin	Pistella	Trello
Clark	Kaiser	Platts	Trich
Colaella	Keller	Preston	True
Coy	Kenney	Raymond	Tulli
Daley	Krebs	Readshaw	Vance
Dally	LaGrotta	Reinard	Waugh
DeLuca	Laughlin	Rieger	Wogan
Dent	Lawless	Rooney	Wojnaroski
DiGirolamo	Lederer	Rublely	Wright, M. N.
Donatucci	Lescovitz	Sainato	Yewcic
Eachus	Lloyd	Santoni	Zimmerman
Egolf	Lucyk	Sather	Zug

NAYS-77

Bard	Fargo	Manderino	Smith, B.
Battisto	Feese	Masland	Smith, S. H.
Belfanti	Forcier	McGill	Stairs
Benninghoff	George	McIlhinney	Steil
Birmelin	Gigliotti	Melio	Surra
Bishop	Gladeck	Michlovic	Tangretti
Boyes	Hanna	Miller	Thomas
Bunt	Harhai	Mundy	Tigue
Carn	Hennessey	Myers	Van Horne
Clymer	Herman	Nailor	Veon
Cohen, L. I.	Hershey	Nickol	Vitali
Cohen, M.	Horsey	Petrarca	Walko
Colaizzo	Jadlowiec	Ramos	Williams, A. H.
Corpora	James	Reber	Williams, C.
Corrigan	Josephs	Robinson	Wilt
Cowell	Kirkland	Roebuck	Youngblood
Curry	Leh	Rohrer	
Dempsey	Levdansky	Ross	Ryan,
Dermody	Lynch	Saylor	Speaker
DeWeese	Major	Shaner	

NOT VOTING—2

Carone Cornell

EXCUSED—8

Allen Druce Olasz Roberts
Bebko-Jones Godshall Phillips Washington

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. A2787:

Amend Title, page 1, line 3, by removing the period after "volunteers" and inserting
, for sentences for offenses against nursing home residents and for certain youthful persons.

Amend Bill, page 4, by inserting between lines 16 and 17

Section 2. Sections 9717 and 9718 of Title 42 are amended to read: § 9717. Sentences for offenses against elderly persons.

(a) Mandatory sentence.—A person under 60 years of age convicted of the following offenses when the victim is over 60 years of age and not a police officer shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121 (relating to rape) - not less than five years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than five years.

18 Pa.C.S. § 3922 (relating to theft by deception) - not less than 12 months, but the imposition of the minimum sentence shall be discretionary with the court where the court finds justifiable cause and that finding is written in the opinion.

(b) Nursing home resident.—A person under 60 years of age convicted under 18 Pa.C.S. § 3126 (relating to indecent assault) when the victim is a resident of a nursing home shall be sentenced to:

(1) a mandatory term of imprisonment of two years; and

(2) a mandatory term of therapeutic intervention for behavioral disorders for a period of two years.

(c) Eligibility for parole.—Parole shall not be granted until the minimum term of imprisonment has been served.

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—

(1) A person convicted of the following offenses when the victim is under 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121(1), (2), (3), (4), (5) and (6) (relating to rape) - not less than five years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. § 3125(1) through (6) (relating to aggravated indecent assault) - not less than two and one-half years.

(b) Indecent assault.—A person convicted of the crime of indecent assault, under 18 Pa.C.S. § 3126 (relating to indecent assault), when the victim is under 13 years of age shall be sentenced to:

(1) a mandatory term of imprisonment of two years; and

(2) a mandatory term of therapeutic intervention for behavioral disorders for a period of two years.

(c) Eligibility for parole.—Parole shall not be granted until the minimum term of imprisonment has been served.

Amend Sec. 2, page 4, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Ms. STEELMAN. Thank you, Mr. Speaker.

Since A2787 is the correction of A2733, do we need to suspend the rules to consider it?

The SPEAKER. No, that is not necessary.

Ms. STEELMAN. Thank you.

I will be brief.

The purpose of government, I think we can all agree, is to protect and defend those who are least able to protect and defend themselves. That includes Pennsylvania's children and the senior citizens who are residents of Pennsylvania's nursing homes.

Some incidents occurring in my county recently resulted in my being asked to introduce legislation that would create mandatory sentencing as well as mandatory therapeutic intervention for individuals guilty of sexual assault, indecent assault, against senior citizens who are residing in nursing homes. Although these acts are often not technically crimes of violence, the effect on the victim is a violent effect. I think it is extremely important to get these perpetrators off the streets and to attempt at least to change their behavior in such a way that when they are released, that they no longer constitute a danger to those who are elderly and helpless or who are youthful and helpless against this kind of crime.

Please give me your support.

The SPEAKER. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you.

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

The SPEAKER. The lady, Ms. Steelman, indicates she will stand for interrogation. You may begin.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I notice that on lines 28 and 29, "a mandatory term of imprisonment of two years;..." and then the word "and," "and...a mandatory term of therapeutic intervention for behavioral disorders for a period of two years." My question is, if I vote for this amendment, am I voting for a 2-year mandatory minimum during which those 2 years would require mandatory therapeutic

intervention, or am I voting for 4 years mandatory minimum sentence, at least 2 of which must be therapeutic intervention ?

Ms. STEELMAN. You are voting for the first alternative — 2 years of incarceration and simultaneous therapeutic intervention.

Ms. MANDERINO. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—190

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

NAYS—2

Dermody	Petrarca
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NOT VOTING—3

Carone	Levdansky	Williams, A. H.
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EXCUSED—8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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—191

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

NAYS-2

James Myers

NOT VOTING-2

Carone Lynch

EXCUSED-8

Allen Druce Olasz Roberts
Bebko-Jones Godshall Phillips Washington

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

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

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

RESOLUTION REPORTED FROM COMMITTEE

HR 419, PN 3578 (Amended) By Rep. PERZEL

A Concurrent Resolution directing the Joint State Government Commission to create a working group comprised of individuals with expertise in biomedical research, health care, economic development and higher education to assess the level and nature of biomedical research currently conducted by the Commonwealth's universities and teaching hospitals and to recommend specific and realistic actions for increasing Pennsylvania's share of Federal and private sector biomedical research funding to enhance the Commonwealth's health care system as well as contribute to the economy.

RULES.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of the concurrent resolution, HR 419.

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

The following roll call was recorded:

YEAS-192

Adolph Egolf Maitland Schroder
Argall Evans Major Schuler
Armstrong Fairchild Manderino Scrimenti
Baker Fargo Markosek Semmel
Bard Feese Marsico Serafini
Barley Fichter Masland Seyfert

Barrar Fleagle Mayernik Shaner
Battisto Flick McCall Smith, B.
Belardi Forcier McGeehan Smith, S. H.
Belfanti Gannon McGill Snyder, D. W.
Benninghoff Geist McIlhattan Staback
Birmelin George McIlhinney Stairs
Bishop Gigliotti McNaughton Steelman
Blum Gladeck Melio Steil
Boscola Gordner Michlovic Stern
Boyes Gruitza Micozzie Stetler
Browne Gruppo Miller Stevenson
Bunt Habay Mundy Strittmatter
Butkovitz Haluska Myers Sturla
Buxton Hanna Nailor Surra
Caltagirone Harhai Nickol Tangretti
Cappabianca Harhart O'Brien Taylor, E. Z.
Carn Hasay Oliver Taylor, J.
Casorio Hennessey Orié Thomas
Cawley Herman Perzel Tigue
Chadwick Hershey Pesci Travaglio
Civera Hess Petrarca Trello
Clark Horsey Petrone Trich
Clymer Hutchinson Pippy True
Cohen, L. I. Itkin Pistella Tulli
Cohen, M. Jadlowiec Platts Vance
Colafella James Preston Van Horne
Colaizzo Jarolin Ramos Veon
Cornell Josephs Raymond Vitali
Corpora Keller Readshaw Walko
Corrigan Kenney Reber Waugh
Cowell Kirkland Reinard Williams, A. H.
Coy Krebs Rieger Williams, C.
Curry LaGrotta Robinson Wilt
Daley Laughlin Roebuck Wojnaroski
Dally Lawless Rohrer 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
Donatucci Lynch Saylor
Eachus Maher

NAYS-0

NOT VOTING-3

Carone Kaiser Wogan

EXCUSED-8

Allen Druce Olasz Roberts
Bebko-Jones Godshall Phillips Washington

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.

SUPPLEMENTAL CALENDAR F

RESOLUTION

Mr. O'BRIEN called up HR 419, PN 3578, entitled:

A Concurrent Resolution directing the Joint State Government Commission to create a working group comprised of individuals with expertise in biomedical research, health care, economic development and higher education to assess the level and nature of biomedical research currently conducted by the Commonwealth's universities and teaching hospitals and to recommend specific and realistic actions for increasing

Pennsylvania's share of Federal and private sector biomedical research funding to enhance the Commonwealth's health care system as well as contribute to the economy.

On the question,
Will the House adopt the resolution?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have an agreed-to amendment—

The SPEAKER. Will the gentleman yield.

I believe this is the last vote of the day; please.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I wish to introduce amendment 2790. It is an agreed-to amendment. It gets labor involved in support of Mr. O'Brien's very worthwhile goals.

I urge all your support.

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

Mr. COHEN offered the following amendment No. A2790:

Amend Fourth Resolve Clause, page 3, line 29, by striking out "and" where it appears the second time

Amend Fourth Resolve Clause, page 3, line 30, by inserting after "Philadelphia"

and the president of the Pennsylvania AFL-CIO shall appoint two members

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

The SPEAKER. The rules were suspended, and the suspension was broad enough to encompass the offering of the amendment by the gentleman, Mr. Cohen.

On the question of the adoption of the Cohen amendment, Mr. Strittmatter.

Mr. STRITTMATTER. I would just like to ask Representative Cohen, is this the normal practice to direct the State Government task force to be appointed in this way. Is this normal procedure?

Mr. COHEN. I think that question ought to be directed to the prime sponsor of the resolution, Mr. O'Brien.

Mr. STRITTMATTER. I will repeat the question. The question I thought to the amendment was the fact that we are directing the House now to the Joint State Government Commission on how they are going to make certain appointments. Is that usually the way that is done? Is it not usually there is a set procedure for the leaders of both institutions to appoint members?

Mr. COHEN. Mr. Speaker, the general historical practice has been that only members be appointed to Joint State Government Commission task forces and others serve in an advisory capacity. The Republican majority in the House has changed the historical procedure, and the Republican majority has repeatedly chosen to set up joint member-nonmember task forces. My amendment fits into the pattern that the Republican majority has pushed forward

the last couple of years of setting member-nonmember task forces, and it says that labor ought to be included in this task force.

Mr. STRITTMATTER. Okay. Thank you very much.

The SPEAKER. The gentleman, Mr. O'Brien.

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

The purpose of this resolution is to identify the significance medical research has on the quality of life in Pennsylvania and in fact the world and the effect of that medical research on the economy in Pennsylvania.

Currently we have the highest concentration of pharmaceutical companies and biotech firms in the country, and the reason for that is because of the enormous amount of medical research that is done at our teaching hospitals and universities in Pennsylvania.

Very simply, we are asking, by this resolution, to have the Joint State Government Commission create a working group to assess the level and nature of biomedical research currently conducted at the Commonwealth's universities and teaching hospitals. This group will examine specific areas and break-through contributions and compare those efforts with other States.

In addition, the commission will recommend ways to increase the State's share of Federal and private research funding and encourage the growth of medical research in Pennsylvania. We are home to the world's leading academic and research institutions, including the University of Pennsylvania, Thomas Jefferson University, Penn State University, and the University of Pittsburgh.

During the fiscal year of 1997 and 1998, academic institutions and biomedical companies will draw more than \$681 million in research funds from the National Institutes of Health.

The SPEAKER. Mr. O'Brien.

Mr. O'BRIEN. Yes.

The SPEAKER. We are on the amendment.

Mr. O'BRIEN. Oh; I am sorry, Mr. Speaker. I thought we did that.

The SPEAKER. You are stealing Mr. Cohen's thunder.

Now, Mr. Strittmatter, have you concluded your interrogation?

Mr. Cohen, have you concluded your remarks on your amendments?

Mr. COHEN. Yes, Mr. Speaker.

I am proud this amendment has Mr. O'Brien's support, and I would urge everyone to vote for it.

The SPEAKER. Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I am going to cast a vote for this amendment and recognize that I just read today that— First of all, this amendment favors labor, and I am in favor of labor, Mr. Speaker, but I want to recognize today also that there was an attack in the newspaper today by labor on one of our members here, Mr. Speaker, and I feel it necessary to speak up on that.

Now, I am voting for labor to participate in the legislative process, Mr. Speaker, and I just needed to let the gentleman, Mr. Cohen, know that I am going to vote in favor of this amendment but with some reservations because of that personal attack on an individual member for his vote in these chambers. 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-148

Argall	Donatucci	Lescovitz	Santoni
Armstrong	Eachus	Levdansky	Saylor
Baker	Evans	Lloyd	Schroder
Battisto	Fairchild	Lucyk	Scrimenti
Belardi	Feese	Lynch	Semmel
Belfanti	Forcier	Maher	Serafini
Birmelin	Gannon	Manderino	Seyfert
Bishop	Geist	Markosek	Shaner
Blaum	George	Marsico	Smith, B.
Boscola	Gigliotti	Mayernik	Snyder, D. W.
Boyes	Gordner	McCall	Staback
Browne	Gruitza	McGeehan	Stairs
Bunt	Gruppo	McIlhatten	Steelman
Butkovitz	Habay	McNaughton	Stetler
Buxton	Haluska	Melio	Stevenson
Caltagironc	Hanna	Michlovic	Strittmatter
Cappabianca	Harhai	Mundy	Sturla
Carn	Harhart	Myers	Surra
Casorio	Hasay	O'Brien	Tangretti
Cawley	Hennessey	Oliver	Taylor, J.
Clymer	Herman	Orie	Thomas
Cohen, M.	Horsey	Pesci	Tigue
Colafella	Hutchinson	Petrarca	Travaglio
Colaizzo	Itkin	Petrone	Trello
Cornell	Jadlowiec	Pippy	Trich
Corpora	James	Pistella	Van Horne
Corrigan	Jarolin	Platts	Veon
Cowell	Josephs	Preston	Vitali
Coy	Kaiser	Ramos	Walko
Curry	Keller	Readshaw	Waugh
Daley	Kenney	Reinard	Williams, A. H.
Dally	Kirkland	Rieger	Williams, C.
DeLuca	Krebs	Robinson	Wogan
Dent	LaGrotta	Roebuck	Wojnaroski
Dermody	Laughlin	Rooney	Wright, M. N.
DeWeese	Lawless	Rubley	Yewcic
DiGirolamo	Lederer	Sainato	Youngblood

NAYS-46

Adolph	Fichter	Micozzie	Steil
Bard	Fleagle	Miller	Stern
Barley	Flick	Nailor	Taylor, E. Z.
Barrar	Gladeck	Nickol	Truc
Benninghoff	Hershey	Perzel	Tulli
Chadwick	Hess	Raymond	Vance
Civera	Leh	Reber	Wilt
Clark	Maitland	Rohrer	Zimmerman
Cohen, L. I.	Major	Ross	Zug
Dempsey	Masland	Sather	
Egolf	McGill	Schuler	Ryan,
Fargo	McIlhinney	Smith, S. H.	Speaker

NOT VOTING-1

Carone

EXCUSED-8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

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 adopt the resolution as amended?

The SPEAKER. On the question of the resolution, does anyone seek recognition?

Mr. O'Brien.

Mr. O'BRIEN. Am I in order to make the remarks now, Mr. Speaker?

The SPEAKER. You are in order to finish your speech.

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

Very briefly. As I have stated, the purpose of this resolution is to protect the competitive edge that we have in Pennsylvania in securing National Institutes of Health grants that provide necessary research to improve the quality of life in Pennsylvania and also drive the economy in Pennsylvania.

Of the five top teaching hospitals and universities that compete — successfully compete — for funding, four of those are in Pennsylvania. That constitutes over \$681 million and 550,000 jobs. These are high-paying jobs that you can support a family on.

One other note is, New York has recently put together a similar commission because they identified some slippage in their ability to compete for National Institutes of Health grants. Mr. Speaker, this is both a quality-of-life issue and it is an economic issue, and I ask for your support.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS-193

Adolph	Egolf	Maher	Schuler
Argall	Evans	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker	Fargo	Manderino	Serafini
Bard	Feese	Markosek	Seyfert
Barley	Fichter	Marsico	Shaner
Barrar	Fleagle	Masland	Smith, B.
Battisto	Flick	Mayernik	Smith, S. H.
Belardi	Forcier	McCall	Snyder, D. W.
Belfanti	Gannon	McGeehan	Staback
Benninghoff	Geist	McGill	Stairs
Birmelin	George	McIlhatten	Steelman
Bishop	Gigliotti	McIlhinney	Steil
Blaum	Gladeck	McNaughton	Stern
Boscola	Gordner	Melio	Stetler
Boyes	Gruitza	Michlovic	Stevenson
Browne	Gruppo	Micozzie	Strittmatter
Bunt	Habay	Miller	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Hanna	Myers	Tangretti
Caltagironc	Harhai	Nailor	Taylor, E. Z.
Cappabianca	Harhart	Nickol	Taylor, J.
Carn	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Orie	Travaglio
Chadwick	Hershey	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	Platts	Veon
Colaizzo	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams, A. H.
Cowell	Kenney	Reber	Williams, C.
Coy	Kirkland	Reinard	Wilt
Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roebuck	Wojnaroski

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

NAYS—0

NOT VOTING—2

Carone	Robinson
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EXCUSED—8

Allen	Druce	Olasz	Roberts
Bebko-Jones	Godshall	Phillips	Washington

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

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

The SPEAKER. There will be no further votes.

Once again I remind you to take anything from your desks that you want removed or will have need for between now and sometime next fall, I guess.

VOTE CORRECTION

The SPEAKER. Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. Indeed.

Ms. STEELMAN. On SB 100, amendment 2628, I was recorded in the affirmative. I would like to be recorded in the negative.

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

Any further corrections?

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I would just like to be recognized at the appropriate moment.

The SPEAKER. I see no one else seeking recognition, Mr. DeWeese.

Mr. DeWEESE. Just for the record, not in an adversarial tone but just for the record, I am very dubious about our ability to conduct business in the basement of the East Wing Complex, and I want to put that on the record. Thank you.

The SPEAKER. Thank you.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 97, PN 1417

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies; and making editorial changes.

SB 1168, PN 1990

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; and authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey a sanitary sewer right-of-way over certain State land to Penn Township, York County, Pennsylvania.

Whereupon, the Speaker, in the presence of the House, signed the same.

BILLS REPORTED AND REREFERRED TO COMMITTEE ON URBAN AFFAIRS

HB 2533, PN 3446

By Rep. HASAY

An Act establishing the Community and Economic Development Advisory Committee.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2535, PN 3448

By Rep. HASAY

An Act requiring certain mortgage lenders to be responsible for meeting all municipal housing and building codes on mortgaged property.

COMMERCE AND ECONOMIC DEVELOPMENT.

BILL REPORTED AND REREFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT

HB 2563, PN 3499

By Rep. HASAY

An Act providing additional Commonwealth support for tourist promotion agencies.

COMMERCE AND ECONOMIC DEVELOPMENT.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 2476 be removed from the table.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 2476 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 majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the lady from Allegheny County, Miss Orié.

Miss ORIE. Mr. Speaker, I move that this House do now adjourn until Monday, June 1, 1998, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:25 p.m., e.d.t., the House adjourned.