

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 18, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 48

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. WILLIAM A. MILLER, Chaplain of the House of Representatives and retired United Methodist minister, Myerstown, Pennsylvania, offered the following prayer:

Our Father, we ask that You will guide us this day into the paths of useful service and give us the will to serve You in every area of need. Let us not forget our responsibility to the whole body of our people in our district, and give us a sense of belonging, one to another, despite our nationalities or our races or our religion, and let Your peace come to our earth. Direct men and nations to live in justice and harmony with freedom for all, and in all our duties and tasks of life, give us the confidence of Your presence. When we are discouraged, give us a new heart and a new spirit. When we are tired, help us to find new strength. When we are afraid, restore our confidence in Your power and purpose for our lives. And may we serve You by being Your people in service to all who need us.

So we ask that You will bless these our leaders in government and their families. We are thankful for their devotion and dedication. Direct and bless the business at hand this day, that it may have a good and positive influence on all our people. 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 Wednesday, October 6, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1935 By Representative PERZEL

An Act amending the act of June 22, 1999 (P.L.122, No.21), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for supply choice for customers of

natural gas utilities and for restructuring of the natural gas utility industry; and making repeals," changing the effective date of certain provisions.

Referred to Committee on CONSUMER AFFAIRS, October 12, 1999.

No. 1936 By Representatives MAITLAND, E. Z. TAYLOR, CORRIGAN, MICOZZIE, ARGALL, BAKER, BARRAR, BASTIAN, L. I. COHEN, COLAFELLA, DAILEY, DeLUCA, DeWEESE, HARHAI, HASAY, HENNESSEY, HORSEY, JOSEPHS, LAUGHLIN, LEDERER, LESCOVITZ, MASLAND, McCALL, McILHATTAN, McILHINNEY, MELIO, MYERS, NICKOL, PIPPY, PISTELLA, PLATTS, RAMOS, SATHER, SEYFERT, SHANER, S. H. SMITH, STABACK, TRELLO, WALKO, WASHINGTON, WOJNAROSKI, WRIGHT and YUDICHAK

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for increase to State supplemental assistance for persons in personal care homes; and further providing for rules and regulations for personal care homes.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 12, 1999.

No. 1937 By Representatives MAITLAND, WOJNAROSKI, MASLAND, ARGALL, BELARDI, CLARK, COSTA, COY, DeLUCA, DEMPSEY, FLICK, FRANKEL, HENNESSEY, HERSHEY, HORSEY, LAUGHLIN, LEDERER, LEH, LUCYK, McILHINNEY, NAILOR, PISTELLA, PLATTS, ROHRER, ROSS, RUBLEY, SOLOBAY, STABACK, E. Z. TAYLOR, J. TAYLOR, TIGUE, WALKO, WASHINGTON, WILLIAMS, WILT, YOUNGBLOOD and YUDICHAK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for securing loads in vehicles.

Referred to Committee on TRANSPORTATION, October 12, 1999.

No. 1938 By Representatives MAITLAND, ALLEN, ARGALL, BARRAR, BELFANTI, BENNINGHOFF, COLAFELLA, CORRIGAN, COSTA, COY, DAILEY, DeLUCA, DEMPSEY, FRANKEL, GRUCELA, HALUSKA, HARHAI, HENNESSEY, HORSEY, LAUGHLIN, LUCYK, MAYERNIK, MELIO, S. MILLER, MYERS, PETRARCA, PIPPY, PISTELLA, PLATTS, RAMOS, READSHAW, RUBLEY, SAINATO, SEYFERT, SHANER, B. SMITH, SOLOBAY, STABACK, J. TAYLOR, TIGUE, TRELLO, VAN HORNE, WALKO, WILT, WOGAN, WOJNAROSKI, YEWIC, YOUNGBLOOD and YUDICHAK

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for the number of special permits for certain organizations.

Referred to Committee on STATE GOVERNMENT, October 12, 1999.

No. 1939 By Representatives McNAUGHTON, PETRARCA, BENNINGHOFF, ADOLPH, ALLEN, FAIRCHILD, MANN, ARGALL, MARSICO, BAKER, MASLAND, BARLEY, BARRAR, SEYFERT, FRANKEL, SHANER, FREEMAN, McILHATTAN, B. SMITH, BELARDI, GEIST, BELFANTI, GRUCELA, MYERS, STEVENSON, HALUSKA, NAILOR, YOUNGBLOOD, CALTAGIRONE, HARHAI, ORIE, E. Z. TAYLOR, HENNESSEY, J. TAYLOR, TIGUE, HORSEY, PHILLIPS, TRELLO, PLATTS, COLAFELLA, RAMOS, CORRIGAN, COSTA, KENNEY, WALKO, LAUGHLIN, DALLY, ROEBUCK, WOJNAROSKI and BROWNE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for an organ donor registration plate.

Referred to Committee on TRANSPORTATION, October 12, 1999.

No. 1940 By Representatives SURRA, BELFANTI, TIGUE, STABACK, VEON, WALKO, FRANKEL, DALEY, MICHLOVIC, DeWEESE, BEBKO-JONES, BELARDI, MELIO, M. COHEN, GIGLIOTTI, HARHAI, SOLOBAY, MARKOSEK, FREEMAN, THOMAS, PISTELLA, JOSEPHS, SHANER, VAN HORNE, TRELLO, ROONEY, GRUCELA, RAMOS, YOUNGBLOOD, YUDICHAK and PIPPY

An Act providing a meal or rest period for employees after working a specified number of hours.

Referred to Committee on LABOR RELATIONS, October 12, 1999.

No. 1941 By Representatives SURRA, BELFANTI, STABACK, VEON, WALKO, FRANKEL, DALEY, MICHLOVIC, BEBKO-JONES, BELARDI, MELIO, M. COHEN, GIGLIOTTI, HARHAI, SCRIMENTI, SOLOBAY, MARKOSEK, FREEMAN, THOMAS, PISTELLA, JOSEPHS, SHANER, TRELLO, ROONEY, GRUCELA, RAMOS, YOUNGBLOOD, YUDICHAK and PIPPY

An Act providing for restrictions on overtime required by employers.

Referred to Committee on LABOR RELATIONS, October 12, 1999.

No. 1942 By Representatives CIVERA, ADOLPH, BELFANTI, EGOLF, GEIST, GRUCELA, KELLER, KENNEY, MICOZZIE, R. MILLER, NAILOR, RAMOS, ROEBUCK, RUFFING, SERAFINI, E. Z. TAYLOR, TIGUE, TRUE, WILLIAMS, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

Referred to Committee on TRANSPORTATION, October 12, 1999.

No. 1943 By Representatives FORCIER, GEIST, MAITLAND, METCALFE, WILT, SEYFERT, BAKER, LEH, MASLAND, NICKOL, PETRARCA, RAMOS and STEELMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms and for notification to Pennsylvania State Police relating to certain mental health commitments.

Referred to Committee on JUDICIARY, October 12, 1999.

No. 1944 By Representatives LEDERER, PISTELLA, STERN, STEELMAN, HALUSKA, THOMAS, DALLY, M. COHEN, CORRIGAN, GIGLIOTTI, SCRIMENTI, HARHAI, DeLUCA, L. I. COHEN, PESCI, HORSEY, YOUNGBLOOD, J. TAYLOR, RAMOS, McGEEHAN, JOSEPHS, KENNEY and KELLER

An Act amending the act of March 15, 1956 (1955 P.L.1280, No.392), entitled "An act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece, prescribing forms therefor, and fixing the fees thereof," authorizing the use of a certified copy of the mortgage instrument for satisfaction.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, October 12, 1999.

No. 1945 By Representatives LEDERER, L. I. COHEN, ROBINSON, STERN, BELARDI, BISHOP, MANDERINO, DALEY, HENNESSEY, YOUNGBLOOD, KELLER, RAMOS, THOMAS, BUTKOVITZ, McGEEHAN, CORRIGAN, JOSEPHS, KENNEY and J. TAYLOR

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further defining "unfair methods of competition" and "unfair or deceptive acts or practices" relating to creditors, collection agencies and consumer reporting agencies.

Referred to Committee on CONSUMER AFFAIRS, October 12, 1999.

No. 1946 By Representatives ALLEN, LUCYK, HARHART, PERZEL, DeWEESE, PHILLIPS, FAIRCHILD, ARGALL, BAKER, BARRAR, BENNINGHOFF, CALTAGIRONE, CLYMER, M. COHEN, CORRIGAN, DALLY, DeLUCA, DEMPSEY, FLEAGLE, FRANKEL, GANNON, GEORGE, GIGLIOTTI, HALUSKA, HENNESSEY, HESS, KAISER, LAUGHLIN, LEH, McILHATTAN, MICHLOVIC, PETRARCA, ROBERTS, ROHRER, ROONEY, SATHER, SAYLOR, SCRIMENTI, SEMMEL, SEYFERT, STERN, STEVENSON, TANGRETTI, THOMAS, TIGUE, VAN HORNE, WILT, WOJNAROSKI and YOUNGBLOOD

An Act regulating the practice of pharmacy; providing for the powers and duties of the State Board of Pharmacy, for reporting of impaired pharmacists or pharmacist interns and for immunity and for unlawful acts;

imposing penalties; establishing the Pharmacy Professional Development Fund; and making repeals.

Referred to Committee on PROFESSIONAL LICENSURE, October 12, 1999.

No. 1947 By Representatives BISHOP, OLIVER, THOMAS, BATTISTO, BEBKO-JONES, BELFANTI, CARN, L. I. COHEN, DALEY, DALLY, EACHUS, FRANKEL, GEORGE, HARHAI, HORSEY, LAUGHLIN, JOSEPHS, KELLER, LEDERER, LYNCH, MANDERINO, McGEEHAN, MELIO, MUNDY, PISTELLA, RAMOS, ROBERTS, ROEBUCK, STEIL, STETLER, WALKO, WASHINGTON, WATERS, WOJNAROSKI, YOUNGBLOOD, ORIE, MCGILL and PETRARCA

An Act providing for formal recognition by the Governor of Native American bands or clans and tribes indigenous to Pennsylvania; providing for certification of Native American organizations; establishing the Commission on Native American Affairs; conferring powers and duties on the Department of Community and Economic Development; imposing a penalty; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, October 12, 1999.

No. 1948 By Representatives STEELMAN, BELARDI, CORRIGAN, HARHAI, SERAFINI, E. Z. TAYLOR, THOMAS, TRELLO, WILLIAMS and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing penalties for selling or furnishing liquor or malt or brewed beverages resulting in death to persons under 21 years of age.

Referred to Committee on JUDICIARY, October 12, 1999.

No. 1949 By Representatives STEELMAN, BELARDI, COLAFELLA, HARHAI, ORIE, RAMOS, ROBINSON, SCRIMENTI, E. Z. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, TRELLO, TRICH and YOUNGBLOOD

An Act amending the act of December 20, 1985 (P.L.492, No.116), known as the Customized Job Training Act, further defining "entry level trainee" and "training program"; and further providing for powers and duties of department and for powers and duties of board of trustees.

Referred to Committee on LABOR RELATIONS, October 12, 1999.

No. 1950 By Representatives STEELMAN, L. I. COHEN, HARHAI, MAHER, S. MILLER, ROSS, STERN, THOMAS, TRELLO, TRAVAGLIO and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax definitions and exclusions.

Referred to Committee on FINANCE, October 12, 1999.

No. 1951 By Representatives STEELMAN, L. I. COHEN, CURRY, HARHAI, HORSEY, PRESTON, RAMOS, ROBINSON, SERAFINI, THOMAS, TRAVAGLIO, TRELLO, WILLIAMS and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for roller skates, roller blades and skateboard helmets.

Referred to Committee on TRANSPORTATION, October 12, 1999.

No. 1952 By Representatives FRANKEL, RUBLEY, L. I. COHEN, JOSEPHS, HENNESSEY, BISHOP, BUXTON, CARN, M. COHEN, CORRIGAN, COSTA, CURRY, EVANS, JAMES, LEVDANSKY, MARKOSEK, MICHLOVIC, MICOZZIE, MYERS, PISTELLA, PRESTON, RAMOS, ROBINSON, STETLER, STURLA, J. TAYLOR, TRELLO, WILLIAMS, YOUNGBLOOD, VAN HORNE, RUFFING, WATERS and ROONEY

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for unlawful transfers of firearms.

Referred to Committee on JUDICIARY, October 12, 1999.

No. 1953 By Representatives BUNT, LESCOVITZ, PHILLIPS, LEH, SEMMEL, BELFANTI, ARMSTRONG, CHADWICK, ADOLPH, CORRIGAN, ARGALL, DAILEY, DALLY, DeWEESE, DRUCE, FAIRCHILD, FICHTER, FREEMAN, GODSHALL, GORDNER, GRUCELA, HARHART, HASAY, HERMAN, HERSHEY, JOSEPHS, KREBS, MASLAND, McCALL, McILHINNEY, MELIO, NAILOR, PESCI, COY, PLATTS, ROBERTS, ROHRER, SATHER, SCHRODER, SEYFERT, SHANER, B. SMITH, SNYDER, SOLOBAY, STABACK, STEELMAN, E. Z. TAYLOR, WILLIAMS, WOJNAROSKI, ZUG, BARD, BROWNE, CAWLEY, DeLUCA, EGOLF, GEORGE, HANNA, HENNESSEY, LAUGHLIN, CLYMER, MAITLAND, MANN, MICOZZIE, NICKOL, RAMOS, ROSS, BAKER, STEIL, STURLA, TANGRETTI, TRAVAGLIO, WALKO, YUDICHAK, DALEY, BASTIAN, CAPPABIANCA, MAJOR, STERN, TRUE, WILT, YOUNGBLOOD, ALLEN, BARRAR, CALTAGIRONE, CLARK, DEMPSEY, FEESE, GLADECK, HARHAI, HESS, LEDERER, TRELLO, MANDERINO, MCGILL, R. MILLER, PETRARCA, REINARD, SAYLOR, STAIRS, STRITTMATTER, SURRA, THOMAS, VAN HORNE, WRIGHT, L. I. COHEN, VANCE, ZIMMERMAN, LUCYK and MARKOSEK

An Act providing for grants to assist producers in purchasing or updating technology or equipment for irrigation and water conservation projects; providing for loans to assist producers in purchasing or updating technology which will increase productivity or provide entrance into new product markets; establishing the Agricultural Technology Assistance Fund; providing for powers and duties of the Department of Agriculture; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 12, 1999.

No. 1954 By Representatives BARD, GEIST, YOUNGBLOOD, STEELMAN, ROBERTS, M. COHEN, FRANKEL, FREEMAN, GRUCELA, HORSEY, LEVDANSKY, RAMOS, SHANER, SURRA and TRELLO

An Act authorizing counties to impose fees on solid waste facilities within the county.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 12, 1999.

No. 1955 By Representatives BARD, SAYLOR, TIGUE, GODSHALL, BUNT, SCHRODER, RUBLEY, ARGALL, ARMSTRONG, CAWLEY, COLAFELLA, CURRY, DALEY, DeLUCA, FAIRCHILD, FORCIER, GIGLIOTTI, HARHAI, HENNESSEY, JAMES, JOSEPHS, LAUGHLIN, LEH, McCALL, ORIE, PLATTS, RAYMOND, READSHAW, SAINATO, SCHULER, S. H. SMITH, STERN, E. Z. TAYLOR and WILT

An Act providing for a homestead exclusion for older Pennsylvanians and for powers and duties of the Department of Education.

Referred to Committee on EDUCATION, October 12, 1999.

No. 1956 By Representatives BARD, ARMSTRONG, S. H. SMITH, DeLUCA, GIGLIOTTI and SHANER

An Act imposing limitations on certain telecommunication advertisements; and providing for civil remedies and criminal penalties.

Referred to Committee on CONSUMER AFFAIRS, October 12, 1999.

No. 1957 By Representatives DRUCE, FLICK, ADOLPH, BARRAR, BASTIAN, BELARDI, BELFANTI, CLARK, CLYMER, CORNELL, CORRIGAN, DALLY, DeLUCA, DEMPSEY, DiGIROLAMO, EGOLF, FICHTER, GEIST, GIGLIOTTI, GODSHALL, GRUCELA, HARHAI, HASAY, HERMAN, KENNEY, LEH, MAITLAND, MARSICO, MASLAND, McCALL, McILHINNEY, McNAUGHTON, MELIO, S. MILLER, NAILOR, NICKOL, ORIE, ROONEY, SCHRODER, SEYFERT, SOLOBAY, STABACK, STEIL, STERN, STEVENSON, E. Z. TAYLOR, J. TAYLOR, TRELLO, VANCE, WILT, WOJNAROSKI, WRIGHT and BROWNE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for first degree murder.

Referred to Committee on JUDICIARY, October 12, 1999.

No. 1958 By Representatives VANCE, PHILLIPS, MANDERINO, ARGALL, BAKER, BATTISTO, BELARDI, BELFANTI, BENNINGHOFF, BLAUM, BROWNE, CAWLEY, CLARK, L. I. COHEN, M. COHEN, COLAFELLA, CORNELL, CORRIGAN, COY, CURRY, DAILEY, DALEY, DALLY, DeLUCA, DeWEESE, FAIRCHILD, FARGO, FEESE, FLICK, FRANKEL, FREEMAN, GEIST, GODSHALL, HARHAI, HASAY, HENNESSEY, HERSHEY, HESS, JOSEPHS, KAISER, KREBS, LEDERER, LEVDANSKY, LUCYK, LYNCH, MARKOSEK, MARSICO, MASLAND, McGILL, MELIO,

MICHLOVIC, MICOZZIE, S. MILLER, MUNDY, NAILOR, NICKOL, ORIE, PETRARCA, PIPPY, PISTELLA, PLATTS, RAMOS, RAYMOND, ROSS, RUBLEY, SANTONI, SAYLOR, SCHRODER, SCHULER, SCRIMENTI, SEMMEL, SEYFERT, SHANER, B. SMITH, SNYDER, STEELMAN, STERN, STRITTMATTER, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRAVAGLIO, TRELLO, TRUE, WALKO, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act establishing the family support services program for certain families with disabled persons; providing for the powers and duties of the Department of Public Welfare; establishing a Statewide Family Support Advisory Council; providing for regional advisory councils; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 12, 1999.

No. 1959 By Representatives ORIE, FRANKEL, LEDERER, DALEY, COY, BELARDI, LUCYK, BEBKO-JONES, VAN HORNE, WALKO, WOJNAROSKI, ARGALL, CLARK, KENNEY, STABACK, HENNESSEY, CORNELL, E. Z. TAYLOR, LAUGHLIN, TRAVAGLIO, CORRIGAN, PISTELLA, M. COHEN, GEIST, BELFANTI, STEELMAN, BROWNE, CURRY, RAMOS, MELIO, HORSEY, TRELLO, CARN, WILLIAMS, YOUNGBLOOD, YUDICHAK, THOMAS and J. TAYLOR

An Act amending the act of December 3, 1998 (P.L.925, No.115), known as the Domestic Violence Health Care Response Act, further providing for primary care physicians, emergency medical service organizations and nurses training, for primary care physicians, emergency medical service organizations and nurses' response to domestic violence victims and for definitions.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 12, 1999.

No. 1961 By Representatives ORIE, LUCYK, BELARDI, MASLAND, LAUGHLIN, KENNEY, FRANKEL, PISTELLA, LEDERER, DALEY, READSHAW, WALKO, ARGALL, FICHTER, SCHULER, MANDERINO, BEBKO-JONES, CAWLEY, MICHLOVIC, WOJNAROSKI, RUBLEY, HERMAN, STABACK, SHANER, SANTONI, STURLA, E. Z. TAYLOR, HENNESSEY, CORNELL, ADOLPH, WATERS, BAKER, ROONEY, CORRIGAN, PLATTS, LaGROTTA, M. COHEN, GEIST, BELFANTI, STEELMAN, LEVDANSKY, BISHOP, BROWNE, McGILL, HORSEY, CURRY, RAMOS, FREEMAN, DAILEY, MELIO, BATTISTO, JOSEPHS, TRELLO, BARD, CARN, YOUNGBLOOD, HARHAI, YUDICHAK, THOMAS and J. TAYLOR

An Act establishing the Pennsylvania Domestic Violence Hotline; and providing for the powers and duties of the Department of Public Welfare.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 12, 1999.

No. 1962 By Representatives HERMAN, VAN HORNE, BENNINGHOFF, HARHAI, HENNESSEY, ARGALL, BAKER, BELARDI, BELFANTI, CAWLEY, CHADWICK, CLARK,

DEMPSEY, FLICK, HORSEY, LAUGHLIN, LEDERER, LYNCH, MYERS, PIPPY, SEYFERT, SHANER, STABACK, TIGUE, TRELLO, WOJNAROSKI, YEWCIC and FEESE

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing voluntary early severance plans for certain employees.

Referred to Committee on LOCAL GOVERNMENT, October 12, 1999.

No. 1963 By Representatives GODSHALL, WILLIAMS, SCHULER and PISTELLA

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

Referred to Committee on AGING AND YOUTH, October 12, 1999.

No. 1964 By Representatives WILLIAMS, GODSHALL, PISTELLA and SCHULER

An Act providing for production of child-care certification and licensing documents; requiring child day-care personnel to provide criminal and child abuse history information; and conferring powers and duties on the Department of Public Welfare.

Referred to Committee on AGING AND YOUTH, October 12, 1999.

No. 1965 By Representatives STEELMAN, VEON, BELARDI, TRELLO, COLAFELLA, BELFANTI, LUCYK, PISTELLA, DeLUCA, MANN, FAIRCHILD, BEBKO-JONES, SOLOBAY, FREEMAN, THOMAS, FRANKEL, JOSEPHS, SHANER, HORSEY, MANDERINO, MELIO, WASHINGTON, YOUNGBLOOD, HARHAI, YUDICHAK, WILLIAMS and CURRY

An Act providing for confidentiality of medical records.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 18, 1999.

No. 1966 By Representatives STEELMAN, VEON, BELARDI, TRELLO, COLAFELLA, BELFANTI, LUCYK, PISTELLA, DeLUCA, MANN, FAIRCHILD, BEBKO-JONES, SOLOBAY, FREEMAN, THOMAS, FRANKEL, MUNDY, JOSEPHS, SHANER, HORSEY, MELIO, WASHINGTON, YOUNGBLOOD, HARHAI, YUDICHAK and CURRY

An Act providing for health insurance policy disclosures.

Referred to Committee on INSURANCE, October 18, 1999.

No. 1967 By Representatives CURRY, HENNESSEY, GEORGE, MELIO, LAUGHLIN, STURLA, CLARK, BELFANTI, MYERS, MUNDY, WILLIAMS, FREEMAN,

GRUCELA, M. COHEN, VITALI, STEELMAN, COLAFELLA, BARD and STETLER

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for plat approval.

Referred to Committee on LOCAL GOVERNMENT, October 18, 1999.

No. 1968 By Representatives ORIE, COY, WALKO, FRANKEL and LAUGHLIN

An Act amending the act of December 3, 1998 (P.L.925, No.115), known as the Domestic Violence Health Care Response Act, further providing for Domestic Violence Health Care Response Program.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 18, 1999.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 277 By Representatives HARHART, SCHULER, SATHER, PISTELLA, BROWNE, ADOLPH, ARGALL, BARRAR, BATTISTO, BEBKO-JONES, BENNINGHOFF, BISHOP, L.I. COHEN, DAILEY, DALLY, FICHTER, FLEAGLE, GIGLIOTTI, GRUCELA, HALUSKA, HANNA, HARHAI, HENNESSEY, HUTCHINSON, KENNEY, LYNCH, MAJOR, McILHATTAN, McILHINNEY, S. MILLER, NAILOR, NICKOL, ORIE, PHILLIPS, PLATTS, SANTONI, SEYFERT, SHANER, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI and YOUNGBLOOD

A Concurrent Resolution directing the Joint State Government Commission to establish a task force to study issues relating to the Commonwealth's children and youth services delivery system on an ongoing basis and to make recommendations to the General Assembly.

Referred to Committee on RULES, October 18, 1999.

SENATE BILLS FOR CONCURRENCE

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

SB 647, PN 1378

Referred to Committee on LOCAL GOVERNMENT, October 12, 1999.

SB 844, PN 947

Referred to Committee on JUDICIARY, October 12, 1999.

SB 1050, PN 1385

Referred to Committee on APPROPRIATIONS, October 12, 1999.

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of an actuarial note for HB 295, PN 2346.

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

COMMUNICATION FROM GOVERNOR**APPROVAL OF HOUSE BILL**

The Speaker laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 963.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 777 on the tabled bill calendar be taken from the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 777 be placed on the table.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1570 and HB 1599 on page 15 of today's tabled bill calendar be taken from the table.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that these bills, HB 1570 and 1599, be recommitted to the Committee on Appropriations.

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

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

HB 479, PN 499

By Rep. SCHULER

An Act providing for pediatric extended care centers, for licensure, for fees, for duties of the Department of Health and for enforcement; regulating construction and renovation; and providing for penalties, for creation of the Pediatric Extended Care Fund and for disposition of fees.

AGING AND YOUTH.

HB 1831, PN 2248

By Rep. SCHULER

An Act providing for technical assistance for employer-sponsored child day-care programs.

AGING AND YOUTH.

HB 1841, PN 2258

By Rep. BUNT

An Act requiring the Department of Agriculture to enter into an agreement with the Federal Crop Insurance Corporation for the purpose of making payments relating to catastrophic risk protection administrative fees paid by producers of agricultural commodities.

AGRICULTURE AND RURAL AFFAIRS.

HB 1888, PN 2455 (Amended)

By Rep. BUNT

An Act providing for emergency drought relief as a result of weather conditions in 1999; establishing the Agricultural Drought Emergency Oversight Board; and making an appropriation.

AGRICULTURE AND RURAL AFFAIRS.

HB 1893, PN 2338

By Rep. BUNT

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

AGRICULTURE AND RURAL AFFAIRS.

SB 384, PN 1403 (Amended)

By Rep. SCHULER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children; providing for a clearinghouse for missing children; and imposing powers and duties on the Pennsylvania State Police, local school districts and parents.

AGING AND YOUTH.**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, Mr. Snyder, who asks that leave of absence be granted to the gentleman from Lycoming, Mr. DEMPSEY, for the week, and the gentleman from York, Mr. PLATTS, for today's session. Without objection, the leaves will be granted. The Chair hears no objection.

The Chair recognizes the gentleman, Mr. Veon, who requests a leave of absence for the following members of the Democratic Caucus: the gentleman, Mr. RUFFING, for the week; the gentleman from Philadelphia, Mr. MYERS, for the week; the

gentleman from Washington, Mr. DALEY, for the day; and the lady from Philadelphia, Ms. BISHOP, for the day. Without objection, the leaves will be granted. The Chair hears no objection.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1156 be taken from the table. HB 1156 is on page 10 of today's tabled bill calendar.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1156 be placed back upon the table.

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

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will report to the floor. Members will please report to the floor. The members will proceed to vote.

The following roll call was recorded:

PRESENT—197

Adolph	Fargo	Mann	Scrimanti
Allen	Feese	Markosek	Semmel
Argall	Fichter	Marsico	Serafini
Armstrong	Fleagle	Masland	Seyfert
Baker	Flick	Mayernik	Shaner
Bard	Forcier	McCall	Smith, B.
Barley	Frankel	McGeehan	Smith, S. H.
Barrar	Freeman	McGill	Snyder
Bastian	Gannon	McIlhattan	Solobay
Battisto	Geist	McIlhinney	Staback
Bebko-Jones	George	McNaughton	Stairs
Belardi	Gigliotti	Melio	Steelman
Belfanti	Gladeck	Metcalfe	Steil
Benninghoff	Godshall	Michlovic	Stern
Birmelin	Gordner	Micozzie	Stetler
Blaum	Grucela	Miller, R.	Stevenson
Boyes	Gruitza	Miller, S.	Strittmatter
Browne	Habuy	Mundy	Sturla
Bunt	Haluska	Naitor	Surra
Butkovitz	Hanna	Nickol	Tangretti
Buxton	Harhai	O'Brien	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carn	Hennessey	Perzel	Tigue
Casorio	Herman	Pesci	Travaglio
Cawley	Hershey	Petrarca	Trello
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Jadiowicz	Pistella	Vance
Cohen, L. I.	James	Preston	Van Horne
Cohen, M.	Josephs	Ramos	Veon
Colafella	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corrigan	Kenney	Reinard	Washington

Costa	Kirkland	Rieger	Waters
Coy	Krebs	Roberts	Williams
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daily	Lawless	Rohrer	Wojnaroski
DeLuca	Lederer	Rooney	Wright
Dermody	Leh	Ross	Yewcic
DeWeese	Lescovitz	Rubley	Youngblood
DiGiroiamo	Levdansky	Sainato	Yudichak
Donatucci	Lucyk	Samuelson	Zimmerman
Druce	Lynch	Santoni	Zug
Eachus	Maher	Sather	
Egolf	Maitland	Saylor	Ryan,
Evans	Major	Schroder	Speaker
Fairchild	Manderino	Schuler	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bishop	Dempsey	Platts	Ruffing
Daley	Myers		

LEAVES ADDED—5

Carn	Kirkland	Perzel	Washington
James			

LEAVES CANCELED—2

Carn	Platts
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FILMING PERMISSION

The SPEAKER. The Chair at this time wishes to advise the members that permission has been given to Sheldon Ingram of WTAE-TV, Pittsburgh, to videotape for a short period of time, 10 or 15 minutes, as he sees fit.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, from Bucks County, as the guest of Representative David Steil, Evan Weisfeld from Newtown, PA, serving as a guest page. Would the gentleman please rise.

The Chair is also pleased to welcome to the hall of the House today, as the guests of Representative Pesci, two constituents of his, Alyssa and Anya Mlecko, who are serving as guest pages today. Would these pages please rise.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Bunt. Mr. Bunt, you have an announcement?

Mr. BUNT. Yes. Thank you, Mr. Speaker.

Mr. Speaker, at the first break of the Chair, I would like to call a meeting of the Ag and Rural-Affairs Committee in the rear of the House. I would appreciate if all members, Democrat and Republican members of the Ag Committee, attend. It will be an important meeting.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of advising the Republican Caucus on a meeting.

Mr. FARGO. Thank you, Mr. Speaker.

The Republicans will caucus, and we will plan on coming back at 3 o'clock for additional votes. The Republican caucus will start at 20 minutes to 2 in the caucus room. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Some of you may have noticed that the clock is not quite right, so do not depend on that.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Mr. Speaker, the Democrats will also caucus at 20 minutes of 2.

The SPEAKER. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call for a meeting of the House Appropriations Committee in room 245, in the conference room of 245. We are now back in those facilities and ready to conduct business there. I would like to have that meeting upon the call of recess by the Chair.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

ANNOUNCEMENT BY MR. MARSICO

The SPEAKER. Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I would like to make an announcement concerning the flag football game which was scheduled for last Saturday. If I could have your attention.

The SPEAKER. This is important.

Mr. MARSICO. Thank you, Mr. Speaker.

As you know, the Pennsylvania and Ohio legislators play an annual flag football game. Well, just like the college team in Ohio, the Ohio legislators failed to show up on Saturday.

I did want to say that I think we scared them away, Mr. Speaker, with the likes of "Ironman" Pippy, "Hot Rod" Wilt, John "the Missile" Yudichak, Tim "Freight Train Choochoo" Solobay. We do have some other ones here: "Chuck E. Cheese" McIlhinney, Ted "the Touch" Harhai, Mike "Mountainman" Sturla, and some others.

I just want to say that our team was very well prepared, and we will be ready for next year.

Also, let me just make a note, because I know if I do not mention this, I will catch a lot of grief: The rookies of the team

played the veterans, the old guys, and clearly, the rookies were much younger, smarter, faster, and more aggressive than the old guys. So we congratulate the rookies, and I think I mentioned most of the rookies with those previously. I am not going to say the score, but they did win pretty significantly. So again, we will get them next year. Thank you.

The SPEAKER. I suspect, Mr. Marsico, we are now going to find out the score.

Mr. Wilt.

Mr. WILT. Thank you, Mr. Speaker.

For the benefit of my teammates, I want to let the members know that the score was 20 to 0. So I just wanted to make that clear, although we appreciate the veterans taking it easy on us and letting us run it up a little bit. But the game is, I guess, officially under protest, because the officiating was somewhat suspect, they are now declaring.

So thank you, Mr. Speaker, and congratulations to the rookies, my friends over there.

The SPEAKER. The Chair thanks the gentleman.

Let me remind you, there is an Ag Committee meeting immediately on the declaration of the recess as well as an Appropriations Committee meeting immediately on the declaration of the recess.

RECESS

The SPEAKER. Without more, this House stands in recess until 3 p.m., unless sooner recalled by the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. 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.)

BILLS REREPORTED FROM COMMITTEE

HB 478, PN 498

By Rep. BARLEY

An Act imposing civil liability on persons participating in the illegal drug market; providing for the recovery of damages by certain persons; and establishing the procedure for bringing a private action to recover damages.

APPROPRIATIONS

HB 519, PN 1889

By Rep. BARLEY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for reports of child death where abuse is suspected.

APPROPRIATIONS.

HB 854, PN 1765

By Rep. BARLEY

An Act amending the act of December 20, 1996 (P.L.1492, No.191), known as the Medical Foods Insurance Coverage Act, further defining "health insurance policy"; and providing for low protein modified food products.

APPROPRIATIONS.

HB 877, PN 951

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile history record information.

APPROPRIATIONS.

HB 1153, PN 1796

By Rep. BARLEY

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for annual budget, for filing, for uniform forms and for annual reports.

APPROPRIATIONS.

HB 1154, PN 1892

By Rep. BARLEY

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for reports and for preparation and filing of proposed budget; and making editorial changes.

APPROPRIATIONS.

HB 1155, PN 1308

By Rep. BARLEY

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for filing of budget and for uniform forms; and making editorial changes.

APPROPRIATIONS.

HB 1157, PN 1310

By Rep. BARLEY

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further regulating the annual budget and uniform report forms.

APPROPRIATIONS.

HB 1158, PN 1311

By Rep. BARLEY

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for budget forms, for filing copies and for uniform forms; and making editorial changes.

APPROPRIATIONS.

HB 1180, PN 1337

By Rep. BARLEY

An Act repealing the act of April 16, 1845 (P.L.532, No.348), entitled "An act to increase the revenues and diminish the legislative expenses of the commonwealth."

APPROPRIATIONS.

HB 1361, PN 1898

By Rep. BARLEY

An Act requiring all child day-care facilities in this Commonwealth to have one or more persons competent in first aid techniques and under certain circumstances cardiopulmonary resuscitation (CPR) at the facility when one or more children are in care.

APPROPRIATIONS.

HB 1443, PN 1708

By Rep. BARLEY

An Act amending the act of July 9, 1959 (P.L.510, No.137), known as the Pennsylvania Public Lands Act, expanding the scope of the act; further providing for a short title, for definitions, for administration, for warrant and patent applications, for application procedure, for administrative procedure, for application for patents, for appraisals, for expenses, for abandonment of applications and for issuance of patents; making editorial changes; and making repeals.

APPROPRIATIONS.

HB 1450, PN 1714

By Rep. BARLEY

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

APPROPRIATIONS.

HB 1569, PN 2456 (Amended)

By Rep. BARLEY

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging; and further providing for penalties for certain sales or transfers of cigarettes.

APPROPRIATIONS.

HB 1570, PN 2309

By Rep. BARLEY

An Act relating to bloodborne pathogen standards governing exposure to certain persons.

APPROPRIATIONS.

HB 1599, PN 1943

By Rep. BARLEY

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for compensation of auditors.

APPROPRIATIONS.

HB 1848, PN 2418

By Rep. BARLEY

An Act providing for a tax credit to employers who hire certain individuals; and making a repeal.

APPROPRIATIONS.

SB 456, PN 1365

By Rep. BARLEY

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the qualifications and appointment of deputy waterways conservation officers; authorizing certain cooperative agreements; further providing for changes in grading of certain offenses, for increased fines for certain convictions, for violations of regulations and permits, for acknowledgment of guilt, for disposition of nonresident offenders and for issuing agents; prohibiting the sales of certain fish, reptiles and amphibians; and further providing for the grading of and penalties for violations relating to boating registration, identification, issuing agents and accident reports.

APPROPRIATIONS.

SB 949, PN 1181

By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Newlin Township, certain property situate in Newlin Township, Chester County, Pennsylvania.

APPROPRIATIONS.

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

HB 1953, PN 2441

By Rep. BUNT

An Act providing for grants to assist producers in purchasing or updating technology or equipment for irrigation and water conservation projects; providing for loans to assist producers in purchasing or updating technology which will increase productivity or provide entrance into new product markets; establishing the Agricultural Technology Assistance Fund; providing for powers and duties of the Department of Agriculture; and making an appropriation.

AGRICULTURE AND RURAL AFFAIRS.

BILLS ON SECOND CONSIDERATION

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

**HB 1450, PN 1714; HB 1569, PN 2456; HB 1570, PN 2309;
HB 1599, PN 1943; and HB 1848, PN 2418.**

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1970 By Representatives BENNINGHOFF, ARGALL, BAKER, BARD, BARRAR, BASTIAN, BELARDI, BLAUM, BUNT, CHADWICK, CLYMER, M. COHEN, DALEY, DeLUCA, DERMODY, FAIRCHILD, FARGO, FEESE, FRANKEL, GANNON, GEIST, HARHAI, HENNESSEY, HERMAN, HESS, JOSEPHS, KAISER, KIRKLAND,

LAUGHLIN, LYNCH, MAHER, MAITLAND, MARSICO, McILHATTAN, NICKOL, ORIE, PLATTS, RAMOS, READSHAW, ROSS, RUBLEY, SAYLOR, SCHRODER, SCHULER, SEYFERT, SHANER, B. SMITH, S. H. SMITH, SOLOBAY, STEELMAN, SURRA, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRAVAGLIO, TRELLO, TRUE, WILLIAMS, WILT, WOJNAROSKI, WRIGHT, YEWICIC, YUDICHAK and ZUG

An Act amending the act of February 14, 1990 (P.L.62, No.11), known as the Noncontrolled Substances Reporting and Registration Act, further providing for chemicals subject to registration and for penalties.

Referred to Committee on JUDICIARY, October 18, 1999.

No. 1971 By Representatives DERMODY, GANNON, BLAUM, PESCI, M. COHEN, BISHOP, READSHAW, CALTAGIRONE, TRELLO, PRESTON, WALKO, MAITLAND, WASHINGTON, DALEY, HARHAI, SURRA, STEELMAN, MAHER, HORSEY, SERAFINI and BENNINGHOFF

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further defining "designer drug"; further providing for prohibited acts; and making an editorial change.

Referred to Committee on JUDICIARY, October 18, 1999.

SENATE MESSAGE

**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate
October 18, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, October 25, 1999, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, October 25, 1999, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and notes the presence in the hall of the House of the gentleman from York County, Mr. Platts, and directs that the clerk place his name on the master roll.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Veon, who requests a leave for the balance of today's session for the gentleman from Philadelphia, Mr. CARN. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 949, PN 1181**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Newlin Township, certain property situate in Newlin Township, Chester County, Pennsylvania.

On the question,
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.

The following roll call was recorded:

YEAS—197

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Feese | Markosek | Scrimenti |
| Allen | Fichter | Marsico | Semmel |
| Argall | Fleagle | Masland | Serafini |
| Armstrong | Flick | Mayernik | Seyfert |
| Baker | Forcier | McCall | Shaner |
| Bard | Frankel | McGeehan | Smith, B. |
| Barley | Freeman | McGill | Smith, S. H. |
| Barrar | Gannon | McIlhattan | Snyder |
| Bastian | Geist | McIlhinney | Solobay |
| Battisto | George | McNaughton | Staback |
| Bebko-Jones | Gigliotti | Melio | Stairs |
| Belardi | Gladeck | Metcalfe | Steelman |
| Belfanti | Godshall | Michlovic | Steil |
| Benninghoff | Gordner | Micozzie | Stern |
| Birmelin | Grucela | Miller, R. | Stetler |
| Blaum | Gruitza | Miller, S. | Stevenson |
| Boyes | Habay | Mundy | Strittmatter |
| Browne | Haluska | Nailor | Sturla |
| Bunt | Hanna | Nickol | Surra |
| Butkovitz | Harhai | O'Brien | Tangretti |
| Buxton | Harhart | Oliver | Taylor, E. Z. |
| Caltagirone | Hasay | Orie | Taylor, J. |
| Cappabianca | Hennessey | Perzel | Thomas |
| Casorio | Herman | Pesci | Tigue |
| Cawley | Hershey | Petrarca | Travaglio |
| Chadwick | Hess | Petrone | Trello |
| Civera | Horsey | Phillips | Trich |
| Clark | Hutchinson | Pippy | True |
| Clymer | Jadlowiec | Pistella | Tulli |
| Cohen, L. I. | James | Platts | Vance |
| Cohen, M. | Josephs | Preston | Van Horne |
| Colafrilla | Kaiser | Ramos | Veon |
| Cornell | Keller | Raymond | Vitali |
| Corrigan | Kenney | Readshaw | Walko |
| Costa | Kirkland | Reinard | Washington |
| Coy | Krebs | Rieger | Waters |

- | | | | |
|------------|-----------|-----------|------------------|
| Curry | LaGrotta | Roberts | Williams |
| Dailey | Laughlin | Robinson | Wilt |
| Dally | Lawless | Roebuck | Wogan |
| DeLuca | Lederer | Rohrer | Wojnaroski |
| Dermody | Leh | Rooney | Wright |
| DeWeese | Lescovitz | Ross | Yewcic |
| DiGirolamo | Levdansky | Rublely | Youngblood |
| Donatucci | Lucyk | Sainato | Yudichak |
| Druce | Lynch | Samuelson | Zimmerman |
| Eachus | Maher | Santoni | Zug |
| Egolf | Maitland | Sather | |
| Evans | Major | Saylor | Ryan,
Speaker |
| Fairchild | Manderino | Schroder | |
| Fargo | Mann | Schuler | |

NAYS—0

NOT VOTING—0

EXCUSED—6

- | | | | |
|--------|---------|-------|---------|
| Bishop | Daley | Myers | Ruffing |
| Cam | Dempsey | | |

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.

PARLIAMENTARY INQUIRY

Ms. MANDERINO. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the lady from Philadelphia rise?

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I have a parliamentary inquiry, please.

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

Ms. MANDERINO. Thank you, Mr. Speaker.

I remember a discussion from the floor of the House the last week that we were in session with regard to the calendars and the supplemental calendars being in written copy on our desks before we were voting. I want to call to the attention of the Chair that supplemental calendar A is not distributed on the floor of the House.

The SPEAKER pro tempore. Those copies are not distributed on the floor to the members. They are on your computer, and there are extra hard copies up in the front for any member who requests one.

Ms. MANDERINO. Just for clarification then, is it my understanding that the ruling or the decision last week was to not have them? Maybe I misunderstood what we decided the last time.

The SPEAKER pro tempore. The Chair is advised that the policy was not to distribute them but to make them available for any member who would like them here in the front and to put them on the computer.

Ms. MANDERINO. Thank you, Mr. Speaker.

With that in mind, if you would not call another bill on the supplemental until those of us who want a hard copy get a chance to go down front and get it. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests that the gentleman, Mr. Carn, be placed on the master roll. He is now present in the hall of the House. The Chair hears no objection.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1361, PN 1898**, entitled:

An Act requiring all child day-care facilities in this Commonwealth to have one or more persons competent in first aid techniques and under certain circumstances cardiopulmonary resuscitation (CPR) at the facility when one or more children are in care.

On the question,
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.

The following roll call was recorded:

YEAS—198

Adolph	Fargo	Mann	Schuler
Allen	Feese	Markosek	Scrimenti
Argall	Fichter	Marsico	Semmel
Armstrong	Fleagle	Masland	Serafini
Baker	Flick	Mayernik	Seyfert
Bard	Forcier	McCall	Shaner
Barley	Frankel	McGeehan	Smith, B.
Barrar	Freeman	McGill	Smith, S. H.
Bastian	Gannon	McIlhatten	Snyder
Battisto	Geist	McIlhinney	Solobay
Bebko-Jones	George	McNaughton	Staback
Belardi	Gigliotti	Melio	Stairs
Belfanti	Gladeck	Metcalfe	Steelman
Benninghoff	Godshall	Michlovic	Steil
Birmelin	Gordner	Micozzie	Stern
Blaum	Grucela	Miller, R.	Stetler
Boyes	Gruitza	Miller, S.	Stevenson
Browne	Habay	Mundy	Strittmatter
Bunt	Haluska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhai	O'Brien	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Orie	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Home
Colafiglia	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Waiko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Dally	Lawless	Roebuck	Wogan

DeLuca	Lederer	Rohrer	Wojnaroski
Dermody	Leh	Rooney	Wright
DeWeese	Lescovitz	Ross	Yewcic
DiGirolamo	Levdansky	Rubley	Youngblood
Donatucci	Lucyk	Sainato	Yudichak
Druce	Lynch	Samuelson	Zimmerman
Eachus	Maher	Santoni	Zug
Egolf	Maitland	Sather	
Evans	Major	Saylor	Ryan, Speaker
Fairchild	Manderino	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop	Dempsey	Myers	Ruffing
Daley			

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. Veon, who requests a leave for the balance of today's session for the gentleman from Philadelphia, Mr. JAMES. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

BILLS ON THIRD CONSIDERATION**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. Staying on supplemental calendar A, page 2, SB 456 will be over temporarily.

The House proceeded to third consideration of **HB 854, PN 1765**, entitled:

An Act amending the act of December 20, 1996 (P.L. 1492, No. 191), known as the Medical Foods Insurance Coverage Act, further defining "health insurance policy"; and providing for low protein modified food products.

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

Mr. DeLUCA offered the following amendment No. A2160:

Amend Sec. 1 (Sec. 4), page 4, line 6, by inserting before "Except"
(a) General rule.

Amend Sec. 1 (Sec. 4), page 4, line 19, by removing the period after
"INDIVIDUAL" and inserting
subject to adjustment as provided in subsection (b).

(b) Adjustment of cap.—

(1) The Insurance Department, at least once every three years, shall adjust the \$2,500 cap or limit relative set forth in subsection (a) to changes in the components of the Consumer Price Index (Urban) to measure seasonally adjusted changes in low protein modified food product costs and shall make such adjustments to the cap or limit as shall be necessary to maintain the same rate of change in the cap or limit as has occurred in the Consumer Price Index (Urban). Such adjustments may be rounded off to the nearest \$50 figure.

(2) The Insurance Department shall publish the adjustment as a notice in the Pennsylvania Bulletin.

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

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2160 does one simple thing. It would allow the insurance company to adjust the \$2,500 yearly cap at least once every 3 years at the same rate as the Consumer Price Index. This will allow the benefit cap to keep in pace with inflation.

Also, let me state that I want to commend the sponsor of this legislation, mainly because this is something that we need, and I think Representative Micozzie did an excellent job in bringing this bill before this House.

So I would appreciate a "yes" vote on this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

- Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Birmelmin, Blaum, Boyes, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Casorio, Lawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Fargo, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, Josephs, Kaiser, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Nailor, Nickol, O'Brien, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Platts, Preston, Ramos, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, 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

- Colafelia, Cornell, Corrigan, Costa, Coy, Curry, Dailey, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Eachus, Egolf, Evans, Fairchild, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Mann, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Samuelson, Santoni, Sather, Saylor, Schroder, Schuler, Vitali, Walko, Washington, Waters, Williams, Wilt, Wogan, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

- Bishop, Daley, Dempsey, James, Myers, Ruffing

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. GEORGE offered the following amendment No. A3503:

Amend Sec. 4, page 4, line 6, by inserting before "Except"

(a) General rule.—

Amend Sec. 4, page 4, line 14, by striking out all of said line and inserting administered under the direction of a physician.

(b) Amount of coverage.—Coverage for

Amend Sec. 4, page 4, lines 18 and 19, by striking out all of said lines and inserting period of 12 months shall:

(1) Not exceed \$2,500 for an insured individual between 19 years of age and 64 years of age.

(2) Be \$5,000 for an insured who is a child 18 years of age or younger or an individual 65 years of age or older and provided that the insured's physician certifies that the benefits are medically necessary.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, at this moment I am offering for the perusal of our members and our colleagues an amendment that will increase the amount of coverage from \$2,500 to \$5,000 for the two most vulnerable groups in our society, the senior citizens who are 65 and older and the children that are under 18 years of age, and I am asking that we accept amendment 3503 into HB 854. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, again, who requests a leave for the gentleman from Delaware County, Mr. KIRKLAND. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 854 CONTINUED

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

Mr. MICOZZIE. Yes. I would like to interrogate Representative George.

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

Mr. MICOZZIE. Mr. Speaker, can you explain to the members what the different categories are and how many children are in the different categories? It is my understanding you have three categories.

Mr. GEORGE. Mr. Speaker, if you could get a little quiet, I would appreciate it.

The SPEAKER pro tempore. The gentleman, Mr. George, is correct. The House will come to order. Members will please take their conversations outside the hall of the House. Conversations in the aisles will please break up. Members will please take their seats.

Let us try it, Mr. George.

Mr. GEORGE. To the gentleman, to my fine colleague, Mr. Micozzie, we do not lay out any distinction in category or classes. There is only one. We do not do that in the amendment. We just feel, with the good bill that you have, we are trying to help it for the same kind of people that we think you would want to help, Mr. Speaker.

Mr. MICOZZIE. Well, Mr. Speaker, evidently you have put some research in coming up with the different age brackets, and I am just wondering, what was the rationale in coming up with those different age brackets?

Mr. GEORGE. Mr. Speaker, it takes care of the most vulnerable groups in our society, those that are older and those that are younger. That is the only reason we place the distinction on that.

Mr. MICOZZIE. I completed my interrogation.

The SPEAKER pro tempore. On the merits?

Mr. MICOZZIE. I have a comment.

The SPEAKER pro tempore. The gentleman is in order.

Mr. MICOZZIE. Mr. Speaker, during the committee meetings — and of course, we had hearings on it — Representative DeLuca and I had an agreement on my amendment that I had put to PKU (phenylketonuria), and in speaking to Representative DeLuca on his amendment, it was agreed upon, and I think that to put an additional amendment on it, it is only going to cause problems when it goes over to the Senate. And in receiving a lot of phone calls from the mothers, especially Jean Foster, who is really the one who has the lead on this subject, she and the parents for these children are against the amendment.

So I ask my colleagues to register a “no” vote on the amendment. Thank you.

The SPEAKER pro tempore. Mr. George, there are no other members seeking recognition. Do you want to go a second time? The gentleman is in order.

Mr. GEORGE. Mr. Speaker, to my colleagues, of course I would accept, being here for a number of years, that the insurance people would not want to accept this amendment, but this is at a time when I do not believe that we ought to be more concerned about the insurance industry than we are about our children. I just do not know what— The gentleman, Mr. Micozzie, asked what categories we are talking about. If I could make myself heard, I guess for those that would want to support the insurance industry over children, it would not matter whether I am going to be heard or not, but the amendment, Mr. Speaker, that I place forward for your edification is not to hurt anybody, simply to help a very vulnerable group within our society — those that cannot help themselves.

I am a little embarrassed, because I did not think that anyone would want to stand and deny this amendment access into a bill to make a good bill better, and I would still ask that we would consider these young people. We talk about the CHIP program (Children’s Health Insurance Program). We talk about insurance programs. Mr. Speaker, this is where it is. If you want to help the kids, you can do it with this “aye” vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—97

Battisto	Frankel	Mayernik	Solobay
Bebko-Jones	Freeman	McCall	Staback
Belardi	George	McGeehan	Stelman
Belfanti	Gigliotti	Melio	Stetler
Blaum	Gordner	Michlovic	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Oliver	Tangretti
Caltagirone	Haluska	Pesci	Thomas
Cappabianca	Hanna	Petrarca	Tigue
Carn	Harhai	Petrone	Travaglio
Casorio	Hasay	Pistella	Trello
Cawley	Horsey	Preston	Trich
Cohen, M.	Josephs	Ramos	True
Colafella	Kaiser	Readshaw	Van Horne
Corrigan	Keller	Rieger	Veon
Costa	LaGrotta	Roberts	Vitali
Coy	Laughlin	Robinson	Walko
Curry	Lederer	Roebuck	Washington
DeLuca	Lescovitz	Rooney	Waters
Dermody	Levdansky	Sainato	Williams
DeWeese	Lucyk	Samuelson	Wojnaroski
Donatucci	Manderino	Santoni	Yewcic
Eachus	Mann	Scrimenti	Youngblood
Evans	Markosek	Shaner	Yudichak
Feese			

NAYS—99

Adolph	Fargo	Marsico	Schroder
Allen	Fichter	Masland	Schuler
Argall	Fleagle	McGill	Semmel
Armstrong	Flick	McIlhattan	Serafini
Baker	Forcier	McIlhinney	Seyfert
Bard	Gannon	McNaughton	Smith, B.
Barley	Geist	Metcalfe	Smith, S. H.
Barrar	Gladeck	Micozzie	Snyder
Bastian	Godshall	Miller, R.	Stairs
Benninghoff	Habay	Miller, S.	Steil

Birmelin	Harhart	Nailor	Stern
Boyes	Hennessey	Nickol	Stevenson
Browne	Herman	O'Brien	Strittmatter
Bunt	Hershey	Orie	Taylor, E. Z.
Chadwick	Hess	Perzel	Taylor, J.
Civera	Hutchinson	Phillips	Tulli
Clark	Jadlowiec	Pippy	Vance
Clymer	Kenney	Platts	Wilt
Cohen, L. I.	Krebs	Raymond	Wogan
Cornell	Lawless	Reinard	Wright
Dailey	Leh	Rohrer	Zimmerman
Dally	Lynch	Ross	Zug
DiGirolamo	Maher	Rubley	
Druce	Maitland	Sather	Ryan,
Egolf	Major	Saylor	Speaker
Fairchild			

NOT VOTING—0

EXCUSED—7

Bishop	Dempsey	Kirkland	Ruffing
Daley	James	Myers	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

Adolph	Fairchild	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturta
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Carn	Hennessey	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsley	Pistella	True

Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Home
Cohen, M.	Kaiser	Raymond	Veon
Colafrilla	Keiler	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Robinson	Williams
Curry	Lawless	Roebuck	Wilt
Dailey	Lederer	Rohrer	Wogan
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright
Dermody	Levdansky	Rubley	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Donanucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schroder	Ryan,
Evans	Mann	Schuler	Speaker

NAYS—2

Fargo	Nickol
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NOT VOTING—0

EXCUSED—7

Bishop	Dempsey	Kirkland	Ruffing
Daley	James	Myers	

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 1180, PN 1337, entitled:**

An Act repealing the act of April 16, 1845 (P.L.532, No.348), entitled "An act to increase the revenues and diminish the legislative expenses of the commonwealth."

On the question,

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.

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Marsico	Scrimenti
Allen	Feese	Masland	Semmel
Argall	Fichter	Mayernik	Serafini
Armstrong	Fleagle	McCall	Seyfert
Baker	Flick	McGeehan	Shaner
Bard	Forcier	McGill	Smith, B.

Barley	Frankel	McIlhattan	Smith, S. H.
Barrar	Freeman	McIlhinney	Snyder
Bastian	Gannon	McNaughton	Solobay
Battisto	Geist	Melio	Staback
Bebko-Jones	George	Metcalfe	Stairs
Belardi	Gigliotti	Michlovic	Steeiman
Belfanti	Gladeck	Micozzie	Steil
Benninghoff	Godshall	Miller, R.	Stern
Birmelin	Gordner	Miller, S.	Stetler
Blaum	Grucela	Mundy	Stevenson
Boyes	Gruitza	Nailor	Strittmatter
Browne	Habay	Nickol	Sturla
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Carn	Hennessey	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitaii
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Robinson	Williams
Curry	Lawless	Roebuck	Wilt
Dailey	Lederer	Rohrer	Wogan
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright
Dermody	Levdansky	Rubley	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Donatucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schroder	Ryan,
Evans	Mann	Schuler	Speaker
Fairchild	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bishop	Dempsey	Kirkland	Ruffing
Daley	James	Myers	

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 478, PN 498**, entitled:

An Act imposing civil liability on persons participating in the illegal drug market; providing for the recovery of damages by certain persons; and establishing the procedure for bringing a private action to recover damages.

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

Mr. **GEORGE** offered the following amendment No. **A0951**:

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 4, by removing the period after "damages" and inserting

; and providing immunity to persons in certain actions relating to environmental law or regulation.

Amend Bill, page 2, by inserting between lines 5 and 6

The General Assembly finds and declares as follows:

(1) There has been a disturbing increase in lawsuits, known as Strategic Lawsuits Against Public Participation (SLAPP), brought primarily to chill the valid exercise by citizens of their constitutional rights to freedom of speech and to petition the government for the redress of grievances.

(2) It is in the public interest to empower citizens to bring a swift end to retaliatory lawsuits seeking to undermine their participation in the establishment of State and local environmental policy and in the implementation and enforcement of environmental law and regulations.

(3) It is the intent of the General Assembly that this act will ensure that a frivolous lawsuit or a SLAPP can be resolved in a prompt manner by permitting citizens to raise civil immunity to such suits when filing a preliminary objection for legal insufficiency of a pleading or demurrer or upon another appropriate motion and to obtain a stay on discovery.

(4) A court should grant or deny relief on the preliminary objection or other appropriate motion without reserving the matter for further discovery.

Amend Sec. 1, page 2, line 10, by inserting after "Liability" and Immunity in Environmental Action

Amend Bill, page 12, by inserting between lines 11 and 12

Section. 16. Participation in environmental law or regulation enforcement or implementation.

(a) Immunity.—

(1) 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.

(2) A communication is not genuinely aimed at procuring a favorable governmental action, result or outcome if it:

- (i) is not material or relevant to the enforcement or implementation of environmental law or regulation;
- (ii) was knowingly false when made;
- (iii) was rendered with reckless disregard as to the truth or falsity of the statement when made; or
- (iv) represented a wrongful use of process or abuse of process.

(b) Stay of discovery.—The court shall stay all discovery proceedings in the action upon the filing of a preliminary objection for legal insufficiency of a pleading or other appropriate motion on the basis of immunity, provided 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 preliminary objections or on another appropriate motion.

(c) Admissibility of court determination.—If the court determines that the plaintiff has established that there is a substantial likelihood that the plaintiff 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.

(d) Intervention.—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 may intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

(e) Legal protections of defendants.—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) Abuse of legal process.—In addition to other costs or remedies allowed by general rule or statute, in any administrative or judicial proceeding related to the enforcement or implementation of environmental law or regulation, the agency or court may award costs, including reasonable attorney fees, if the agency or court determines that an action, appeal, claim, motion or pleading is frivolous or taken solely for delay or that the conduct of a party or counsel is dilatory or vexatious.

(g) 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 United States Constitution or the Constitution of Pennsylvania in connection with a public issue.” Any of the following:

(1) A written or oral statement or writing made before a legislative, executive or judicial proceeding, or any other official proceeding authorized by law.

(2) A 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.

(3) A 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.

(4) A 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.

Amend Sec. 16, page 12, line 12, by striking out “16” and inserting 17

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

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, my apology to the Chair in that my staff had not appropriately advised you that this amendment was pulled this morning, with your permission.

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

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Marsico	Scrimenti
Allen	Feese	Masland	Semmel
Argall	Fichter	Mayernik	Serafini
Armstrong	Fleagle	McCall	Seyfert
Baker	Flick	McGeehan	Shaner
Bard	Forcier	McGill	Smith, B.
Barley	Frankel	McIlhattan	Smith, S. H.
Barrar	Freeman	McIlhinney	Snyder
Bastian	Gannon	McNaughton	Solobay
Battisto	Geist	Melio	Staback
Bebko-Jones	George	Metcalfe	Stairs
Belardi	Gigliotti	Michlovic	Steelman
Belfanti	Gladeck	Micozzie	Steil
Benninghoff	Godshall	Miller, R.	Stern
Birmelin	Gordner	Miller, S.	Stetler
Blaum	Grucela	Mundy	Stevenson
Boyes	Gruitza	Nailor	Stritmatter
Browne	Habay	Nickol	Sturla
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Cam	Hennessey	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Robinson	Williams
Curry	Lawless	Roebuck	Wilt
Dailey	Lederer	Rohrer	Wogan
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright
Dermody	Levdansky	Rublely	Yeweic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Donatucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schroder	Ryan,
Evans	Mann	Schuler	Speaker
Fairchild	Markosek		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bishop	Dempsey	Kirkland	Ruffing
Daley	James	Myers	

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 519, PN 1889**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for reports of child death where abuse is suspected.

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

The SPEAKER pro tempore. The Chair understands that the gentleman, Mr. Frankel, has withdrawn his amendment. The Chair thanks the gentleman.

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

Mr. **BLAUM** offered the following amendment No. **A3510**:

Amend Sec. 1 (Sec. 6343), page 2, line 12, by inserting after "report"

The department shall include in the report a review of the performance of its duties mandated by this chapter.

Amend Sec. 1 (Sec. 6347), page 3, line 18, by inserting after "for" where it appears the first time

administrative, regulatory or

Amend Sec. 1 (Sec. 6347), page 3, lines 18 and 19, by striking out "or for additional legislation" and inserting

including improvement of the department's monitoring and inspection process, necessary

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

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

Mr. **BLAUM**. Thank you, Mr. Speaker.

Mr. Speaker, what my amendment does is, when the Department of Welfare reviews our children and youth agencies around the State and issues a report, that they also include how the department handled a particular matter, and when they issue their annual report from the Department of Public Welfare, that they also make recommendations to the General Assembly for changes and recommendations that they would like to see made in law so that they can also improve the operation of the department, and I would ask the members for an affirmative vote.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the gentleman from Philadelphia, Mr. **PERZEL**.

Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 519 CONTINUED

The SPEAKER pro tempore. On the question, the Chair recognizes the lady from Lancaster County, Representative True. Mrs. **TRUE**. Thank you, Mr. Speaker.

Mr. Speaker, amendment A3510 is an agreed-to amendment. The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McInhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Gruceia	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Stritmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Carn	Hennessey	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Home
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Robinson	Williams
Curry	Lawless	Roebuck	Wilt
Dailey	Lederer	Rohrer	Wogan
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright
Dermody	Levdansky	Rubley	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Donatucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schroder	Ryan.
Evans	Mann	Schuler	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—8

Bishop Daley	Dempsey James	Kirkland Myers	Perzel Ruffing
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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,

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

The SPEAKER pro tempore. Does the gentleman, Mr. Curry, have an amendment? The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adoiph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Gruceia	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Carn	Hennessey	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Robinson	Williams
Curry	Lawless	Roebuck	Wilt
Dailey	Lederer	Rohrer	Wogan
Daily	Leh	Rooney	Wojnaroski

DeLuca	Lescovitz	Ross	Wright
Dermody	Levdansky	Rublely	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Donatucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schroder	Ryan,
Evans	Mann	Schuler	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—8

Bishop Daley	Dempsey James	Kirkland Myers	Perzel Ruffing
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

The House proceeded to third consideration of **HB 877, PN 951**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile history record information.

On the question,

Will the House agree to the bill on third consideration?

Ms. STEELMAN offered the following amendment No. **A3476**:

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

; and providing for sentences for offenses against elderly persons and against infant persons.

Amend Sec. 1, page 1, line 6, by striking out "Section 6309" and inserting

Sections 6309, 9717 and 9718

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Bill, page 3, by inserting between lines 24 and 25 § 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 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 under 18 Pa.C.S. § 3126 (relating to indecent assault) when the victim is 12 years of age or younger 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.

On the question,

Will the House agree to the amendment?

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

Ms. STEELMAN. Thank you, Mr. Speaker.

This is an amendment that the House has passed previously. It would require mandatory incarceration and also mandatory therapy for people who are found guilty of indecent assault perpetrated upon some of the members of society who are least able to defend themselves against these kinds of attacks — that is, people who are residents in nursing homes and children under the age of 12.

I would look forward to your support again on this issue.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—116

Baker	Eachus	Lucyk	Santoni
Bard	Evans	Maitland	Serafini
Barley	Fairchild	Mann	Shaner
Battisto	Fleagle	Markosek	Snyder
Bebko-Jones	Frankel	Mayernik	Solobay
Belardi	Freeman	McCall	Staback

Belfanti	George	McGeehan	Steelman
Blaum	Gigliotti	McIlhinney	Sturla
Butkovitz	Grucela	Michlovic	Surra
Buxton	Gruitza	Micozzie	Tangretti
Caltagirone	Habay	Miller, S.	Taylor, J.
Cappabianca	Haluska	Mundy	Tigue
Carn	Hanna	O'Brien	Travaglio
Casorio	Harhai	Oliver	Trelio
Cawley	Harhart	Pesci	Trich
Chadwick	Hasay	Petrarca	Van Horne
Clymer	Hennessey	Petrone	Veon
Cohen, M.	Herman	Pistella	Walko
Colafella	Horsey	Preston	Washington
Corrigan	Hutchinson	Ramos	Waters
Costa	Kaiser	Readshaw	Williams
Coy	Keller	Reinard	Wogan
Curry	Kenney	Rieger	Wojnaroski
Dally	Krebs	Roberts	Yewcic
DeLuca	LaGrotta	Robinson	Youngblood
Dermody	Laughlin	Rooney	Yudichak
DeWeese	Lawless	Rubley	
DiGirolamo	Lederer	Sainato	Ryan,
Donatucci	Lescovitz	Samuelson	Speaker
Druce	Levdansky		

NAYS—77

Adolph	Flick	McIlhattan	Semmel
Allen	Forcier	McNaughton	Seyfert
Argall	Gannon	Melio	Smith, B.
Armstrong	Geist	Metcalfe	Smith, S. H.
Barrar	Gladeck	Miller, R.	Stairs
Bastian	Godshall	Nailor	Steil
Benninghoff	Gordner	Nickol	Stern
Birmelin	Hershey	Orie	Stetler
Boyes	Hess	Pippy	Stevenson
Browne	Jadlowiec	Platts	Strittmatter
Bunt	Josephs	Raymond	Taylor, E. Z.
Civera	Leh	Roebuck	True
Clark	Lynch	Rohrer	Tulli
Cohen, L. I.	Maher	Ross	Vance
Cornell	Major	Sather	Vitali
Dailey	Manderino	Saylor	Wilt
Egolf	Marsico	Schroder	Wright
Fargo	Masland	Schuler	Zimmerman
Feese	McGill	Scrimenti	Zug
Fichter			

NOT VOTING—2

Phillips	Thomas
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EXCUSED—8

Bishop	Dempsey	Kirkland	Perzel
Daley	James	Myers	Ruffing

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. COHEN offered the following amendment No. A3489:

Amend Title, page 1, line 3, by removing the period after "information" and inserting ; and providing for minimum wages.

Amend Bill, page 3, by inserting between lines 24 and 25
Section 2. Part VI of Title 42 is amended by adding a chapter to
read:

CHAPTER 70
MINIMUM WAGES

Sec.

- 7001. Declaration of policy.
- 7002. Short title of chapter.
- 7003. Definitions.
- 7004. Minimum wages.
- 7005. Exemptions.
- 7006. *Minimum Wage Advisory Board*.
- 7007. Investigations.
- 7008. Duty of employer.
- 7009. Enforcement, rules and regulations.
- 7010. Unconstitutionality.
- 7011. Penalties.
- 7012. Civil actions.

§ 7001. Declaration of policy.

Employees are employed in some occupations in this Commonwealth for wages unreasonably low and not fairly commensurate with the value of the services rendered. Such a condition is contrary to public interest and public policy commands its regulation. Employees employed in such occupations are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Judged by any reasonable standard, wages in such occupations are often found to bear no relation to the fair value of the services rendered. In the absence of effective minimum fair wage rates for employees, the depression of wages by some employers constitutes a serious form of unfair competition against other employers, reduces the purchasing power of the workers and threatens the stability of the economy. The evils of unreasonable and unfair wages as they affect some employees employed in this Commonwealth are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the employees employed therein and of the public interest of the community at large.

§ 7002. Short title of chapter.

This chapter shall be known and may be cited as the Minimum Wage Act.

§ 7003. Definitions.

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

"Board." The *Minimum Wage Advisory Board* created by this chapter.

"Department." The Department of Labor and Industry of the Commonwealth.

"Employ." Includes to permit to work.

"Employee." Includes any individual employed by an employer.

"Employer." Includes any individual, partnership, association, corporation, business trust or any person or group of persons acting, directly or indirectly, in the interest of an employer in relation to any employee.

"Gratuities." Voluntary monetary contributions received by an employee from a guest, patron or customer for services rendered.

"Occupation." Any industry, trade, business, service or employment or class or group thereof in which individuals are gainfully employed.

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

"Wage." Paid to any employee includes the reasonable cost, as determined by the Secretary of Labor and Industry, to the employer for furnishing such employee with board, lodging or other facilities, if such board, lodging or other facilities are customarily furnished by such employer to his employees. The cost of board, lodging or other facilities shall not be included as a part of the wage paid to any employee to the

extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee and the Secretary of Labor and Industry is authorized to determine the fair value of such board, lodging or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. These evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee. In determining the hourly wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 45% of the applicable minimum wage rate upon the effective date of this chapter. The amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply with respect to any tipped employee unless:

(1) The employee has been informed by the employer of the provisions of this definition.

(2) All tips received by such employee have been retained by the employee and shall not be surrendered to the employer to be used as wages to satisfy the requirement to pay the current hourly minimum rate in effect; where the gratuity is added to the charge made by the establishment, either by the management, or by the customer, the gratuity shall become the property of the employee; except that this definition shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

"Wages." Compensation due to any employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as may be permitted by regulations of the Secretary of Labor and Industry under section 7009 (relating to enforcement, rules and regulations).

§ 7004. Minimum wages.

(a) Rates.—Except as may otherwise be provided under this chapter, every employer shall pay to each employee wages for all hours worked at a rate of not less than:

(1) \$5.65 an hour 30 days after the effective date of this chapter.

(2) \$6.15 an hour beginning May 1, 2000.

(3) Beginning May 1, 2001, and every May 1 thereafter, the minimum wage shall be increased to the poverty level for a family of three, as set forth by the Department of Health and Human Services, divided by 2080, rounded up to the nearest 1¢ increment. In the event that this formula produces an increase of over 50¢ an hour the secretary shall increase the minimum wage by 50¢. Thirty days prior to May 1, the secretary shall publish in the *Pennsylvania Bulletin* notice of the new wage rate.

(b) Federal law.—If the minimum wage set forth in the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.) is increased above the level required by this section, the minimum wage shall match the levels of the Fair Labor Standards Act of 1938.

(c) Regulation.—The secretary, to the extent necessary to prevent curtailment of employment opportunities, shall by regulations provide for the employment of learners and students, under special certificates at wages lower than the minimum wage applicable under this section, and subject to such limitations as to number, proportion and length of service as the secretary shall prescribe. The minimum wage prescribed under this subsection shall not be less than 85% of the otherwise applicable wage rate in effect under this section. A special certificate issued under this subsection shall provide that six or fewer students for whom it is issued shall, except during vacation periods, be employed on a part-time basis and not in excess of 20 hours in any workweek at a subminimum rate. In the case of an employer who intends to employ seven or more students, at a subminimum rate, the secretary may issue a special certificate only if the employer certifies to the secretary that employment of such students

will not create a substantial probability of reducing the full-time employment opportunities for other workers.

(d) Overtime.—Employees shall be paid for overtime not less than one and one-half times the employee's regular rate as prescribed in regulations promulgated by the secretary. Students employed in seasonal occupations as defined and delimited by regulations promulgated by the secretary may, by such regulations, be excluded from the overtime provisions of this chapter. The secretary shall promulgate regulations with respect to overtime subject to the limitations that no pay for overtime in addition to the regular rate shall be required except for hours in excess of 40 hours in a workweek.

(e) Impairment.—An employee whose earning capacity is impaired by physical or mental deficiency or injury may be paid less than the applicable minimum wage if either a license specifying a wage rate commensurate with the employee's productive capacity has been obtained by the employer from the secretary or a Federal certificate is obtained under section 14(c) of the Fair Labor Standards Act of 1938. A license obtained from the secretary shall be granted only upon joint application of employer and employee.

§ 7005. Exemptions.

(a) Double exemptions.—Employment in the following classifications shall be exempt from both the minimum wage and overtime provisions of this chapter:

- (1) Labor on a farm.
- (2) Domestic services in or about the private home of the employer.
- (3) Delivery of newspapers to the consumer.
- (4) In connection with the publication of any weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.
- (5) In a bona fide executive, administrative, or professional capacity, including any employee employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools, or in the capacity of outside salesman, as such terms are defined and delimited from time to time by regulations of the secretary, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive administrative activities, if less than 40% of his hours worked in the workweek are devoted to such activities.
- (6) In the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organization gratuitously.
- (7) In seasonal employment, if the employee is under 18 years of age, or if a student under 24 years of age, by a nonprofit health or welfare agency engaged in activities dealing with handicapped or exceptional children or by a nonprofit day or resident seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year.
- (8) In employment by an establishment which is a public amusement or recreational establishment, organized camp or religious or nonprofit educational conference center, if:
 - (i) it does not operate for more than seven months in any calendar year; or
 - (ii) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3% of its average receipts for the other six months of such year.
- (9) Golf caddy.
- (10) In employment as a switchboard operator employed by an independently owned public telephone company which has not more than 750 stations.

(11) Employees not subject to civil service laws who hold elective office or are on the personal staff of such an officeholder, are immediate advisers to him, or are appointed by him to serve on a policy-making level.

(b) Overtime exemptions.—Employment in the following classifications shall be exempt from the overtime provisions of this chapter:

- (1) Seaman.
- (2) Any salesman, partsman or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers.
- (3) Any driver employed by an employer engaged in the business of operating taxicabs.
- (4) Any employee employed as an announcer, news editor, or chief engineer by a radio or television station, the major studio of which is located:
 - (i) in a city or town of 100,000 population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of 100,000; or
 - (ii) in a city or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area.
- (5) Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup.
- (6) Employment by an establishment which is a motion picture theater.
- (7) Any employee of a motor carrier with respect to whom the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. § 3102(b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards).

(i) in a city or town of 100,000 population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of 100,000; or

- (ii) in a city or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area.
- (5) Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup.
- (6) Employment by an establishment which is a motion picture theater.
- (7) Any employee of a motor carrier with respect to whom the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. § 3102(b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards).

§ 7006. Minimum Wage Advisory Board.

(a) Board created.—There is hereby created in the Department of Labor and Industry a Minimum Wage Advisory Board consisting of nine members to be appointed by the secretary to assist him in carrying out his duties under this chapter, and for the purpose of conducting public hearings at the request of the secretary in order to recommend rules and regulations for the occupations covered within this chapter.

(b) Membership.—Of the nine members, three shall be representatives of an established recognized association of labor organizations, three shall be representatives of an established recognized association of employers and three shall be members from the general public. The secretary or his designated representative shall be chairman of the board.

(c) Compensation.—Each member of the board shall receive compensation of \$30 per day plus necessary expenses for each day actually spent in the performance of his duties. No employee of the Commonwealth shall receive any additional compensation or expenses on account of his services under this chapter.

(d) Notice.—At least ten days' public notice shall be given in the manner prescribed by the board prior to any public hearing of the board. Five members of the board shall constitute a quorum.

(e) Powers.—The board shall have the power and duty to:

- (1) Consult with the secretary concerning any matter arising under the administration of this chapter and advise and assist him in carrying out the duties prescribed for him by section 7008 (relating to duty of employer).
- (2) Conduct public hearings at the request of the secretary in order to develop rules and regulations in accordance with section 7009 (relating to enforcement; rules and regulations), in which hearings due process of law shall be observed and any person

may appear and be heard or file statements in support of his position.

(3) Submit its report, including recommendations for the promulgation of rules and regulations, to the secretary, who shall within 30 days thereafter accept such report or refer it to the board for further consideration and consultation. If the report is referred to the board for further consideration, the secretary shall, in consultation with the board, modify, amend, or otherwise act upon such report within 60 days thereafter. Rules and regulations developed and promulgated hereunder shall be published and any person aggrieved thereby shall have a right of review.

§ 7007. Investigations.

The secretary or his representative shall have authority to investigate and ascertain the wages of persons employed in any occupation in this Commonwealth; enter and inspect the place of business or employment of any employer in any occupation in this Commonwealth at any reasonable time, for the purpose of examining and inspecting any records of any such employer that in any way relate to wages, hours, or other conditions of employment of any such employees; copy any or all of such records as he or his authorized representative may deem necessary or appropriate; require from such employer full and accurate statements in writing, at such times as the secretary may deem necessary, of the wages paid to all employees in his employment; and interrogate such persons for the purpose of ascertaining whether the provisions of this chapter and the regulations issued have been and are being complied with.

§ 7008. Duty of employer.

Every employer shall keep a true and accurate record of the hours worked by each employee and the wages paid to each, and shall furnish to the secretary or his duly authorized representative, upon demand, a sworn statement of the same. Such records shall be open to inspection by any duly authorized representative of the secretary at any reasonable time and shall be preserved for a period of three years. Every employer subject to this chapter shall keep a summary of this chapter and any regulations issued hereunder applicable to him posted in a conspicuous place where employees normally pass and can read it. Employers shall, upon request, be furnished copies of such summaries without charge. Employers shall permit any duly authorized representative of the secretary to interrogate any employee in the place of employment and during work hours with respect to the wages paid and the hours worked by such employee or other employees.

§ 7009. Enforcement, rules and regulations.

The secretary, Attorney General and district attorneys shall enforce this chapter. The secretary shall make and, from time to time, revise regulations, with the assistance of the board when requested by him, which shall be deemed appropriate to carry out the purposes of this chapter and to safeguard the minimum wage rates hereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative or professional employees and outside salesmen, learners and apprentices, their number, proportion, length of learning period and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employee relationship.

§ 7010. Unconstitutionality.

If any provision of this chapter, or the application hereof to any person or circumstances, is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected hereby.

§ 7011. Penalties.

(a) Discharge or discrimination.—Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify before the secretary or his representative in any investigation or proceeding under or related to this chapter, or

because such employer believes that said employee may so testify shall, upon conviction hereof in a summary proceeding, be sentenced to pay a fine of not less than \$500 nor more than \$1,000, and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than 90 days.

(b) Underpayment.—Any employer or the officer or agent of any corporation who pays or agrees to pay any employee less than the rates applicable to such employee under this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$75 nor more than \$300 or to undergo imprisonment of not less than ten nor more than 60 days, or both. Each week in which such employee is paid less than the rate applicable to him under this chapter and for each employee who is paid less than the prescribed rate, a separate offense shall be deemed to occur. Any agreement between the employer and the employee to work for less than the applicable wage rate shall be no defense to action by the Commonwealth under this chapter.

(c) Other violations.—Any employer or the officer or agent of any corporation who violates any other provision of this chapter or of any regulation issued hereunder shall, upon conviction hereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 nor more than \$500, and each day of such failure to comply with this chapter or regulation shall constitute a separate offense.

§ 7012. Civil actions.

If any employee is paid by his or her employer less than the minimum wages provided by section 7004 (relating to minimum wages) or by any regulation issued thereunder, such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer, together with costs and such reasonable attorney fees as may be allowed by the court, and any agreement between the employer and the worker to work for less than such minimum wage shall be no defense to such action. At the request of any employee paid less than the minimum wage to which such employee was entitled under this chapter and regulations issued hereunder, the secretary may take an assignment of such wage claim in trust for the assigning worker and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the cost and such reasonable attorney fees as may be allowed by the court.

Section 3. The act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, is repealed insofar as it is inconsistent with this act.

Amend Sec. 2, page 3, line 25, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is another attempt to increase the minimum wage for all Pennsylvanians. We all know the issues involved here. Because of government inaction at the State and Federal levels, we no longer have a minimum wage that will keep a small family out of poverty, even with full-time employment, and where 20 years ago a student could work his way through college with a part-time job, today that is no longer possible, due largely to the decline in the minimum wage.

Today let us restore the minimum wage so that a small family of three can survive at the poverty level on one full-time job. Let us vote to restore the minimum wage today so that a family of two, a mother and her child, can live decently on a minimum-wage job. Let us vote to restore the minimum wage so that college students can once again afford an education without taking on many thousands of dollars in student debt. Let us vote to restore dignity

to those who work in our society at or near the minimum wage by voting for this amendment.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this House had the same proposal last week, and this House voted that it was not germane to the Judicial Code, and once again I raise the motion that this is not a germane amendment to HB 877 and ask that the members vote that it is not germane.

The SPEAKER pro tempore. The gentleman from Lehigh County, Mr. Snyder, has raised the question of whether amendment A3489 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, everyone in this House knows that Title 42 is a very flexible code. For better or ill, Title 42 has attracted a wide range of amendments because it deals with a wide and pervasive subject matter. In this instance, Title 42 deals with civil remedies and access to the courts, and this minimum-wage amendment deals with civil remedies and access to the courts.

The germaneness of this amendment is not the real question. The only real question before this House is whether or not we should restore the purchasing power of the minimum wage so that a full-time worker can keep a small family of three above the poverty line. I urge your support for germaneness.

The SPEAKER. Are there any other members seeking recognition on the question?

Mr. DeWEESE. Yes.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I cannot fathom that all of you folks would not think this is germane. The Republican Party took a bill not too long ago naming a bridge after Forry Hopkins, I think, a bridge-naming bill; you guys made it the gas tax. You took a bridge-naming bill and you said it was germane enough to put a multibillion-dollar gas tax in it, and now you are trying to shackle our effort to give some of the lowest paid folks in our society a little bump in the minimum wage. That does not make sense.

If you folks do not consider this germane and you thought the other one was germane, then you should adopt the sobriquet that your leader gave me the other day. Maybe you do not remember, but I think Rosenstein or somebody looked it up for him. He called me disingenuous. Well, you folks are disingenuous if you vote against this germaneness. This is germane, Mr. Speaker.

The SPEAKER pro tempore. Mr. Snyder.

Mr. SNYDER. Mr. Speaker, this is the Judicial Code. If you are an employer looking to determine what the laws in Pennsylvania are concerning how much pay you are required to reimburse your employees, you are not going to look at the Judicial Code. You may look at some other codes that deal with employment law or

labor law or something of that nature. This is a code that deals with our courts, our prisons, the administration of justice, Mr. Speaker, and certainly this is not an appropriate code for a minimum-wage law to be placed.

I again ask for a vote on nongermaneness on this proposal.

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. Now, I am very fond of the gentleman who just spoke, and I respect him, like him, but I want to refresh his memory. A few years ago when old Tom Stish switched parties and you guys decided to pump him up a little bit with some minimum-wage legislation, you took the same kind of code, the same kind of code, and you put minimum-wage language into it. You did the same thing that we are trying to do today, and now you are arguing against it.

You are wrong; you are wrong. This is a minimum-wage bill. Vote "no" against this and you are voting against the minimum wage being bumped up a tiny bit, when the stock market is raging and Pennsylvania's poor are aching for a few pennies extra in their paycheck.

The SPEAKER pro tempore. Mr. Snyder.

Mr. SNYDER. Mr. Speaker, so the record is clear, the reference to any amendments to this code for laws is not where the law is. The minimum-wage law is a freestanding act on the statutes, the laws of Pennsylvania, and that is where it should stay. Thank you.

The SPEAKER pro tempore. Those who believe the amendment is germane, is germane, will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—92

Battisto	Frankel	Mayernik	Staback
Bebko-Jones	Freeman	McCall	Steelman
Belardi	George	McGeehan	Stetler
Beffanti	Gigliotti	Melio	Sturla
Blaum	Gordner	Michlovic	Surra
Butkowitz	Grucela	Mundy	Tangretti
Buxton	Gruitza	Pesci	Thomas
Caltagirone	Haluska	Petrarca	Tigue
Cappabianca	Hanna	Petrone	Travaglio
Cam	Harhai	Pistella	Trello
Casorio	Horsey	Preston	Trich
Cawley	Josephs	Ramos	Van Home
Cohen, M.	Kaiser	Readshaw	Veon
Colafella	Keller	Roberts	Vitali
Corrigan	LaGrotta	Robinson	Walko
Costa	Laughlin	Roebuck	Washington
Coy	Lederer	Rooney	Waters
Curry	Lescovitz	Sainato	Williams
DeLuca	Levdansky	Samuelson	Wogan
Dermody	Lucyk	Santoni	Wojnaroski
DeWeese	Manderino	Scrimenti	Yewcic
Eachus	Mann	Shaner	Youngblood
Evans	Markosek	Solobay	Yudichak

NAYS—100

Adolph	Fargo	Major	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	McGill	Serafini
Baker	Flick	McIlhattan	Seyfert
Bard	Forcier	McIlhinney	Smith, B.
Barley	Gannon	McNaughton	Smith, S. H.

Barrar	Geist	Metcalfe	Snyder
Bastian	Gladeck	Micozzie	Stairs
Benninghoff	Godshall	Miller, R.	Steil
Birmelin	Habay	Miller, S.	Stern
Boyes	Harhart	Nailor	Stevenson
Browne	Hasay	Nickol	Strittmatter
Bunt	Hennessey	O'Brien	Taylor, E. Z.
Chadwick	Herman	Orie	Taylor, J.
Civera	Hershey	Phillips	True
Clark	Hess	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Raymond	Wilt
Cornell	Kenney	Reinard	Wright
Dailey	Krebs	Rohrer	Zimmerman
Dally	Lawless	Ross	Zug
DiGirolamo	Leh	Rublely	
Druce	Lynch	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Fairchild	Maitland		

NOT VOTING—3

Donatucci	Oliver	Rieger
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EXCUSED—8

Bishop	Dempsey	Kirkland	Perzel
Daley	James	Myers	Ruffing

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays—

Mr. SNYDER. Mr. Speaker, could you just hold temporarily?

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

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been considered and agreed to for the third time as amended.

On the question recurring,

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

AMENDMENT A3476 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Snyder, who moves that amendment 3476 to HB 877 be reconsidered.

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

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McJhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stettler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Carn	Hennessey	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Home
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Robinson	Williams
Curry	Lawless	Roebuck	Wilt
Dailey	Lederer	Rohrer	Wogan
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright
Dermody	Levdansky	Rublely	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Donatucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schroder	Ryan,
Evans	Mann	Schuler	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—8

Bishop	Dempsey	Kirkland	Perzel
Daley	James	Myers	Ruffing

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. A3476:

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

; and providing for sentences for offenses against elderly persons and against infant persons.

Amend Sec. 1, page 1, line 6, by striking out "Section 6309" and inserting

Sections 6309, 9717 and 9718

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Bill, page 3, by inserting between lines 24 and 25 § 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 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 under 18 Pa.C.S. § 3126 (relating to indecent assault) when the victim is 12 years of age or younger 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.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—160

Allen	Fleagle	McCall	Seyfert
Argall	Frankel	McGeehan	Shaner
Armstrong	Freeman	McGill	Smith, B.
Baker	Geist	McIlhatten	Smith, S. H.
Bard	George	McIlhinney	Snyder
Barley	Gigliotti	Melio	Solobay
Bastian	Gladeck	Michlovic	Staback
Battisto	Godshall	Micozzie	Stairs
Bebko-Jones	Grucela	Miller, R.	Steelman
Belardi	Gruitza	Miller, S.	Steil
Belfanti	Habay	Mundy	Stevenson
Blaum	Haluska	Nailor	Strittmatter
Browne	Hanna	O'Brien	Sturla
Bunt	Harhai	Oliver	Surra
Butkovitz	Harhart	Orie	Tangretti
Buxton	Hasay	Pesci	Taylor, E. Z.
Caltagirone	Hennessey	Petrarca	Taylor, J.
Cappabianca	Herman	Petrone	Travaglio
Carn	Hershey	Phillips	Trello
Casorio	Hess	Pippy	Trich
Cawley	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Van Horne
Cohen, M.	Kaiser	Ramos	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Krebs	Rieger	Washington
Costa	LaGrotta	Roberts	Waters
Coy	Laughlin	Roebuck	Williams
Curry	Lawless	Rooney	Wogan
Dally	Lederer	Rubley	Wojnaroski
DeLuca	Lescovitz	Sainato	Wright
DeWeese	Levdansky	Samuelson	Yewcic
DiGirolamo	Lucyk	Santoni	Youngblood
Donatucci	Lynch	Sather	Yudichak
Druce	Maher	Saylor	Zimmerman
Eachus	Maitland	Schroder	Zug
Evans	Mann	Schuler	
Fairchild	Markosek	Semmel	Ryan,
Feese	Marsico	Serafini	Speaker
Fichter	Mayernik		

NAYS—34

Adolph	Dermody	Major	Rohrer
Barrar	Egolf	Manderino	Ross
Benninghoff	Fargo	Masland	Scrimenti
Birmelin	Flick	McNaughton	Stern
Boyes	Forcier	Metcalfe	Stetler
Chadwick	Gannon	Nickol	Tigue
Civera	Gordner	Raymond	Vance
Clark	Josephs	Robinson	Wilt
Dailey	Leh		

NOT VOTING—1

Thomas

EXCUSED—8

Bishop	Dempsey	Kirkland	Perzel
Daley	James	Myers	Ruffing

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?

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

The following roll call was recorded:

YEAS—194

Adolph	Fairchild	Mann	Schuler
Allen	Fargo	Markosek	Scrimenti
Argall	Feese	Marsico	Semmel
Armstrong	Fichter	Masiand	Serafini
Baker	Fleagle	Mayernik	Seyfert
Bard	Flick	McCall	Shaner
Barley	Forcier	McGeehan	Smith, B.
Barrar	Frankef	McGill	Smith, S. H.
Bastian	Freeman	McIlhattan	Snyder
Battisto	Gannon	McIlhinney	Solobay
Bebko-Jones	Geist	McNaughton	Staback
Belardi	George	Meio	Stairs
Belfanti	Gigliotti	Metcalfe	Steelman
Benninghoff	Gladeck	Michlovic	Steil
Bimmelin	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Orie	Taylor, J.
Carn	Hasay	Pesci	Tigue
Casorio	Hennessey	Petrarca	Travaglio
Cawley	Herman	Petrone	Trello
Chadwick	Hershey	Phillips	Trich
Civera	Hess	Pippy	True
Clark	Horsey	Pistella	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Preston	Van Horne
Cohen, M.	Josephs	Ramos	Veon
Colafrella	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corrigan	Kenney	Reinard	Washington
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucy	Saimato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—1

Thomas

EXCUSED—8

Bishop	Dempsey	Kirkland	Perzel
Daley	James	Myers	Ruffing

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

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

THE SPEAKER (MATTHEW J. RYAN)
PRESIDING

The House proceeded to third consideration of **HB 1153, PN 1796**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for annual budget, for filing, for uniform forms and for annual reports.

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

Mr. **VITALI** offered the following amendment No. **A3484**:

Amend Title, page 1, line 3, by inserting after "thereto,"
authorizing campaign finance ordinances; and

Amend Bill, page 1, lines 8 through 11, by striking out all of said lines and inserting

Section 1. The act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164), is amended by adding a section to read:

Section 705. Campaign Finance Ordinance.—The council of each city shall have the authority to adopt an ordinance relating to election campaign finance for candidates who seek election as the officers enumerated in section 701, which ordinance may provide for:

- (1) Campaign contribution limitations.
- (2) Public financing of those candidates.
- (3) Voluntary spending limitations for those candidates.

Section 2. Section 1809 of the act, amended October 5, 1967 (P.L.327, No.143), is amended to read:

Amend Sec. 2, page 3, line 15, by striking out "2" and inserting
3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting
4

Amend Sec. 4, page 5, line 29, by striking out "4" and inserting
5

Amend Sec. 5, page 7, line 18, by striking out "5" and inserting
6

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

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

Mr. **VITALI**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would modify this particular code to authorize the local municipal governing body to enact, should they choose, campaign finance reform legislation, and specifically, contribution limits for those municipal officeholders and candidates, voluntary spending limits, and public financing of those elections. Mr. Speaker, this would not require the municipality to enact any campaign finance reform legislation but only would give them the option.

Mr. Speaker, the purpose of this amendment is and it is my intention to approach campaign finance reform in this manner because this House has been unsuccessful in dealing with campaign finance reform legislation on the State level as we should be doing. We should be addressing things like contribution limits, spending limits for statewide candidates such as the Governor, this General Assembly, and other statewide officeholders.

So, Mr. Speaker, instead of taking that approach, my approach is to address this on a municipality basis so that municipalities such as, not in this particular bill, but Philadelphia, with the moneys being spent in that mayoral race, can enact caps, and other municipalities from townships of the first, second, third class, counties, and boroughs can enact meaningful campaign finance reform legislation on their own. So I ask for an affirmative vote.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just so the members know, we have been dealing with campaign finance reform. As chairman of State Government, as the maker of the amendment will acknowledge, I had met with him and with his group of members who are interested in this issue, and I suggested to them that I would certainly have some public hearings on this issue, and over the past 60 days, the committee has had three public hearings on campaign finance reform. The last meeting we had was in the city of Philadelphia. Mr. Speaker, we had different issues within campaign finance reform presented at all of these public hearings. We had some very wonderful testifiers who gave their views on various aspects of campaign finance reform, which is a difficult issue; it is something very difficult to get a handle on, but nevertheless, we are making some progress.

Mr. Speaker, the first bill that we had in our public hearings was the sponsor of this amendment. We dealt with his bill first at our first public hearing. We have a workshop scheduled for next month. We will take the testimony that we have heard and try to bring it together and see where we have some kinds of agreements, because there are many entities involved in this issue, not only legislators but lobbyist concerns, people who just have an idea that campaign finance reform needs to move forward.

Now, Mr. Speaker, I have said this because I think I have answered some of the concerns that the maker of the amendment had made. He said that we have to look at these issues, and that is exactly what we are doing — we are looking at the issues in a very timely fashion — and the process is moving forward.

So I feel we really do not need this amendment at this time and would suggest a “no” vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I, too, rise in opposition to this amendment.

I have been on record as favoring just about every type of campaign finance reform we have proposed in this General Assembly. I am, in fact one, of the only if not the only Republican cosponsor of a very wide ranging bill that has been prime-sponsored by Representative Levdansky, which I suggest gets to the problem that needs to be addressed by campaign finance reform. This amendment, and the several amendments

offered to the next few bills, really is a solution in search of a problem.

If I ask for a show of hands of how many people have been approached by someone in a township municipality back in the district saying, we really need campaign finance reform in our township, I would suggest there would be very few hands raised in this body. If there are problems, and I submit there are, they are on the State level; they are not in these local cities, townships, and boroughs that we need to be addressing here. In fact, Mr. Speaker, this amendment carried to its logical extension ultimately can lead to a patchwork of 2,600 different campaign finance reform ordinances or resolutions all across the State. I understand the gentleman’s frustration, but I do not think that is very prudent, and I would suggest a better way to go is the way that Representative Clymer has already started us down the right road in the State Government Committee. That is with hearings; that is going to be, I guess, with workshops; I do not know what else we are going to be doing, but we are going to take a very studied approach to this subject instead of trying to deal with it in amendment form in, really, a case that does not need to be addressed.

Now, I am not raising constitutionality, Mr. Speaker, but I would ask the members to look briefly at Article VII in the Constitution, section 6. Now, I am not sure exactly how the court would read this, but the first phrase says, “All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State...” Now, it does not specifically say campaign finance, but I think when you talk about the holding of elections, that is an integral part of that nature and should be, should be subject to State rule, should be subject to a uniform regulation, and not something that is done piecemeal all across the State.

So for those reasons, Mr. Speaker, I would ask everyone to oppose this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I enthusiastically support Mr. Vitali’s amendment.

I agree that Mr. Clymer and the members of the State Government Committee are going through a very studied process in which they will carefully evaluate and exhaustively review all of the legislation, all of the ideas for legislation, and, you know, this review may take a year; it may take 3 years; it may take 5 years; it may take 10 years; it might take 15 years; it might take 20 years; it might be 25 years or 30 years; it might even be longer than 30 years, and while all of this review is going on, it would be very, very helpful if we would have some local experience at local levels, and let us see how different ideas work at a local level. Let us give the third-class cities the opportunity to pass this legislation.

I agree there is no great hue and cry for this. There are not going to be 2,600 different third-class cities passing 2,600 different codes, because there is not demand in 2,600 municipalities, and in the amendment before us, there are not even anywhere near 2,600 municipalities that are within the domain of the Vitali amendment. That would be a total if Mr. Vitali successfully amends this into every little code before us. This amendment only applies to a much smaller subset of the total number of cities in the Commonwealth.

So while we are exhaustively studying — long after many of us have left the legislature I am sure this matter will be under exhaustive study — let us have some evidence from

local government. Let us see what the success rate is. Let us see how many municipalities would want to enact such legislation. Let us see what limits they would pick. Let us see what the courts say about this. Let us see what the pros and cons are of it.

I think this is very creative legislation. This will give us a lot of material to study as we carefully study this over the next several decades. Mr. Vitali's amendment will give us some very, very valuable evidence.

I strongly urge support of this.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Vitali. Mr. VITALI. Thank you, Mr. Speaker.

I in no way meant to disparage the gentleman from Bucks' fine efforts in this area. He in fact has been very thorough in his research, but the problem really does not lie there. The problem really lies with, after all this extensive research is done, getting a bill to the House floor for consideration, which we have not done for several sessions, and I think everyone here knows that, but that is not the real point of this amendment.

I think we could all appreciate the concept of local control. We appreciate when we look to the control of our school boards and our townships and township municipalities, and I think this is just another extension of that. Each municipality can individually examine its situation and decide what, if any, reform legislation is necessary, and I am sure the gentleman from York County, perhaps his local commissioners would like to have the right, the authority, and all this does is give them the authority to examine this situation and enact reform legislation if it is in fact needed.

I can tell you, I can speak for my own county, Delaware County, and in fact there are problems. There are problems with regard to no-bid contracts being awarded to political contributors—

The SPEAKER. Will the gentleman yield.

The bill before us deals with third-class city codes. Now, everyone has wandered a little bit, but we will be here all day. If you want to go after the 2-A counties or 3 counties, wait until it comes up. It will be coming up. Stay on the amendment that is before us right now, please.

Mr. VITALI. Thank you, Mr. Speaker.

I am really just trying to make the point that there are local problems with regard to the financing of elections which do in fact exist throughout this Commonwealth, and all this bill is doing is giving local municipalities the option, should they choose to exercise it, to try to deal with it in the way they see fit. That is really all. This is just a local-control issue.

And with regard to the study we are doing, we are really dealing in this legislature, with regard to the issue of campaign finance reform, we are really dealing with statewide offices, and the bills we have been dealing with this session, HBs 1650, 1620, and others, really are not dealing with this local issue.

So I would ask again for an affirmative vote. Thank you, Mr. Speaker.

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the chairman of the State Government Committee I think very clearly stated that this House has taken a serious look at campaign finance reform, is continuing to work to try to develop legislation that can receive support within this

House of Representatives, and I believe we should give that committee the opportunity to work in a deliberative manner.

Furthermore, Mr. Speaker, this amendment addresses a problem that does not seem to exist. I do not think many of us have heard about problems in our third-class cities, or our second-class townships or first-class townships that are coming up in other amendments, that this is a real problem, and I think, as Representative Masland noted, our Constitution requires uniformity throughout the State. I do not think we should start beginning to encourage laws. For that one city, you may have a limit of \$1,000; in another city, no limits. I believe we need to provide uniformity in our election codes for all municipalities.

So, therefore, Mr. Speaker, I ask for a "no" vote on this amendment.

LEAVES OF ABSENCE

The SPEAKER. On the question of the adoption of the amendment, the Chair first returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests the gentleman from Philadelphia, Mr. CARN, be placed on leave for the balance of today's session together with Ms. WASHINGTON of the county of Philadelphia. She, too, will be placed on leave, without objection. The Chair hears no objection.

CONSIDERATION OF HB 1153 CONTINUED

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, on the issue of uniformity, some cities have city councils elected citywide and some cities have city councils that are elected by districts and some cities, like Philadelphia, have city councils that are elected in a combination of districts and citywide. Some cities pay their city councilmen and other elected officials full-time salaries. Some cities only pay them part-time salaries. Some cities pay them virtually nothing at all.

The compensation of the elected officials of cities greatly differs. The manner in which cities elect the various officials greatly differs, and this all deals with the conduct of elections, and there has been no effort, certainly no successful effort, by the Supreme Court of this Commonwealth throwing out all these different election schemes.

Mr. Vitali's amendment provides a uniform statute for third-class cities which enables them to make decisions just as they are able to make decisions right now in how they want city councilmen elected and how they want city councilmen to be paid. What Mr. Vitali is doing is extending the discretion to a new area, and there is no inherent reason to believe that the Supreme Court of Pennsylvania will rule that new discretion to be unconstitutional.

I strongly urge support for Mr. Vitali's amendment.

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

The following roll call was recorded:

YEAS—78

Battisto	Evans	Lucyk	Samuelson
Bebko-Jones	Frankel	Manderino	Santoni
Belardi	Freeman	Markosek	Scrimenti
Belfanti	George	Mayernik	Solobay
Blaum	Gigliotti	McCall	Steeiman
Butkovitz	Gordner	McGeehan	Stetler
Caltagirone	Grucela	Melio	Sturla
Cappabianca	Gruitza	Mundy	Thomas
Cawley	Haluska	Oliver	Travaglio
Cohen, M.	Hanna	Pesci	Trich
Colafella	Harhai	Petrone	Veon
Corrigan	Horsey	Pistella	Vitali
Costa	Josephs	Platts	Walko
Coy	Kaiser	Preston	Waters
Curry	Keller	Ramos	Williams
DeLuca	Krebs	Rieger	Wojnaroski
Dermody	LaGrotta	Roberts	Yewcic
DeWeese	Laughlin	Robinson	Youngblood
Donatucci	Lawless	Roebuck	Yudichak
Eachus	Lederer		

NAYS—114

Adolph	Feese	McIlhattan	Seyfert
Allen	Fichter	McIlhinney	Shaner
Argall	Fleagle	McNaughton	Smith, B.
Armstrong	Flick	Metcalfe	Smith, S. H.
Baker	Forcier	Michlovic	Snyder
Bard	Gannon	Micozzie	Staback
Barley	Geist	Miller, R.	Stairs
Barrar	Gladeck	Miller, S.	Steil
Bastian	Godshall	Nailor	Stern
Benninghoff	Habay	Nickol	Stevenson
Birmelin	Harhart	O'Brien	Strittmatter
Boyes	Hasay	Orie	Surra
Browne	Hennessey	Petrarca	Tangretti
Bunt	Herman	Phillips	Taylor, E. Z.
Buxton	Hershey	Pippy	Taylor, J.
Casorio	Hess	Raymond	Tigue
Chadwick	Hutchinson	Readshaw	Trello
Civera	Jadlowiec	Reinard	True
Clark	Kenney	Rohrer	Tulli
Clymer	Leh	Rooney	Vance
Cohen, L. I.	Lescovitz	Ross	Van Horne
Cornell	Lynch	Rubley	Wilt
Dailey	Maher	Sainato	Wogan
Dally	Maitland	Sather	Wright
DiGirolamo	Major	Saylor	Zimmerman
Druce	Mann	Schroder	Zug
Egolf	Marsico	Schuler	
Fairchild	Masland	Semmel	Ryan,
Fargo	McGill	Serafini	Speaker

NOT VOTING—1

Levdansky

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Cam	James	Perzel	Washington
Daley	Kirkland		

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

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the vote.

Ms. Bard, I am sorry; I did not see you standing.

Ms. BARD. Thank you, Mr. Speaker.

I would like to speak on final passage.

The SPEAKER. The lady is in order and may begin.

Ms. BARD. This legislation is part of a package of bills supported by the Local Government Commission, and it is intended to reduce paperwork for municipal and county governments. This particular bill amends the Third Class City Code and, as part of the commission package, would effect changes in local government financial reporting. These bills are intended to streamline the reporting requirements. In this case the annual budget report would be reduced from 17 pages to 2 pages while the annual audit and financial report would be reduced from 66 to 14 pages, all of this without sacrificing current essential information that is currently being collected.

The Local Government Commission and the Local Government Association support this bill, and I ask for support from the House.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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.

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steeiman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich

Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Home
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdanský	Rubley	Youngblood
DiGirolamo	Lucyk	Saimato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Cam	James	Perzel	Washington
Daley	Kirkland		

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 1155, PN 1308**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for filing of budget and for uniform forms; and making editorial changes.

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

The SPEAKER. Mr. Vitali, are you offering— Mr. Vitali withdraws his amendment. Is that true of HB 1157 and HB 1158, Mr. Vitali? Thank you.

It is the understanding of the Chair that the gentleman, Mr. George, has withdrawn his amendments to HB 1155 and to HB 1157 and HB 1158.

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

Mr. SANTONI offered the following amendment No. **A3498**:

Amend Title page 1, line 3, by striking out "providing" and inserting

renaming special school police as school crossing guards; providing for school crossing guards' powers and duties,

Amend Bill, page 1, lines 8 through 11, by striking out all of said lines and inserting

Section 1. Section 1127 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 1127. [Special School Police.—] School Crossing Guards.—(a) Upon request of the board of school directors of the school district in which a borough is located, the borough council may appoint [special school police] school crossing guards who shall have the duty of controlling and directing traffic at or near schools and who shall be in suitable and distinctive uniform, [and shall display a badge or other sign of authority. Such police shall be vested with all the power of local police officers and while] While on duty, these crossing guards shall be under and subject to the direction of the mayor. They shall serve at the pleasure of the borough council, except as noted in subsection (b), and shall not come within the civil service provisions of this act and shall not be entitled to participate in any police pension plan or plans now in effect or hereafter effective. The compensation of the school [police] crossing guards, if any, shall be fixed by the borough council and shall be jointly paid by the borough council and the board of school directors, in a ratio to be determined by the borough council and board of school directors. If the borough council and board of school directors are unable to determine the ratio of compensation of the [police] crossing guards to be paid by the council and the board, each shall pay one-half of the compensation of such [police] crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be designated to serve as [special school police.] crossing guards.

(b) The borough council may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the borough council may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards shall be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor as an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or under any plans hereafter effective. Once the ordinance receives approval by the borough council, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the borough council of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the ordinance.

Section 2. Section 1310, 1311 and 1314 of the act, amended October 9, 1967 (P.L.399, No.181), are amended to read:
Amend Sec. 2, page 3, line 25, 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 amendment, the Chair recognizes the gentleman, Mr. Santoni.

Mr. SANTONI. Thank you, Mr. Speaker.

Amendment 3498 will allow borough councils to pass an ordinance that will allow school districts to maintain oversight and hiring over school crossing guards. It also cleans up some language with regard to responsibilities of school crossing guards in our boroughs. Right now in third-class cities, this is in statute. It was introduced and passed by Representative Stetler last session. So we are trying to make it uniform for other local government units, and amendment 3498 deals with boroughs. So I ask for your support.

The SPEAKER. On the question of the adoption of the amendment, does the gentleman, Mr. Herman, desire to debate this issue?

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

The amendment that the gentleman refers to is one that already has passed in bill form in the House Local Government Committee, and as prime sponsor of the bill, I am going to support the amendment, and I appreciate everybody else doing so. Thank you.

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daily	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rublely	Youngblood
DiGiroilamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	

Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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?

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daily	Lederer	Rohrer	Wojnaroski

DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucy	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	Ryan,
Egolf	Major	Saylor	Speaker
Evans	Manderino	Schroder	
Fairchild	Mann	Schuler	

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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 1157, PN 1310**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further regulating the annual budget and uniform report forms.

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

The SPEAKER. The Chair is under the impression and understanding that Mr. Vitali and Mr. George have both withdrawn their amendments.

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

Mr. VAN HORNE offered the following amendment No. **A3491**:

Amend Title, page 1, line 4, by inserting after "thereto," further providing for supervisors and for auditors; and

Amend Bill, page 1, lines 8 through 11, by striking out all of said lines and inserting

Section 1. Section 403 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), is amended by adding a subsection to read:

Section 403. Supervisors.—***

(d) If two or more openings in the office of supervisor will appear on the same ballot, a person shall be ineligible to file nominating petitions for more than one such opening and shall be ineligible to be elected to fill more than one such opening.

Section 2. Section 404 of the act, amended December 18, 1996 (P.L.1142, No.172), is amended to read:

Section 404. Auditors.—(a) Except when vacancies create shorter terms, at each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January after the election. Auditors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) No auditor shall at the same time hold any other elective or appointive township office or position or be an employe of the township for which he has been elected or appointed.

(c) [In the event that there concurrently exists two or more vacancies for the position of township auditor, a person shall be ineligible to seek nomination or election to fill more than one such vacancy.] If two or more openings in the office of auditor will appear on the same ballot, a person shall be ineligible to file nominating petitions for more than one such opening and shall be ineligible to be elected to fill more than one such opening.

Section 3. Sections 3202 and 3203 of the act are amended to read:
Amend Sec. 2, page 5, line 18, by striking out "2" and inserting
4

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

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

Mr. VAN HORNE. Thank you, Mr. Speaker.

I defer and relinquish my time to Representative Surra, who will be offering the amendment.

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple amendment. It basically takes care of a situation that occurs in many of our townships where there is a vacancy that occurs and then people will run for the 2-year term and the 6-year term. The same person will win the election, and right after the November election, in January immediately the board of supervisors has to fill a vacancy because the same person ran for both seats.

It also takes care of a similar problem with auditors. There was language already in current statute, but I guess there were people who were uncomfortable with it, and the Township Supervisors Association and I worked with both chairmen of the committee. We put language like this over in the Senate earlier in the year and it passed the House unanimously, and I would appreciate the House's support. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs

Belardi	Gigliotti	Metcalf	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitz	Mundy	Strittmatter
Browne	Habay	Nailor	Surla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Ciymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Home
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rublely	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelsen	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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. SANTONI offered the following amendment No. A3499:

Amend Title, page 1, line 4, by inserting after "thereto," providing for school crossing guards; and

Amend Sec. 1, page 1, lines 8 through 11, by striking out all of said lines and inserting

Section 1. Sections 1915, 3202 and 3203 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), are amended to read:

Section 1915. [Special School Police] School Crossing Guards-(a)

Upon request of the board of school directors of a school district located wholly or partially within the township, the board of supervisors by resolution may appoint [special school police] school crossing guards to control and direct traffic at or near schools. The [officers] school crossing guards shall be in uniform and [display a badge or other sign of authority,

and they have all the power of local police officers] shall be authorized only in the management of traffic and pedestrians. [Special school police] School crossing guards serve at the pleasure of the board of supervisors [and], except as provided in subsection (c) and are not eligible to join any police pension fund maintained for the township police. The board of supervisors shall determine the compensation of [special school police] school crossing guards, to be paid by the township or jointly by the township and the school district in a ratio to be determined by the two boards. If the township and school district cannot determine the ratio of compensation to be paid by each board, each board shall pay one-half of the compensation of the [police] school crossing guards.

(b) The board of supervisors may create an educational service agency under section 402.1 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," to provide [special school police service] school crossing guards to one or more educational institutions [by the school crossing guards appointed] in conjunction with the school district. The educational service agency shall serve as the agency for management and control of the school crossing guards.

(c) The board of supervisors may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of supervisors may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor as an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or under any plans hereafter effective. Once the ordinance receives approval by the board of supervisors, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of supervisors of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the ordinance.

On the question,

Will the House agree to the amendment?

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

Mr. SANTONI. Thank you again, Mr. Speaker.

All this amendment is, it is exactly the same as the previous amendment that I introduced dealing with boroughs except this deals with second-class townships and crossing guards in second-class townships.

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-193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert

Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Zastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickoi	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daily	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan, Speaker
Evans	Manderino	Schroder	
Fairchild	Mann	Schuler	

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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.

The following roll call was recorded:

YEAS-193

Adolph	Fargo	Markosek	Scrimenti
Ailen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickoi	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daily	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan, Speaker
Evans	Manderino	Schroder	
Fairchild	Mann	Schuler	

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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 1158, PN 1311**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for budget forms, for filing copies and for uniform forms; and making editorial changes.

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

Mr. **SANTONI** offered the following amendment No. **A3500**:

Amend Title, page 1, line 4, by inserting after "thereto,"
providing for school crossing guards;

Amend Bill, page 1, lines 8 through 12, by striking out all of said lines and inserting

Section 1. Section 1416 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569) and amended December 7, 1965 (P.L.1044, No.392), is amended to read:

Section 1416. [Special Police] School Crossing Guards—(a) The board of township commissioners, by resolution, may appoint [special police] school crossing guards who shall [have the duty of controlling and directing traffic at or near schools and churches, and who shall be in uniform and shall display a badge or other sign of authority, and who shall be vested with all of the powers of local police officers.] be authorized only in the management of traffic and pedestrians. Such [police] school crossing guards shall serve at the pleasure of the board of township commissioners, except as provided in subsection (b), and shall not come within the civil service provisions of this act, nor shall they be eligible to join any police pension fund maintained for the township police. Their compensation shall be fixed by the board of township commissioners and they shall be paid by the board of township commissioners, or jointly by the board of township commissioners and the board of school directors in a ratio to be determined by the two boards. If the board of township commissioners and board of school directors are unable to determine the ratio of compensation of the [police] school crossing guards to be paid by each board, each such board shall pay one-half of the compensation of such [police] school crossing guards who shall have the duty of controlling and directing traffic at or near schools.

(b) The board of township commissioners may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of township supervisors may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor as an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or under any plans hereafter enacted. Once the ordinance receives approval by the board of township commissioners, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of township commissioners of those hired to serve

as school crossing guards and request that the necessary training or assistance be provided as outlined by the ordinance.

Section 2. Sections 1701 and 1701.1 of the act, amended or added August 11, 1967 (P.L.213, No.74) and December 14, 1967 (P.L.819, No.351), are amended to read:

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

Amend Sec. 3, page 5, line 26, by striking out "3" and inserting
4

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

The **SPEAKER**. On the question of the amendment, the gentleman, Mr. Santoni, is recognized.

Mr. **SANTONI**. Thank you again, Mr. Speaker.

The last amendment on local government issues dealing with school crossing guards. This one has to do with first-class townships similar to the previous two that we just passed.

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCail	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafiglia	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rublely	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	

Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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

The following roll call was recorded:

YEAS-193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhatten	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Mercalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruizza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkowitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Home
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski

DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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 1443, PN 1708**, entitled:

An Act amending the act of July 9, 1959 (P.L.510, No.137), known as the Pennsylvania Public Lands Act, expanding the scope of the act; further providing for a short title, for definitions, for administration, for warrant and patent applications, for application procedure, for administrative procedure, for application for patents, for appraisals, for expenses, for abandonment of applications and for issuance of patents; making editorial changes; and making repeals.

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

Mr. **GEORGE** offered the following amendment No. **A3506**:

- Amend Title, page 1, line 25, by inserting after "patents;"
establishing the Rail Trail Governing Board and
providing for its powers and duties;
- Amend Sec. 1 (Title), page 2, line 18, by striking out "and"
- Amend Sec. 1 (Title), page 2, line 23, by inserting after "titles"
; and establishing the Rail Trail Governing Board
and providing for its powers and duties
- Amend Sec. 9, page 15, line 4, by inserting after "an"
article and an
- Amend Sec. 9, page 15, by inserting between lines 5 and 6

ARTICLE LI

RAIL TRAIL GOVERNING BOARD

Section 5101. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board" shall mean the Rail Trail Governing Board established in section 5102.

"Department" shall mean the Department of Conservation and Natural Resources of the Commonwealth.

“Public member” shall mean a person who is appointed to the Rail Trail Governing Board by the Governor and who holds no Federal, State or local appointed or elected government position.

“Rail trail” shall mean railroad rights-of-way developed for public recreational trail use.

“Rail trail organization” shall mean a nonprofit organization which has acquired fee simple absolute title or any lesser interest in land, including easements and leaseholds of a rail trail.

“Secretary” shall mean the Secretary of the Department of Conservation and Natural Resources of the Commonwealth.

Section 5102. Rail Trail Governing Board.—(a) The Rail Trail Governing Board is established in the Department of Conservation and Natural Resources. The board shall assist the department in administering the Rails to Trails Program established by the act of December 18, 1990 (P.L. 748, No. 188), known as the “Rails to Trails Act,” by providing oversight of the operations of rail trail organizations operating in this Commonwealth, including the provision of dispute resolution assistance. The department shall perform administrative support services for the board.

(b) The board shall consist of nine members. Two shall be members of the Senate appointed by the President pro tempore of the Senate and two shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. In no case shall more than two members from either the Senate or the House of Representatives be from the same political party. The Governor shall appoint five public members, to be confirmed by a two-thirds vote of the Senate. Public members appointed under this subsection shall demonstrate knowledge of rail trail issues and be representative of the demographic composition of this Commonwealth.

(c) The term of each public member shall be four years and the public member shall serve until a successor is appointed and qualifies in accordance with this section. For the public members first appointed to the board, two shall serve for four years, two shall serve for three years and one shall serve for two years. A public member shall serve no more than two consecutive terms, whether partial or full. A vacancy shall be filled for the balance of an unexpired term in the same manner as the original appointment.

(d) No member of the board may delegate that member’s vote to another person.

(e) The board shall elect a chairperson every four years from among the public members and may elect other officers and establish committees as it deems necessary. Business transacted by the board shall be conducted in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings), known as the “Sunshine Act.”

(f) The board shall meet not fewer than three times annually at the call of the chairperson and hold dispute resolution hearings as necessary.

(g) Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their official duties. Reimbursements shall be allocated from appropriations made to the department for general administration and operations.

Section 5103. Powers and Duties of Board.—The board shall exercise the following powers and duties:

(1) Develop within one year of the effective date of this article general operating procedures for the board and for rail trail organizations, including, but not limited to, uniform rules regarding:

(i) Specific rail trail security requirements.

(ii) Specific rail trail maintenance requirements.

(iii) Specific rail trail public access requirements to include provision for the ready access of adjoining property owners without charge.

(2) Hear disputes that arise between a rail trail organization and adjacent property owners and to issue an impartial decision with the assistance of department counsel in accordance with 1 Pa. Code Part 11 (relating to the general rules of administrative practice and procedure).

(3) Prepare an annual report for the General Assembly, including recommendations for legislative action and regulatory change when needed and appropriate.

Section 5104. Rights of Parties to Dispute Resolution Procedure.—All parties to the dispute resolution before the board:

(1) May be represented by counsel.

(2) May appeal the decision of the board to the local magistrate. A decision of a local magistrate may be appealed to the court of common pleas for the county in which the property owner resides.

Section 5105. Powers and Duties of Department.—The director of the department’s Bureau of Recreation and Conservation shall serve as the executive director to the board and shall carry out the duties and responsibilities assigned by the board. There shall be employed by the bureau sufficient staff to carry out the activities of the board. Department counsel shall be available to assist the board in all dispute resolution cases and at the board’s request.

Section 5106. Referral to Taxing Authority.—The board shall refer any rail trail organization that charges a fee to adjoining property owners to the relevant taxing authority for a review of the rail trail organization’s nonprofit status and possible liability for all roll-back taxes and accrued interest previously forgiven.

Amend Sec. 9 (Article Heading), page 15, line 6, by striking out “LI” and inserting

LII

Amend Sec. 10 (Sec. 5101), page 15, line 10, by striking out “5101” and inserting

5201

Amend Sec. 10 (Sec. 5102), page 16, line 23, by striking out “5102” and inserting

5202

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am reminded that we might have some individuals that are not here today. I would have sooner played before a full House, if you will, but then again I look at this amendment and the purpose of which I would hope it would be more than partisan in that there is not any of us that would not agree that many moons ago there was developed a Rails to Trails Act, and at that time the Department of Environmental Resources should have, even if they would not have abided by their own rules, should have put together some contingency — a board, a governing board, or whatever you have — so that all of these matters of trial and tribulation, of the community unrest, of the rails to trails violating, supposedly, the premise of ingress and regress all over the State of Pennsylvania.

We continue to put many, many dollars in, rightfully so, so that we can improve these rails to trails. But again, there continues to be problems, and the problems, I believe, should be resolved by what had been intended in the original legislation, and that would be to create for the rails to trails and those citizens that are having controversy a nine-member rails to trails governing board, including four legislators and five public members, and that would be established to work with the Department of Conservation and Natural Resources to resolve these very troubling matters. The specific responsibility of the nine board members, none of whom will receive compensation except per diem, shall be to develop general operating procedures, Mr. Speaker, and within 1 year of the effective date of the act, this would include general rules

regarding rails to trails security, maintenance, and access by the public and adjoining property owners at no charge.

Now, Mr. Speaker, these organizations are getting bigger. There are more things happening. We created the act. There have been a lot of answers that no one seems to know where they should be found, and we are not doing anything to hurt; we are not doing anything to cause any discomfort. We are only saying, look, when you have a rails to trails, they received it by gift; they pay no taxes. The individual next door is paying taxes on the land right butting up against the property, and they are told you cannot get in and out. You are told that the ingress and regress that you had when these rails were under the public utility aspect you no longer have. You are told that if you are a local community— Mr. Speaker, maybe they do not want to hear, but maybe you do, and I will talk to you.

The SPEAKER. Thank you. You are right. Conferences on the floor, please.

Mr. GEORGE. I thank you, Mr. Speaker.

The SPEAKER. Mr. George.

Mr. GEORGE. And so I am saying that if a water authority wants to go up the road and cross the rails to trails rather than have a situation where you have them battling and a situation as I saw not too long ago where they went into the court for eminent domain, that while it was under the control of the PUC (Public Utility Commission), the law insisted they could do this. It insisted that any creation, any enhancement, any expansion of the utility could be conducted, and the only situation that remained is you put the property back in its original condition. Now, we are not saying this. We are only saying appoint this board. Let them do what the law said should have been done when the law should have appealed to this appointment, and I am asking that we do that because you are going to resolve a lot of problems and you are going to make it run like you and I wanted it to run to start. Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise on question of germaneness.

Mr. Speaker, the amendment that the maker is submitting is not germane to this bill because any amendment affecting the administration of rail trail—

The SPEAKER. Will the gentleman yield until the Chair puts the question.

The gentleman, Mr. Clymer, has raised the question of whether amendment A3506 is germane. Under the House rules, questions involving germaneness are subject to the decision of the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On the question, the Chair now recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, as I had mentioned on the question of germaneness, the amendment is not germane to this legislation because any amendment affecting the administration of rail trail most appropriately belongs to the Rails to Trails Act, which is

Title 32, Pennsylvania Consolidated Statutes, section 5611, to be specific.

This amendment is amending a freestanding act, which is the Pennsylvania Public Lands Act, and what the proposed legislation, HB 1443, is attempting to do is legislation that is very narrowly defined regarding areas of vacant and unappropriated land, where in the bill we are changing the authority to make those decisions on vacant and unappropriated land from one agency to another.

And so as I just mentioned, this bill deals with vacant and unappropriated land, and this amendment certainly is not appropriate and not germane to the legislation, and I would ask for a “no” vote. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, who am I to challenge the wisdom of our colleague. In fact, who am I to even stand here and want to do something right, because evidently I do not read well, because the legislation that came out of Mr. Clymer’s committee mentions the DCNR, mentions public lands, and if that is not germane, then I do not know what would be. And to challenge the germaneness, I believe, respectively honors what we are trying to do in that there must be someone that does not want to do what the law wanted us to do when the Rails Act was created. This committee will be within the jurisdiction of the DCNR, not within the jurisdiction of anyone else. It will have four legislators, five public individuals, and it will do a job that unfortunately is not being done.

So I would ask, what harm is there in trying to do something right? We mentioned the germaneness. I do not know how many more times we would have to mention that it involves public lands. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, those voting “aye” will be voting that the amendment is germane; those voting “no” will be voting that the amendment is not germane.

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—92

Battisto	Frankel	Mayernik	Shaner
Bebko-Jones	Freeman	McCall	Solobay
Belardi	George	McGeehan	Staback
Belfanti	Gigliotti	Melio	Stelman
Blaum	Gordner	Michlovic	Stetler
Butkovitz	Grucela	Mundy	Sturla
Buxton	Gruitza	Oliver	Surra
Caltagirone	Haluska	Pesci	Tangretti
Cappabianca	Hanna	Petrarca	Thomas
Casorio	Harhai	Petrone	Tigue
Cawley	Horsey	Pistella	Travaglio
Cohen, M.	Josephs	Preston	Trello
Colafella	Kaiser	Ramos	Trich
Corrigan	Keller	Readshaw	Van Horne
Costa	LaGrotta	Rieger	Veon
Coy	Laughlin	Roberts	Vitali
Curry	Lederer	Robinson	Walko
DeLuca	Lescovitz	Roebuck	Waters
Dermody	Levdansky	Rooney	Williams
DeWeese	Lucyk	Sainato	Wojnaroski
Donatucci	Manderino	Samuelson	Yewcic
Eachus	Mann	Santoni	Youngblood
Evans	Markosek	Scrimenti	Yudichak

NAYS—101

Adolph	Fargo	Major	Schuler
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	McGill	Seyfert
Baker	Flick	McIlhattan	Smith, B.
Bard	Forcier	McIlhinney	Smith, S. H.
Barley	Gannon	McNaughton	Snyder
Barrar	Geist	Metcalfe	Stairs
Bastian	Gladeck	Micozzie	Steil
Benninghoff	Godshall	Miller, R.	Stern
Birmelin	Habay	Miller, S.	Stevenson
Boyes	Harhart	Nailor	Strittmatter
Browne	Hasay	Nickol	Taylor, E. Z.
Bunt	Hennessey	O'Brien	Taylor, J.
Chadwick	Herman	Orie	True
Civera	Hershey	Phillips	Tulli
Clark	Hess	Pippy	Vance
Clymer	Hutchinson	Platts	Wilt
Cohen, L. I.	Jadlowiec	Raymond	Wogan
Cornell	Kenney	Reinard	Wright
Dailey	Krebs	Rohrer	Zimmerman
Dally	Lawless	Ross	Zug
DiGirolamo	Leh	Rubley	
Druce	Lynch	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Fairchild	Maitland	Schroder	

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayermik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler

Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daily	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 672, PN 710, entitled:

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.

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

Mr. SANTONI offered the following amendment No. A3195:

Amend Title, page 1, line 6, by removing the period after "commission" and inserting

; and providing for school crossing guards.

Amend Bill, page 3, by inserting between lines 16 and 17

Section 2. Section 1416 of the act, amended December 7, 1965 (P.L.1044, No.392), is amended to read:

Section 1416. [Special Police] School Crossing Guards.—(a) The board of township commissioners, by resolution, may appoint [special police] school crossing guards who shall [have the duty of controlling and directing traffic at or near schools and churches, and who shall be in uniform and shall display a badge or other sign of authority, and who shall be vested with all of the powers of local police officers.] be authorized only in the management of traffic and pedestrians. Such [police] school crossing guards shall serve at the pleasure of the board of township commissioners, except as provided in subsection (b), and shall not come within the civil service provisions of this act, nor shall they be eligible to join any police pension fund maintained for the township police. Their compensation shall be fixed by the board of township commissioners and they shall be paid by the board of township commissioners, or jointly by the board of township commissioners and the board of school directors in a ratio to be determined by the two boards. If the board of township commissioners and board of school directors are unable to determine the ratio of compensation of the [police] school crossing guards to be paid by each board, each such board shall pay one-half of the compensation of such [police] school crossing guards who shall have the duty of controlling and directing traffic at or near schools.

(b) The board of township commissioners may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of township supervisors may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor as an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or under any plans hereafter enacted. Once the ordinance receives approval by the board of township commissioners, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of township commissioners of those hired to serve as school crossing guards and request that the necessary training or assistance be provided as outlined by the ordinance.

Amend Sec. 2, page 3, 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 amendment, the gentleman is recognized.

Mr. SANTONI. Thank you, Mr. Speaker.

This is another school crossing guard responsibility amendment dealing with first-class townships. We have just voted it on a few other bills, and I would ask for your support on this particular bill.

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback
Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladeck	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rublely	Youngblood
DiGiroiamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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?

The SPEAKER. Mr. Vitali, do you have an amendment to this or have you withdrawn this one along with the others? I think it is the same subject. The gentleman, Mr. Vitali, withdraws his amendment.

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?

The gentleman, Mr. Stevenson, on final passage.

Mr. STEVENSON. Thank you, Mr. Speaker.

I rise today to ask the members to support HB 672, which allows township commissioners to appoint alternates to serve on local civil service commissions in townships with paid policemen and firefighters.

Mr. Speaker, this legislation is necessary because local civil service commissions cannot conduct business without a quorum of two of their three members. If, for example, one commission member is absent for a protracted period of time or disqualified for some reason and another member is ill or on vacation, the civil service-related decisions cannot be made. This creates delays in police and firefighter employment decisions.

Under the bill, township commissioners can appoint up to three qualified electors to serve as alternates. They can participate in all the proceedings as a nonvoting member and will serve a term of 6 years. In the event that a quorum cannot be reached, the civil service commission chairperson has the option to appoint alternates to create a quorum. Because of the availability of alternates, the required quorum is increased to three members, up from two members. Alternates will continue to serve as voting members in any future proceedings for the cases they will hear until there is a final determination.

I ask the support of all members, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Staback

Bebko-Jones	George	Melio	Stairs
Belardi	Gigliotti	Metcalfe	Steelman
Belfanti	Gladock	Michlovic	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Casorio	Hennessey	Petrarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Horsey	Pistella	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. 1.	Jadlowiec	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Krebs	Rieger	Waters
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann	Schuler	

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Dempsey	Myers	Ruffing
Carn	James	Perzel	Washington
Daley	Kirkland		

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.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. LYNCH called up HR 279, PN 2465, entitled:

A Resolution designating the week of October 17 through 23, 1999, as "Forest Products Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. The gentleman, Mr. Gordner.

Mr. GORDNER. I apologize, but we cannot pull up the text on this House resolution.

RESOLUTION PASSED OVER

The SPEAKER. The resolution will go over.

STATEMENT BY MR. COY

The SPEAKER. It is the understanding of the Chair the gentleman, Mr. Coy, desires to be recognized on unanimous consent. This would be an appropriate time because there are no further votes.

Mr. Coy. Will the gentleman yield.

Please, no conferences on the floor. The gentleman, Mr. Coy, has been recognized.

Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I rise under unanimous consent today simply to bring a subject to our attention which has been brought before, and that is the subject of farm aid to our farm families in Pennsylvania. I recognize that we have discussed it before, but I think because of the fact of the answer we have received before, it deserves further attention.

As we speak, Mr. Speaker, farmers are harvesting what little there is of a 1999 crop. It has been months since my caucus, following a special hearing, called for special and significant *ction to provide financial assistance to farm families and devastated farmers.*

Mr. Speaker?

The SPEAKER. Sergeant at Arms, ask the gentlemen in the vicinity of the rear of the House to leave the hall quietly.

Mr. COY. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

The conference in the vicinity of the gentleman, Mr. Coy.

Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Now, the response was then that the issue was a Federal problem, that it was something the Federal government was going to take care of. Well, the Federal government has addressed the problem, and their solution is very much of a shortfall for Pennsylvanians. In fact, all but one of the members of the United States delegation to the Congress from Pennsylvania voted against the proposal because it continued to bail out farmers and farm families from the Midwest and other areas of the country and shortchanged Pennsylvania farmers. So while we look to the Federal government to solve the problem, the Federal government has not.

The bottom line is this: These are our farm families; they are Pennsylvania farm families. The Agriculture and Rural Affairs Committee of the House of Representatives has done its work, and I commend the chairman of the committee, Representative Bunt, for his participation in bringing bills to the House for action.

Now, Mr. Speaker, we have a \$180-million farm relief package that makes good sense and will make a difference to struggling farm families. The Democratic leader got no real response a few weeks ago when he asked the question, so I will try again today. When are we going to provide real relief to the farm families of Pennsylvania? Instead of simply passing it on to the

Federal government, whose solution our Congressmen voted against, and instead of saying, as we might compare it to a former literary phrase, "let them have hay," Mr. Speaker, I am not a farmer, but I know there is precious little that an orchardist who lost his crop to the drought can do with hay.

So let me simply say, Mr. Speaker, let us address the problem. Let us bring these bills to the floor of the House of Representatives, and let us help farm families in Pennsylvania. We need to do it together, and I implore the leadership of the House on the Republican side to bring the issue to the floor. Let us set a date. Let us set a date soon that we will be dealing with this so we can work together on this problem. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. SNYDER

The SPEAKER. Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this House has taken the leadership in addressing the needs of Pennsylvania's farmers as a result of this drought that has probably extended more damage and injury to our farm families in more than 100 years. Our chairman of the Agriculture Committee, Ray Bunt, in a bipartisan manner has held hearings, has gone out and individually met with these farmers, and has put together a package of proposals that I feel will address the concerns that have been brought to our attention.

Mr. Speaker, we do have rules in this House, though, that cannot allow us to bring these bills up almost immediately as the speaker is just asking. He is well aware of the process we must follow.

Last week HB 1888 and HB 1893 were approved by the committee and brought to this House and referred to the Appropriations Committee. HB 1953, which deals with irrigation and water conservation projects, was reported to the House today, read into the Journal, and also reported to the Appropriations Committee. It is our schedule that the Appropriations Committee will act on these bills very quickly and that the House will have an opportunity to bring these bills up for discussion and consideration next week during our legislative schedule.

At this time if I may concede the floor to Representative Bunt, who can give a little bit more detail on the proposals.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Bunt.

But first, Mr. Snyder, these bills shortly will be taken off the table. We are in the process.

STATEMENT BY MR. BUNT

The SPEAKER. Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

To address the gentleman more directly, as you are aware, you seconded the release of a bill today that dealt with the conservation and water irrigation projects. I have been told that mechanically the process is moving forward. As the Speaker indicated, the bills will be removed from the tabled calendar and referred to Appropriations. I brought the subject matter up in our caucus today and have been assured by leadership that those bills will be acted upon timely, and I am pushing just as well as the gentleman is on the Democratic side. I do not receive any feelings, either from my leadership or from any of our members, that we are not moving in

a timely manner, and we were not waiting for the Federal government to act but we were getting all the information that we possibly could get from the farm community as to what they needed to help them in this process.

So it was not just creating a pot of money and giving it out in a cash-bag-type formula. We are trying to establish formulas on how we could give them assistance this year, this calendar year, and I have said publicly and I reiterate it today that it is my fervent hope — and I feel that we will be able to do this — to make sure that we have grants in the farmers' hands this calendar year.

Now, the gentleman is aware of some of the specifics of the bills, or would you like me to address them as well?

The SPEAKER. Mr. Coy.

Mr. COY. Well, Mr. Speaker, I appreciate the fact that you have addressed the subject of the bills, and you are certainly free to enunciate the details thereof. My concern, and if I could — when the chairman of the committee is through is fine — but I would like to simply interrogate Mr. Snyder on the schedule for the voting of the bills.

Mr. Speaker—

The SPEAKER. Pardon. Will the gentleman yield for a moment.

The schedule of the Speaker at the moment is to take these bills from the table, hold them over today so that they get second reading tomorrow, if that is of any help.

The Chair recognizes the gentleman.

Mr. BUNT. Mr. Speaker, for the benefit of the gentleman and the members who are either here in the chamber or back in their offices, I do want to relay to the gentleman and to the public just what all of this encompasses.

There are going to be some direct grants which will piggyback on the Federal loan eligibility. Now, we needed to do an assessment, and that only could be done by the USDA (United States Department of Agriculture). That process is completed. Farmers will be eligible for grants equivalent to 20 percent of their Federal loan eligibility.

In addition, it would differ from the Federal program in that all farmers and all crops would be eligible. As you are aware, Pennsylvania has a very diverse agriculture, and it is much more different than the Federal farm policy that has been directed more at the Midwest. This component will be adjusted based on what Congress ultimately provides but might end up being totally unnecessary. That appropriation is \$100 million.

In addition, rent rebates on State-owned land. We needed to do an assessment and try to find out exactly how much acreage each State agency had within their control and were leasing out to farmers. That process took some time, and we did get those figures. It will provide a rebate on the rent paid by farmers who rent State-owned lands for the production of an ag crop.

In addition, hay and roughage subsidy, Mr. Speaker.

In addition, prospective programs refund of 1999 crop expenses. Because farmers are out of pocket for all up-front crop expenses and they have reduced crop yields, this would rebate to them a portion of this cost for seed, for fertilizer, for pesticides, for herbicides. That appropriation is \$50 million, Mr. Speaker.

In addition, an incentive to plant small grains and cover crops.

In addition, crop insurance subsidy in order to help mitigate the effect of any future droughts.

In addition today, Mr. Speaker, the bill, HB 1953, which would deal specifically with assistance for irrigation and water conservation projects.

So with all these packages, it has been characterized as the most comprehensive package set forth, and that is not to ridicule or to somehow say that any of the other packages have been put together.

In addition, Mr. Speaker, I have worked with the Democratic staff. I have called the staff into my office. I have ordered my staff to work with them, and it is what I believe to be and I believe your staff believes to be a bipartisan package of bills.

Mr. COY. Mr. Speaker?

The SPEAKER. Mr. Coy.

Mr. COY. Well, thank you, Mr. Speaker.

I appreciate your sensible and substantive dialogue on the important legislation. Obviously, it would not have advanced this far without your help, and we continue to look forward to seeing the bills voted on by the entire House of Representatives hopefully as early as next week. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS REMOVED FROM TABLE

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

Mr. SNYDER. Mr. Speaker, I move the following bills from the table:

HB 1888;
HB 1893;
HB 1953; and
HB 1841.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business? Any reports of committees, announcements, corrections to the record?

Hearing none, the Chair recognizes the gentleman from Bucks County, Mr. McIlhinney.

Mr. McILHINNEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 19, 1999, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:01 p.m., e.d.t., the House adjourned.